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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, SECOND SESSION

SENATE—*Thursday, October 11, 1984*

(Legislative day of Monday, September 24, 1984)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Thank You, Heavenly Father, for Your faithful providence over the Senate, the Congress, and the Nation these past 2 years. Thank You for Your love—Your grace and forgiveness when we have sinned—Your forbearance when we have been indifferent and unbelieving—Your patience when we have failed in attitude, word, or deed.

Thank You for all the fine friends with whom we have the privilege and pleasure of working. Thank You for the love and understanding of our families. Thank You Lord, for Your continued kindness and mercy. Thank You for adjournment.

The Lord bless you and keep you. The Lord make His face to shine upon you and be gracious unto you. The Lord lift up His countenance upon you and give you peace.—Numbers 6:24-26.

Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I especially favor that part of the Chaplain's invocation this morning thanking the Deity for our adjournment. I hope that is not long delayed.

Mr. President, I do not believe it will be long delayed. The House of Representatives last evening completed work on the continuing resolution conference report and that measure is here now, some of our diligent and dedicated officers and staff having remained well past 1 o'clock in order to receive that document under the authority granted by the Senate last evening. It is here, meticulously produced and on the desk of each Senator.

I wish to announce, as I have indicated to the minority leader, that after the formalities of the opening are dispensed with, it is my hope that we can resume executive session for the purpose of conducting the vote on Senate Resolution 478, which is the resolution in respect to genocide. I shall consult further with the minority leader on the time for that vote, but Members should recall that the yeas and nays have already been ordered on that measure. So there will be a vote on that resolution and I shall expect it by midmorning.

After that, Mr. President, it will be the intention of the leadership on this side to ask the Senate to turn to consideration of the continuing resolution, the resolution making continuing appropriations for the agencies and departments of Government. There are no amendments in disagreement to this conference report, so after the debate, which I hope will be mercifully short, we shall have a vote on the conference report itself.

Mr. President, beyond that, we have our old friend, the debt limit, to deal with. I shall have more to say about that at a later time, but it is necessary for us to pass the debt limit resolution before the Congress can adjourn sine die. The House will remain in until we have completed that action and action on the continuing resolution and such other matters as we may send to them.

Among those other matters, Mr. President, that may come up is the highway bill. I believe there is an urgent need to pass a highway bill in order to authorize the expenditure of funds for several stages of continued construction in the interstate and other Federal-State highway programs.

There may be other matters that will be offered and considered by the Senate, but I shall consult the minority leader on those matters as they present themselves and make further announcements as they seem appropriate.

In summary, Mr. President, we still must deal with the continuing resolution, we still must pass the debt limit, we still must execute the vote previously ordered on the genocide resolution, and try to do other matters such as the highway bill as and when they become available.

May I say it is the hope of the leadership on this side that we can complete that entire responsibility and adjourn sine die sometime around noon or shortly thereafter. That may be a forlorn hope, but that is the hope of the leadership on this side.

I have no intention of dangling airplane tickets and passports before the eyes of other Members, but I did point out that many Members do have plans to travel to their home States and districts and we ought to get on with it.

The chairman of the Judiciary Committee, our distinguished President pro tempore, reminds me that we also have a conference report on the antitrust bill, which is an enormously important matter, one on which he has worked diligently and long and hard to bring to fruition. The House is to act on that measure. Assuming that they do and when it reaches the Senate, I shall most certainly include that item on the list of matters that I hope the Senate will take up and dispose of before we adjourn.

(Mr. GRASSLEY assumed the chair.)

Mr. METZENBAUM. Mr. President, will the majority leader yield for a question?

Mr. BAKER. Yes.

Mr. METZENBAUM. Those of us who are concerned about some of the so-called cats and dogs that are bouncing around, can we assume that until the genocide resolution is disposed of,

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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none of these will be brought to the floor?

Mr. BAKER. Mr. President, I assume so. I have not consulted with the minority leader on that. The Senator from Ohio is talking about the so-called wrapup, the unanimous-consent items. I have not consulted with my own staff about that, but I assure the Senator I shall consult with the minority leader well in advance of taking up any of those items for consideration.

Mr. METZENBAUM. I thank the majority leader.

Mr. BAKER. I thank the Senator from Ohio.

Mr. President, if I have any time remaining under the standing order, I ask unanimous consent to reserve the remainder.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The **PRESIDING OFFICER.** Under the previous order, the Democratic leader is now recognized.

Mr. BYRD. I thank the Chair.

EXPRESSIONS OF APPRECIATION

Mr. BYRD. Mr. President, as the 98th Congress comes to a close, I take this moment to express my appreciation, and I think the appreciation of all Members on our side of the aisle, to the many able and dedicated staff members who make such a signal contribution to the work of the Senate. Without their tireless efforts, the Senate would run far less smoothly than it does. We are fortunate to have the assistance of outstanding staff which disposes of its responsibilities competently and cheerfully day in and day out and sometimes under very trying circumstances.

I begin by expressing my deep appreciation to the Senate Democratic floor staff. The Democratic floor staff—Abby Saffold, Charles Kinney, and Marty Paone—are well known to every Member of this body. Theirs is one of the most demanding, pressured, and difficult jobs in the Senate. It is a job which Abby, Charles, and Marty discharge with unfailing courtesy, patience, and good humor. They being the highest degree of competence and professionalism to their duties as well as an unflagging attention to detail. I am very proud of all three of these diligent staff people. I am especially proud of Abby Safford. Her indefatigable attention to detail, her similarly unflagging courtesy to all Members, and her equanimity under tremendous pressure over periods of time are among the highest attributes I could give to any person. This troublesome job of being leader would be virtually impossible to do without her.

The Senate simply would not work without the loyalty and capable assistance of these persons.

I also thank Elizabeth Baldwin, who directs scheduling for the majority party. She is as dedicated and obviously just as careful with respect to detail as is Abby on our side. She likewise is extremely competent, always courteous, and always with a keen understanding of the needs of the Members on her side of the aisle. We find that she treats with equal courtesy the Members on our side. She works extremely well with Abby Saffold and those floor staff people on this side. She performs her duties with skill and, as I have already indicated, competence and meticulousness to detail.

Those of us on this side of the aisle are grateful to Elizabeth for her courtesy to us and for the cooperation and assistance she has consistently extended to us in the past years.

I pay particular tribute to Pat Griffin, the Secretary to the minority, and his fine assistants—Sue Spatz, Dianne Davies, and Betty Lou Sisson. Pat performs his many duties with special distinction and ability. His counsel is invaluable to me and to other Members on this side. I am sure that all of my colleagues join me in expressing our thanks to Pat for the many services he has rendered to the Democratic conference and to the Senate.

I also express appreciation for the fine work of Patrick Hynes, Deputy Secretary to the Minority, and to the young men in the Democratic Cloakroom—Robert Bean, William Norton, Thomas Gonzalez, and Joseph Hart. The Senate is a better place for their unstinting and capable efforts in our behalf.

The pages are excellent. They are fine young people and they do everything they can do to assist Members in the operation and actions of the Senate.

I compliment and thank Bill Hildenbrand, the Secretary of the Senate, and his staff. Bill Hildenbrand's work is in the highest tradition of the Senate. His is a demanding job, but he carries it out with warmth, dedication, and ability.

I commend the work of Howard Greene, Secretary to the majority; John Tuck, Assistant Secretary; and Dan Crippen, counsel to the majority leader, all of whom perform their duties so ably.

I thank my good friend Dr. Halverson, the Senate Chaplain, for his kindness, his support, and his encouragement during the very sad hours that came to my wife, Erma, and me when we lost our grandson in a tragedy a little over 2 years ago. I must say I will never forget Dr. Halverson for his ministering to us and others in the family in that darkest hour of my life.

I am grateful to Larry Smith, Sergeant at Arms, whose office so ably assists us all, and to Jeanine Drysdale-Lowe. Jeanine Drysdale-Lowe is executive assistant to Larry Smith, and she represents the minority in the Sergeant at Arms' office. That office provides for the security which is, I regret to say, ever more necessary and challenging in this dangerous world. I say a special word of thanks to Jeanine who has looked out for the interests of the Members on this side of the aisle so ably and so loyally.

I reserve a special word of commendation and appreciation for the excellent work of my executive assistant in the leader's office, Mrs. Barbara Videnieks. She works closely with me, with the policy staff, and with my State office staff every day. She has demonstrated great ability. I marvel at her equinimity and patience on days when pressure is so heavy upon us, and especially days like this one when the Senate is working to finish its work. She is ably assisted by Michelle Haynes and Nina Davis. I count myself lucky to have the benefit of Barbara Videnieks' assistance, her loyalty and dedication, her hard work, and her counsel.

I know that my colleagues of the Senate who have stopped by my office from time to time have appreciated the cooperation and the help which Barbara, Michelle, and Nina consistently offer.

I also pay special tribute to the outstanding work of Rob Liberatore, staff director of the Democratic Policy Committee in the Senate. The breadth and depth of his knowledge and understanding of the work of this body are great indeed. He brings a special distinction to the work of the Democratic Policy Committee. I thank also his capable assistants, Jerri Joy and Joan Ansheles. Through their competence and dedication, they make a major contribution to the smooth running of the Democratic Policy Committee.

I thank Dick McCall, deputy director of the Policy Committee for his fine work, and Susan Manes, who is the domestic policy director, as well as the outstanding issues staff, specialists who are among the fines in their fields and who have given unstintingly of themselves to the work of this body. I include here Scott Bunton, Dave Corbin, Dick D'Amato, Kent Hughes, Randy Ihara, Sally Laird, Kevin Nealer, Tom Sliter, and Jon Wood. They are ably helped in their work by Alice Aughtry, Wendy Deker, Mary Ann Hartnett, Nancy Scribner, and Susan Sherk.

When the Senate from time to time is in very late, sometimes until 3 o'clock in the morning or all night, we will find Susan Manes and Bob Liberatore and the floor staff, which I have already mentioned, and my own minority leader's staff patiently and unstintingly helping us.

Linda Peek is the extremely capable director of communications on the policy staff. Linda's daily assistance to me and other Democratic Senators in conducting our relations with the fourth estate are deeply appreciated, as are the efforts of her fine staff—Marsha Berry, Marion Getz, and Cissy Mukhtar.

One of the most important tasks of the Policy Committee is to keep the Members on our side of the aisle supplied with information on the Senate's work through our legislative bulletins, special reports, vote compilations, and other committee publications. The staff members who perform this vital and demanding task are ably led by the committee's chief clerk, Elizabeth Shotwell, whose excellent and diligent service in providing timely information to Democratic Members is widely known and greatly appreciated. I also commend the work of her assistants—Marian Bertram, Brenda Corbin, Karen Gibson, Dori Gillman, Anita Murphy, Elenor Taylor, and Lynn Terpstra.

My very able representative on the Judiciary Committee staff, Mike Epstein, works closely with me and with the Policy Committee staff, and his able and wise counsel I deeply value.

I would be recreant if I did not thank the Senate Parliamentarian, Bob Dove, and his staff, Alan Frumin and Gail Cowper. Bob's knowledge and expertise—and the same, may I say, of the staff—and the assistance that he and they offer to Senators and their staffs in dealing with complex rules and precedents of the Senate are much appreciated.

I compliment the work of the Official Reporters of Debates—Mr. Russell Walker, the editor in chief, and Mrs. Jeanie Bowles, the assistant editor, and their fine staff. Their highly specialized work helps keep the Senate running. They work late into the night, long after the Senate has gone home, preparing the Congressional Record for printing. I thank them. I thank all the fine Official Reporters of Debates who take down our words daily when we are in session, for the dedication and patience that they constantly demonstrate: William Mohr, Charles Reynolds, Frances Garro, Frank Smonskey, Ronald Kavulick, Jerald Linnell, and Raleigh Milton.

I also thank the assistants to the official reporters, Mark Lacovara and Scott Sanborn.

I commend all the members of the Secretary of the Senate's staff and office and those who work at the desk—William Farmer, Legislative Clerk; Scott Bates, Assistant Legislative Clerk; Vincent Del Balzo, Bill Clerk; Jim Thorndike, Journal Clerk; and William Lackey, Assistant Journal Clerk. They are all extremely helpful and cooperative.

Then there are those many members of the Secretary's office who work behind the scenes to assure the smooth operation of routine Senate business.

There are many hundreds of other people who help make the Senate run. There is our Capitol physician, Dr. Cary, and his staff, who work long hours in our behalf. I thank them for their work. I also thank the many others whose efforts all too often go unsung: the doormen, the Capitol police, the restaurant workers, the maintenance staff, the Office of the Architect of the Capitol, the staff of the Senate reception room, and all the many, many others who contribute to the work of the Senate.

I thank, as well, those in the Senate press galleries who watch over us and who follow our efforts and help to keep us accountable to our constituents.

Mr. President, I thank all of these fine people for their tireless efforts in our behalf and in behalf of the Nation.

Of course, Mr. President, I would not want to overlook the daily good work and dedication of my Senate colleagues. I, particularly, want to thank Howard Baker, about whom I have previously spoken and about whom I expect to speak more. I thank him for his deference to the needs of all Senators. I especially thank him for his understanding of the needs of the minority, his patience, his accommodating ways that we all admire and from which we have all benefited. I could not have had a more amiable, congenial, and compatible work companion than I have found from day to day and hour in Howard Baker. I would have to say without any compunction whatsoever that he is the best-liked majority leader that the body has every known.

I was not here when some of the other great Senators were majority leaders in their own time, or minority leaders, but I have no doubt that what I say is true, because I know Howard Baker so well. It has been my good fortune to work with him here as majority leader. I say this as a minority leader who, although I wish the Democrats had been in charge in these past two Congresses, must say that it has been good for me to be a minority leader so that I can now better understand the needs of the minority, and the difficulties and, may I say, some of the disadvantages that fall on the minority.

Howard Baker is not only an extraordinary person; he has also been an extraordinary leader in this body, and I will miss him. I wish that, as long as I am honored to be the leader on this side of the aisle, Howard Baker were just across the aisle from me. I would prefer that he be minority leader, of course; that goes without saying. But in any event, he is one of my most favorite Senators whom I have known in my 26 years in this body.

Mr. President, I know that I cannot mention each and everyone by name, but in closing, I express the hope that all who have a part in this great forum and its operation may experience the quieter times that adjournment brings as a time of renewal and preparation for the year to come so that we will return in January restored and refreshed in our commitment to the work of this great body.

Mr. President, I apologize to the distinguished Senator from New York [Mr. Moynihan] because I know I have kept him waiting. I am happy to yield the floor at this point.

Of course, among those amiable and congenial and extremely competent and able Senators to whom I have referred, I include Pat Moynihan—I would not say he is not without equal once in a while, but certainly he is not to be excelled—the great Senior Senator from the State of New York.

Mr. MOYNIHAN. I thank my ever genial, and ingratiating, and accommodating minority leader.

Mr. BYRD. Mr. President, I have nothing more at this point. I yield back my time.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I yield back my time.

I ask unanimous consent that it be in order to suggest the absence of a quorum without its charging against the first special order time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE IN JANUARY

Mr. BYRD. Mr. President, I inquire of the distinguished majority leader what he sees as far as the reconvening of the Senate in January is concerned. I have reference to the date of reconvening following the normal January 3 meeting for swearing in purposes.

Mr. BAKER. Mr. President, I thank the minority leader.

Mr. President, it is my understanding that the Speaker has indicated and the leadership on this side has assented to an arrangement for the Congress not reconvene on January 3 as the Constitution provides, which is a Thursday, but then to go out until January 7, which is the date on which the votes of the electoral college are tabulated and certified, and after that official function is performed, then to go out until January 21, which is the day after the Inauguration, or the Inaugural date specified by the Constitution but the day on which the ceremony perhaps will occur since January 20 next year is on Sunday. The Senate and the Congress would be in session and begin business, as I understand it, on January 21.

So 2 days, January 3 and January 7, Congress will be in session and then be out until January 21, and then begin business thereafter.

Mr. BYRD. I take it that there would be no business transacted other than that which is required; namely, swearing in of Members on January 3 and the counting of the electoral ballots on January 7? I take it there will be no other legislation transacted, bills introduced, and so on, until January 21 then?

Mr. BAKER. Yes, Mr. President; that is my understanding.

Mr. BYRD. I thank the majority leader.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

IF PRESIDENT REAGAN IS REELECTED, MINIMUM DETERRENCE IS THE BEST OPTION

Mr. PROXMIRE. Mr. President, this Senator firmly believes that we should negotiate a mutual, verifiable, comprehensive nuclear weapons freeze with the Soviet Union. And I believe there is nothing this country can do that is nearly as important as striving to achieve this end to the nuclear arms race. A nuclear freeze is the best but it is not the only option available. There is another option which is far less desirable but under the circumstances it may be more achievable. That option is "minimum deterrence."

What does minimum deterrence mean? Adm. Arleigh Burke, Chief of Naval Operations in the 1950's, stated it clearly 25 years ago. Burke declared:

> In making our retaliatory force secure from enemy attack, we do not need great numbers of missiles and bombers. Whether the U.S.S.R. has one half as many or several times as many missiles as the United States is really academic as long as we have the assured capability to destroy Russia and as long as the Soviets know it and are really convinced of it.

Mr. President, minimum deterrence as defined by Admiral Burke has a number of very practical advantages.

If Walter Mondale is elected President on November 6, he will undoubtedly keep his pledge to start negotiations with the Soviet Union for a mutual, verifiable, and comprehensive freeze on nuclear weapons. If Mondale succeeds, we could end this immensely expensive and increasingly dangerous arms race. If Mondale is not elected, our best hope may be minimum deterrence.

Minimum deterrence has solid, practical advantages. It would define our nuclear defense objective not as mindlessly matching and surpassing the number of Russian nuclear missiles or the number of Russian warheads or megatonnage or Soviet nuclear weapons throwweight. Minimum deterrence would simply require the number and especially the kind of retaliatory nuclear power that would assuredly survive an all-out Soviet nuclear strike with enough nuclear capability after such a strike to wipe the Soviet Union off the face of the Earth.

That kind of definition would obviously exclude such nuclear weapons as the MX missile. Why? Because the MX as a land-based, stationary, 10-warhead, sitting duck would be totally vulnerable. The Air Force has told us that by 1988 the Russians will be able to knock out 99 percent of our land-based missiles. On the other hand, minimum deterrence would rely in part on our Trident submarine fleet. The Secretary of the Navy has testified that our submarine fleet is invulnerable and will remain invulnerable for the remainder of the century. It is quiet. It is mobile. It is invisible. Each submarine can destroy 160 major Russian cities. Minimum deterrence would also rely on our bomber fleet, much of which is either in the air or on instant alert, ready to be airborne in a very few minutes. Minimum deterrence could also rely on mobile, single warhead land-based missiles.

Minimum deterrence can, of course, use some limited arms control to try to channel both sides in the direction of more stable and less vulnerable, truly deterrent weapons. But its prime practical advantage is that it does not rely on arms control. It relies on effective intelligence and realistic judgment of the offensive capability of the adversary's arsenal. The final practical advantage for minimum deterrence compared to present policy is in cost. A nuclear arsenal policy designed solely for the purpose of providing assurance to the other side that any initial strike by them would invite sure, swift, and total destruction would obviously be far less costly than a nuclear arsenal policy built for the purpose of matching or surpassing the adversary and ensuring a "we're No. 1" hubris.

Mr. President, as I said at the outset, this Senator comes down all the way for the negotiation of a nuclear freeze. But even the unanimous support for a nuclear freeze by every Member of the Congress will not give us even the beginning of nuclear freeze negotiations. For that we need a President who favors the freeze. Walter Mondale does. Ronald Reagan does not. This Senator will vote for Mondale and pray. If President Reagan is reelected, minimum deterrence offers the best remaining prospect for avoiding an ever-escalating nuclear arms race that could lead this country to nuclear war and Americans to a universal grave.

Mr. President, I ask unanimous consent that a thoughtful article on minimum deterrence entitled "An Avoidable 20-Year Race" in the Wednesday, October 10, 1984, New York Times, by Alexander Yanov, a political scientist at the University of Michigan, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 10, 1984]

AN AVOIDABLE 20-YEAR RACE

(By Alexander Yanov)

ANN ARBOR, MI.—Twenty years ago next week, on Oct. 14, 1964, Premier Nikita S. Khruschev was ousted from office, and the nuclear arms race started in earnest.

What followed was two decades of meaningless competition that wasted an enormous amount of energy and talent, generating fear and devouring hundreds of billions dollars, without adding even a single dollar's worth to our security. Was this monstrous turn of events inevitable or was it a human error—an avoidable accident that let the genie out of the bottle? Let us look at the history.

The Russians first deployed intercontinental ballistic missiles in 1958, opening what we then called the "missile gap"—what President Reagan might now call the first "window of vulnerability." The intelligence community reported at the time that "possibly as early as late 1959" the Soviet Union could deploy enough missiles "to smash or paralyze the Strategic Air Command's U.S. bases." Independent journalists estimated that the Russians would have 1,000 missiles by 1961, 2,000 by 1963. What's more, given that Moscow would need only 100 to 175 to wipe out our Strategic Air Command, it was predicted that nuclear catastrophe could occur as soon as late 1959 or mid-1960.

In fact, 1959 passed without incident. So did 1960. By 1961, it became clear that the Russians had not even begun the vast anticipated deployment of SS-6 missiles. Even in 1963, they had only a handful of such weapons. Meanwhile, the United States continued to add to its arsenal, and by April 1964 our intercontinental missile force was four times larger than the Soviet Union's. Mr. Khrushchev must have been under great pressure—from the military and within the Politburo—to close the widening gap. Yet he made no serious bid to overcome the American advantage. It was only after his overthrow that the Soviet leadership began to deploy in earnest—by then, it was a second generation of missiles, SS-9's—launching the first real heat of the nuclear arms race.

Why did Mr. Khrushchev hold off? Some historians believe that he decided—no one can explain why—that the first generation of Soviet missiles was not suitable for widespread deployment. This may be true, but it would imply that he consciously accepted an enormous Soviet inferiority in the face of an American buildup, oriented, many believed at the time, toward first-strike capability. Robert S. McNamara, then Secretary of Defense, said in a recent interview that this would have "scared the hell" out of him if he were the Soviet defense minister. It would certainly have scared Mr. Khrushchev too if, like Mr. McNamara and many American strategists, he believed in the notion of "nuclear parity"—believed, that is, that each side must match the other, tooth for tooth and missile for missile.

The picture changes considerably, however, if we assume that Mr. Khrushchev adhered to the alternative strategic doctrine known as "minimum deterrence," which considers strategic "inferiority" simply irrelevant in the nuclear age.

This doctrine had a number of American proponents, most of them in the Navy, even in the early 1960's. Adm. Arleigh Burke, Chief of Naval Operations, summarized it very well in 1959: "In making our retaliatory force secure from enemy attack, we do not need great numbers of missiles and bombers. Whether the U.S.S.R. has one-half as many or several times as many missiles as the United States is really academic as long as we have the assured capability to destroy Russia and as long as the Soviets know it and are really convinced of it."

True, Nikita Khrushchev never explicitly endorsed this notion. It's also true that his version of minimum deterrence was undoubtedly quite different from Admiral Burke's. The American officer proposed to rely on invulnerable submarines, while Mr. Khrushchev would surely have chosen land-based intercontinental missiles in hardened silos. (That, from the beginning, was the Russians' preferred basing mode, and it would at the time—before either side could equip their weapons to knock out so called "hard targets"—have promised virtual invulnerability from enemy attack.) What the two men had in common, however, was a strategic philosophy that defeats the very purpose of the nuclear arms race by denying the meaning of nuclear "inferiority."

Why else, after all, did Mr. Khrushchev write so scornfully of the nuclear arms race once he was removed from office? (He noted in his memoirs, for example: "Once we had equipped ourselves with the missiles, airplanes, submarine fleet and nuclear warheads needed for our defense, we were able to reconsider our military budget.") Why else did he not hurry to close the missile gap 20 years ago? Why else was there no nuclear arms race as long as he stayed in office?

In the end, of course, both Arleigh Burke and Nikita Khrushchev were defeated by a consensus of nuclear strategists in Washington and Moscow. But this hardly changes the significance of their efforts to resist the arms race.

History shows clearly enough that the competition could have been avoided: the genie was let out of the bottle by a human error of major proportion—the epochal defeat of minimum deterrence. Can the genie be put back where it belongs? Not, I suggest, unless we reconsider our rejection of minimum deterrence.

Mr. Khrushchev's version is clearly unfeasible now—technically obsolete in the age of "hard-target kill capabilities." But Admiral Burke's version is still sound, and it will be sound for at least another decade. Far into the 1990's, we will still be able to rely on the invulnerable retaliatory force of our submarines. And by the year 2000, they could be replaced by small mobile missiles, which are also thought to be invulnerable because of their constant motion. By then, military experts may have come up with other even more effective technical solutions—other invulnerable weapons.

What's important is that we, and the Russians, disabuse ourselves of the notion that bigger is better and that we must always keep up with the other side. With minimum deterrence—and a small, finite retaliatory force—we can deprive the nuclear arms race of any meaning whatsoever.

RATIFICATION OF THE GENOCIDE CONVENTION IS NOW ASSURED

Mr. PROXMIRE. Mr. President, yesterday the U.S. Senate had its first opportunity in over a decade to debate the merits of the Genocide Convention. For that reason alone, yesterday was historic.

A threatened filibuster-by-amendment eventually brought the debate to an end. That result is hardly surprising. The few opponents of the convention had no other choice. It is clear that they do not have the votes to prevent the Senate from overwhelmingly granting its advice and consent to the Genocide Convention. Nor do they have the votes to prevent a cloture vote. So delaying tactics were their only option.

But if we knew that would be the likely result, why did those of us who strongly support the Genocide Convention want to open the debate this year? There are several reasons.

First, by moving to a debate this year, we have put the world on notice that we intend to consider the Genocide Convention as unfinished business for the Senate and move decisively next year to make it the first order of business for the 99th Congress.

Second, the very fact that there might have been a vote on the treaty this year has forced our colleagues to review the Genocide Convention, weigh the merits of the arguments and reach a decision. And that has happened. We now know that we can ratify the treaty by a solid margin and, if necessary, invoke cloture.

Third, the debate has identified the opposition as a small minority and demonstrated that their arguments are the same old arguments we have heard since 1950—the same arguments that the American Bar Association and its leading constitutional scholars have dismissed as specious and, in many cases, simply ludicrous.

Finally, in just a few hours, the Senate will act on a resolution that endorses the principles embodied in the Genocide Convention and signal the intention of the Senate to give priority to consideration of the Genocide Convention next year.

Mr. President, while it is true that we have not achieved ratification this year, we have achieved a limited goal. We have set the stage. And ratification next year is now assured.

ORDER OF PROCEDURE

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR JENNINGS RANDOLPH

Mr. HART. Mr. President, as we enter the final hours of this Congress, we are stirred by powerful feelings of personal regret and profound respect when we realize that our adjournment sine die will mark the end of one of the most distinguished and illustrious congressional careers in the history of the United States of America, that of the senior Senator from West Virginia, JENNINGS RANDOLPH.

The retirement of this great American not only brings to a close a major congressional career, but also marks the end of an extraordinary chapter in the history of our Republic—for JENNINGS RANDOLPH is the only Federal official still in office who served in the New Deal. As a young man of 30, he saw his country threatened in the darkest hours of the Great Depression, and, as the best of Americans always do when we face grave trouble, he stepped forward to help.

Elected by the voters of West Virginia to serve in the Congress, he arrived in Washington to take his oath of office at the same time Franklin Roosevelt arrived to first take the Presidential oath. That winter of 1932-33 was a time of great peril. But, fortunately for the United States, the new President, the new Congressman, and other new leaders also saw it as a time of great possibility. Together, they shaped that collection of bold new programs known as the New Deal—steering America through its greatest economic crisis and changing for all times the dimensions of our National Government.

In the half century since then, JENNINGS RANDOLPH has continued to operate in the best tradition and spirit of the New Deal, always seeking to use the powers of the Federal Government to improve the quality of life in the United States.

His legislative accomplishments are legion.

He could accurately be known as the father of the Federal Highways Program, including the Interstate System.

He has done more, perhaps, than any other Member of Congress to bring special Federal assistance to the unusually distressed area of Appalachia.

He was the leading Senator in securing the right to vote for people 18 years old.

He was a pioneer in the creation of the Black Lung Program.

But the accomplishments which I will always most associate with Senator RANDOLPH resulted from his leadership on the environment. As chairman of the Committee on Environment and Public Works during the 1970's, he presided over the preparation of an enormous body of Federal environmental legislation. The laws that came from his committee serve to protect Americans from air pollution, water pollution, toxic dumps, hazardous wastes, noise pollution, and toxic substances. The indispensable role of our chairman in the enactment of these laws was a model of national leadership. True, the people of West Virginia benefit from the Federal environmental programs, as do all Americans. But those of us who had the pleasure and the honor of working closely with JENNINGS RANDOLPH on the Committee on Environment and Public Works know beyond the shadow of a doubt that the senior Senator from West Virginia was always motivated by a strong sense of national responsibility, which was at least equal to his concern for the West Virginia constituency which he has represented.

Finally, Mr. President, let me note that in all his endeavors, JENNINGS RANDOLPH has unfailingly been gracious, courteous, respectful, and dignified. Those of us whom he is leaving behind in this Senate will miss his personal qualities as much as his legislative skill.

I salute my former chairman, respected colleague, and good friend. His place in the history of Congress and of the United States is secure and well deserved.

TRIBUTE TO SENATOR HOWARD BAKER

Mr. HART. Mr. President, in these closing days of the 98th session of Congress, I should like to congratulate and thank the distinguished majority leader for a job well done.

I do not always agree with his point of view or politics, but I have undying respect for the manner in which he has conducted the business of the Senate during the past 4 years. As a legislative body, we have worked our way through numerous parliamentary entanglements, some of the most complex occurring in recent days. The majority leader has always done his best to be fair and equitable to all Senators. His patience and ingenuity during these particularly difficult times have been at times unbelievable. With his leadership and help, the Senate has always had the opportunity to work its will.

HOWARD BAKER deserves recognition for many talents and attributes. Most important among these are his honesty and integrity. I am truly proud to have been able to serve with him in the U.S. Senate.

As we know, when some Senators leave the Senate, they retire from public life entirely. Something tells me that HOWARD BAKER hears a higher calling and we will once again hear from him, perhaps in the snow and ice of Iowa and New Hampshire in 1988. As we say in the West, "Old cowboys never die, they just hang up their spurs." For better or worse, I expect to see HOWARD BAKER and his spurs in coming years.

TRIBUTE TO SENATOR PAUL TSONGAS

Mr. HART. Mr. President, it is with regret that I rise today to bid farewell and best wishes to my friend and colleague from Massachusetts, Senator PAUL TSONGAS.

Senator TSONGAS' record in Congress reflects a detailed understanding and leadership on a wide range of the most difficult and controversial issues of our day. Though his contributions are too numerous to recite here today, his leadership on arms control policy, world hunger, the equal rights amendment [ERA], the Alaska Lands Act, and policies to help disadvantaged Americans have helped tens of millions of Americans to live fuller, healthier and more secure lives. And these are but a few of his many accomplishments.

Senator TSONGAS' brave efforts to stem the dangers of the nuclear arms race, including his pioneering initiatives to control the proliferation of space weapons, deserve acclamation from his colleagues on both sides of the aisle. These efforts, perhaps more than any other of his achievements, will accord him a permanent place in history. As we continue to face the growing challenges to our security from new, destabilizing technologies, we will always have Senator TSONGAS' endeavors as a permanent monument to his vision for a peaceful world.

On the domestic front, Senator TSONGAS has contributed greatly to the economic strength of our Nation. Last year, he introduced legislation to assist the high technology industry to make it the most highly productive and globally competitive industry in the world. This legislation reflects his forward looking approach and establishes the base for a national initiative to sharpen the competitive edge of our knowledge-based industries which currently face serious challenges from abroad.

Senator TSONGAS and I were elected and sent to Washington as part of what is now often referred to as the class of 1974. During the intervening years, we and others in this class have been recipients of various labels, some flattering, some not. PAUL TSONGAS has tried throughout his tenure in the Congress to bring a fresh approach to bear on some of the most difficult issues and problems. He has embodied what is best about the so-called class of 1974: a genuine concern for a government which fairly, efficiently and effectively represents the American people. He has sought to combine good common sense practicality with higher ideals in an effort to fashion policies which respond to the needs of a nation in transition, while at the same time not abandoning the humane and fundamental concerns for the welfare of our people.

I applaud his efforts and wish him well in coming years. The Senate and the people of Massachusetts will miss his leadership immensely, yet his creative spirit will continue to influence, in a positive way, the U.S. Senate for years to come.

TRIBUTE TO SENATOR JOHN TOWER

Mr. HART. Mr. President, at the close of the 98th session of Congress, one of our more formidable Members, Senator JOHN TOWER, will bring to an end what has truly been a remarkable Senate career. I am confident this does not by any means mark the end of his influence over national security policy, an area in which he leaves an indelible legacy. His leadership in this area has extended throughout his 24 years as a Senator—19 years as a member of the Armed Services Committee and 3 years as committee chairman—and will continue outside this body in the future.

Senator TOWER will be remembered most for his unrelenting commitment to those fundamental principles he believes should guide our national security. We may not always see eye to eye on some of these principles, but there are several on which we are in complete agreement. First, in the belief that our men and women in uniform are the mainstay and lifeblood of our national defense, the most important resource upon which our national security depends. Second, in the understanding of the importance of the ideals of international diplomacy as an important force in advancing America's security interests.

Senator TOWER's interest in diplomacy has been reflected over the years in his frequent devotion of time to meetings with foreign officials and statesmen from all over the world—reflecting an internationalist spirit which is all too rare for American legislators. Finally, and most important, in the dedication to an idea of leadership which takes as its guiding principle the willingness to defend ideals and values even when these may not be politically or otherwise popular.

Even after his retirement from the U.S. Senate, Senator TOWER will live on—not just as a legend, but as a force to contend with. As we say in the West, "cowboys never die, they just hang up their spurs." For better or for worse I believe we will be seeing Senator TOWER's spurs for years to come.

RECOGNITION OF SENATOR BINGAMAN

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico [Mr. BINGAMAN] is recognized for not to exceed 15 minutes.

Mr. BINGAMAN. Mr. President, I will not need the full 15 minutes. I just want to take a few minutes to join my colleagues in making some statements about our retiring Members.

TRIBUTE TO SENATOR HOWARD BAKER

Mr. BINGAMAN. Mr. President, the accolades and praise for the contributions of HOWARD BAKER have been extensive here on the Senate floor this week. As the most junior Member of the minority party here in this body, I believe I am in a unique position to appraise the character and conduct of our esteemed majority leader. We are all familiar with the statement that a society should be judged by how it treats the lowliest and most vulnerable in its midst. Perhaps, also, it could be said that a majority leader should be judged by how he treats the least senior Member of the minority party.

If that is to be the test, then HOWARD BAKER gets high marks, indeed. In the 2 years I have served here with him, I have, time and again, marveled at his ability to bring order out of chaos. Rudyard Kipling's famous line from the poem "If" comes readily to mind. There have been many times I have seen him keep his head while all about him were losing theirs and blaming it on him.

And, perhaps as much as any attribute, I admire HOWARD BAKER's ability to see the humor in this institution and in himself. In a town which attracts those with exalted egos, HOWARD BAKER is a welcome exception. He is proof that the human quality of humility which we are each brought up to respect is even more important than ever in these lofty Halls of Government.

TRIBUTE TO SENATOR JENNINGS RANDOLPH

Mr. BINGAMAN. Mr. President, there are many occasions for personal satisfaction that come as a result of service in this body. Today, I experience one such occasion. Having the opportunity to stand on the floor of this Chamber and offer a tribute to JENNINGS RANDOLPH—as one of his colleagues—is an honor. Serving with him is a privilege.

Senator RANDOLPH came to the Congress some years before I was born. He is a legend and the strength of that legend is rooted in the people of West Virginia. The overriding characteristic of Senator RANDOLPH's public service has been his concern for these people. That concern eventually overreached the boundaries of that State and was translated into achievements which affected the entire country. Seeking to end the isolation of West Virginia's mountain communities, JENNINGS RANDOLPH was in the vanguard with those who envisioned the Interstate Highway System. Looking for a way to help handicapped people earn a living during the Depression, JENNINGS RANDOLPH's plan became the model for State and local governments for blind vendors to be admitted to Government buildings.

His unstinting efforts to promote the study of conflict resolution are well known to all of us in this Congress. The establishment of the Peace Institute is a legacy he leaves to the entire world.

Mr. President, I could continue with the catalog of accomplishments which owe their success to Senator RANDOLPH but as we are in the last busy hours of this Congress, I will mention one of his failures, which is perhaps the finest tribute to his character. That he has failed in this effort is not for want of trying but for lack of cooperation. I refer, of course, to this courteous man's untiring attempts to make the Senate behave. Senator RANDOLPH himself exudes extreme courtesy and decorum and he has tried his level best to make the rest of us adhere to those good manners of which he himself is such a prime example. I regret that his example was not adhered to more often as we go about our sometimes unruly ways. It would indeed be a tribute and an appropriate gesture to the gentleman from West Virginia from the Members of this body to respond to his next call for order with silence and order.

Mr. President, I conclude by repeating how honored I am to be Senator RANDOLPH's colleague. I am also proud to be part of that wide circle of his friends. I join with my colleagues in wishing JENNINGS well and reminding him of the place he holds in our affection.

TRIBUTE TO SENATOR PAUL TSONGAS

Mr. BINGAMAN. Mr. President, occasionally something happens to us through the lives of our friends that causes us to look at our own lives, our own values, and our own plans and consider what we would do if the same thing happened to us. I feel safe in saying that there is not one Member of this body who did not engage in such an analysis when our colleague PAUL TSONGAS announced his intention to retire from the Senate.

Like so many of his actions during his term of service here, his departure has made us confront some of those matters we find difficult to consider but which must be met. He has defined the meaning of priority. He has taught us the dimensions of duty. He has exemplified courage as he has demonstrated grace. We are all the richer for his example and certainly for his friendship.

When I came to Washington as I was campaigning for the Senate, PAUL invited me to his office. On his wall hung a poster with a quotation from John Adams which reads.

> I must study politics and war that my sons may have the liberty to study mathematics and philosophy in order to give their children the right to study painting, poetry and music.

PAUL made a gift of that poster to me and it is one I will treasure as I will always value our association.

Mr. President, I conclude by expressing to PAUL and his family the hope each of us harbors that the study of war will eventually and permanently give way to the study of those gentler arts.

TRIBUTE TO SENATOR JOHN TOWER

Mr. BINGAMAN. Mr. President, as a very junior member of the Armed Services Committee, I rise to express to the distinguished chairman, Senator JOHN TOWER, my best wishes as he leaves that post and this body. Senator TOWER, has given me the benefit of his expert guidance during my first 2 years in the Senate.

He is an excellent chairman to initiate a freshman. At the end of that long committee table, a new Senator gets a good sense of what it takes to hold the spot at the head of the table. He is to be commended for his leadership. JOHN TOWER has exhibited those qualities of toughness and fairness; tenacity and conciliation; determination and resolve, which have made my hours at the table lessons in committee management. He is a formidable chairman whose strong voice, firm conviction, and steady counsel will be

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missed. The gentleman from Texas retires with many accolades for his service and with the thanks of this New Mexico neighbor for his example.

I certainly extend to Senator TOWER my best wishes for continued success.

Thank you, Mr. President.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business.

TRIBUTES TO SENATOR PAUL TSONGAS AND SENATOR JOHN TOWER

Mr. QUAYLE. Mr. President, I just wish to follow up on a couple of comments that my friend and colleague from New Mexico made on two Senators who will be retiring from the Senate.

I served with PAUL TSONGAS in the House of Representatives, and I knew him over there as well as here. He certainly will be missed. Although we did not agree on everything, there were many things we did agree on. We appeared from time to time on opposite sides on various public affairs programs and appeared from time to time on opposite sides of the debate, but at times we have been on the same side of the issues.

In any event, he was certainly able to project a vision of how he would wish to see this country go, and I congratulate him on that.

I know that after his retirement, he will be missed here. I also know that in reading his comments right after he announced he would retire, Marilyn and I, being the parents of three, had a lot of conversation about his reasoning, particularly that of wanting to spend more time with his family. It was very important and constructive to us in the discussion we had.

Second, on JOHN TOWER, I think he has been really a pillar of strength here in the Senate. He is someone who, while serving on the Armed Services Committee, I have come to respect greatly. He is one who will be sorely missed on that Armed Services Committee as well as in the Senate.

JOHN TOWER, has definite ideas about national security and other matters but particularly in the area of national defense. It was a privilege for me to serve on his committee and to learn a lot from him.

I certainly did learn a lot in the 4 short years that I served under Chairman TOWER, you might say, on the back bench in that committee, way down on the totem pole, about the next to the last for the first 2 years and second to the last for the last 2 years.

But what he did on that committee and what he has done in this Chamber here in providing inspiration and leadership in the Senate is something that we will all remember for a long, long period of time.

His particularization of the issues and his feeling and comprehension of where this country should be going are well respected on both sides of the aisle, and I might add that he was really one of the few key people who was instrumental in maintaining the Reagan revitalization of national defense in its proper perspective. A lot of times it was suggested that it might be cut somewhat rather dramatically, that certain changes and alterations should be made, but because of JOHN TOWER's leadership, I think beyond that of anyone else in the entire Congress, the administration's program basically remained intact, and as a result, we certainly have seen a restoration of respect in the United States, as well as better understanding of national security issues in this Nation.

PURDUE BOILERMAKERS

Mr. QUAYLE. Mr. President, I wish to talk about one other thing. These last couple of weeks have been somewhat painful for many, perhaps all of us. It looks as though we are going to conclude our Nation's business today and to adjourn.

But even in these last trying weeks, there have been some happy moments that we have all had, at least those of us who got away from Washington over the weekends.

One of the real delightful moments that I had over the last weekend that I wish to share with the Senate was the football game in West Lafayette, IN, where the Purdue Boilermakers took on the former No. 2 rated Ohio State Buckeyes and defeated them 28 to 23, in what was perhaps one of the most exciting games that I have seen.

Now, obviously representing the entire State of Indiana and for all of the Indiana universities, State universities, private universities, you name it, I try to be nonpartisan when intrastate teams play each other. But I will have to confess that Purdue does hold a bit of a special place in my heart because my wife graduated from there.

But I also might report to the Senate we had a very important visitor to West Lafayette that weekend who watched the game. It was our Chaplain, Dick Halverson, who came to West Lafayette at the invitation of Jim Tozer, who is the pastor of the Covenant Presbyterian Church. Dick Halverson preached there on Sunday morning.

We have all know Dick Halverson and we have come to love him and to revere and respect his ideals and his words.

I think his words the other day when he was talking about the Senate being here somewhat under duress were rather appropriate, and I have noticed there has been a lot of editorial comment around the country on the Chaplain's prayer that day.

But he is really one of a kind. He is a very special person to me. I am sure he is a very special person to each and every one of the Members of the Senate and its employees and all those who know him on a personal basis.

He comes almost without exception to the Wednesday morning prayer group where we share an hour on Wednesday morning, which is really one of the most rewarding hours that I get to spend during my time here on Capitol Hill.

He went out to West Lafayette and was able to arrive in time to speak to the chapel services. Coach Leon Burtnett, and others, were there and present.

Purdue has a lot of talent and obviously that was exhibited in the team's display Saturday. Purdue has a lot of not-so-secret weapons, including an outstanding coach in Leon Burtnett, the arm of quarterback Jim Everett, the running ability of Ray Wallace, who hails from North Central High School Indianapolis; and the defensive capabilities of Rod Woodson, from Fort Wayne's Suder High, who made that key second-half interception and ran it back for a touchdown, a play that probably put the icing on the cake.

We know Dick Halverson to be nonpartisan, to be objective, to be a man of impeccable integrity, honesty, and respect. Last Saturday's game, Purdue had a little additional secret weapon in Dick Halverson, because I know from talking to the Chaplain and from visiting with people he sat with that he spent the entire game sitting on Purdue's side of the football field. So we are trying to make special arrangements so that the Chaplian can return to West Lafayette any time the Boilermakers are playing an out-of-State team—provided he will continue to sit on the side of Purdue in their further ventures in football history.

And it may be a historic year for Purdue. We will have to let that rest. I certainly do not want to make any predictions other than to wish them and other teams of Indiana very well.

But I thought in this time when we are sort of painfully extracting ourselves from what has gone on for the last couple of weeks, I do hope we do remember the duress and the anxiety and everything else when we come back in January, because I think at that time the Senate will hopefully have an opportunity to take a very serious look not only at the committee reorganizations and the rules and procedures, but hopefully we will be able to get some constructive and positive changes.

It will have to be basically almost a unanimous effort of the Senate. It cannot be a one-sided effort. There may be a few that will dissent, but by and large, to have any significant changes, everybody is going to have to give up a little bit of something. I hope they will be willing to give up something in the name and for the sake of the preservation of the institution of the Senate. But that is a choice we will make later on.

Our select committee will be marking up on November 29 and making some recommendations, and we will go forth from there. Obviously we have to reorganize and everything else on November 28. So when we come back, I know there will be a new spirit. We will have gone through a Presidential election. But I certainly hope that we do not lose comprehension of what in fact has happened here this year and particularly in these closing days. We are going to have to really make, in my opinion, some changes. And I am hopeful that we will be able to do that and do that at the very first part of next year. I know a lot of Senators publicly and privately have talked to me about it. I think the mood is certainly there, and certainly is it my desire to give the Senate that opportunity at that future time.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Grassley). The Chair, on behalf of the Vice President, in accordance with Public Law 90-206, appoints Mr. Robert A. Georgine, vice the Honorable Nicholas Brady, resigned, to the Commission on Executive, Legislative and Judicial Salaries.

SENATOR PAUL E. TSONGAS

Mr. FORD. Mr. President, I wish to pay tribute today to my dear friend and colleague, Paul E. Tsongas.

In just one term, this bright young Senator has positioned himself as a national leader. He has pushed his party to develop and pursue new ideas with a commitment to the future.

The Senate has benefited from the informed opinions of Senator Tsongas. He has been outspoken on crucial topics, including our policy in Central America and the development of antisatellite weapons. He has promoted the causes of small businesses, and we have shared concerns about national energy policies.

On a personal note, I have enjoyed campaigning with and for Paul Tsongas. It has been a pleasure to watch him capture the confidence of his constituents, and of our colleagues in this legislative body.

For awhile, our staffs had adjoining office space in the Russell Building. Many close and lasting friendships developed as a result. It is a tribute to this man that he has attracted such a bright, energetic staff.

My initial reaction to Paul Tsongas' decision not to seek reelection was a selfish one. It is difficult to let such a promising young leader slip from our grasp when so many serious challenges face our Nation.

However, as a father and a grandfather, I respect the Senator's decision to put his family first. It was a decision that took courage, and a decision many of us may envy from time to time.

I want to thank Paul Tsongas for his friendship and for the important work he has done in this Senate. I trust that, as a private citizen, he will continue to make his opinions known. I wish him much success and happiness in his new pursuits.

SENATOR JENNINGS RANDOLPH

Mr. FORD. Mr. President, I rise today to recognize a colleague who is retiring after 51 years in Congress. Jennings Randolph has certainly left his mark on this legislative body.

However, Mr. President, I hasten to add that while Senator Randolph is leaving Congress, his efforts, his causes, and his concerns will be carried on in succeeding sessions by those of us who have grown to respect him so deeply.

I have learned much from the senior Senator from West Virginia. And his courtesies have been unfailing.

Perhaps our greatest common interest as Senators has been the desire to see alternative uses developed for coal. It is a resource which our neighboring States produce in more abundance than any others in the Nation. Nearly 30 years before the first Arab oil embargo, Jennings Randolph—then a Member of the U.S. House of Representatives—saw the potential for coal and was working for its development.

Mr. President, I will continue to press his fight for development of this vast resource. And I believe there are many others in this body who have learned from this gentleman and will pursue other causes he has championed.

Jennings Randolph says he is not retiring, just changing jobs. He has taught us persistence and patience, and we will miss him. I wish the best for the Senator in his new career.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Murkowski). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNFINISHED BUSINESS OF THE SENATE

Mr. MELCHER. Mr. President, the circumstances are such that there is still unfinished business before the Senate beyond the continuing resolution and the debt ceiling. A matter that concerns me a great deal and I think almost every Senator and probably almost every Member of the House is how we handle the corrections for imputed interest rates. Whether the bill that corrects the misguided, inappropriate, inequitable, unfair provisions of the 1984 tax bill concerning imputed interest rates, whether or not that bill is the debt ceiling bill or some other bill that has already passed the House and needs to return to the House containing the imputed interest rate corrections does not bother me, and I would hope it would not bother any Senator.

The point is that we want those corrections made and be secure in knowing that when it leaves the Senate, that the House will take it up and the House will pass it and it will become a bill that gets on the President's desk to be signed into law.

I have no doubt that the President will sign such a bill because the inequity and unfairness and almost unworkable conditions that would be imposed on January 1 by the 1984 tax bill provisions is not in the public interest. So I have no doubt in my mind that the House wants to act on this matter as well as the Senate, and I have no doubt in my mind that the President will want to sign such a piece of legislation.

There are two other bills that I would like to draw the attention of the Senate to that should be discussed in this Chamber today. One concerns what we call the "Sodbuster bill." We have twice passed it here. It is a bill that would prevent farmers from tearing up sod, that is, plowing up new farmland that is of a fragile nature, a low degree of productivity but with a high degree for potential erosion.

The sodbuster bill is a conservation bill. It is to place a stumbling block in the way of farmers, who would plow up this fragile land to put it into crop production and thereby invite erosion, by denying to those farmers on that land the use of farm programs. In other words, it is a discouragement. It is not blanket prohibition against doing it, it is the type of stumbling block that says, "Well, if you are going to do it, it is your land all right, but if you are going to do it, you cannot participate in Federal farm programs, because the Federal Government will not give you the benefits."

To put it very bluntly, Mr. President, Congress will say in the sodbuster bill that the Federal Government will not pay money toward such farm operations—we are not going to pay a farmer to defy good, sound conservation policy.

Now this bill is very much needed in my State and in all of the Great Plains States where the rate of erosion from wind and from water on such lands has increased to the point of being disgraceful—disgraceful for the farming community, the agricultural industry, and very damaging to the country.

We are trying, some of us here in the Senate and some of our colleagues in the House, to work out a method of having final action on that bill in this Congress.

It is necessary to have that type of final action in order to set in the law, right now, this year, ahead of next year's crop production, this type of a stumbling block on sodbusting highly erodible land.

So if we can work it out, we will not take up much time of the Senate or the House. We are very hopeful of acting so this needed legislation can be passed.

There is one other bill that I would like to have discussed in the Senate today. That is the bill that deals with clean meat. There have been several rather classic examples of meatpackers during the past 3 years who have taken advantage of the law and avoided operating within the intent of the meat inspection law. We have found the Federal meat inspectors sometimes being coerced, at times meatpackers taking every legal opportunity they have to delay the enforcement of clean meat regulations and Federal law.

We would like to put a stop to that. The Department of Agriculture has had before us a bill for the past 6 months that they recommend. There has not been action on it either in the House or Senate but I think it ought to be discussed. I think the public and the consumers of this country ought to be assured that the Senate does care that we do have clean meat products, and that the few bad apples in the meatpacking industry cannot defy the law, cannot circumvent the law, and cannot avoid the consequences of avoiding the sanitation and health requirements in meat inspection law. I think that is the least we can do.

Consumers need to be reassured of that. The 99 percent-plus of meatpackers and meat processors that recognize the value of sanitation, wholesomeness, and health, want to be reasssured that they are going to be protected from the few bad apples in the meatpacking industry that will ignore those requirements.

There is one other very vital group that has a large stake in this. The cattle producers and the pork producers of this country deserve—deserve, mind you—the assurance of strict enforcement on meat sanitation, on the health requirements in the meatpacking industry and the meat processing industry. That is essential so that their product is not in doubt or questioned when in the supermarket meat counters. They want the consumers of America to continue to have the great confidence they have had in the wholesomeness of the product they buy.

This is very important for the cattle and pork producers of this country because the prices that the producers receive for the cattle and the pigs when they leave the farms and feedlots of this country are very low. The producers are losing money. Any lack of confidence in the consuming public on the wholesomeness of the meat products that they buy will further jeopardize retail sales, and that worked backwards to the pork and beef producers themselves, and they could even find lower prices.

So I believe this bill, which was said by some would never see the light of day in the Senate, ought to see the light of day, and I think we ought to have a discussion. I hope we will not get too impatient during the course of today, and perhaps tomorrow, before adjournment comes, and that we do our duty here, act responsibly and try to clean up as much as we can in the necessary bills, the good bils, that should be passed or at least have some debate on before adjournment.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

THE INTELLIGENCE BUDGET

Mr. MOYNIHAN. Mr. President, in a few moments the Senate will take up the Intelligence authorization bill for the fiscal year 1985. This will provide the largest budget for an intelligence community that has ever been made available by this Congress and which I think can fairly be judged the largest ever to have been provided by any nation at any point in history.

The public, which is, of necessity, kept somewhat at a distance from these figures—their representatives in the Congress do have access to them—would want to know that the large budgetary increases that followed from a long period of decline have now about reached their limit. The outyear expenditures in this budget—what we commit ourselves to in terms of what we begin now and continue to pay for over some years—obviously, this has to do with technological matters—are fewer than they have been in the recent past and they go down more quickly. To be precise, Mr. President, in the early parts of this period a fairly considerable amount of technological equipment was ordered up. The first year costs in these matters are relatively low; the outyear costs relatively high; then they drop off quite precipitously.

The point that I would wish to make—and the Senator from Arizona, our beloved chairman, Senator GOLDWATER, who is necessarily absent, would wish to make, is that this has been a bipartisan achievement.

The intelligence community is a term which is fairly descriptive of the many organizations that are involved in gathering and analysis of intelligence data and the dissemination through the Government from the President down. The nonclassified portion of our text gives an explicit list of the 10 agencies' activities for which the Intelligence Committee authorizes the budget. They are the Central Intelligence Agency, the Department of Defense, the Defense Intelligence Agency, the National Security Agency, the Department of the Army, the Department of the Navy, the Department of the Air Force, Department of State, Department of Treasury, the Department of Energy, the Federal Bureau of Investigation, and the Drug Enforcement Administration.

Mr. President, as has been made clear in several exchanges, not all of them are of the happiest order, the present size of the appropriations and authorizations of this community comes about in the aftermath of a continuous increase that now takes place over 8 consecutive fiscal years. Beginning in fiscal 1978, which was the first full budget submitted by the Carter administration, the programs have increased in 1978, 1979, 1980, 1981, 1982, 1983, 1984, and 1985. This is 8 consecutive years the intelligence budget has grown.

Mr. President, the Senator from Arizona [Mr. GOLDWATER] would also wish it understood that this has been a bipartisan effort and that it has worked. The experiment—it was that—of establishing an intelligence committee in each body has succeeded in restoring the resources of the intelligence community, and we certainly hope its capacity. This has been a success story.

There has, however, been one failure in the relations of the intelligence community and the committee so far. This has had to do with the operations of the U.S. Government in Central America, specifically in Nicaragua.

This failure arose from the decision of the Director of Central Intelligence not to consult with our committees, not to take us into his agency's confidence and ask our advice about a hugely significant covert action, the mining of Nicaraguan harbors. For some years the committees had provided the moneys requested to support paramilitary operations in Central America. We did so on the grounds that international law not only authorized the United States to do so, but even obligated it to do so, it being the case that the Government of Nicaragua was supporting efforts to subvert its neighbor, El Salvador. Under the Rio Treaty and the charter of the OAS, we had that right, if indeed not an obligation.

Whilst we were doing this, the Central Intelligence Agency made the decision to go forward with a particular act, the mining of harbors in Nicaragua, which was arguably also a violation of international law. Had the committees been informed in advance, I like to think we would have urged the intelligence community not to do this. Perhaps, expecting that, the community chose not to tell the committees, although the clear requirement of the statute is that the committee be informed by the Director of Central Intelligence in advance of any "significant anticipated activity." We were not informed.

When, inevitably, the operation was reported in the press, inevitably the question arose: Why were we not informed? Inevitably there was a loss of confidence which was grevious to the policies of the administration in one of the most central foreign policy issues of the time.

In a few moments from now we will pass a continuing resolution which will put an end to the Nicaraguan program. What, if anything, will happen next year we cannot know. But, the present program from this moment on is discontinued.

Mr. President, with the great respect and regret I state that this has happened in no small measure because the committees were not consulted, as they were required to be. If the Secretary of State, or the President, would look to where the failure took place, it was in the relationship of trust that was supposed to have existed between the committee and the intelligence community.

In the aftermath of that measure, Mr. President, we have reached an agreement—I should like particularly to thank Mr. McFarlane, the President's National Security Adviser, for having been so instrumental in bringing it about—in which we have a clear understanding as to what is "significant" and what will be judged to be a "significant anticipated activity." In a word, anything the President is required to approve, the committees are required to be informed of.

In the aftermath of that particular crisis, a further distasteful event took place.

I see the distinguished senior Senator from Maryland on the floor. I should like to have him hear this, because he is chairman of the Rules Committee.

A number of persons on the staff of the Select Committee on Intelligence—dedicated, able, professional members of our staff, committed to the work of the Senate—let it be known to the intelligence community that they thought the community's actions has been harmful to the foreign policy of the United States, harmful to the President's ability to carry forth his policy—predicting in effect, what Congress would one day do, what we are about to do this morning.

Thus our able staff director Robert R. Simmons let it be known, in response to enquiries, that the CIA had delayed for 6 weeks a committee request for a briefing on events then taking place in Nicaragua. On April 17, the New York Times reported that the CIA confirmed Mr. Simmon's plain and forthright statement.

Mr. President, in a manner that I do not believe has precedent, or certainly I know of no precedent, representatives of the intelligence community came to officials of this body and Members of this body and called for the discipline of, or generally speaking expressed their severe displeasure with, a member of the select committee staff.

I regret to bring this is to the attention of the Senate, but I have the responsibility. The Senator from Arizona is unavoidably absent, and as vice chairman, I must speak on committee matters. It is a grievous thing, in the aftermath of 8 full years of continued support, when honest counsel is offered in confidence to that committee and the result is to seek to silence that counsel.

That mentality brings about failure. And that ought to be understood, that the failure does not come to rest in the legislative branch; it comes to rest in the executive.

If anybody in the State Department will wish to know why Congress will pass the continuing resolution it does today, let them look to those persons who had so little faith in the executive-legislative relationship which we established, who thought they could deal with members of our staff as they might with persons representing no authority in the real world.

It is with such considerations in mind that Senator Goldwater and I have proposed that the Director and Deputy Director of Central Intelligence be career intelligence officers.

Mr. President, this will likely be my last statement as a member of the Intelligence Committee. I have served 8 years; 4 years as vice chairman. I have said what I had to say. I am glad that the Senator from Maryland was present to hear it. And so to my duties, adieu.

A NOTE OF APPRECIATION TO THE MAJORITY LEADER'S SCHEDULING STAFF AND THE OFFICIAL REPORTERS OF DEBATES

Mr. SIMPSON. Mr. President, as we creep toward the adjournment sine die of the 98th Congress, I wish to take this opportunity to sincerely thank certain hardworking, dedicated members of the majority leader's staff who have been particularly helpful to me and to my staff during the past year.

I extend my very special personal thanks to Elizabeth Baldwin and John Tuck who, under the able stewardship of Howard Greene, have been extraordinarily responsive to my inquiries and concerns and to those of my staff. Their days—and nights—of late have been long and arduous, yet they have, at all times, been helpful, patient, and most courteous.

Another group of "miracle workers" I wish to thank are the reporters of debates, who take down each syllable we utter in the Senate Chamber, and transcribe and send this awesome verbiage to be printed up as delivered in record time. This hardworking group is fortunate to have as their Editor-in-Chief, the unflappable Russell Walker, who along with his skilled Assistant Editor, Jeanie Bowles, provide an incredibly efficient, high-quality operation that leaves one in awe. No matter how many hours the Senate is in session, Jeanie Bowles and Russ Walker will be found at their desks, overseeing the compilation of the numerous oral speeches and written enclosures that will return to all of us the very next day in a printed Record of our deliberations.

I and my staff have found that Jeanie and Russ manage not only to keep track of all the staff who hover about to ensure that the Record is corrected, but to be helpful and most responsive even under the most difficult circumstances.

It takes very special people to be able to function—and to do well—under circumstances filled with high pressure—and not much sleep. I did not want to end this Congress without saying my sincere thanks.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. Kassebaum). The time for morning business has expired.

CONTINUING APPROPRIATIONS 1985—CONFERENCE REPORT

Mr. BAKER. Madam President, the pending business is the debt limit resolution. However, as I indicated earlier, we are prepared now to proceed to the conference report on the continuing resolution.

Madam President, I submit a report of the committee of conference on H.J. Res. 648 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The bill clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 11, 1984.)

Mr. BAKER. Madam President, we hope that we can dispose of this matter promptly. There is indication that the Senator from North Carolina wishes to speak. I am sure that the two managers will wish to speak. Let me outline what I hope we can do.

I hope we can pass this continuing resolution soon, even by voice vote.

After that, it is my hope that we can proceed to the genocide resolution vote, which has already been ordered. We will set a time on that to accommodate the convenience of as many Senators as possible.

After that, we have the debt limit to do; and beyond that we have other matters we can do that are important and should be done, such as the highway bill.

I hope we can do this conference report, which is one of two absolute "musts" and do it promptly.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. I share with the majority leader the hopes he has expressed. I hope we can dispose of the continuing resolution quickly. I know of no one on this side who will ask for a rollcall vote, but I cannot absolutely guarantee that.

I also say to the distinguished majority leader that I believe that on this side of the aisle we have clearance to proceed with a vote on the genocide resolution at 11:15 a.m., 10 minutes from now.

Mr. BAKER. I thank the minority leader. We are also cleared for that time, but I will have to see whether we can get this out of the way first.

Madam President, it would be our intention to ask the Senate to proceed to the genocide resolution and have that vote at 11:15 a.m., if we finish the continuing resolution. But if we have not finished the continuing resolution, we will reschedule it to meet the maximum convenience of Senators.

Mr. STEVENS. Madam President, at last we have before us House Joint Resolution 648. This measure passed the Senate a week ago today.

It is an understatement to say that the conference report is the product of long and difficult conference meetings.

This continuing resolution covers departments and agencies normally funded under 9 of the 13 regular appropriations bills and provides some $470 billion in appropriations. Five bills—defense, foreign operations, transportation, military construction, and Interior—are included in their entirety, line by line. The crime package is also included in this.

So, Madam President, there is a very comprehensive, complex piece of legislation before us. I know that the Senate does not like to approach legislation in this fashion, but there was little alternative. The final result is worthy of the support of the Senate. It is my understanding that the continuing resolution is supported by the President, that it will be recommended as a bill to be signed by the President.

The budget estimate for the items that have been presented to date is $565.83 billion. If this bill is enacted, and the others that have preceded it—in other words, all the items that have come before Congress to date, including this piece of legislation—it will mean that the grand total is $552.3 billion, meaning that we are $12.7 billion below the budget in the appropriations process this year. The majority of it has come from the bill I have managed, the Defense Department appropriations bill for 1985.

I yield at this time to the majority leader.

Mr. BAKER. Madam President, I thank both the manager of the bill and the distinguished minority manager.

I should have said this in the beginning, and the manager has already mentioned it, but I specifically inquired of the White House and I am now authorized to say that the President will approve this measure if it is transmitted to him by the Senate.

Mr. STEVENS. I thank the Senator.

Mr. STENNIS. Madam President, I thank the Senator.

Madam President, I have no words of criticism directed to any individual, but this bill fails in some major particulars, and I think failure of some kind like that is a natural product of the system that we are trying to use now in disposing of this huge appropriation in the operation of the Government as has been outlined here by the Senator from Alaska.

I not only regret that, but I think we should all recognize it and set out to really do something about it. Our Government cannot operate successfully with a system like this, and for it to break up on the rocks for some reason is inevitable when we try to go this route.

I join wholeheartedly in saying the time has come when we should approve the matter, though with reservations, and move on.

I cannot resist the temptation to mention just one thing about the water items in the bill that got rejected, the one that I was interested in, which is no better than any others, but it does, it seems to me, reflect a regret there in central Mississippi. The Pearl River overflowed 1 year, costing $313 million to the property owners and they had another almost larger flood the next year. There have been 5 years and nothing has been done about it.

This means we do not have enough in this system. I hope we can give it and others like it the priority for next year, and I believe we will.

I know of no opposition to the idea of going on and letting this become law, and I will so vote.

Mr. STEVENS. Madam President, the Senator from Mississippi is correct. The procedure that we have used has been a convoluted one. It has not been from the appropriations process, however. It really stems from the budget process. Congress failed to adopt the budget resolution. As a consequence of that failure, the points of order that were available to Members of the Senate when appropriations bills came to the Senate from the House of Representatives and were duly reported by the Senate Appropriations Committee were used.

The Interior Department appropriations bill, the military construction appropriations bill, and other bills were delayed in both August and September by points of order. As a consequence, we had a gridlock develop.

The distinguished majority leader met with the leader of the House of Representatives, the Speaker of the House of Representatives, and worked out a basis for agreement between the two houses that did lead to the enactment of the authorization bill for the Department of Defense for 1985 and that in turn led to breaking the logjam eventually on the defense appropriations bill which accounts for 60 percent of the funds that are before the Senate at this time.

But I think that the Senate should realize that the appropriations process cannot function, Congress cannot function unless it abides by the laws it has passed to govern the budget procedure. By ignoring the Budget Act, by failing to comply with the Budget Act, we have brought ourselves to this point, and I would venture to say that other than the distinguished Senator from Mississippi and his staff, and me and my staff, there is no one in the Senate who knows what is in the defense appropriations bill. They are accepting it on the basis of our word, and that is an unfortunate circumstance.

It cannot be a procedure that we follow from year to year. I believe that the whole confidence of the portion of our economy that is dependent upon the continued full working of the process that we have in reviewing our defense expenditures will erode unless we are able to return to the concept of really an open Government, and by that I mean we have been open about the process we have followed, but we have not really had time to distribute the product of that, so every Member of Congress and every member of the public who is affected by this document has time to react to it. That is an unfortunate process.

Unfortunately, we have no alternative, and I believe that the best thing for us to do would be to answer questions concerning the product that is before us and it is, as I pointed out, a voluminous document that we are dealing with this morning.

Mr. STENNIS. Madam President, if the Senator will yield to me for one sentence, he has certainly accurately and correctly stated the situation here in my humble opinion. The work of the Appropriations Committee, not claiming any credit for it myself, has been outstanding this year. It has been thorough in depth and worked to the *n*th degree. These bills speak for themselves. So the trouble is not there.

I highly commend the Senator from Alaska and the Senator from Oregon for their outstanding work, and they have been joined by numbers and numbers and numbers of members of that committee on both sides of the aisle.

The PRESIDING OFFICER. Is there any further debate?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Madam President, I take the floor merely to express, first of all, my thanks to the House and Senate conferees for the long hours and the patient effort which they gave to the working out of differences between the two Houses. I thank them for their support of certain items in the bill which will be beneficial not only to my State, but also to other States as well.

I am concerned and disappointed that I cannot have some understanding as to why the conferees were forced to act as they did, and I speak that concern with respect to the Gallipolis locks and dam authorization, which is so badly needed. That water project is really the last bottleneck in the navigational system that carries goods and promotes commerce and is highly beneficial to as many as 19 States. With that kind of benefit ratio, 12-to-1 benefit ratio, I am sure that my colleagues in conference in both Houses were not expressing their disregard or their lack of support for this kind of project. It is a project which I would hope that, anyone who would like to call such a project pork, would go to the site where the Gallipolis locks and dams are located. I would be happy to go to Gallipolis with anyone who wishes to refer to this project as pork.

Madam President, I would be happy for any committee members, any Members of the House of Representatives or Senate, anyone in the press to accompany me to Gallipolis locks and dams so they can see the kind of hazardous route that these tugs and barges have to negotiate, and the bottleneck that that facility constitutes today. It is the weakest link in the entire chain of locks and dams, and it increases the cost of the goods that are shipped, on that Ohio River by virtue of the delays that in some instances amount to days and especially if there is an accident there, and there can easily be one, as we saw earlier this year. If there is an accident, then it means a backup of traffic for, I would say, many barges and tugs delayed for hours or days, and, of course, that can only result in upping the costs of their cargoes at their destination points.

Madam President, I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Senator from North Carolina.

Mr. EAST. I wish to speak on this conference report.

Mr. MOYNIHAN. Madam President, if my good friend and learned Senator from North Carolina would yield just a moment, I would like to speak very briefly to follow the Senator from West Virginia.

Mr. BYRD. I would like to express that hope too, may I say to my good friend.

Mr. EAST. I would be happy to yield the floor and then at that time I would like an opportunity to speak on the conference report. I am happy to yield to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I thank the Senator from North Carolina.

Madam President, in brief, there are no water projects authorized in the conference committee report. This could have been predicted, Madam President. The Senator from South Dakota and I stood on this floor at 4 o'clock in the morning last week and predicted it.

This illustrates a general problem with the role of authorizing committees in the Senate. The Subcommittee on Water Resources of the Committee on Environment and Public Works for 5 years has been trying to devise a national water policy which would require that there be elements of cost sharing, the basic foundation of which already exists in the trust fund that is financed with revenues on fuels used in inland navigation; that the authorizing process of the Corps of Engineers with its test of worthiness and sensibility be followed; and that there be an orderly procedure for authorizing new projects.

We have worked, we have worked, we have worked, and we have been ignored and ignored and ignored, and the result has been nothing, nothing, nothing. It seemed a great idea on that 4 o'clock in the morning of Thursday last to put up $469 million for Mobile Harbor, $245 million for lock and dam 26, $250 million for Atchafalaya basin, $525 million for Mississippi ship canal, $514 million—half a billion dollars—for Norfolk Harbor. It seemed a great idea, but there is not a penny in this appropriations bill.

Madam President, in the case of Gallipolis—some in West Virginia say "Galliplis;" I take no view on that—but I do take emphatically the view that that particular improvement in the Mississippi-Ohio Inland Waterway System must be built. I would not only follow the Senator from West Virginia to inspect it, I have preceded him. It is a clearly good project. The Subcommittee on Water Resources authorized it. The Corps of Engineers has studied it and recommends it.

Much the same for lock and dam 26 on the Mississippi, which has become a textbook case studied in colleges about how the Government does and does not do things.

We can, if we act in the next 2 years, double the capacity of that lock which controls the traffic of the whole northern Mississippi-Missouri system, by building two locks at the same time. If we do not act in the next 2 years, and later decide to build a second lock, it will cost twice the price.

All we wanted to do as a subcommittee was to get a national water policy which involved some cost sharing and a sensible decisionmaking process. We were rejected with little ceremony at 4 o'clock in the morning the other day. I hope there would be just a moment's passing notice that the half billion dollars for Mobile Harbor and the half billion for Norfolk Harbor and so forth never came to pass.

We care about our work. We have tried to do it. And when we are ignored, as we have been, there are consequences. There has not been a major water bill in this Congress since 1970; a very tiny one in 1976. The Carter administration passed without one, this Reagan administration will pass without one also.

This is significant, if you care about public works and the export of coal and the export of wheat and the inland transport of bulk commodities. If you care about the economic infrastructure of this country, then you care about this process. It is not working. Here is another example of it not having worked.

I would like to conclude by saying to the Senator from West Virginia, our indispensable minority leader, Gallipolis—"Galliplis"—will be built; it must be built. It will be paid for from the trust fund that exists. The money is there. No taxes will be raised for it and the very fact that it is built will increase the moneys available to pay for it because it will increase waterway traffic.

This is good, sensible government. And a sense that you get these things for nothing and at midnight is defeating that good, sensible government. And once again today we see that process defeated.

But we will be back early next year, I say to the minority leader. It is the intention of Senator ABDNOR and myself to ask that the Committee on Environment and Public Works report out a bill early, by February or March—we have the bill; it will be as good a bill next year as it was this year—and that the Senate act on it in the first half of next year rather than wait until the last day.

Mr. BYRD. Mr. President, I recognize and appreciate the points which the distinguished Senator has made. I do not quarrel with those. I am encouraged by the Senator's assurance that, come next year, in the early part of the year, consideration will be given again to an authorization, so that the replacements for the Gallipolis locks and dams, and locks and dams Nos. 7 and 8 on the Monongahela River, can go forward without further delay.

The PRESIDING OFFICER. Does the Senator from North Carolina seek recognition?

Mr. EAST. Madam President, I appreciate the opportunity to speak on this conference report that has been worked out with the House of Representatives. I would like to take a reasonable amount of time just to get some clarification and to state some deep concerns I have about it. I hate to indulge upon my colleagues' time, but then that is the nature I guess of the deliberative process and I hope that I will least be given credit for raising some substantive points and not delaying for the sake of delaying.

First of all, it occurs to me—and I would appreciate clarification from the managers of the conference report—that as I understand the conference report, what we have really done with the House in exchange for aid to contras and in exchange for a moratorium on testing on ASAT until March 1, 1985, and other defense-related items, we have relinquished on those and in exchange the House has relinquished on water projects.

First, without losing my right to continue to talk, I would like to ask the distinguished majority whip if in fact I state that accurately.

Mr. STEVENS. Madam President, I must disagree with my friend from North Carolina. There was no connection between the water resources action and the defense action whatsoever. We stated repeatedly throughout the conference that we would be unable to reach a conclusion on the defense items until the water resources matter was settled. That was settled. We were informed that it was settled. We then went back into meetings on the defense portion of it. But there is no connection that the Senator wishes to make between the decision on the water resources portion of the bill and anything in the bill pertaining to defense.

Mr. EAST. I am curious, though, as to how one could come to that conclusion when in fact the end product is the dropping of these water resources and the quid pro quo would appear to be prima facie. The dropping of aid to the Contras and the dropping of testing on ASAT, for example. Any conference committee, it seems to me, has to reach certain compromises. It occurs to me, not being a member of the conference, that in effect is the end product.

Mr. STEVENS. I want to assure my good friend that is not the case. I was the person who did the negotiating for the Department of Defense Appropriations Subcommittee items together with my good friend from Mississippi, and I think he can assure you that we have not traded off any water resources project for any item of defense. My good friend has not stated the agreement on ASAT. The agreement on ASAT is that there be three tests conducted against objects in space in 1985. There was no limitation on other tests. The authorization bill had two successful tests. And the House feared that could involve a series of tests in space, some of which would be, in their opinion, probably unsuccessful. So we changed to three tests, which was scheduled for 1985 anyway. That is three tests the first of which, as far as the space tests are concerned, cannot commence before March 1. There is no vote in 1985 on ASAT. It is a prohibition against starting the test in space until March 1. That was a slight concession in time but the lead time to get ready for that test in space is 120 days. So there was a very small concession in terms of timing which I estimate to be between 30 and 60 days. Other than that, there has been no concession on ASAT.

Mr. EAST. As I was suggesting. It is my understanding that with ASAT the testing was to begin in November—that is, next month—and now it has been delayed until March. And therein that exchange was made.

Mr. STEVENS. I am pleased to be able to correct the Senator's misunderstanding on that. The tests are scheduled on ASAT that do not involve objects in space that are proceeding through October, November, December, January, and February. They will go ahead. The prohibition that was in the bill dealt only with tests in space. There were none scheduled before early next year. We were informed, I was informed, that at least a 120-day lead time was involved on such a test. And, therefore, I did agree to the March 1 date which was one of the compromise items in order to avoid the concept of a vote next year on this issue automatically. It does give time. If the Members of the House wish to raise a question of trying to block the tests in space before March 1, there is a theoretical period there of the time we will be in session after the inauguration until February 28 to do so if they wish to.

I would oppose such limitation on the test in space. I very much believe it is one of the items that will bring the Soviet Union to a bargaining table to discuss the whole future concept of the weapons in space. Again, I want to point out this is R&D. This is research and development money we are talking about.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. STEVENS. Yes.

Mr. STENNIS. As far as I know, the answers are correctly stated in the comments the Senator has made in response to the Senator's question.

Mr. EAST. Let me pursue another point, if I might, to the managers of the measure here for clarification. I appreciate their comments on ASAT.

The issue that quite candidly this Senator, the junior Senator from North Carolina, is most deeply concerned about is the deletion of aid to the Contras in Nicaragua.

Mr. STEVENS. May I tell you what my understanding is of the circumstances? The Senator might have those from the beginning. I would be happy to do so without your losing the right to the floor, if the Senator wishes my response at this time.

Mr. EAST. I would be happy to hear whatever the manner of the conference report wishes to say, but I also wish to express why I think our failure as a Congress in tandem—the House and Senate—to provide this aid for the Contras is a very fundamental, fundamental and regrettable, flaw in this measure. I simply would like to have the opportunity this morning to direct some remarks to why I think that is the case, not to unduly delay the proceedings, but because I feel so strongly on the matter.

Last July on the urgent supplemental, the contra issue was raised. I was assured by the leadership and White

House that there would be an appropriate vehicle at a later time. This was apparently the appropriate vehicle—now it has been stripped from the continuing resolution and we are told I suppose it will be taken up later on another appropriate vehicle.

But the point of the matter is aid to the Contras never seems to find the appropriate vehicle. Invariably it passes by an overwhelming margin in the Senate that we shall aid the Contras in Nicaragua. But the House of Representatives killed it. Then when we go to conference invariably we acquiesce in what the House does. I am a little weary of it. I think it is tragic and unfortunate. If Central America falls under Communist domination—and I suspect it will in time—with the negative approach we are taking with it, the President of the United States can point first to the House of Representatives, and then secondly to the U.S. Senate for acquiescing. We are going to lose Central America to the Communists as we lost South Vietnam because the U.S. Congress refuses to provide the aid to continue the struggle in this protracted conflict.

I would like to know the reason we are going to lose in the long run in this cold war, in this protracted conflict with the Soviet Union. If you will note, their territory is always sacred. It can never be taken back. In the case of Granada even, there were Senators here on the floor who said that was a despicable action, and that is only a flyspeck of a piece of territory that we have recovered since 1945. Since 1945, in every continent in the underdeveloped parts of the world the dominoes have fallen—in Asia, in Africa, the Middle East, Central America. But always you will note, their territory is sacred. We cannot retake anything. We can only negotiate that which is ours. And the world is finite. The world is finite geographically. And I submit for a long-term strategic approach to the defense of the West against Soviet adventures by her proxies, such as Cuba, it is a grand blueprint for disaster. Central America, I predict and project, will go Communist because of the failure of the U.S. Congress to provide even the most modest aid to those democratic forces trying to overthrow or interdict the supplies of—put it in a more modest way—the supplies flowing from Moscow and Havana to Managua and into El Salvador for the purpose of destroying that July democratically elected Government.

Mr. STEVENS. Madam President, will the Senator yield for a moment there?

Mr. EAST. I will yield for a question.

Mr. STEVENS. Yes, without losing his right to the floor, Madam President.

I would suggest to the Senator that his statement is counterproductive to his point of view. There is money in this bill for assistance to the Contras. There is $14 million that is there and cannot be used unless the President certifies after February 28, as required by the bill, that the Sandinista government is still exporting revolution, in effect—I am paraphrasing what it says—and Congress has a fast-track provision. I can tell the Senator that it would take less than 31 days to pursue that subject under this report, in terms of fast-tracking both the House and Senate, a resolution to approve the President's certification.

That money is in the bill and it can be used.

The money that was provided the Contras ran out in August. The Contras are still supporting themselves with assistance they are getting from elsewhere in the world. Having that assistance out there to be made available on March 31 will encourage that assistance from other sources to the Contras during this period.

What it means is if the Sandinista government does not stop exporting revolution, the President, who we believe will be reelected, will certify on February 28 that he wants to continue aid to the Contras, and we will have money in this bill for 6 months; $14 million is half of what the President requested. It could not be made available until the first 6 months of this fiscal year.

I say to the Senator that sending a message that we have abandoned this concept is the wrong message to send. Because of our political circumstance in this country, a division between the two parties has occurred in a Presidential election year, though I am not sure it is a division anymore having just read what the candidate on the other side has said. Mr. Mondale indicated he would somehow or other encircle Nicaragua, have Nicaragua contained. He has a policy of containment that he has to enunciate.

In any event, even Mr. Mondale has indicated that the revolutionary tendencies of Nicaragua should be contained in Nicaragua.

The only way we know is to have pressure continued and have the freedom fighters know they have the support of the rest of the world to restore sanity to the government of their country.

Under these circumstances, the present situation is such that from this Senator's point of view, unless the Nicaraguans in fact return to the concept of the Contadora statement of objectives, which they had supported, and they signed that document—unless they return to that concept this bill will provide the mechanism for restoring aid to the Contras by the 1st of April.

Given the circumstance that the House has voted repeatedly against any aid, and the Senate has indicated by a margin that we would support continued aid, and the fact that we are in the middle of a Presidential election year, I say to my good friend this is the best we could do. It amounts to a draw, in effect. It puts off the decision until next year, but the decision is there and that money is in the bill. It is in the bill. It is specifically referred to in the bill, $14 million.

Under those circumstances, I do believe the Senator would be unwise to send a message to the Sandinistas that we have abandoned completely support for the Contras. We have set in motion a process by which the President can once again trigger support for the Contras should the Sandinista government persist. It is not just exporting revolution to El Salvador but the other portions of Central America that are specifically referred to in this bill.

I say to my friend we did not win and we did not lose. This has been a hard-fought conference. Having been the point man on this one, I know what I am talking about. We have not lost. We have not abandoned the Contadora concept. What we are saying to the Sandinistas is, "We have a period of time here because of our internal process and our process of selecting our leader for the next 4 years," whom I believe will be President Reagan, "and you are put on notice that if the President asks for this money on February 28, within the period of March we can approve it."

I predict we will, if Nicaragua continues to export revolution. They are now the most heavily armed people in the Western Hemisphere. They have more standing troops per capita than any other nation in this hemisphere. They have long-range troop carrier aircraft. They have artillery. They have tanks. They have troop-carrying vehicles. They are far beyond the status of any of their neighbors. They are even beyond the status of this country in terms of number of standing military people that they are supporting within their economy for military purposes.

For what? It is time for them to read what they signed in terms of the Contadora statement of principles. If they will pursue that, I think peace can be restored in this hemisphere. If they do not wish to do so, we have left the triggering device in the hands of the President of the United States to commence this support once again.

I hope the Senator understands that and will not indicate to the world that we have abandoned this mechanism of pressure on the Sandinista government.

Mr. EAST. I have the deepest respect for the assistant majority leader, the manager of this report. Reasonable men can differ, of course. I disagree with him. I think this is a convoluted sort of reasoning. Every time we vote on it, it is always further down the road we will do it. But we never do it now. Now we do not do it. It is always going to be forthcoming. The urgent supplemental? Not now, later. So then we bring it up on the continuing resolution. Well, not now; later.

What it will take next year or whenever it is, is the acquiescence of both Chambers. As sure as night follows day the House will kill it—kill it as it has done every time. The Senate will pass it, but it will take a strenuous effort. And then we will be told, "Well, there will be a later time at which we will be able to provide this support."

Right now, the support comes from Western Europe. It shows that the team of leadership in America is no longer willing to give aid, logistic and moral, to those on the front line of the struggle in our own hemisphere. I think it is embarrassing. I will go further: It is disgraceful. We are losing in Central America.

I think symbolically the U.S. Congress ought to be able to go on record as giving the necessary and requisite aid to the Contras, as the President requested, so that the message is loud and clear to Managua, to Havana, and Moscow: "Enough is enough. We do not intend to see the Caribbean Basin turned into a Soviet area of hegemony, control, and dominance."

This is isolationism. This is the 1930 déjà vu, and we are going to pay a heavy price for it, a very heavy price for it.

I profoundly regret it because Managua is a Marxist-Leninist expansionist regime, and they are merely going to look upon this as another victory in delaying the symbol of American commitment as well as the reality of it.

We have a precedent, Madam President—in Vietnam. Congress pulled the rug out from under the President and we lost Southeast Asia and now Vietnam is used by the Soviet Union to extend its power into Cambodia and using Cam Ranh Bay as a naval base to expand its power in the South Pacific, as well as Cuban troops in Africa, as well as Cuban troops even in the Middle East.

I do not have to be a very careful student of international relations to see what is occurring, that the Soviet Union, through her proxies, is doing exactly what Marx and Lenin—Lenin in particular—called for, subverting the soft underbelly of the world and eventually the urban-industrial complex will fall like dried fruit.

That is what is occurring. I agree with Jeane Kirkpatrick, it is not a matter of being hawk or dove, it is a matter of being ostrich. We are being ostrich here in the Congress and when Central America falls under Communist domination, do not point to the White House. Point the finger right here at the U.S. Congress.

We have tried to micromanage American foreign policy with 535 Members of the House and the Senate and we have done an abominable job. We continue to try to do it.

I fear, as Jeane Kirkpatrick recently pointed out, we will simply have to find ways to finance it privately. That currently is where they are getting much of the aid for the Contras—Europe, elsewhere, some in America. It is shameful, I think.

Madam President, I deeply regret that what I think we have done in this conference report is exchange the aid to the Contras and other important defense-related items such as Asat for water projects. With all due respect to my colleagues, those this morning up here bemoaning the loss of water projects, I will tell you what is going to happen in the political season: They are going to go home and say this administration and the majority party in the U.S. Congress and the Senate gutted the water projects; is it not shameful? Because I hate to say it, the average American does not know the difference between a Contra and a caterpillar. He does not know the difference between a Sandinista and a sardine. So they will not know what we are talking about.

They know nothing about foreign policy. That is where leadership comes in. That is where vision comes in. That is what the President has been trying to give us.

Mr. Mondale has basically followed the George McGovern approach. It is the old isolationism of the 1930's: Come home, America; come home. That is isolationism. It merely invites Soviet and Cuban and all of the other proxies to further world adventurism and we are jeopardizing the security, the freedom, and the peace not only in the underdeveloped parts of the world but now right in our own hemisphere.

I think it is a fair question to ask and I do not know a more appropriate time to ask it: At what point does the U.S. Congress intend to do something about it? Never, apparently. Now it is next March. Last July, it was the continuing resolution, I guess. Now it is next March. Come next March, this Congress will not vote for it. We will be told it is next July.

I am sure they are smiling down in Managua now and in Havana and in Moscow. Because of the naivete on the part of the U.S. Congress about what is occurring in the world.

I do not know what more one man can do. I guess nothing. The majority will work its way and so be it. I guess we are going to have a voice vote on it, because no one will want to be embarrassed by having to publicly go on record with the yeas and nays. Oh, no. Oh, no. We shall voice vote it. And we shall go home and campaign and the opposition will say, "Oh, they took away your water projects." And I guess they did.

But they did something more fundamental, I wish we could remind the American people: They have jeopardized the peace and the freedom and the security of their own country in our own hemisphere. And that is a more fundamental datum than the lost water projects here or there or wherever.

I would like the official account of the U.S. Senate, the Congressional Record—that is why I imposed and I apologize and do here before my colleagues—to show that one Senator, at least, the junior Senator from North Carolina, thought it was wrong, wrong, wrong. I think we make a very serious mistake in this very protracted conflict we are now in with the Soviet Union and if these trends continue for the balance of this decade, let alone by the end of this century, the year 2000, we are going to be in a very precarious position in terms of our geopolitical posture in the world.

Somebody needs to say that on the floor of the U.S. Senate. That is why I am here this morning to say it. I would like that to be in the Record. Again, I regret that I have unduly imposed upon my colleagues, but I feel very strongly on this issue.

I argued it on the urgent supplemental, I argued it on the continuing resolution. We won it in the Senate. But every time we go to conference with the House, we lose it and we shall lose it next March. And so it goes.

I do not care how much one tries to gloss it over, make it look cosmetically not as bad as it seems, no matter how tortured or convoluted the reasoning process, ye shall judge them by their fruit, and the fruit of the matter is no aid to the Contras; no moral or logistic support.

I totally dissassociate myself from it and if this is to be a quick yea-or-nay vote so we can all get home and complain about the water project shortages, I would like the Record to show that the junior Senator from North Carolina, if it is really a rollcall vote, voted no on this continuing resolution. Why? No aid to the Contras.

I admire those brave young men down there who fought against Somoza, who are democrats with a little "d", who only ask a most modest form of support, to interdict the supply lines, to save the democratically elected government of Duarte and to try to restore and recapture democratic government in Nicaragua. And we are not willing to help them.

I think it is a shameful thing. I, for one, wish to be disassociated from it. Hence my remarks and my apologies for speaking at such length on the subject.

The PRESIDING OFFICER. If there is no further debate——

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I wish to inform the Senate that the defense appropriations bill contained in the continuing resolution is some $3.5 billion below the Senate bill. The major reductions include $118 million from military personnel accounts, taking them down to the authorization level; $680 million from operation and maintenance accounts, mostly in repricing of fuel and other stock fund items; about $1 billion from readiness procurement items including National Guard and Reserve equipment, spares, conventional ammunition, and other equipment.

We have taken $230 million out of the strategic defense initiative; we have taken $225 million out of shipbuilding; we have taken $125 million out of the B-1. That is a contract reduction.

We have taken $100 million out of the B-52 mods; we have taken $95 million out of the joint targeting radar. As I said, we are $3.5 billion below the Senate figure.

In order to clarify one comment that my friend has made, the House did recede to the Senate on the deployment of sea launched cruise missiles. The House has receded to the Senate on the provision in the House bill to restrict the introduction of combat troops in Central America and agreed to the sense-of-the-Congress language that was in the Senate bill. The House has receded to the Senate with regard to the increase in moneys for the strategic defense initiative and the funds are now at $1.4 billion instead of $1.09 billion as provided in the House bill.

We have abandoned the concept of requiring a second-source production for the M-1 tank engine and receded to the House on that item. We receded to the House on the silver stockpile, and we receded to the House on some of the items that were contained in the readiness item.

The Senate went to the conference $2.6 billion over the House in funding for readiness requirements, and we have, as I indicated, receded in some of those items.

But basically, Madam President, I recommend this report to the Senate. I do believe that under the circumstances we faced in terms of the timing of this conference and the vast number of issues before it, this is the best bill that could be produced.

I ask unanimous consent that a list of appropriations bills enacted to date prepared by the committee staff be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

APPROPRIATION BILLS ENACTED TO DATE

	New budget authority					
	Fiscal year 1985 estimates	Fiscal year 1985 Senate	Fiscal year 1985 Conference	Fiscal year 1985 Con. Res. H.J. Res. 648	Total fiscal year 1985 enacted	Fiscal year 1985 enacted compared to estimates
SUBCOMMITTEE						
Agriculture, Rural Development and Related Agencies [1]	[2] $35,005,331,000	[1] $36,265,474,710	[4] $35,945,747,000	$12,550,000	$35,958,297,000	$952,966,000
Commerce-Justice-State-Judiciary	[2] 22,256,118,000	[3] 11,441,835,200	[5] 11,520,976,200	117,100,000	11,638,076,200	38,958,200
Defense	[6] 292,221,823,000	[6] 278,094,355,000		274,398,173,000	274,398,173,000	(17,823,650,000)
District of Columbia	[2] 503,470,000	[3] 533,343,000	[4] 533,343,000		533,343,000	29,873,000
Energy and Water Development	[2] 15,874,791,000	[3] 15,324,007,000	[5] 15,371,359,000		15,371,359,000	(503,432,000)
Foreign Assistance [7]	14,212,017,226	[6] 13,800,970,056		18,190,366,636	18,190,366,636	3,978,349,410
HUD-Independent Agencies	[2] 54,975,098,000	[3] 56,289,923,000	[5] 56,543,299,775	619,600,000	57,162,899,775	2,187,801,775
Interior	[2] 8,074,098,000	[6] 8,141,830,000		2,745,393,000	2,745,393,000	(5,328,705,000)
Labor, Health and Human Services and Education [8]	[2] 96,868,737,000	[2] 102,716,854,000	[4] 101,416,124,000	573,000,000	101,989,124,000	5,120,387,000
Legislative [9]	[2] 1,642,204,000	[3] 1,596,145,898	[5] 1,595,793,038		1,595,793,038	(46,410,962)
Military Construction	[2] 10,318,200,000	[6] 8,505,958,000		8,405,206,000	8,405,206,000	(1,912,994,000)
Transportation	[6] 11,783,836,584	[6] 11,658,231,584		11,595,085,584	11,595,085,584	(188,751,000)
Treasury-Postal Service	[2] 12,349,687,000	[3] 12,738,652,000	[4] 12,766,276,000	4,059,753	12,770,335,753	420,648,753
Grand total	565,085,410,810	557,107,579,448	235,692,918,013	316,660,533,973	522,353,451,986	(12,731,958,824)
Total continuing resolution excluding LHHS				365,905,899,973		
Total continuing resolution including LHHS				467,322,023,973		

[1] Including section 32 permanent.

[2] House passed bill.

[3] Senate passed bill.

[4] Not yet enacted; incorporated by reference in the continuing resolution.

[5] Enacted.

[6] Reported.

[7] Including BA effect of Exim limitations.

[8] Includes advance appropriations. Fiscal year 1984 supplemental includes an additional $20.5 million in fiscal year 1985 for CPB.

[9] Including compensation of members. Fiscal year 1984.

Mr. EAST addressed the Chair.

The PRESIDING OFFICER (Mr. KASTEN). The Senator from North Carolina is recognized.

Mr. EAST. Mr. President, a parliamentary inquiry. Have the yeas and nays been ordered on this continuing resolution?

The PRESIDING OFFICER. The yeas and nays have not been ordered on the continuing resolution.

Mr. EAST. I request the yeas and nays on the continuing resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, before we take final action on the continuing appropriations resolution. I want to take this opportunity to make a few comments concerning the monumental crime package contained in title II.

Since the Senate passed the Comprehensive Crime Control Act of 1984 in February, I have repeatedly stated that it was the greatest crime package that I had witnessed in my 30 years in the Senate. The strong bipartisan support evidenced in this body, and the endorsements of the administration and a wide variety of interested organizations, have testified to the worthiness of this package. The Justice Department has frequently advised us of the urgent need for its enactment.

Mr. President, title II of this conference report illustrates that even a great idea can be improved. With some modifications in the sentencing, forfeiture, labor racketeering, and justice assistance provision, the amendment which I offered last week is preserved. As I explained to my colleagues at that time, it addressed, in addition to the items in S. 1762, several areas which heretofore have been dealt with in separate legislation—crime victims assistance, missing children, drug czar, trademark counterfeiting, credit card fraud, and terrorism. The conference report makes one further addition—computer fraud.

Mr. President, when the Senate adopted my amendment last week, I included a lengthy list of Senators and staff who have facilitated the progress that this legislation has enjoyed. I want to thank them again for their assistance, particularly my very distinguished colleagues Senators BIDEN, LAXALT, and KENNEDY. This was truly a team effort.

Mr. President, in my remarks of last week, I briefly listed some of the highlights of the crime package this body had under consideration. At this time, I would like to ask unanimous consent to include in the RECORD at the close of my remarks a more detailed description of what the Washington Post has called "one of the most comprehensive and far-reaching pieces of legislation in a decade," along with some comments on the victim-assistance provisions.

There being no objection the material was ordered to be printed in the RECORD, as follows:

COMPREHENSIVE CRIME PACKAGE—TITLE II OF H.J. RES. 648

I. Bail Reform changes would: permit courts to consider danger to the community in setting bail conditions and to deny bail altogether where a defendant poses a grave danger to others; tighten the criteria for post-conviction release pending sentencing and appeal; provide for revocation of release and increased penalties for crime committed while on release; and increase penalties for bail jumping.

II. Sentencing Reform would: establish a determinate sentencing system with no parole and limited "good time" credits; promote more uniform sentencing by establishing a commission to set a narrow sentencing range for each Federal criminal offense; require courts to explain in writing any departure from sentencing guidelines; and authorize defendants to appeal sentences harsher, and the Government to appeal sentences more lenient, than the sentencing commission guidelines.

III. Forfeiture Reform would strengthen and clarify criminal and civil forfeiture laws by providing for: forfeiture of profits and proceeds of organized crime (RICO) offenses; criminal forfeiture in all narcotics trafficking cases; expanded procedures for "freezing" forfeitable property pending judicial proceedings; forfeiture of land used to grow, store and manufacture dangerous drugs; and expanded use of efficient administrative forfeiture procedures in noncontested cases.

IV. Insanity Defense Reform would: limit the defense to those who are unable to appreciate the nature or wrongfulness of their acts; place the burden on the defendant to establish the defense by clear and convincing evidence; prevent expert testimony on the ultimate legal issue; establish procedures for Federal civil commitment of persons found not guilty by reason of insanity if no State will commit him; and modernize procedures for dealing with incompetent defendants and mentally ill convicted persons in the Federal criminal justice system.

V. Drug Enforcement Amendments would: strengthen Federal penalties applicable to narcotics offenses; reduce the regulatory burden on law-abiding manufacturers and distributors of legitimate controlled substances; and strengthen the ability of the Drug Enforcement Administration to prevent diversion of legitimate controlled substances to illegal uses.

VI. Justice Assistance, Juvenile Justice and Missing Children Acts would: authorize a modest program of financial assistance to State and local law enforcement to help finance anti-crime programs of proven effectiveness; authorize an Assistant Attorney General to coordinate activities of the components of the Department of Justice responsible for statistical, research, and other assistance to State and local law enforcement; and reauthorize the Juvenile Justice Act and establish a national clearinghouse and toll-free hotline relating to missing children.

VII. Surplus Property Amendments would facilitate donation of surplus Federal property to State and local governments for urgently needed prison space.

VIII. Labor Racketeering Amendments would strengthen Federal laws with respect to labor-related racketeering.

IX. Foreign Currency Transaction Amendments would improve Federal laws designed to prevent international "money laundering."

X. Miscellaneous Violent Crime Amendments would: establish Federal jurisdiction over murder-for-hire and crimes in aid of racketeering; establish Federal jurisdiction over solicitation to commit a crime of violence; expand the felony-murder rule (18 U.S.C. 1111) to include "escape, murder, kidnapping, treason, espionage and sabotage"; establish a minimum-mandatory 5-year sentence for use of a firearm in a Federal crime of violence; establish an additional minimum-mandatory 5-year sentence for use of armor-piercing bullets in a Federal crime of violence; expand 18 U.S.C. 1201 to include kidnapping of Federal officials; establish a new Federal offense for crimes against family members of Federal officials; expand the Major Crimes Act, which sets out offenses in Indian country, to include maiming and involuntary sodomy; expand 18 U.S.C. 31 to cover destruction of trucks; establish Federal sanctions for causing serious damage to an energy facility; expand 18 U.S.C. 1114 to include attempted assaults and assaults upon U.S. intelligence officers, and to allow the AG to designate other persons for coverage; create Federal penalties for escape from custody resulting from civil commitment; amend 18 U.S.C. 844 to clarify present law to ensure that tougher penalties for arson are applicable where firemen suffer personal injury; and include obscenity offenses as predicate crimes triggering application of the RICO (racketeering) statute.

XI. Serious Non-Violent Offenses Amendments would: amend 18 U.S.C. 2232 to cover warning the subject of a search; establish Federal sanctions for theft or bribery involving Federal program funds; establish Federal sanctions for counterfeiting of State and corporate securities; amend 18 U.S.C. 2113 to cover receipt of stolen bank property; add a new § 215 to title 18 to cover bank-related bribery; add a new § 1344 to title 18 to cover bank fraud including check kiting; improve penalties for trafficking in drugs, weapons, or other contraband in Federal prisons; establish Federal penalties for fraud of $10,000 or more involving livestock; and amend the current ban against Federal officers' or employees' acting as agents of foreign powers to clarify that the prohibition applies to Members of Congress.

XII. Procedural Amendments would: lower from 16 to 15 the age at which a juvenile may be prosecuted as an adult for serious crimes of violence and drug trafficking offenses; amend wiretap laws to permit emergency wiretaps in life-endangering situations and expand the range of predicate offenses to include child pornography, illegal currency transactions and crimes against victims and witnesses; revise 18 U.S.C. 3237 to permit prosecution of threat offenses in any district from, to or through which the threat travels; authorize civil injunctions against fraud pending criminal prosecution; authorize government appeal of new trial orders; improve the Witness Security Program and authorize assistance to victims of crimes committed by Federally protected witnesses; amend Foreign Agent Registration Act to shift powers now held by Secretary of State to the AG; provide for Federal jurisdiction over crimes by or against U.S. nationals in a place outside the jurisdiction of any nation (e.g. Antarctica or the moon); and direct the Attorney General to report to the Congress concerning use by criminal defendants of internal DOJ guidelines as the basis for challenging criminal prosecutions.

XIII. National Narcotics Act would create a National Drug Enforcement Policy Board, chaired by the Attorney General, to coordinate Federal drug law enforcement activities, including the development of budgetary priorities.

XIV. Victim Compensation and Assistance Amendments would: establish a Crime Victims Fund in the Treasury composed of forfeited appearance bonds, criminal fines, and other funds collected from convicted defendants, totaling not more than $100 million per annum; authorize grants to State victim compensation programs of up to 35% of prior year payouts; authorize grants to the States for eligible victim assistance programs, including crisis intervention services and assistance in participating in criminal justice proceedings; authorize the Attorney General to spend up to 5% of the Fund for victim assistance on the Federal level and to appoint a Federal Crime Victim Assistance Administrator; authorize Federal judges to order convicted Federal defendants to forfeit proceeds from depictions of their crimes in written or entertainment productions; and authorize victims to make statements at Parole Commission hearings about the impact of the crime.

XV. Trademark Counterfeiting provisions would: provide strong Federal penalties for intentionally trafficking in counterfeit goods and services and knowingly using a counterfeit mark thereon; and authorize Federal courts in civil actions to issue ex parte orders for seizure of counterfeit goods, with safeguards for the rights of defendants and interested third parties; and require the imposition of treble damages in certain cases.

XVI. Credit Card Fraud Act of 1984 would provide strong Federal penalties for producing or trafficking in counterfeit credit and debit cards or card-making equipment, or possessing fifteen or more counterfeit cards, with intent to defraud.

XVII. U.S. Attorneys' Salaries provisions would correct certain anomalies under current law.

XVIII. Armed Career Criminal Act of 1984 would provide a mandatory minimum term of imprisonment of at least 15 years for persons with three felonious robbery or burglary convictions who subsequently possess firearms in commerce.

XIX. Criminal Justice Act Revision would increase the fees for criminal defense attorneys with indigent clients.

XX. Terrorism Amendments would: authorize up to life imprisonment for hostage taking; and provide strong Federal penalties for destruction of aircraft or aircraft facilities, acts of violence endangering aircraft safety, and related criminal activities.

XXI. Computer Fraud Amendments would make it a Federal offense to: access a computer without authorization to obtain certain restricted information with reason to believe it would be used to the injury of the United States; access a computer without authorization to obtain records protected by the Right to Financial Privacy Act or the Fair Credit Reporting Act; and access a Federal government computer without authorization to use, modify or destroy information.

XXII. Labor Racketeering Amendment makes clear that Federal labor racketeering sanctions do not preempt State enforcement with relation to racketeering.

XXIII. Additional Forfeiture Amendments improve operation and administration of the forfeiture laws of the United States.

DISCUSSION OF SELECTED VICTIM ASSISTANCE PROVISION

FEDERAL CRIME VICTIM ASSISTANCE ADMINISTRATOR

The victims assistance provisions authorize the Attorney General to designate a Federal Crime Victim Assistance Administrator to administer the portion of the Fund reserved for assistance to victims of Federal crimes. It is anticipated that the Department will place the Federal Administrator in a high position in the chain of command overseeing the operations of the divisions having direct responsibility for Federal victims.

The Federal Crime Victim Assistance administrator is assigned the specific responsibility of coordinating Federal victim assistance activities with related State and local efforts. Whenever practical, it is anticipated that the Administrator will seek to use the services of local victim service providers that qualify for funding under Section 4. This is not, however, intended to place responsibility for the Department of Justice's grants and technical assistance programs for State and local victim service providers in the Federal Administrator.

The Federal Administrator may also perform such other functions related to the purposes of the Act as the Attorney General may require. An example of such a function would be to ensure that the Parole Commission informs the U.S. Attorney's Offices of upcoming hearing dates so that the U.S. Attorneys can timely inform victims of their opportunity to present their views at the hearing.

SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME

In fashioning the original Senate bill, S. 2423, and this compromise with Members of the other body, we carefully considered whether the Government may constitutionally take any profits accruing to a convicted defendant from the exercise of his First Amendment rights. We believe that the proposal in this conference report is fully compatible with the First Amendment and the Due Process Clause of the Constitution.

First, this restriction on conviction on convicted criminals' constitutional rights is no more harsh than other constitutionally valid limitations on their rights. In most, if not all jurisdictions convicted felons lose the right to vote. Incarcerated criminals also commonly lose First Amendment rights concerning mail and freedom of speech. In addition, the conditions routinely placed on parolees and probationers restrict their exercise of certain First Amendment rights, most notably the freedom of association with respect to other criminals. These restrictions are considered legitimate restraints on criminals' conduct because they are designed to reduce the likelihood that the criminal and others will engage in criminal conduct in the future. The rationale supporting the procedure proposed in this conference report is identical: the Government does not want glorified accounts of crime and the financial gain derived from such accounts to inspire others to perform similar acts.

Second, the Government may, in certain circumstances, constitutionally deprive a person of the profits accruing from the exercise of literary rights. The Government may, for example, take an author's profits in satisfaction of back taxes, a judgment owed the United States, or other debt to the Government, without abridging his constitutional rights. Similarly, the Government may impose a legally authorized fine upon a convicted defendant and collect it out of the defendant's literary profits, even if those profits constitute all of the criminal's assets.

Third, the proposed taking has a legitimate revenue purpose. It is designed as a source of money for a Crime Victims Fund, to be expended for the relief of victims of crime.

Finally, the proposal in no way restrains a criminal who simply wants to tell his story without reimbursement. It is thus difficult to see how there could be any "chilling effect" on First Amendment rights.

Let me emphasize that these forfeiture provisions apply only to a convicted defendant. Furthermore, substantial safeguards for the defendant's rights, including right to counsel, and the rights of innocent third parties are spelled out. On balance, these provisions fulfill a clearly legitimate Government purpose, with due deference to First Amendment and Due Process rights.

NATIONAL LIBRARY OF MEDICINE

Mr. HOLLINGS. Mr President, I wish to commend my colleagues for their work in conference concerning funds for the National Library of Medicine in the fiscal year 1985 continuing resolution.

Unfortunately, due to constraints imposed by the budget ceiling, we have only been able to recommend $3.5 million for the National Library of Medicine and its integrated academic information management systems. This represents a little less than half of the $7.4 million required in fiscal year 1985 to maintain the development of this vital program. Nevertheless, the additional funding we provided in the conference report represents an important step forward in making critical biomedical information readily available to medical centers and health professionals throughout the country.

I take this opportunity to thank my fellow conferees for their diligent efforts on the continuing resolution. They have had to work under difficult time constraints to meet the genuine needs provided for in this report. The work on fiscal year 1985 funding for the National Library of Medicine will benefit all of us. Our Nation's health professionals and research scientists are the finest in the world, The quality and quantity of their research have made possible longer and healthier lives. The National Library of Medicine provides the critical service of collecting and disseminating the mass of biomedical research and information. These additional funds will provide the vehicle for enabling medical students and physicians to use this information in providing for our Nation's health care.

FOREIGN ASSISTANCE

Mr. KASTEN. Mr. President, I believe the foreign assistance section of the continuing resolution is a fair and reasonable compromise between the House and the Senate. Total new budget authority is $14.3 billion—$115.6 million below the President's request.

We were able to come to terms on those issues which we were aware would be difficult.

TURKEY

We were able to agree on a total military assistance package for Turkey at the level of $700 million—$485 million in FMS and $215 million under the Military Assistance Program, with the Senate language requring that the President certify that the U.S. Government is acting with urgency and determination to oppose any actions aimed at effecting a permanent bifurcation of Cyprus; and calling upon the Government of Turkey to take all necessary steps to reverse the declaration of an independent Turkish Cypriot state; and that Turkey make efforts to ensure that the Turkish Cypriot community is not taking any actions that would prejudice the outcome of international talks on the future of Cyprus.

IDA

The Senate receded to the House position on an additional $150 million for the International Development Association—which brings the fiscal year 1985 level for IDA to $900 million.

PRIMARY HEALTH CARE

We have increased the Senate level for health by $18,138,000 and in addition added $50 million for primary and related health care services, and basic health care education, to be provided through private and voluntary oganizations and international organizations wherever appropriate. That gives us a total of $223,138,000 for health care.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement on U.N. voluntary programs is $358,676,500. Of particular interest to my colleagues are: $165 million for the U.N. Development Program, $53,500,000 for UNICEF, $10 million for the U.N. Environment Program, $90 million for the International Fund for Agricultural development, and $100,000 for the U.N. Voluntary Fund for Victims of Torture.

EL SALVADOR

The conferees have agreed upon a cap of $195 million in economic support funds for El Salvador, $6 million of which shall be used for programs and projects to promote the creation of judicial investigative capabilities. In addition, the conferees agreed upon a cap of $111,750,000 in Military Assistance Program funds, $5 million of which may not be expended until those responsible for the murders of the U.S. land reform consultants and the Land Reform Institute Director have been brought to trial and a verdict obtained.

ISRAEL

The Senate levels for Israel have been incorporated in the conference report—$1.4 billion in foreign military credit sales, and $1.2 billion in economic support funds—all grant.

Mr. President, those are some of the highlights of the foreign assistance portion of the continuing resolution. If there are any specific questions my colleagues have, I would be happy to answer them.

Mr. President, before closing, I would like to thank the distinguished chairman of the Appropriations Committee, whose patience and leadership during this very difficult period was inexhaustible. In addition, I would like to thank my distinguished ranking member, Senator INOUYE, without whose assistance this very fine compromise could not have been reached.

CIVIL LIBERTIES

Mr. SYMMS. Mr. President, I would like to call to the attention of my colleagues a little-known provision that was included in the crime package that was passed by the Congress.

The crime bill included a provision which, I believe, severely impacts upon the civil liberties of individual American citizens. The provision to which I am referring states:

> A customs officer may stop and search, without a search warrant, a . . . person entering or departing from the United States with respect to which or whom the officer has reasonable cause to believe there is a monetary instrument being transported.

The provision is an expansion of Government powers for warrantless searches of people innocently exercising their constitutional right to travel abroad.

For the past 6 years, Congress has been pushed by various administrations to increase the powers of law enforcement over movements of money in our society.

I would like to ask why the administration should have this power in the first place? This provision empowers the Secretary of the Treasury to make American citizens fill our financial declarations in advance of any foreign travel. Will the Customs Service begin to require everyone to undergo an exit interview in the future, to make sure all reports have been filed?

Moreover, this bill is not restricted to enforcing the law against criminals with suitcases full of cash, as the term "money laundering" suggests. This bill will affect anyone who carries any money or valuable coin or paper out of this country. U.S. gold coins, rare stamps, art objects, stocks, bonds, and promissory notes are apparently included in the provisions of the bill the Congress recently enacted.

The person victimized under the recently passed legislation is not guilty of any other violations—the only crime is a failure to tell the Government before you leave.

This proposal to strengthen the Bank Secrecy Act is a direct assault on individual rights that was done under the guise of regulating the economy and a drug-enforcement measure.

Everyone who has spoken in favor of this idea over the past 6 years cites drug trafficking as the target. They say that this new provision will be a new tool in the war against crime. The arguments against drug smugglers are thrown about as if this legislation were strictly directed against organized crime. But this provision was and is not simply a drug-enforcement measure. It is a broad grant of power to the Secretary of the Treasury to require advance submission of financial disclosure reports and pay rewards to informants who spy on business associates or neighbors who may be trying to leave the country without reporting their financial affairs.

The United States does not and has not imposed any other restrictions on the freedom of our citizens to travel. That is, we did not impose any restrictions until now.

Mr. President, I am somewhat familiar with this issue because when I was a Member of the other body in 1980, I defeated the then so-called Drug Traffic Act, H.R. 5961. That bill, like the measure that was recently enacted, was also mistakenly identified and labeled because it did not in any way mention or deal with drug trafficking. In 1980, I worked with the ACLU to defeat this provision because they believed, as I do, that one of the tenets of a free society is that you are allowed the privilege of taking your belongings and leaving the country any time you wish.

During previous debate on this issue, it was stated that if one's activities are legal, one should have no objection to warrantless searches or the 1970 act. That argument completely ignores the rights of privacy. The Congress using that argument can justify wiretapping, surveillance, and so forth under the guise that innocent individuals have nothing to fear. I need not remind you that the Soviet Union operates on the same premise.

It is important that Members of Congress realize that by enacting this provision we set into place the mechanism by which foreign exchange controls could be easily imposed. While many may refute the possibility of foreign exchange controls, the reality of current trends should not be dismissed. Very few thought that gold assets would become illegal or that banks would be closed that fateful day in 1933. Very few believed that wage-price controls would be imposed, but they were and some Members are calling for controls again. The point is that the web of Government controls and regulation continues to tighten around the individual. As economic problems worsen, governments take more money and freedoms away from the people in the name of "public interest." As Harry Schultz once said, "History repeats itself because every generation refuses to read the minutes of the last meeting."

I suggest, Mr. President, that we readdress this abuse of individual rights just as soon as the 99th Congress convenes.

1985 AGRICULTURE APPROPRIATIONS BILL

Mr. COCHRAN. Mr. President, there are a couple of matters concerning the 1985 agriculture appropriations bill that I would like to clarify for the RECORD.

First, the joint explanatory statement of the conference committee on the agriculture appropriations bill (98-1071) stated that $3,000,000 is provided for postgraduate fellowships. It further noted that "$2,000,000 is included for postgraduate fellowships in connection with the 1890 land-grant colleges and Tuskegee Institute, for a total USDA program of $5,000,000." It should have stated that $2,000,000 is included elsewhere in the bill for a program of higher education strengthening grants for the 1890 colleges and universities, Tuskegee Institute, and the University of the District of Columbia.

In addition, Mr. President, the Senate report on the 1985 Agriculture appropriations bill (98-566) contained language urging the Food and Drug Administration to take whatever steps necessary to meet the agency's stated timeframe for issuing a final rule governing the availability of over-the-counter weight control drugs containing phenylpropanolamine, better known as PPA. This language was designed to encourage FDA to reach a decision on this important matter in a timely manner. It was not meant to compromise the integrity or the intensity of FDA's evaluation of this issue nor of the process through which FDA must go in order to reach the proper decision.

We understand from the Commissioner of the Food and Drug Administration that FDA's proposal is now in the clearance process prior to publication, and that the date stated in the committee report, September 30, 1985, is not a realistic target date for issuance of a final rule. Therefore, it is our position that FDA should issue the rule as soon as the process will allow. However, we will still expect

FDA to furnish the committee a report on its progress in this area by January 31, 1985.

I ask unanimous consent that a copy of a letter from the Commissioner of the Food and Drug Administration concerning this issue be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
Rockville, MD, September 26, 1984.

Hon. THAD COCHRAN,
Chairman, Subcommittee on Agriculture and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR COCHRAN: I have been asked to advise you of the status of FDA's safety and efficacy review of over-the-counter weight control drugs containing phenylpropanolamine.

Your Committee Report accompanying the Bill providing appropriations for 1985 requested that we make every effort to issue a final rule concerning these products by the end of Fiscal Year 1985 and asked for a status report on our progress by January 31, 1985.

Our proposal concerning these products is now in the clearance process prior to publication. When we allow for the clearance to be published, time for comment and the submission of additional data, and time to evaluate comments and data received, it is highly unlikely that this process could be completed prior to September 30, 1985.

I can assure you that we are giving this careful attention in the context of many competing priorities, but I believe any attempt at undue haste in our careful evaluation of this product would not well serve the Committee, the FDA, or the public. I trust you agree and hope I have your support as we continue to work toward the conclusion of this process.

Sincerely yours,
FRANK E. YOUNG, M.D., Ph.D.,
Commissioner of Food and Drugs.

BLOOMER LINE LEGAL ELIGIBILITY

Mr. DIXON. I would like to direct a simple inquiry to the Senator concerning the discretionary appropriations for local rail freight service assistance. As the Senator knows, the Congress has funded a feeder line project authorized under section 511 of Public Law 97-468. Without constraining the discretion of the Federal Railroad Administration, can the Senator confirm that this project continues to be eligible for local rail freight assistance under this appropriation act?

Mr. ANDREWS. The Senator is correct. That particular project is eligible for funding under the local rail freight service program, and both the FRA and the State of Illinois should consider funding that project to completion.

COMPLIANCE IN THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I appreciate the tremendous efforts that the distinguished Senator from Pennsylvania has made to help the District of Columbia resolve the problems it faces as a result of the Supreme Court's decision in *INS* v. *Chadha,* 103 S. Ct. 2764. Correcting the District of Columbia self-government and Governmental Reorganization Act, commonly referred to as the Home Rule Act, to bring it into compliance with the Constitutional standards of bicameral congressional action and presentment to the President will enable the city to function once again as the municipality Congress intended it be.

Mr. President, as Chairman of the Senate Governmental Affairs Subcommittee on Governmental Efficiency and the District of Columbia, I have worked closely with the city, Members of the House and many others to resolve the Chadha problems facing the District. After the Supreme Court's decision in the summer of 1983, we gathered numerous legal and legislative experts to determine the best way to address the problems the decision raised. The fruit of that labor, H.R. 3932, is the language that has been included in the conference report before the Senate today. Its Senate companion, S. 1858, was the subject of two hearings in the governmental Efficiency and the District of Columbia Subcommittee on September 28, 1983 and April 25, 1984. H.R. 3932 was approved by the House of Representatives on October 4, 1983 and referred to the Senate Governmental Affairs Committee which amended it and reported it to the Senate (Senate Report 98-635). It has been added to this appropriation bill for the District of Columbia because of its urgency and because of the short time remaining in this Congress.

For the record, Mr. President, I should like to explain briefly the provisions of this amendment. They are identical to the provisions of H.R. 3932 as reported by the Governmental Affairs Committee.

First, it addresses the four constitutionally questionable veto provisions contained in the Home Rule Act and the Retirement Reform Act by requiring in each case the utilization of a joint resolution. Joint resolutions, like acts of Congress, require bicameral action and presentment to the President. The amendment intends to make no other change with respect to the congressional review and disapproval processes, except in section 602(c)(2) as explained below.

Second, the amendment "deems valid" all District of Columbia statutes that have been enacted by the District of Columbia government and survived the congressional review process since the inception of the Home Rule Act procedure. More than 700 laws fall into this category. The two D.C. acts against which the Home Rule Act's legislative veto has been exercised (D.C. Act 3-120, Location of Chanceries Act of 1979; D.C. Act 4-69, District of Columbia Sexual Assault Reform Act of 1981) are not affected by the provisions of this amendment. It will affirm neither the vetoes nor the underlying council enactments. The amendment would in no way revitalize or make effective either of these two council enactments.

Third, the amendment addresses a potential problem caused by Chadha at the D.C. Council level. In four circumstances, the Home Rule Act provides for a city council veto of mayoral acts. During the 10 years home rule has been in effect, the city council, Mayor, and the Congress have also allowed the city council to use "resolutions" to veto mayoral actions in certain instances. This practice is analogous to the use of a legislative veto at the Federal level, and as such, is most probably a violation of the Home Rule Act. Congress, as the drafter of the Home Rule Act, can correct the problem.

The language in this amendment which addresses the matter has been agreed to by the Mayor and the chairman of the city council. The language is designed to validate current practice statutorily and to be exemplary of those instances in which the city council can employ a "resolution" as a veto over mayoral acts.

Fourth, the amendment will add a severability clause to the Home Rule Act. The Governmental Affairs Committee does not intend to infer anything concerning the intent of the Congress which enacted the Home Rule Act concerning severability. However, since the court in Chadha indicated that the existence of a severability clause would be one yardstick by which it would measure whether Congress would have enacted legislation absent defective provisions, the Governmental Affairs Committee believes its inclusion in the act is beneficial for future purposes.

Five, the amendment will extend the congressional review period for criminal enactments of the council from 30 legislative days to 60 legislative days. This is done in response to concerns raised by the Department of Justice which testified that the joint resolution of disapproval procedure makes it too difficult for the Congress to disapprove a criminal enactment of the council, should that be found necessary.

The Justice Department urged two alternative solutions to this perceived problem. The first would require all criminal acts passed by the District Government to be enacted by affirmative action of the Congress and the President; other District Government enactments would become law automatically, unless they were disapproved by joint action of Congress and the President.

The second proposal is similar, except that it would narrow the requirement of affirmative approval from all criminal acts to only those criminal acts that the Attorney General certified to Congress affected a serious Federal interest. Under this scheme, civil acts and some criminal acts passed by the District Government would become law after passage of the 30 legislative days, absent congressional and presidential disapproval. Those criminal acts, which the Attorney General certified would impair the Federal interest, would not become law unless Congress and the President affirmatively enacted them.

The Justice Department proposals were given careful consideration by the Governmental Affairs Committee. However, each posed enough serious problems that the Governmental Affairs Committee adopted an alternative. The Department's first proposal would strip the District Government of its criminal jurisdiction entirely, effectively reducing the District Council to the status of an advisory committee with respect to criminal legislation. The second proposal, by incorporating the Attorney General into the review process, would give an unprecedented unilateral veto authority over the enactment of local laws to one Federal official and would effectively allow the Attorney General to determine how Congress conducts its oversight of the District in the area of criminal law.

As an alternative, in order to maintain the intent of Congress in enacting the Home Rule Act while also addressing the concerns raised by the Department of Justice, the Governmental Affairs Committee chose to extend the congressional review period for criminal acts to 60 legislative days. Legislative days is defined to exclude "Saturdays, Sundays, and Holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days", thereby assuring a lengthy period during which the action of the council in enacting a criminal law can be closely examined by Members and during which an effort to disapprove can be mounted in both Houses when it is deemed appropriate. In addition, the amendment makes it clear that the unusual automatic discharge and expedited procedure provisions currently included in the law will continue to apply to resolutions of disapproval of criminal laws. The Governmental Affairs Committee believes these provisions will provide adequate mechanisms to ensure that the concerns of the administration and the Department of Justice are given every consideration during the oversight process.

Mr. President, passage of this amendment is urgent indeed. That is why the White House, through the President's adviser, Edwin Meese, has stated its support for the action we are taking today. Once again, I would like to commend the Senator from Pennsylvania for his diligent efforts on behalf of the city on the matter and on many others. I urge my colleagues to accept this amendment, and to adopt the conference report.

MILITARY CONSTRUCTION APPROPRIATIONS

Mr. LEVIN. Mr. President, this conference report on the continuing resolution contains congressional agreement on the final version of the fiscal 1985 Military Construction Appropriations Act.

I am gratified that the conferees agreed to include projects worth about $28 million for new construction at active duty and National Guard/Reserve military facilities in Michigan. Those projects will make a significant contribution to our national security as well as give a healthy boost to the Michigan economy, especially its ailing construction industry.

I am particularly pleased that the conferees saw fit to appropriate full funding for several projects at Michigan's Strategic Air Command [SAC] bases, K.I. Sawyer and Wurtsmith Air Force Bases, which were added to the fiscal year 1985 military construction budget at my initiative—$2.5 million air launched cruise missile [ALCM] storage igloos and a $600,000 refueling vehicle heated parking building at each base.

These four projects are both militarily justified and fiscally prudent to accomplish in fiscal year 1985. I am gratified that the Senate and House Armed Services Committees recognized the military and fiscal good sense of authorizing all four projects in fiscal year 1985, and I appreciate the support I have received from both Appropriations Committees in providing full funding now.

These projects are important to maintaining and improving the long-term viability of both bases, especially since they enable the bases to accomplish more effectively the ALCM mission which is becoming more and more important in our strategic deterrent force.

I also would like to mention two other important military construction projects at these bases, one of which was considered by the conference and approved. I would like to engage in a brief colloquy about the other with the distinguished chairman, Senator Mattingly, and the distinguished ranking minority member, Senator Sasser, of the Military Construction Appropriations Committee.

These two projects—a $700,000 library at Wurtsmith and a $900,000 library addition at K.I. Sawyer—are important quality of life improvements needed to upgrade the present, ramshackle and grossly overcrowded, inadequate facilities at these bases. I have visited both facilities, and the bomb wing commanders at both bases have pleaded for relief for their personnel, who have no real other facilities convenient to the bases in which to study or to pursue recreational reading.

Wurtsmith's $700,000 library was approved by the conference, and I thank the subcommittee for its agreeing to my request that it do so. The $900,000 library addition for K.I. Sawyer was not discussed because it was not before the conference as a specific line item appropriation in either the House or Senate bill. This was due to the unique timing of the completion of the fiscal year 1985 Military Construction Authorization Act and the reporting out by both committees of the companion appropriations measures.

The merits of the $900,000 library, however, were recognized by the Armed Services Committees, which specifically mentioned in their statement of managers on the authorizing legislation that the project should be accomplished in fiscal year 1985 with funds from the $21 million authorized for Air Force minor construction.

The continuing resolution conference report appropriates $21 million for Air Force minor construction, and I would like to ask the chairman and ranking minority member of the Military Construction Appropriations Subcommittee whether it is their subcommittee's intention that these funds be used to construct K.I. Sawyer's $900,000 library addition in fiscal year 1985, in addition to those other minor construction projects specifically mentioned in its conference report now before us?

Mr. MATTINGLY. Our subcommittee agrees with the authorizing committees that this project also should be constructed in fiscal year 1985. The Senator from Michigan has made a persuasive case that this library addition will make a significant improvement in the working and living environment of K.I. Sawyer Air Force Base.

Mr. SASSER. I would underscore what the chairman has said. This library addition has merit and also should be constructed in fiscal year 1985 with Air Force minor construction funds. The Senator from Michigan should be commended for the lead he has taken in convincing our subcommittee to approve this and all the other projects for Michigan that were before the conference. He again has demonstrated his commitment to maintaining and improving our strong national defense posture in a fiscally responsible manner.

Mr. LEVIN. I thank the chairman and ranking minority member. We ask a lot from our military personnel and their families in the rigorous winter duty environment of the "Northern Tier" SAC bases such as K.I. Sawyer and Wurtsmith. Since quality of life is a fundamental consideration in decisions by these skilled personnel to reenlist, both these libraries will recognize their sacrifices as well as positively influence these decisions.

COMPUTER CRIME PROVISIONS

Mr. MATHIAS. Mr. President, the conference report on the continuing resolution (H.J. Res. 648), includes some provisions on computer crime which were not part of the continuing resolution as passed by either House. The conference report is therefore subject to a point of order, since it contains material that is outside the proper scope of the conference. The objectionable provisions form only a very small part of the massive measure that is before us, and in order to expedite the presentation of a continuing resolution to the President, I am prepared to withhold my objection. But I want the record to reflect my view that the inclusion of these computer crime provisions on the continuing resolution epitomizes the drawbacks of this inappropriate method of enacting permanent legislation on highly controversial issues.

I am particularly concerned about one of the new crimes created by the computer crime legislation we are about to send on to the White House. It makes it a misdemeanor to "knowingly use * * * or disclose information in [any] computer * * * operated for or on behalf of the Government of the United States," if the computer is accessed without authorization, or if the scope of authorized access is exceeded.

The sweep of this language, if read literally, is astonishingly broad. Government computers contain vast quantities of information on every imaginable subject. The use or disclosure of any of this information, no matter how innocuous, appears to be a crime, subject only to the limitation that the defendant obtained the information from a computer without authority or in excess of his authority.

Senators should note that the language of this section focuses on whether access is authorized, not on whether the use or disclosure of information is authorized. Thus, it appears that information whose release is mandated by the Freedom of Information Act is also covered. This information, to which Congress has determined that the public should have an unfettered right of access, may not, under the bill before us, be released by a Government employee whose authority to obtain it is in any doubt. This, at least, is the reading suggested by the words of the bill.

If this reading is correct, the impact on the Freedom of Information Act, and on the public's right to know, could be profound. Although the FOIA gives courts jurisdiction to determine whether Government documents may or must be released to the public, anyone who has ever used that statute knows that its effectiveness depends on voluntary compliance by Government agencies with its strictures. Under existing law, when an FOIA officer in a Federal agency receives an information request, the main question that he or she must resolve is whether the document sought is subject to mandatory release, or whether one of the discretionary exemptions provided by the FOIA is applicable. If the computer crime provision before us becomes law, an additional, and essentially irrelevant, factor will take on controlling significance if, as will increasingly be the case, the information sought is contained in a computerized data base. Even if the FOIA officer determines that the information sought falls outside any FOIA exemption, and therefore may not be withheld, the question will then become whether the employee asked to release the data has authority to obtain it. In any close case, the doubt is sure to be resolved against the interests of the public, since an incorrect assertion of authority could expose the Government employee to prosecution and imprisonment. It is not hard to imagine what will happen to the prevailing regime of voluntary compliance with FOIA, once this additional hurdle is placed in the way of the Public's right to know. Faced with the prospect of criminal prosecution, even for an authorized disclosure, more and more agency officials will play it safe, and let the courts decide.

I am sure that this consequence of the passage of this legislation is unintended. The authors of the computer crime bill surely did not set out to write a blanket secrecy statute rolling back the Freedom of Information Act; but, unfortunately, the plain language of the bill suggests that that is precisely what is before us today. A fuller legislative history might have helped to correct this problem; but the route that this bill has traveled has not been conducive to such explication. The provision that I have been discussing formed proposed section 1030(a)(5) of title 18, in H.R. 5616, the credit card fraud bill to which the computer crime legislation was attached in the House of Representatives. Both the report of the House Judiciary Committee on H.R. 5616, and the debate in the other body when it was passed last July, give scant attention to section 1030(a)(5). As I have mentioned, neither the House nor the Senate included these provisions in the continuing resolution. The computer crime sections were added by a subcommittee of the conference committee, literally in the middle of the night last Thursday, or the early hours of Friday morning. The full conference committee, distracted by ongoing disputes over wholly unrelated portions of the continuing resolution, ratified its subcommittee's recommendation, and the conference report has now been approved by the House. Nowhere along the line has there been an opportunity for the Senate to examine the computer crime bill in enough detail to iron out the problems that may be caused by the excessively broad sweep of this subsection, to say nothing of other parts of the bill that could be improved. One could hardly hope to find a better object lesson in the shortcomings of legislation by rider.

The problem of computer crime is a real and growing one. Our challenge is to fashion an appropriate Federal response.

In my view, H.R. 5616 represented an important first step in that process, and its principal authors, Representatives WILLIAM HUGHES and HAROLD SAWYER, deserve credit for getting the ball rolling. But much more remains to be done, not only to shape a comprehensive response to the problem, but also to correct the wobbly course on which this legislation launches us. The hearings that Senator LAXALT plans to hold in the Criminal Law Subcommittee early in the next Congress should provide a good forum for tackling these important tasks. I plan to follow closely the progress of this effort.

Mr. LAXALT. I understand that computer crime sections of the crime package included on the continuing resolution do not contain a specific exception for the activities of legitimate governmental law enforcement or intelligence agencies. I ask my colleague, the manager of that section, if this was deliberate?

Mr. RUDMAN. I am glad the Senator brought up that subject. I say to my friend that a specific exemption was left out inadvertently when the conference agreements reached on the crime package were reduced to writing. Any corrective language proposed next year to correct this error would certainly have my support.

However, it is the view of several authorities that have looked at this issue that there already exists more than adequate protection for legitimate law enforcement and intelligence activities under existing law, particularly existing common law. Nothing in the crime package is intended in any way to limit those existing legal protections.

Mr. LAXALT. I thank my colleague for that clarification.

HUSH KITS

Mr. BENTSEN. Mr. President, I would appreciate a point of clarification regarding the transportation section of the continuing resolution. Under FAA regulations, carriers are required to modify their aircraft, for landing at U.S. airports, with "hush kits" to comply with FAA noise regulations. These regulations require the acquisition of noise abatement devices, hush kits, originally expected to be available in time to meet the January 1985 deadline.

I am concerned with two phrases in the Chiles/Hawkins amendment to the continuing resolution which could create a loophole system for obtaining hush kit exemptions. The language therein states: That an application for an exemption from compliance with Public Law 96-163—hush kits—must "include a copy of a contract entered into by the applicant and a known supplier." My concern is that the terms "contract" and "known supplier" are not sufficiently defined to prohibit the execution of bogus contracts by some unscrupulous carriers and "paper plan" suppliers, for the sole purpose of obtaining an aircraft noise compliance exemption.

Mr. CHILES. Will the Senator from Texas yield?

Mr. BENTSEN. Yes, I am happy to yield.

Mr. CHILES. Mr. President, I recognize the concerns the Senator from Texas has regarding these terms. Let me say that in no way are these terms meant to encourage bogus contracts of "paper plan" suppliers. By that I mean the Secretary of Transportation, in creating guidelines to provide for this exemption, shall carefully review both the contract and the status of the supplier, in the certification process, to determine whether an exemption is warranted. Therefore, exemptions issued under this provision shall only be issued, if and only if, a carrier has entered into a good faith contract with a bona fide supplier. By bona fide supplier, I mean one who has been substantially involved in the FAA's certification process for hush kits at the time of enactment of this legislation.

Mr. BENTSEN. Will the Senator yield?

Mr. CHILES. I yield.

Mr. BENTSEN. Mr. President, I am satisfied with the explanation of the senior Senator from Florida. It is my concern that this issue of exemption not impact on the competitive and free enterprise system.

EXEMPTIONS FROM AVIATION SAFETY AND NOISE ABATEMENT ACT

Mr. CHILES. Mr. President, the sponsors of the amendment to the continuing resolution which provided exemptions from the Aviation Safety and Noise Abatement Act for international operations at Miami and Bangor International Airports would like to take a moment of the Senate's time to engage in a colloquy on our specific intent in offering the amendment. Given the late hour, and the last-minute attempts at compromise which led to the development of the wording which has been adopted, it was not really possible for any of the sponsors to make any definitive statements as to what we were offering. And since it was what many of us felt to be a failure of the Department of Transportation to properly interpret existing law that led to this entire effort, I would like to ensure that we limit the possibility of a repetition by being rather specific.

Mrs. HAWKINS. I would like to first note that what we have in effect done is to determine, by passage of the amendment, that carriers conducting international operations out of Miami and Bangor, and which operate aircraft that can be brought into compliance by hush kits currently under development, meet the exemption requirements of the Aviation Safety and Noise Act with respect to "valuable air service," "financial havoc" and delayed or unavailability of necessary technology for compliance. We have further established specific criteria for determining whether an applicant for exemption is making a "good faith effort at compliance."

In reference to section (b) of the amendment, the discretionary role of the Department of Transportation in granting exemptions at Miami and Bangor International Airports is limited to determinations as to whether equipment is currently under development which can reasonably be expected to achieve compliance for a particular model of aircraft, whether applicants have contracted with specific suppliers whose products are likely to meet this standard, and whether applicants have placed a sufficient deposit with the supplier to ensure that the applicant in fact intends to fulfill his contract and acquire the equipment specified in the contract.

As I view this, the Department would, from its knowledge of products currently under development, make a determination as to which models of aircraft will fall under the "currently under development" standard provided in subsection (b) for hush kits. Aircraft for which the Department believes hush kits are currently under development that can reasonably be expected to achieve compliance would then apply under the terms of subsection (b).

All other aircraft affected by the language of this amendment would be covered by subsection (c), in which case they must receive an exemption now if they submit a sworn statement of intent to comply, and the exemption must be extended through the end of 1985 if on or before June 1, 1985 they submit a signed contract for compliant equipment in accordance with the terms of subsection (d); or not covered by the language at all if they obtained their aircraft subsequent to the 1980 cutoff date.

Mr. CHILES. The Senator has stated precisely the effect of the amendment. What was done in the Appropriations Committee, with our floor amendment, and in the slight modification made by the conference committee was to define, in very specific terms, the details of how existing law was to be interpreted. The record should also be clear that we only undertook this action in light of the failure of the Department of Transportation to itself issue any guidelines on the standards for exemptions.

I would also note our intent that the term "nonrefundable deposit" contained in subsection (d) of the amendment, as modified by the conference committee, refers to deposits being nonrefundable in the event that the applicant for exemption should seek to change his mind and withdraw from the contract, but that we in no way intended to imply that the exemptee would not receive his money back if the supplier failed to develop or deliver a product which would bring the exemptee into compliance.

Mrs. HAWKINS. I fully agree. The nonrefundable deposit was to ensure that the applicant would not simply gain additional time to operate but then refuses to comply; it was not intended to give the supplier of the equipment a right to keep the applicant's money if he was unable to fulfill the contract.

It is my understanding that suppliers of hush kits whose products are currently well on the way to FAA certification are asking for deposits of $50,000 and $100,000 with the signing of the contracts, and additional payments upon certification. Does the Senator agree with me that this would seem to be sufficient to ensure good faith compliance by the applicant for exemption.

Mr. CHILES. I do. Our intent in the conference was to protect against a fly-by-night operator who might hold out the possibility of a hush kit against a minimal deposit. This clearly would not promote compliance. We in no way sought to interfere with normal business practices of the bona fide hush kit manufacturers.

I should further note that we are requiring the applicants for exemptions to do business blind, in a sense, with their being required to commit a substantial amount of money against a product not approved for use. I would certainly hope that the Department would use its authority, such as it might be, to protect the applicants against any effort by any supplier to take advantage of the situation by demanding exorbitant downpayments or in any way going outside the norms of normal business practices.

Mrs. HAWKINS. I agree fully. We have gone a long way from where we started, and I think we both realize the possibilities of abuse. On other matters, note the use of the word "certified" in connection with the extension language contained in subsection (e). It is my understanding that the extension, which is discretionary with the Secretary, applied only to equipment which is approved, but which, due to limited protection capacity, strikes, accidents and so forth cannot be installed on all planes within the deadline.

Mr. CHILES. That is my understanding, of the intent of the section.

I also note that subsection (f) of the amendment prohibits anyone receiving an exemption from increasing his frequency of service with noncompliant aircraft at the place for which the exemption was granted. In light of comments made about the amendment granting Miami and Bangor a competitive advantage, I would hope that an examination of the language here would pursuade anyone that no such advantage is possible.

Mrs. HAWKINS. I certainly cannot see how anyone could gain an advantage.

I further note that nothing in the exemption we have provided in any way effects the broad authority the Secretary possesses to grant exemptions from this or any other regulation at other places or under other circumstances from those specified in the amendment. In particular, I note the possibility that it may be necessary from a foreign policy standpoint to grant some exemptions in addition to those provided in our amendment, and I would hope the Department of Transportation would consult closely with the State Department, Ambassador Brock, and other interested agencies and departments on such matters.

Mr. CHILES. In that same vein, I note that Miami, in particular, serves as the prime maintenance base for aircraft operated in the Caribbean and Latin America, and I would certainly hope that the Department would grant access for noncompliant planes for maintenance purposes as needed. There would be no question of competition with domestic carriers in these cases, but merely insuring the continuation of American jobs to do necessary repair work.

Mrs. HAWKINS. I fully agree. Such ferry permits should be granted at Miami, or any other airport where such maintenance work is currently performed, as long as the airport is prepared to accept the noncompliant aircraft. This should have nothing to do with the questions of hush kits, or compliance with the Noise Act for commercial service into the United States, since we are only talking about repair work.

Mr. COHEN. Mr. President, I join with my colleagues in affirming that their statements do reflect the intent of the sponsors of the amendment. While there are aspects of the language that are more applicable to Miami than Bangor, the discussion of the situation with respect to hush kits, and the subsection (d), (e), and (f) language is of prime importance to Bangor. This is clearly what we intended in offering the amendment.

I trust the Department of Transportation will pay particular attention to this colloquy. Had they demonstrated a reasonable position with respect to existing law, none of our efforts on this matter would have been needed. We are therefore defining our intent with some degree of specificity; I certainly anticipate we will be heeded.

Mr. MITCHELL. I concur in the statements with my colleagues in this matter and appreciate the assistance we have received.

P-3A IN DRUG INTERDICTION

Mr. DECONCINI. Mr. President, I should like to join with Senator COCHRAN to engage in a brief colloquy with the distinguished chairman of the Defense Appropriation Subcommittee, Senator STEVENS.

Mr. President, the conference report on the continuing resolution contains a number of major defense and defense-related provisions, but none, in my view, of more importance than an appropriation of $9,500,000 to allow the Navy to modify three P-3A aircraft with F-15 radars and turn these aircraft over to the U.S. Customs Service for use in our national drug interdiction program. These aircraft will be used as drug surveillance platforms by Customs to detect and help intercept airborne drug traffickers that penetrate our southern borders. The P-3 is a critical element in our national war on drugs.

Mr COCHRAN. I concur with the sentiments expressed by the Senator from Arizona and want to commend Senator STEVENS for fighting for the P-3 funding which the Senator from Arizona and I requested and which was included in the Senate version of the Defense appropriation bill. The P-3 will be a major weapon against drug smugglers who threaten the gulf coast of Mississippi, Texas, Louisiana, and other Southern States which border on the Gulf of Mexico.

Mr. DECONCINI. I should like to ask the distinguished chairman of the Defense Subcommittee about what effect the accompanying language on page 32 of Senate Report 98-636 will have in fiscal year 1985 now that the House has receded to the Senate position on funding for the three P-3's. Since the House has concurred with the Senate position that these three aircraft be funded and turned over to Customs next year, is it your understanding that the directives and agreements outlined in the Senate report, regarding both Navy and Air Force responsibilities on the P-3's will be operative in fiscal year 1985?

Mr. STEVENS. The Senator is correct. Since the House has receded to the Senate position regarding modification of the next three P-3's with Air Force F-15 radars, I would fully expect the Navy and the Air Force to adhere to the directives outlined on page 32 of the Senate report.

Mr. COCHRAN. Then if I may ask the distinguished chairman of the Defense Subcommittee, is it his understanding that the Senate report language is governing during fiscal 1985 and, therefore, the Navy, in cooperation with the Air Force, is expected to modify and turn over three P-3A aircraft to the U.S. Customs Service by the end of fiscal year 1985?

Mr. STEVENS. The Senator is correct. Our report language should govern during fiscal year 1985 and Navy will be expected to modify and turn over those P-3's to Customs by September 30, 1985?

Mr. DECONCINI. I thank the Senator for those assurances. The Senate report language was very carefully crafted by the Senator from Mississippi, the Senator from Alaska, and myself to assure that the funding was available to modify the aircraft with radar and to instruct the Navy to complete the modification work by no later than the end of the coming fiscal year. I look forward to working with the Senator from Mississippi and the Senator from Alaska in the coming months to monitor the progress of this important national drug interdiction asset.

Mr. COCHRAN. I, too, thank the chairman of the Defense Subcommittee for his assurances that the P-3 program will be kept on track in fiscal year 1985 and that the will of the Senate has prevailed. It should be noted that the administration, including the Vice President as head of the National Narcotics Border Interdiction System [NNBIS] fully supports the P-3 program and has been most helpful in working with us to see that the Navy continues to move ahead on building a fleet of six of these drug surveillance aircraft.

SEQUOIA NATIONAL PARK COLLOQUY

● Mr. HATFIELD. Mr. President, within the omnibus continuing appropriations resolution, House Joint Resolution 648, the fiscal year 1985 Department of the Interior budget has been included as amendment No. 4. Within that amendment the conferees have not agreed to provide funding for the acquisition of five tracts of privately owned land within the Sequoia National Park, despite the administration's interest in securing such lands and the budget request of $1.5 million to do so.

The unfortunate set of circumstances which I hope to clarify is that the private owners of these lands have spent nearly two decades fighting the Park Service and have finally agreed that acquisition funds would be sought but that objections to development would not be lodged by the Park Service at the local level if acquisition did not take place. The denial by Congress of the Park Service's request for funds to acquire the parcels raises the question once again about development within the park.

Mr. President, I have never been one to promote the commercial development of National Park Service inholdings, however, in this instance I have a great deal of sympathy for the owners. I would like to ask my distinguished colleague from Idaho, the chairman of our Appropriations Subcommittee on Interior, what his position might be with regard to Sequoia acquisition. The decision of the Congress to deny funds requested by the NPS to acquire this property can only send a signal to the owners that development of such lands is within their rights and not inconsistent with management of the park. Is that your understanding?●

● Mr. McCLURE. Mr. President, the chairman states the facts correctly. Funds were not provided for land acquisition at the Sequoia National Park, CA. A total of $150,220,000 is included in the bill for land acquisition at 34 various units of the National Park System. Unfortunately, the proposal for Sequoia has not ranked high enough by the committee to be included.

As the chairman knows, the action of any Congress cannot bind subsequent Congresses, nevertheless it is the decision of the Congress at this time to not provide funding for this acquisition. I know that leaves the landowners in this instance, and in many of the other 434 units of the National Park System, in the unenviable position of living in a no-man's land. With so much of my own State being within the boundary of lands administered by the Forest Service and the Bureau of Land Management, I acutely feel that inequity. However, in this instance, I do not know what to do.

My understanding of the process is that the owners have the right to attempt to develop their land. If the National Park Service considers such development incompatible with the purpose for which the park was established, the Service may seek to acquire the property through eminent domain proceedings. We have a requirement that such declarations of taking be reviewed and agreed to by our subcommittee. If presented with a proposed declaration of taking by the National Park Service, we would review the request on its merits, considering the impact that the development would have on the park. That is the way I have reviewed other proposals of this type, and I would intend to see to it that both the owner's rights and the National Park Service's rights were considered.

To conclude that this Congress has signalled that development of such lands is not inconsistent with the management of the park may be a valid observation but I would hate to see future Congresses confronted with that argument and this exchange and have observers contend that because land acquisition funds were not provided this year, development should proceed and proposed declarations of taking should be rejected. At the same time, our inability to act expeditiously on all acquisition claims cannot be interpreted to abridge the legal rights on any landowner.●

● Mr. WILSON. Mr. President, I seek to associate myself with the remarks of the distinguished chairman and subcommittee chairman on the question of land acquisition in the Sequoia National Park. I am disappointed that moneys could not be made available in the appropriations for the fiscal year 1985 Department of the Interior budget, but I am fully aware that budgetary constraints necessarily prohibit the funding of all deserving projects. While I understand that this failure to appropriate moneys for the land acquisition may ultimately result in some kind of eiminent domain action by the National Park Service, I would hope that this will not be required. It would be an unfitting end to an acquisition process that has stretched over the last two decades.

Again, I appreciate the attention given to this issue by my two distinguished colleagues and look forward to continuing my work with them to bring this issue to a final resolution.●

ENERGY SECURITY RESERVE

● Mr. ARMSTRONG. Mr. President, I understand that the conference agreement on the energy security reserve is, except for the dollar amount rescinded, essentially the same as that adopted by the Senate. May I inquire as to whether that is the case.

● Mr. McCLURE. Mr. President, that is the case. The conference agreement on funding for the Synthetic Fuels Corporation, with one exception, is exactly the same as that approved by the Senate. The conference agreement rescinds $5.375 billion, rather than the $5.2 billion passed by the Senate. It provides exactly the same set-asides of $5.7 billion for those projects with authorized letters of intent. The conference agreement also adopted the Senate proviso that, until the comprehensive strategy is approved, the SFC shall solicit proposals and award assistance without regard to the national synthetic fuels production goal in the Energy Security Act. The conference agreement also incorporates certain changes passed by the Senate with respect to public access to information, conduct of board meetings in public, and personal conduct. In addition, the conference agreement provides for retention of $750 million, of the rescinded funds for clean coal technology development activities.

● Mr. ARMSTRONG. When the Senate considered this provision, Mr. President, the senior Senator from Idaho and I engaged in a colloquy on whether those projects with authorized or existing letters of intent, and in particular the two Colorado oil shale projects, have already been reviewed and analyzed by the SFC in accordance with a procedure to that described on page 29 of Senate Report No. 98-634. In addition, we discussed whether these projects have effectively already satisfied any such test. At that time the Senator from Idaho indicated that that was the case. Am I correct?

● Mr. McCLURE. That is correct, Mr. President.

● Mr. ARMSTRONG. However, Mr. President, I note that, on behalf of only the House conferees, the Statement of Managers, which does not carry the force of law, expresses concern regarding the advisibility of funding the two Colorado oil shale projects with letters of intent. It is the judgment of the House conferees that such projects reflect only a limited increase in technological diversity and should be reviewed by the newly reconstituted Board, which should consider the suspension of the production goals of the Energy Security Act.

Therefore, may I inquire of the chairman of the Interior and Related Agencies Appropriations Committee if our earlier understanding of congressional intent regarding this provision is changed by the conference agreement.

● Mr. McCLURE. Mr. President, that understanding is not affected by the conference agreement. In February 1982, the SFC Board adopted a resolution which in effect waived the near-term production goals as a criteria in reviewing project proposals for financial assistance. The projects with authorized letters of intent were considered under that policy which did not include consideration of the short-term production goal. Therefore, the subject projects were considered under essentially the same criteria that are reflected in the conference agreement, namely, a temporary set-aside of the requirement for attainment of production goals. The earlier review by the SFC also considered the extent to which the projects met the technological diversity goal, as required by the Energy Security Act.

As also noted in the Senate report, under section 131(b)(3), the Board retains the discretion to consider the amount of synthetic fuel production by any proposed project as a factor in the award of financial assistance. In addition, the Board has the discretion to utilize available budget authority to optimize the aggregate amount of synthetic fuels production from all projects receiving financial assistance under the Energy Security Act. And we certainly expect the SFC to consider optimizing production within the budget authority available to the Corporation.

Mr. President, we also expect the SFC to take advantage of the extensive effort that has been expended by sponsors and the SFC on the eight projects with letters of intent. We recognize that any new members of the Board should consider the proposals currently pending before the Corporation in the process of preparing to vote, as required by section 131 of the Energy Security Act, on the award of financial assistance to pending projects with authorized or signed letters of intent. Additionally, we would expect that the new Directors would consider them with the knowledge that those projects with authorized letters of intent were already analyzed and approved on a similar basis; namely, requiring technical diversity without regard to achievement of the near-term production goal.

I would state further that we would not expect any such consideration or review by the Directors to result in a negative conclusion, in the absence of some major project-specific change in the status of a letter of intent project. Certainly, the waiver of the production goals, per se, is not intended to cause a letter of intent project to be altered or not go forward to contract.

● Mr. ARMSTRONG. Mr. President, I thank the chairman.●

● Mr. RANDOLPH. Mr. President, I would like to inquire of the distinguished chairman of the Appropriations Committee as to the conference recommendation on the Senate amendment adding $4,000,000 to initiate the U.S. Institute of Peace.

● Mr. HATFIELD. I am very pleased to report that the conference committee accepted the Senate amendment, which is part of the amendment No. 18 in the conference agreement.

● Mr. RANDOLPH. If I may inquire further, the regular Labor, Health and Human Services, education and related agencies appropriations bill for fiscal year 1985 passed the Congress yesterday. This measure was originally passed by the Senate before the Institute of Peace Authorization Act was passed and consequently did not include funds for this purpose. Will enactment of the regular bill have any effect on the appropriation in the continuing resolution?

● Mr. HATFIELD. May I assure the Senator from West Virginia, whose 39-year effort to bring the Institute into being is realized today as we seek to make first-year funding available, that the $4 million in question is appropriated in the continuing resolution and is a free-standing item, and enactment of the regular Labor-HHS-Education bill will have no effect on the availability of these funds. The wording of the Senate provision clearly identifies the appropriation as separate from normal continuing funding, which would otherwise terminate upon enactment of a regular appropriations bill. Also, these first-year funds should become immediately available for the use of the Institute's Board of Directors once a quorum has been appointed by the President and confirmed by the Senate next year.●

● Mr. McCLURE. Mr. President, the portion of the conference report which funds the Department of the Interior and related agencies provides a total of $8,118,433,000, which is $439,097,000 above the budget estimate, and $95,272,000 above the fiscal year 1984 total appropriation. This report is $84,568,000 above the House-passed level and $34,133,000 above the level agreed to by the Senate. These numbers reflect a 2-percent across-the-board reduction.

The agreement includes $256,732,000 to continue high priority land acquisition activities under the land and water conservation fund. A total of $3,225,799,000 is provided for the natural resources agencies, including $1,310,073,000 for the Forest Service and $1,915,726,000 for management of the public lands, wildlife refuges, and the national parks.

The report provides the funding necessary to address critical energy issues. Included is $458,610,000 for energy conservation activities, including $47,043,000 for the schools and hospitals program and $191,113,000 for low-income weatherization. A total of $274,947,000 is also provided to continue high priority fossil energy research and development activities.

With regard to native Americans, the report provides $2,000,825,000 for Indian education, Indian health care and facilities, operation of Indian programs, construction and efforts toward relocation of Indians to address the dispute between the Navajo and Hopi Indian Tribes.

Since fiscal year 1979, the Interior bill has carried a prohibition against expenditure of funds available to the Bureau of Indian Affairs to meet the matching requirements of the Vocational Education Act of 1963, as amended. Mr. President, the Vocational Education Act has recently been further amended and is now known as the Carl D. Perkins Vocational Education Act. Once the bill is signed and the law is codified, the citation contained in the the Interior appropriation bill will have to be changed to reflect the fact that the 1984 amendments changed the section number with respect to mandatory expenditures to be made by the Bureau of Indian Affairs. Mr. President, at the next opportunity that will be done, but in the meantime it is the clear intention of the managers that the Bureau spend no funds to match funds available from the Department of Education to carry out the provisions of the Carl D. Perkins Vocational Education Act.

In respect to the strategic petroleum reserve we have provided funds for a fill rate of 159,000 barrels per day. The administration had requested funds adequate for a fill rate of 145,000 barrels per day.

Of particular interest to many of you is the agreement on Synthetic Fuels Corporation funding. The conference agreement provides for a rescission of $5.375 billion; earmarks $5.7 billion for those projects with existing letter of intent; transfers $750 million for demonstration of a clean coal technology; suspends the production goals of the Energy Security Act; and makes changes with respect to public access to information, conduct of board meetings in public, and personal conduct of the board members. To the extent the $5.7 billion earmarked for existing projects is not used for those projects, 50 percent becomes available for new projects while the remaining 50 percent is no longer available for obligation unless there is further congressional action in the form of a new appropriation which may be to the Corporation or to any other agency.

The managers agreed to delete House language which prohibited the use of funds for the existing Union II and Cathedral Bluffs oil shale projects. It is the manager's expectation, however, that a newly constituted Board at the Corporation will consider these existing letters of intent under the Energy Security Act requirements. We would not expect such consideration to result in a negative conclusion in the absence of a major project specific change in the status of a letter of intent project, even though the production goals are waived.

The conference report recognizes the importance of continuing our support for the cultural resources of this Nation, and includes $163,660,000 for the National Endowment for the Arts and $139,478,000 for the National Endowment for the Humanities, $21,560,000 for the Institute of Museum Services, and $189,561,000 for the Smithsonian Institution.

The managers are concerned about resource threat problems on our wildlife refuges and have agreed to add $8.5 million above the budget request to address these problems. The matter of alleviating the toxic waste problem at Crab Orchard NWR is a high priority and it is expected that the Fish and Wildlife Service will identify the problem and report promptly to the committees on how much of the $8.5 million will be necessary to solve this problem and what action the Service will take to accomplish this task.

With regard to OCS leasing, the report includes a 1-year moratorium on oil and gas leasing within portions of the North Atlantic planning area (Georges Bank); the central and northern California planning area and

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the southern California planning area. These provisions will not affect OCS leasing in fiscal year 1985 because the Secretary of the Department of the Interior has stated that no leasing will occur in areas which were protected by a moratorium in fiscal year 1984. Report language stresses the desire of the Congress that States and individuals and the Department of the Interior work to resolve concerns associated with future sales, and the managers agree that they will not continue such moratorium unless a specific case can be made that the Department of the Interior has not given proper consideration to all resource and other values.

The 2-percent reduction is made proportionately to all programs, accounts, activities, and projects. If this causes problems for individual construction or land acquisition projects, reprogramming procedures included in the CONGRESSIONAL RECORD of October 5, 1983, for the House at page H7983 and for the Senate on October 19, 1983, at page S14166 should be followed to mitigate those problems.

For land acquisition accounts, the 2-percent reduction leaves the following amounts for each of the items:

Bureau of Land Management

	Dollars
Acquisition management	294,000
King Range National Conservation Area, CA	980,000
Upper Sacramento River, CA	980,000
Upper Missouri Wild and Scenic River, MT	294,000
Rio Grande Wild and Scenic River, NM	147,000
Total	2,695,000

Fish and Wildlife Service

	Dollars
American Crocodile, FL	4,900,000
Ash Meadows, NV	588,000
Bear Valley, OR	784,000
Karl Mundt, SD	294,000
Banks Lake, GA	596,000
Bogue Chitto, LA	2,940,000
Bon Secour, AL	2,940,000
California Condor, CA	3,920,000
Connecticut Coastal NWR, CT	1,470,000
Clear Creek Gambusia, TX	20,000
Coachella Valley, CA	4,900,000
Currituck NWR, NC	3,430,000
Florida Panther, FL	3,920,000
Great Dismal Swamp, NC and VA	1,470,000
Hawaii forest birds, HI	4,410,000
Key Deer, FL	2,450,000
Kirtland Warbler, MI	735,000
Kofa NWR, AZ	343,000
Lower Rio Grande Valley NWR, TX	7,350,000
Lower Suwanee, FL	3,381,000
Masked Bobwhite, AZ	3,920,000
Moapa Dace, NV	784,000
Ozark big-eared bat, OK	98,000
Pahrump Killfish, NV	176,000
Parker River, MA (administrative site)	392,000
Cartegena and Tortuguero Lagoons, PR	4,900,000
Trustom Pond, RI	637,000
Acquisition management	1,470,000
Total	63,218,000

National Park Service

	Dollars
Assistance to states:	
Matching grants	71,853,000
Administrative expenses	1,647,000
Total, assistance to states	73,500,000
Federal acquisition:	
Acquisition management	6,919,000
Alaskan areas	490,000
Antietam NB	490,000
Big Cypress N. Pres	1,960,000
Biscayne NP	980,000
Chaco Culture NHP	980,000
Channel Islands NP	14,700,000
Chattahoochee River NRA	980,000
Chesapeake & Ohio Canal NHP	490,000
Cuyahoga Valley NRA	1,960,000
Delaware Water Gap NRA	1,764,000
Fort Frederica NM	294,000
FDR NHS	265,000
Golden Gate NRA	980,000
Gunnison NM (Black Canyon)	1,274,000
Indiana Dunes NL	1,348,000
Jean Lafitte NHP	2,940,000
Lower St. Croix WSR	490,000
Manassas NBP	2,940,000
Martin Luther King, Jr. NHS	490,000
Monocacy NB	1,470,000
New River Gorge NR	3,920,000
Obed WSR	490,000
Petersburg NB	1,519,000
Point Reyes NS	2,450,000
Rocky Mountain NP	980,000
St. Croix NSR	980,000
Salinas NM	490,000
Santa Monica Mountains NRA	8,001,000
Saratoga NHP	196,000
Theodore Roosevelt NHS (Sagamore Hill)	245,000
Valley Forge NHP	1,470,000
Voyageurs NP	980,000
War in the Pacific NHP	1,176,000
Deficiencies and relocations	1,715,000
Inholdings, emergency, recently authorized, and hardship acquisitions	4,900,000
Total, Federal acquisition	73,716,000
Total, Land Acquisition and State assistance	147,216,000

Forest Service

	Dollars
Acquisition management	3,494,000
Allegheny NF, PA	1,960,000
Appalachian Trail	980,000
Cascade Head SRA, OR	757,000
Flathead WSR, MT	980,000
Green Mountain NF, VT	3,332,000
Lake Tahoe Basin, CA and NV	9,800,000
Monongahela NF, WV	441,000
Mount St. Helens NVM, WA	304,000
Nantahala NF, NC	1,225,000
Pisgah NF, NC	367,000
Salmon WSR (Main Stem), ID	1,470,000
Santa Fe NF, NM	980,000
Sawtooth NRA, ID	3,920,000
Spruce Knob-Seneca Rocks NRA, WV	980,000
Toiyabe NF, NV	3,920,000
Wayne NF, OH	1,176,000
White Mountain NF, NH and ME	3,920,000
White River NF, CO	980,000
Endangered Species Habitat, CA (condor)	1,568,000
Cash equalization-exchanges	1,049,000
Total	43,603,000

The cattle industry in the Western United States depends heavily upon grazing on public lands administered by the Bureau of Land Management. Each year thousands of cattle in the West are grazed on public lands through the granting of grazing permits to individuals who pay a fee for this privilege.

It has come to our attention that the questionable practice of subleasing of grazing permits for more than the Government charged for the permit has been taking place in certain areas. The House and Senate Interior Appropriations Subcommittees included language in the fiscal year 1985 appropriation bills directing that any dollar amount in excess of the grazing fee established under law be paid to the Bureau of Land Management. This bill language was to address only the problem of subleasing of Federal grazing permits.

This language is not intended to interfere with legal leasing under these permits or with the sale of land associated with grazing permits on public lands.

Mr. President, I would note that the House last night included in the RECORD a table comparing new obligational authority recommended in the bill for 1985 and the respective recommendations contained in the House and Senate bills and comparison thereto. Reprogramming procedures are to be followed to request changes from this allocation.●

AID TO NICARAGUA

● Mr. WALLOP. Mr. President, the Congress' prohibition of aid to Nicaragua's freedom fighters is sure to bring this country grief in the next several years. I have explained why and how elsewhere, and will not do so again here.

I simply want to disassociate myself completely with what the Congress is doing here today. Those who go along with this decision will not be able to avoid responsibility for the consequences that it will surely bring. It is worthwhile to note the cynicism with which so many Members of this Congress have voted to support the freedom fighters who are trying to overthrow the Soviet Union's puppet government in Afghanistan, while at the same time they agree to cut off aid to the freedom fighters who are trying to overthrow the Soviet Union's puppet government in Nicaragua. Why the inconsistency? I suggest it is because Afghanistan is far away and we cannot seriously affect the outcome of the struggle there. Many, especially Democrats, can vote for a resolution favoring assistance there, fully knowing they are not really inconveniencing the Soviets thereby. There vote is pure posturing. But, these same Members, when faced with a real choice on Nicaragua, are agreeing to betray the resistance, and to uphold the Brezhnev doctrine on the North American Continent.

This is irresponsible, but the costs of responsibility cannot be put off indefinitely.●

THE DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 1985

Mr. SPECTER. Mr. President, the conference report on H.R. 5899, the District of Columbia appropriations bill for fiscal year 1985, which is included by reference in this continuing resolution, contains a total of $533.3 million in Federal funds for the operating expenses of the Nation's Capital during the fiscal year.

The entire conference report and statement of the managers appears in the CONGRESSIONAL RECORD of September 26, 1984, at page 27379, and I will not ask that it be reprinted here, but will summarize the key items agreed to.

Mr. President, the House conferees were led by Representative JULIAN DIXON and Representative LARRY COUGHLIN who, as always, have been most agreeable and accommodating. Once again they have been mostly supported by their staff, Mr. Migo Miconi, Mrs. Mary Porter, and Mr. Ken Kraft.

Mr. President, the conference agreement includes a $425 million Federal payment to the District as requested by the President and included by the Senate.

It includes a $9.8 billion criminal justice initiative recommended by the Senate to continue the work of improving the District's criminal justice system to make it a model for the Nation. This amount includes: $6.2 million to continue the vocational and education programs in the Department of Corrections; $1.8 million for the salaries and staff of the seven new judges that will soon join the superior court; $335,000 to assist the parole board in implementing new rules on initial release and revocation policies; and $1.5 million for the public schools to combat truancy.

The conference agreement also includes funds recommended by the House to replace the motor scooters fleet of the Metropolitan Police Department which have been declared to be unsafe for their use.

Also included is the language under section 133 of the Senate bill designating the property of the Soviet Union on 16th Street as Andrei Sakharov Plaza.

Mr. President, the conferees have also included the provisions of H.R. 3932 as amended by the Senate Committee on Governmental Affairs. This language was insisted on by the House conferees and is intended to resolve the Chadha question involving the District's home rule powers. After delaying our conference for a week in order to consider this proposal the Senate conferees agreed to recede to the House after receiving assurances from White House officials that the President would in fact sign this bill with this provision included.

I would also note that the Senate has amended this conference report to include language which was inserted on the continuing resolution which declares null and void District acts previously disapproved by the Congress.

This change was requested by the U.S. Attorney for the District of Columbia and addresses a concern he has about some 300 to 500 sexual assault convictions that might be in question since the Supreme Court ruling.

In concluding, Mr. President, I want to thank all the Senate conferees, but especially Senator LEAHY for his support and assistance in bringing this conference report back to the Senate today. Also, I would like to recognize the Senate committee staff Tim Leeth, Lula Joyce, Jim Cubie, and Jane McMullan who assisted in preparing our materials.

● Mr. HATFIELD. Mr. President, I have asked that this statement be inserted in the RECORD so I might indicate my opposition to this conference report. There are certainly provisions in this resolution that are of benefit to the Nation and to my State, and I am grateful to my colleagues here in the Senate and in the other body for their assistance in securing approval by the conference of those provisions.

But on balance, Mr. President, I cannot support this measure. It carries the defense bill and tremendous increases in foreign military assistance, and I cannot and do not support the recommended funding levels for those purposes.

Not only has Congress agreed to the largest defense spending increase in peacetime history but in the face of growing budget deficits which threaten to strangle our economic recovery, such spending is unwarranted militarily and, indeed, treacherous economically.

Moreover, a nearly $293 billion defense appropriations bill ignores the real problem facing our national security, that is, better management of our existing resources. Simply put, cost overruns, redundant weapons systems, poor program management, contractor abuse, all weaken our security and must be addressed internally. Solutions to these problems are not found at the public trough.

Yet another objection to this year's defense bill is the continued reliance upon nuclear weapon technology at the sake of conventional force strength and readiness. Despite the fence currently placed on the use of MX money, funds are in fact diverted and held for this single program which could be used for more necessary military applications in the conventional field. It is unfathomable to me why we have a policy to deploy weapons of mass destruction aimed at civilian annihilation, while at the same time we neglect the most basic needs to prepare and equip those men and women who have, in fact, been called upon to defend our country. This sort of double jeopardy is of great concern to defense supporters and critics alike.

As well, I must object to the inclusion of funds in this resolution for covert military assistance to Nicaragua. Despite "fencing" restrictions and timetables which may be placed on the use of these moneys, I cannot, in clear conscience, support the use of taxpayers' dollars to fund this underground war in Central America.

And, finally, my most severe objection to this year's DOD appropriations bill is the failure to limit entirely the research, testing, and deployment of both space-based defense systems [SDI] and antisatellite weapons systems [ASAT]. Not only will the SDI initiative be costly, nearly $26 billion just to test feasibility design, but the limitations of three ASAT operational tests continues to be a destabilizing influence in the absence of ongoing Soviet negotiations.

For the reasons outlined in this statement I must voice my objections to this continuing resolution.●

MILITARY AID TO TURKEY

Mr. D'AMATO. Mr. President, on Thursday, October 4, 1984, the conference considering the fiscal year 1985 continuing resolution adopted a measure providing $700 million in military aid to Turkey. Clearly, this conference outcome was not a true compromise between House and Senate appropriating and authorizing committees.

The bipartisan support to reduce U.S. military aid to Turkey reflects our concern over Cypriot freedom and sovereignty. It is clear to me that extensive military funding of Turkey is equated with U.S. condonation of imperialism in the eyes of the American public and the world. The extension of $700 million in military assistance to Turkey perpetuates a decade of Turkish occupation of an independent nation.

To prevent this situation, the House fiscal year 1985 continuing resolution proposed a $215 million cut in military assistance linked to Turkey's intransigence on Cyprus. The Senate fiscal year 1985 continuing resolution called for a $40 million reduction and a further reduction of $215 million conditional on Presidential confirmation that Turkey is not impeding the talks on Famagusta/Varosha.

The conference, however, produced only a $55 million reduction conditional on Presidential certification that Turkey is not taking actions to prejudice talks on Famagusta/Varosha. I find this disappointing. The United States can play an important role in the Cypriot plight. U.S. assistance to Turkey cements the walls confining 200,000 Greek Cypriots to refugee status on their own land.

I understand the strategic significance of Turkey within NATO and the need to assist them in maintaining contemporary and essential military preparedness. I question, however, the need to increase military aid to Turkey to $700 million in fiscal year 1985 when they received only $400 million in fiscal year 1983. I contest not the importance of U.S. commitments to NATO partners, but the abrogation of democratic and international legal responsibilities by a diplomatic and military associate of the United States.

No peaceful Turkish-Greek/Cypriot cooperation, interaction, and progress can be achieved until the legal Republic of Cyprus again assumes its sovereign status. It is to that end that my colleagues and I call for a reduction in U.S. military assistance to Turkey in accordance with the costs incurred by Turkey in its occupation of Cyprus. Both Houses of Congress should devote special and immediate attention to this issue when the 99th Congress commences.

Thank you, Mr. President.

Mr. SYMMS. Mr. President, I strongly support the position of my distinguished colleague, Senator JOHN EAST of North Carolina in being opposed to the continuing resolution conference report on the grounds that it abandons the Nicaraguan freedom fighers and guts the defense budget of the United States. I am voting no on this conference report because I am against the cuts in the defense budget embodied in the report, and I am against the fact that the report actually embraces the Soviet position on a moratorium of antisatellite [ASAT] weapons testing. I am also against the report because it emasculates President Reagan's strategic defense initiative. The President requested $2.2 billion to defend the American people and their homes from Soviet missile attack. The report cuts this to only $1.4 billion.

In sum, Mr. President, I believe that there was a bad bargain in this conference report. I believe that far too much was given up on defense, and nothing was gained in return. We got a bad deal. I believe that the other party is responsible, and I hope that the American people will realize that the other party is in favor of a weak national defense, and that their candidate for President will be defeated because he has voted to weaken America and he would continue to weaken America if elected.

Mr. DOLE. Mr. President, this conference report contains $9 million in funding for a new Human Development Center at the University of Kansas in Lawrence, KS. At this time, I would like to thank the distinguished Senator from Connecticut [Mr. WEICKER], for his leadership and assistance on this project, as well as the prompt action by the Labor-HHS Appropriations Subcommittee. Further, the distinguished Senator from Vermont [Mr. STAFFORD], was instrumental in providing invaluable assistance for the authorization of this project through his leadership for expediting the authorization side of this Human Development Center.

The University of Kansas [KU] is recognized as one of the foremost institutions in the world for its achievements in research and training related to handicapped children and their families. KU has been a leader in early childhood education and in the deinstitutionalization and mainstreaming of disabled individuals. The proposed Human Development Center, which will be the only facility of its kind in this country, will include programs and activities addressing the lifespan needs of handicapped persons—from infancy through old age. This center will be a valuable national resource in the field. The University of Kansas plans to augment the $9 million in Federal appropriations with a comparable amount of funds raised from the private sector.

HIGH QUALITY PROGRAMS

Through investments of private and public funds over a period of 60 years, KU has developed a network of interdisciplinary teams of researchers with the unique capability of addressing the needs of handicapped individuals over the span of a lifetime. Research and training programs focus on rehabilitation, education, parent training, employment, independent living, and public policy concerns of disabled people and their families. Personnel trained at KU go on to hold prominent research and teaching positions at major centers throughout this country, as well as internationally.

The three Departments of Human Development and Family Life, Special Education, Speech-Language-Hearing and the Bureau of Child Research currently are carrying out projects in remediation of reading deficits, applications of technology to handicapped persons, studies in neurosciences, biochemistry and genetics related to communication skills, infant development and early childhood education, juvenile delinquency, the effects of VA on children, transition of handicapped youth to adult settings, and single parent families, to mention a few. As one of the Nation's major research institutions, it is important to note that 30 percent of the sponsored research conducted at the University of Kansas is devoted to solving problems encountered by handicapped children and youth. This underlines the strength of these programs, as well as the university's long-term commitment to this area.

The emphasis at the University of Kansas is currently on individuals considered to be mentally retarded, seriously emotionally disturbed, learning disabled, orthopedically handicapped, deaf/blind, multihandicapped, hearing impaired, visually impaired and those with speech and/or language impairments.

JUSTIFICATION FOR A HUMAN DEVELOPMENT CENTER AS A NATIONAL RESOURCE

It is apparent that the design of physical accommodations and the use of appropriate technologies will become an increasingly significant part of research, training and outreach programs for the handicapped. For example, the design of instructional laboratories, clinical space and research settings can greatly enhance the development of innovative programs. Greater use of computers and various forms of electronic communications are becoming increasingly critical and require the proper physical setting. Also, further advances to create barrier-free environments in public facilities, including buildings on university campuses, are necessary.

The human development center would:

First, utilize proven and experimental design in laboratory and clinical space;

Second, incorporate the latest in telecommunications and computer instructional technology;

Third, allow for the integration of research with academic programs for preparing professionals to work with disabled persons and their families; and

Fourth, provide a barrier free environment.

STRENGTHENING EXISTING PROGRAMS

The personnel who make up the complex network of individual experts in handicapped conditions at KU are presently housed in 20 settings across the campus, with some program elements located at the medical center in Kansas City. Bringing a majority of these personnel together in one facility will create an environment which will enhance communication and stimulate intellectual initiatives.

MODEL FOR OTHER CENTERS

The construction of a Human Development Center at KU will serve as a model for the development of other centers devoted to studying problems experienced by the handicapped across the Nation and around the world. Lessons learned from the design and operation of the HDC will have beneficial effects for decades, for the United States and other countries. The university already attracts many experts interested in the handicapped from other nations, particularly Central and Latin America. This is a forward-looking progressive concept in handicapped education and training.

STRENGTHENING ABILITY TO SERVE OTHER INSTITUTIONS

Through its great research and teaching resources, the University of Kansas has been able to serve, enhance and strengthen programs for handicapped youth in this country and abroad. The HDC and its program components will be administered so as to further the university's capacity to assist other programs nationally and worldwide through the dissemination of information and research techniques.

COST-EFFECTIVENESS OF FEDERAL INVESTMENTS

Over the years a number of agencies in the Federal Government have made significant investments in research and training programs for handicapped children and youth at the University of Kansas. As an existing center of excellence, it will very likely continue to receive considerable support. The construction of the HDC will serve to improve the cost effectiveness of future investments by enhancing collaborative research and creating new opportunities for research in areas of concern to persons with disabilities. Other research and training programs in this country will benefit from the establishment of this center through cooperative arrangements.

Mr. PELL. Mr. President, I have voted against passage of the continuing appropriations resolution. Although the resolution provides funds for several departments of the Federal Government, the great bulk of the money provided is for military spending by the Department of Defense.

In my view, the Defense Department spending provided by this legislation is excessive and includes spending that is not essential to our national security. This excessive and nonessential spending will add significantly to the already huge Federal budget deficit that threatens to undermine the economic recovery our Nation is now enjoying.

The Defense Department spending provisions, for example, include funds for the B-1 bomber, for the Star Wars space defense proposal, and, although reduced and restricted, funds for the MX missile. These weapons systems will not add to our national security, but they will be purchased at the cost of billions of borrowed dollars which our children and their children will have to repay.

The continuing appropriations resolution does include some improvements over the measure originally passed by the Senate. It does not, for example, provide funds for the "Contras" attempting to overthrow the Government of Nicaragua, and that is an important and significant improvement.

Nevertheless, because of the excessive defense spending provided and the impact on our already swollen Federal budget deficits, I have voted against approval of the resolution.

COMPREHENSIVE CRIME PACKAGE

Mr. BIDEN. Mr. President, today is a day Congress should be very proud of because we will culminate this session with passage of one of the most comprehensive reforms of our criminal justice system in its history. Today Senators like STROM THURMOND, TED KENNEDY, PAUL LAXALT, DENNIS DECONCINI, SAM NUNN, and LAWTON CHILES should be especially proud because they have stayed on the winding road with Chairman THURMOND and myself and helped push this legislation through the Congress.

In July 1981 a group of Democratic Senators got together and decided that we had to bring together many of the proposals on crime that had languished in the Senate for over 10 years. As the ranking Democrat on the Judiciary Committee I chaired that democratic crime caucus and our end product included legislation to focus on narcotic control, organized crime, and reform of our bail and sentencing laws. We wanted to let judges consider danger to the community in setting bail, have stiffer sentences for organized crime figures, give law enforcement the tools they need to go after the assets of drug traffickers and once and for all, put them out of business. We also sought the establishment of a new Cabinet level office to coordinate the activities of the 15 different Federal agencies involved in drug control. I am happy to say that all of those original concepts are included in this crime package.

Mr. President, the work product we Democrats did in 1981 was merged with similar and additional crime initiatives introduced by Senator THURMOND in 1982. That work product was the result of a bipartisan effort to move through the Congress in the 97th Congress a crime package that would be acceptable to all our colleagues. Unfortunately, our work product in 1982 was vetoed by the President.

Following the veto in January 1983, Senator THURMOND and I again picked up the pieces and reintroduced the comprehensive crime package. I am proud to say that in February 1984 we again passed that bill by a vote of 91 to 1.

Now after compromise and a good faith effort with our colleagues in the House of Representatives, we are going to pass an even better bill than what Senator THURMOND and I first introduced. I say that because in addition to the core items included in our original package, like sentencing and bail reform, increased drug penalties, and forfeiture of asset reforms, this bill also includes issues that both Houses were seriously considered but were in jeopardy because of the approaching end of the session. Initiatives like establishing a Cabinet level drug coordinator, trademark counterfeiting penalties, victim assistance and credit card fraud were added to this package. We have been able to expand the package and make additional changes that add considerably to a comprehensive crime bill.

I now ask unanimous consent that a table outlining the long history behind this crime package be inserted in the RECORD.

Mr. President, as I have mentioned, the authors of this package have demonstrated true compromise and an ultimate commitment to get crime legislation to the President's desk. We have again reached that point, and I wish to thank all my collegues and their staff for dedication and hard work that went into this legislation.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF CRIME PACKAGE PROPOSALS

	Biden Democratic crime package July 1981	President's proposal May 1983	Thurmond/Biden August 1983	House bill October 1984	Final October 1984
Sentencing.	Kennedy original bill. (1) abolish parole, (2) abandon rehabilitation as primary purpose of sentencing, (3) establish guidelines.	Kennedy bill	Kennedy bill	Greater discretion with guidelines and did not abolish postconvinction rebase (parole).	Kennedy bill (4 modifications) 3 judges to Commission, consider prison overcrowding in guidelines, good time increase from 10 percent to 15 percent and sentence should be sufficient but not go beyond the sentencing goal.
Bail	(1) Preventive detention, (2) consider safety to community in making bail decision.	Same	Same with added presumption to deny bail for major drug traffickers.	Same except no presumption for denying bail on major drug traffickers.	Same as Thurmond/Biden.
Narcotics issues.	Drug czar, forfeiture of assets, (streamlined and substitute assets) increase fines and penalties, restore budget cuts to drug agencies, foreign treaty improvements.	Forfeiture, increase fines and penalties, money laundering, and wiretap improvements.	Modified forfeiture with RICO revisions and substitute assets, increase fines, money laundering wiretap improvements.	Forfeiture but no RICO or substitute assets, increase fines and penalties money laundering.	Drug czar, forfeiture but no substitute assets, increase fines and penalties money laundering, wiretap improvements.
Justice assistance.	Focused assistance to State and local law enforcement, with emphasis on Federal role to carry out research and statistics and continue juvenile justice.	Justice assistance with less emphasis on research and statistics, emergency assistance.	Same as President's	Similar to 1981 democratic proposal with reauthorization of juvenile justice.	Similar to House bill with missing children provision.
Violent crime amendments.	Mandatory sentence for use of firearm, arson provisions, murder for hire, assault on Federal personnel and families improve enforcement against organized crime.	All of democratic proposals with several additions including protection of energy facilities and escape from civil commitment, and pharmacy robbery labor racketeering.	Combination of Senate Democratic and Administration proposals.	Antiterrorism career criminal escape clause.	All of Thurmond/Biden with career criminal added and antiterrorism added.
Serious crime amendments.	Changes in juvenile procedure changes, mandatory sentences for previous conviction of a violent crime.	Surplus property, child pornography fraud and bribery, juvenile procedure charges, counterfeit of U.S. securities.	All of Senate Democratic and administration proposal.	No surplus property, security witness protection trademark counterfeiting, credit-card fraud, increase defense attorney fees.	Combination of all in Thurmond/Biden and House bill.
Other items included in final package.	Insanity defense reform supported. Victim assistance supported.	Limited defense, shifted burden of proof to defendant, new procedures.	Same as administration proposal.	Procedures different	Thurmond/Biden bill.
Other proposals proposed but not included.		Exclusionary reform capital punishment, Federal tort claims, habeaus corpus reform.			

Mr. SYMMS. Mr. President, there is very restrictive language in the fiscal year 1985 continuing resolution conference report regarding U.S. military and intelligence activity in Central America. This language is the language relating to U.S. support for the Nicaraguan freedom fighters or Contras. I am advised that over on the other side of the Capitol, a question was raised about this language. Congressman LIVINGSTON asked Congressman BOLAND if this restrictive language related to U.S. support for the Contras would completely restrict U.S. military and intelligence activities throughout Central America. Congressman BOLAND answered in the affirmative. He stated that in his view the language would prohibit all U.S. military and intelligence activity throughout Central America.

Mr. President, I object to Mr. BOLAND's interpretation of this language. I wish to state firmly and clearly that it is not the intent, I repeat, it is not the intent, of the Congress by reason of the Contra language contained in the conference report pertaining to military or paramilitary activity in Nicaragua, to restrain the President as Commander in Chief to defend American national security interests in the region or to meet defense commitments to our allies. In other words, Mr. President, the language does not prohibit U.S. military or intelligence activities anywhere in Central America, and in no way should be interpreted as restricting American actions deemed necessary to uphold the Monroe Doctrine against Soviet Marxist-Lenninist aggression in this hemisphere.

OFFICE OF THE GENERAL SALES MANAGER, USDA

Mr. BOSCHWITZ. Mr. President, I rise to address a potential problem contained in the Agriculture appropriations conference report that is part of this continuing resolution. It involves the organizational status of the Office of the General Sales Manager [OGSM] which is part of the Foreign Agricultural Service [FAS], USDA.

The House of Representatives in H.R. 5743 included the appropriation for OGSM in the section of the bill dealing with various corporations which are part of USDA. The Senate Appropriations Committee was concerned that this might be construed as shifting the OGSM out of the FAS. For that reason, the Senate committee took the same language that had been used by the House and inserted it along with the rest of the funding for FAS.

In the Agricultural appropriations conference, the language ended up back where it started out in the House bill. Since the Senate does not have the opportunity to amend the conference report as part of the continuing resolution, I wanted to speak to this issue so that the intent of this Senator, as chairman of the Subcommittee on Foreign Agricultural Policy, would be made clear.

At all times on every issue my subcommittee has received excellent help and information from the Foreign Agricultural Service. I have been impressed with the professionalism of their staff and the cohesiveness of their organization. At FAS, one hand really seems to know what the other hand is doing.

The Office of the General Sales Manager is an integral part of FAS. The GSM serves as an Associate Administrator of FAS. This makes him responsible for policy decisions affecting USDA's export credit programs as well as FAS market development programs. Retaining OGSM as part of FAS is essential if we want to maintian effective coordination of our export expansion efforts.

It is interesting to note that the GSM is a somewhat unique office. On all matters related to CCC export credits and the Public Law 480 program, the GSM reports directly to the Secretary, who is chairman of the CCC board. On matters related to FAS market development programs, however, the GSM reports to the Administrator of FAS. This organizational alignment strengthens the role of the GSM and recognizes the important interrelationship between export credit, Public Law 480, and market development. It also allows the GSM to directly participate in the collection, analysis, and dissemination of market information collected by FAS. It enhances the GSM's role in representing the Department on International Trade Issues.

Separating OGSM from FAS would only serve to weaken both of them. I want to express my firm belief that OGSM should not be transferred out of FAS. The changed placement of the OGSM funding within the fiscal year 1985 Ag appropriations bill should not be misconstrued as requiring such an organizational shift. Those in the agricultural community who have been concerned that the Senate might want to reorganize USDA via the Agriculture appropriations process are mistaken. In fact, nothing in the language of the bill says anything about changing the structure or responsibilities of OGSM or FAS.

YES VOTE FOR THE FISCAL YEAR 1985 CONTINUING RESOLUTION

Mr. GRASSLEY. Mr. President, my vote on this continuing resolution for fiscal year 1985 is the result of considerable reflection and deliberation. The funding level of the bill is too high, and I would not support many of the bill's provisions were they to stand alone. I have deep reservations about voting in favor of discretionary appropriations for the Federal Government amounting to a half-a-trillion dollars. Clearly, the amount of waste and malspending that will persist under this budget is sufficiently abundant to justify a lack of support for it.

However, I am confident that in my own capacity as a U.S. Senator I have done my share to expose waste in Government. Virtually all the work I did this session on defense and the Federal budget was so related.

Moreover, since the actual operations of Government is at stake, and because the Federal Government had been shut down on one occasion and threatened to be shut down at least twice more since October 1, it would be irresponsible of me to vote against this continuing resolution if it were solely for the reason of the level of expenditure. The stoppage of Government work and the 2-week delay in completing this resolution is testimony enough that the Congress worked its will exhaustedly and deliberatively.

On the basis of these arguments, I will vote with the vast majority of my colleagues to continue to fund the operations of Government for the next fiscal year. At the same time, I renew my commitment to continue and expand the work I have already done to expose waste and to correct deficiencies in the Federal spending process.

BUFFALO BILL DAM

Mr. SIMPSON. Mr. President, as we near the end of this very frustrating legislative session and the final consideration of this continuing resolution, I want to take a few moments and express my deepest concern over the conferees' decision to remove funding for all the Nation's prospective water projects. A very ill-advised action.

When I reviewed the list of projects that the conferees had to deal with when they began their monumental task, I found several projects that were not even ever authorized and had no form whatever of cost sharing—and I agree that these projects were wisely deleted from the list. However, the conferees also eliminated construction funding for a project that has been duly authorized for over 2 years and which had in place a cost-sharing agreement that has far exceeded any plan that has ever been considered by this legislative body. This project is fully supported by the administration, is now through all of the planning stage and is ready and waiting for the funds that will begin the actual construction. Sadly, due to the actions of the conferees, this worthwhile project will only continue to wait and languish.

I speak, of course, of the Buffalo Bill Dam enlargement located near Cody, WY. I am not concerned solely because this is a project that will be of great benefit to my home area and my State. I am concerned because this is a very worthwhile project that has been held hostage—or should I say prisoner—of this legislative morass. And I cannot but wonder, why? Reasons that have been given for the removal of the water projects include the controversy over authorization, administration support and cost sharing. There is no controversy in these three areas when one reviews Buffalo Bill Dam. Another diverting argument has always been the cost issue, however, as we in Congress continue to delay the construction funding for this project, the higher will be the eventual cost to the Federal Government.

In addition, I would point out that the good people of Wyoming will not wait forever. The Wyoming State Legislature has already appropriated, and I stress the word appropriated $47 million from the State treasury to be released when the Federal Government appropriates moneys to begin construction of this project. Wyoming is fortunate to be in the situation to be able to participate to such a degree—and I do not expect other States to be able to match that percentage. The appropriation of moneys should not be seen as a precedent for other States in that percentage, except that cost sharing surely needs to be established for the Nation's future water projects.

Wyoming is an arid Western State and it has many other projects that could use the $47 million should the Congress continue its unnecessary foot-dragging on this project. I certainly would not be a bit surprised if Wyoming begins to consider using this money for other projects.

The entire Wyoming congressional delegation, Congressman Dick Cheney, Senator Malcolm Wallop and myself have communicated our concerns to the respective Appropriations Committees. And I must say that we have always been met with a sympathetic ear, especially from my friend and the very capable chairman, the Senator from Oregon. Both Appropriations Committees have appropriated funding for this project, not once, but twice, and it is extremely disappointing to me that the conferees decided to take an all or nothing approach to the funding of water projects—and wipe out every water project in the United States in every legislative district. Not a thoughtful action.

I fully understand the pressure that is always on us all at the end of any legislative session, but I am very saddened that this crude shotgun approach became necessary in order to get the continuing resolution out of the Congress. I would have hoped that each project would have been considered on the basis of merit on an individual basis, rather than see all of them tossed in the trash heap.

We will be once again looking at this project early in the next session. It was at the very top of the new start list. Possibly when we are not under such a heavy deadline the Congress will finally see fit to carve out the projects that are authorized, approved and have a cost-sharing formula, separating them from those that do not, in order that the worthwhile projects can go forward. To do less would be to only continue this folly.

Arbitrary political wrangling has won this time but a reasonable cost-sharing approach is demanded by the American people in the future. It must come. The country really suffers when the Congress confuses the water bucket with the pork barrel.

● Mr. ANDREWS. Mr. Chairman, I am very pleased to have worked with the chairman of the Interior Subcommittee, Mr. McClure, on a compromise agreement for the Synthetic Fuels Corporation. This agreement will allow our Nation's vital synthetic fuels program to move ahead. The Great Plains coal gasification project in my State is one of the best examples of the success this industry can achieve. The project began pumping pipeline quality synthetic gas on July 28, and it came in on schedule and under budget. Great Plains has a letter of intent from the SFC to provide $790 million in price guarantees. In exchange, the partners have agreed to put additional equity into the project, and to pay the SFC at least 70 percent of the after tax cash-flow in profit sharing for the life of the project. Because the Great Plains project is already in operation, I would like to urge the new members of the SFC, when appointed, to act as soon as possible to finalize the Great Plains price guarantee application.●

● Mr. McCLURE. I share the Senator's concern that the SFC should act as expeditiously as possible on the Great Plains letter of intent. This project does indeed show the commerical viability of the synthetic fuels industry.●

SEARCH PROVISION OF THE CRIME PACKAGE

Mr. SYMMS. Mr. President, I would like to call to the attention of my colleagues a little-known provision that was included in the crime package that was passed by the Congress.

The crime bill included a provision which, I believe, severely impacts upon the civil liberties of individual American citizens. The provision to which I am referring states:

> A customs officer may stop and search, without a search warrant, a * * * person entering or departing from the United States with respect to which or whom the officer has reasonable cause to believe there is a monetary instrument being transported.

This provision is an expansion of Government powers for warrantless searches of people innocently exercising their constitutional right to travel abroad.

For the past 6 years, Congress has been pushed by various administrations to increase the powers of law enforcement over movements of money in our society.

I would like to ask why the administration should have this power in the first place? This provision empowers the Secretary of the Treasury to make American citizens fill out financial declarations in advance of any foreign travel. Will the Customs Service begin to require everyone to undergo an exit interview in the future, to make sure all reports have been filed?

Moreover, this bill is not restricted to enforcing the law against criminals with suitcases full of cash, as the term "money laundering" suggests. This bill will affect anyone who carries any money, or valuable coin, or paper out of this country. U.S. gold coins, rare stamps, art objects, stocks, bonds, and promissory notes are apparently included in the provisions of the bill the Congress recently enacted.

The person victimized under the recently passed legislation is not guilty of any other violations—the only crime is a failure to tell the government before you leave.

This proposal to strengthen the Bank Secrecy Act is a direct assault on individual rights that was done under the guise of regulating the economy and a drug enforcement measure.

Everyone who has spoken in favor of this idea over the past 6 years cites drug trafficking as the target. They say that this new provision will be a new tool in the war against crime. The arguments against drug smugglers are thrown about as if this legislation were strictly directed against organized crime. But this provision was and is not simply a drug-enforcement measure. It is a broad grant of power to the Secretary of the Treasury to require advance submission of financial disclosure reports and pay rewards to informants who spy on business associates or neighbors who may be trying to leave the country without reporting their financial affairs.

The United States does not and has not imposed any other restrictions on the freedom of our citizens to travel. That is, we did not impose any restrictions until now.

Mr. President, I am somewhat familiar with this issue because when I was a Member of the other body in 1980, I defeated the then so-called Drug Traffic Act, H.R. 5961. That bill, like the measure that was recently enacted, was also mistakenly identified and labeled because it did not in any way mention or deal with drug trafficking.

In 1980, I worked with the ACLU to defeat this provision because they believed, as I do, that one of the tenets of a free society is that you are allowed the privilege of taking your belongings and leaving the country any time you wish.

During previous debate on this issue, it was stated that if one's activities are legal, one should have no objection to warrantless searches or the 1970 act. That argument completely ignores the rights of privacy. The Congress using that argument can justify wiretapping, surveillance, and so forth, under the guise that innocent individuals have nothing to fear. I need not remind you that the Soviet Union operates on the same premise.

It is important that Members of Congress realize that by enacting this provision we set into place the mechanism by which foreign exchange controls could be easily imposed. While many may refute the possibility of foreign exchange controls could be easily imposed. While you may refute the possibility of foreign exchange controls, the reality of current trends should not be dismissed. Very few thought that gold assets would become illegal or that banks would be closed that fateful day in 1933. Very few believed that wage-price controls would be imposed, but they were and some Members are calling for controls again. The point is that the web of Government controls and regulations continues to tighten around the individual. As economic problems worsen, governments take more money and freedoms away from the people in the name of public interest. As Harry Schultz once said, "History repeats itself because every generation refuses to read the minutes of the last meeting."

I suggest, Mr. President, that we readdress this abuse of individual rights just as soon as the 99th Congress convenes.

PINE BLUFF ARKANSAS RAIL HIGHWAY PROJECT

Mr. BUMPERS. Mr. President, I would like to engage the chairman and ranking minority member of the Transportation Subcommittee of the Appropriations Committee in a colloquy about a rail highway demonstration project in Arkansas that is near and dear to my heart. The project is for the city of Pine Bluff, which is absolutely desperate to deal with the severe problem of dangerous rail crossings. The Members of this body that have visited Pine Bluff know how serious the problem is. The city, which has a population of about 55,000, has fully 51 railroad crossings, a very high number for a city of that size.

The chairman, Mr. Andrews, and the ranking member, Mr. Chiles, are aware of my deep and abiding interest in this project, and that a Senator Pryor as well, and they have tried to be accommodating under difficult circumstances. There have been severe budget restraints on the funds available for all of these rail highway demonstration projects across the country. In the Senate Transportation Appropriations bill, however, at my request $4 million was included for the Pine Bluff project, and that level of funding was referenced by the Senate passed continuing resolution. Although I had been hoping for about $6.3 million, I though that $4 million was a fair compromise under the circumstances.

The problem was that although the House reported Transportation appropriations bill contained $6.2 million for the Pine Bluff project, that bill was not referenced by the House-passed-continuing resolution; the House-passed-continuing resolution set spending levels for these projects at the budget request or this year's funding, whichever was lower. This wide gap between the House and the Senate bills made it difficult in conference to retain anything close to the Senate position on the Pine Bluff project. The conferees were able to fund the Pine Bluff project at only $1.4 million.

Here is the problem that the $1.4 million funding level causes for the Pine Bluff project. Under the terms of the continuing resolution as I understand it—and I hope the Senators will correct me if I am wrong—language in the House report is controlling that directs the Federal Highway Administration to obligate funds for right-of-way acquisition only for projects as to which viable financing plans for construction have been developed.

Mr. ANDREWS. The Senator is correct.

Mr. BUMPERS. Here is the problem, in light of that. State and local officials in Arkansas tell me that a viable segment of the project will cost a minimum of $6.3 million to complete, and they simply do not believe that they can come up with State and local funding for the $4.9 million difference between the cost of a segment and the $1.4 million in this bill. I am told that the city and State can come up with only between $2.5 million and $3.5 million in urban systems funds and highway safety funds as matching money. Without right-of-way acquisition, construction cannot begin. And, as I understand the authorization for these rail highway projects, there is a requirement that construction be in progress by September 30, 1985, in order for funds to be available to complete the project. Am I correct in my understanding?

Mr. ANDREWS. The Senator is correct.

● Mr. BUMPERS. I thank the Senator. My question is this: Was the $1.4 million in this bill a commitment by the Senator from North Dakota and the Senator from Florida to allow this project to be built? When I and Senator Pryor come back early next year and ask for additional reasonable funding, can I count on the support of the two Senators?

● Mr. ANDREWS. The funding of $1.4 million was provided to fund what had been described to us. As the essential first step for Pine Bluff, that is, to fund rail consolidations, I will help the Senator from Arkansas to the extent that I can. I think he knows the difficult budget restraints we are working under, but we are aware of the importance of the Pine Bluff project. We certainly had every intention to allow the project to go forward. However, Pine Bluff needs to develop a viable financing plan.

● Mr. CHILES. I echo the comments of the chairman of the subcommittee. I will certainly help in any way I can. In making this appropriation, it was our intention to allow the project to go forward, and I will do what I can to see that this happens.●

AID TO CONTRAS

Mr. DENTON. Mr. President, 25 years ago the United States blinked, allowing Fidel Castro to consolidate his control over the people of Cuba and the Soviet Union to develop and maintain its subversive role in this hemisphere. Today, the Congress is blinking again, and may be virtually assuring that Nicaragua will be a permanent beachhead for Soviet imperialism in Central America.

I believe that our failure to support those people who are fighting against the consolidation of a Communist regime in Nicaragua is a tragic error that may consign the people of that country to permanent poverty and bondage, and undermine the hope for long-term peace in our hemisphere. It reduces the pressure on the Sandinista leaders to accommodate the genuine opposition in Nicaragua, represented by Arturo Cruz. I believe that this policy will lead ultimately to greater bloodshed in Nicaragua. The people who have previously sought to restore the original principles of the 1979 revolution through peaceful means will be forced into the only remaining route, that of armed resistance.

The Sandinista regime will have an opportunity to resolve its political and military crisis. The armed opposition had stated its willingness to enter into a cease-fire if an agreement could be reached that would permit Arturo Cruz to participate in free, fair, and open elections. An agreement was nearly achieved, but at the last minute the Sandinistas unsurprisingly rejected it.

I believe that there can be little doubt today about who the Sandinistas are and what they intend to accomplish in the immediate future. They are Marxist-Leninists: looking, walking, and quacking accordingly. They are aligned with and supported by the Soviet Union, committed to strong centralized control over political, economic, and social life in Nicaragua and to subversion of their democratic neighbors.

By approval of the conference report which prohibits any funds for U.S. assistance to the Contra forces before February 21, the Congress is giving the Sandinistas a blank check to do whatever they want. In addition, the decision ties our President's hands by leaving him with the option of using only an extreme response to deal with any crisis that may develop in the region between now and February 21. I do not believe that is what we intend to do.

It is about time for the Congress to place itself on record in support of freedom, peace, and democracy in Central America. I believe that it is about time that the Senate is willing to demonstrate its commitment to those principles, and to the right of the people of Nicaragua, El Salvador, and Honduras to have a future that reflects them, by insisting on our position to the end rather than by capitulating to a shortsighted position adopted by the House.

To those of my colleagues who believe that we are merely postponing the decision until a later date, I state the simple fact that the Contra forces have been denied financial assistance by the Congress since May 1984. I repeat, they have functioned without U.S. aid for 5 months. By the time we are able to consider the matter again, we will have been out of the picture for nearly a year.

In my view, the Senate must sustain its position now. We cannot simply acquiesce to the House of Representatives in the pious hope that we may do better on another occasion. The matter is important enough for us to have a vote on it as a specific issue right now.

I know that we cannot have a specific vote on aid to the Contras today, because there are no amendments in disagreement to the conference report. I oppose the compromise in the conference report, and I believe that it will have tragic results for the people of Central America and that it will have long-term consequences, not even yet calculated, for our position in the Western hemisphere and for our own security. I must oppose it.

I will therefore vote against the conference report because of the position on the Contras, as well as because of the serious reductions in funding and authority for critical elements of our national defense, and because of our failure to deal rationally with water projects.

Thank you, Mr. President.

Mr. LEVIN. I would like to engage the distinguished chairman of the Defense Appropriations Subcommittee in a brief colloquy about a program both of us have supported strongly this year and in the past—the Submarine (Blue-Green) Laser Communications Program.

The blue-green laser system has the great potential to be a survivable, high-performance, high-data-rate communications system for our strategic ballistic missile and attack submarines. The Armed Services Committee, on which I serve, has authorized additional funds—at my urging—for several years to accelerate this program. The chairman's Defense Appropriations Subcommittee has provided similar funding support.

This year, our committee and its House counterpart authorized an additional $12.5 million for this program—$10 million more than the original budget request for the Defense Advanced Research Project Agency [DARPA] and $2.5 million more for the Navy.

The Defense appropriations conferees on the continuing resolution were able to provide—due to overall funding constraints—$7.5 million to accelerate the Submarine Laser Communication Program.

Would the distinguished chairman agree that the conferees' action did not indicate any lack of support for this important research program and that there was no prejudice toward the program connected with the action?

Mr. STEVENS. I would agree. The conferees recognize the great potential of this submarine communications system. Overall funding constraints necessitated our action to fund $7.2 million more for the blue-green laser system in fiscal year 1985 instead of the $12.5 million more authorized.

Mr. LEVIN. I believe the funds have been well spent and that the program's potential will support a full go-ahead decision.

I am concerned about the additional $5 million authorized for DARPA for this program in fiscal year 1985. Would the chairman agree that, should additional funds become available during fiscal year 1985 from within the overall funds appropriated for defense, he would be receptive to receiving a reprogramming request from DOD for the remaining $5 million authorized to actually be appropriated to accelerate the Blue Green Laser Submarine Communications Program?

Mr. STEVENS. I share the Senator's interest in this program, and I would be receptive to a reprogramming proposal.

Mr. LEVIN. I thank the chairman.

Mr. WALLOP. Mr. President, the actions by the conference committee and the Congress in the passage of the continuing resolution cause me great concern. I have spoken elsewhere on the gravity of the 5-month delay and potential refusal of aid to the rebels fighting for freedom in Nicaragua. The additional actions of the conference committee in delaying deployment of MX and in reducing further the funds authorized for the strategic defense initiative demonstrate that the Congress is withholding from this country the ability to defend itself. It appears that Congress can't recognize the nature of the threats we face in the world today. Unfortunately, the results of failure to face these threats will be more difficult to deal with in future years.

This general problem is demonstrated in the actions of the conference committee in dealing with deployment of MX in Wyoming and Nebraska. Over the past 2 years, the Air Force, State and local government staff, officials, and citizens have been involved in concentrated study of the impacts associated with the deployment of MX in southeastern Wyoming and western Nebraska. These studies revealed that the major impacts are associated with the construction of major support facilities on F.E. Warren Air Force Base in Cheyenne. These support facilities are needed irrespective of whether 10 or 100 missiles are deployed. The studies also revealed that construction of the community capital improvements must begin immediately if the schools and water is to be available when peak construction impacts occur. The conference deferred the $5.9 million funding for these facilities while giving approval to nearly $100 million associated with deployment of the first MX missiles. As the citizens of Wyoming have learned in dealing with numerous energy projects in the last decade, such neglect of community support facilities is extremely unwise and will only work to make deployment activities more difficult. I am hopeful that the Appropriations Committees will make timely approval of reprogramming requests for the impact mitigation funds a high priority.

At this same time, Mr. President, I feel I also must express my dismay and disappointment that funding for some very long, and overdue water projects was also stripped from this continuing resolution. It is most unfortunate that authorized projects, such as the Buffalo Bill Dam, in my State of Wyoming were thrown out along with other water projects that had not gone through the authorization and appropriation process in both the House and the Senate.

Modification for Buffalo Bill was initially authorized at $106,700,000 in October 1982. In 1983, the Department of the Interior and the State of Wyoming agreed on a cost-sharing proposal, whereby the State of Wyoming would pay more than 40 percent of the capital cost of the project. Since that time, several attempts to appropriate the actual funds have been undermined, even though Wyoming has already come up with over $45 million to cover its share of the project. It is my sincere hope that this much-needed water project will be funded shortly after the 99th Congress convenes in January.

CLEAN COAL TECHNOLOGY AND THE CONTINUING RESOLUTION

Mr. BYRD. Mr. President, I commend the conferees for their hard work and diligence in resolving differences over the many difficult issues involved in the continuing resolution for fiscal year 1985.

I note in particular that the continuing resolution contains a compromise agreement on the Synthetic Fuels Corporation. This agreement represents a consensus in the Congress supporting the commercial development of synthetic fuels from the Nation's vast reserves of coal and oil shale. The administration has indicated its support for this compromise, and I hope that the administration will act expeditiously to fill the remaining positions on the SFC Board of Directors. It is time to get the SFC back to business.

As an integral part of the SFC compromise, the continuing resolution includes $750 million to support clean coal technology demonstration activities. This program will play an important role in accelerating the development of advanced technologies which will promote the efficient, economical, and environmentally acceptable use of coal. The program is based on the National Coal Science, Technology, and

Engineering Development Act (S. 1925), which I introduced a little more than 1 year ago on October 6, 1983.

This is a program which is important to the future of the coal industry in my State of West Virginia, as well as other Appalachian, Midwestern, and Western coal States. Consequently, I will be following closely its implementation by the Department of Energy, and I will do whatever I can to contribute to the success of this important effort to promote the use of coal.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. For the benefit of the Senate, I think I should say now that there is a rollcall vote ordered on the conference report. There will be another rollcall vote immediately after this rollcall vote on the genocide resolution, not on the convention but on the resolution which was debated yesterday. So the Senate should expect two votes essentially back to back.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maine [Mr. COHEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from Oregon [Mr. HATFIELD], the Senator from Idaho [Mr. MCCLURE], the Senator from Illinois [Mr. PERCY], the Senator from Texas [Mr. TOWER], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] and the Senator from Wyoming [Mr. WALLOP] would each vote "nay."

Mr. CRANSTON. I announce that the Senator from Missouri [Mr. EAGLETON], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Michigan [Mr. LEVIN], are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan [Mr. LEVIN] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 78, nays 11, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—78

Abdnor
Andrews
Armstrong
Baker
Bentsen
Biden
Bingaman
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cranston
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Ford
Garn
Glenn
Gorton
Grassley
Hart
Hatch
Hawkins
Hecht
Heflin
Heinz
Hollings
Inouye
Jepsen
Johnston
Kassebaum
Kasten
Lautenberg
Laxalt
Leahy
Long
Lugar
Mathias
Matsunaga
Mattingly
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Tsongas
Warner
Weicker
Wilson

NAYS—11

Baucus
Boren
Denton
East
Exon
Helms
Humphrey
Pell
Proxmire
Symms
Zorinsky

NOT VOTING—11

Cohen
Eagleton
Goldwater
Hatfield
Huddleston
Kennedy
Levin
McClure
Percy
Tower
Wallop

So the resolution was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, we are about to have another vote.

First, I wish to congratulate the managers of the conference report for a job well done and the chairman and ranking minority member for the long and difficult negotiations that produced this result.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I now ask unanimous consent that the Senate go into executive session for the purpose of resuming consideration of Senate Resolution 478.

There being no objection, the Senate proceeded to the consideration of executive business.

SENATE RESOLUTION 478—EXPRESSING SUPPORT FOR PRINCIPLES CONTAINED IN THE CONVENTION AGAINST GENOCIDE

The PRESIDING OFFICER. The clerk will state the resolution.

The bill clerk read as follows:

A resolution (S. Res. 478) expressing support for principles contained in the Convention Against Genocide.

The Senate resumed consideration of the resolution.

Mr. BAKER. Mr. President, I ask unanimous consent that I may proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. BAKER. Mr. President, Senate Resolution 478, which is pending, is the so-called genocide resolution which I introduced yesterday on behalf of Senator DODD, Senator HELMS, and a number of other Senators. A rollcall vote has already been ordered. There is a time limitation. The time has expired. So there is to be a vote immediately.

Before we have that vote, however, I wish to say that we also have the debt limit bill to deal with. So after this matter is disposed of and perhaps some routine matters that need to get over to the House of Representatives, we will be back on the debt limit, and I do anticipate a rollcall vote or votes on the debt limit bill.

It is the hope of the leadership that we can finish by midafternoon, but I will do my best to keep Senators advised as the situation develops.

Mr. HATCH. Mr. President, before I cast my vote for or against Senate Resolution 478 I would like the record to state that I interpret this resolution to be a statement against the crime of genocide; not a statement in favor of the treaty as it currently stands.

Mr. CHAFEE. Mr. President, today in the Senate we are voting on a resolution introduced yesterday by the distinguished majority leader expressing support for the principles contained in the Convention Against Genocide. This resolution, which was developed as a result of the efforts of a number of Senators, also declares the intention of the Congress to consider promptly the ratification of the convention itself during the 99th Congress.

I support this resolution, as I believe it is an important step toward affirming the principles contained in the convention itself. I would have preferred, however, to vote today for ratification of the convention itself.

This convention, which was signed in 1948 by the United States, has been before this body for a sufficient period of time. We have had ample opportunity to examine its features and the arguments for and against it. It is long since past the time when the United States should have ratified this convention and declared its support of the convention to the world.

Let us recall the circumstances in which the Convention Against Genocide was born. The world was emerging from the chaos of the Second World War, a war which had, for the second time in this century, plunged the world's great powers into an orgy of self-destruction. The brutality of that war, and the atrocities perpetrated against the population of Europe, posed a challenge to the fundamental underpinnings of Western civilization.

Out of the shock and destruction of that war a new resolve emerged, a resolve not only to prevent such wars in the future, but to institutionalize the rights of individuals which had been so brutally suppressed during the war and, especially, during Hitler's ghastly campaign against the Jewish population of Europe.

The Genocide Convention was one result of this resolve to prevent such crimes in the future.

It is fitting that the Senate acts today on this resolution, since today is the centennial of the birth of one of America's foremost spokeswomen for human rights, Eleanor Roosevelt. Mrs. Roosevelt was a member of the American delegation in the early meetings concerned with formation of the United Nations. Mrs. Roosevelt emerged as one of the most eloquent champions of the principles involved in the Universal Declaration on Human Rights adopted by the United Nations in 1948. Many of these principles are also embodied in the Convention Against Genocide, which was signed during the same year.

Therefore, Mr. President, I am casting my vote in favor of this resolution, and I look forward to early action in the Senate to ratify the convention itself in the next session of Congress.

RATIFICATION OF THE GENOCIDE CONVENTION

Mr. SPECTER. Mr. President, I am supporting this resolution on the principles of the Genocide Covenant because I believe we can no longer postpone joining in the virtually universal condemnation of the kind of large-scale attempts to annihilate a race or ethnic group such as that which characterized the Holocaust of World War II.

This treaty was adopted by the United Nations over 35 years ago, and our failure to ratify it can only be explained by misunderstanding of its impact. Many of these concerns persist today, but a careful review of the convention reveals that they are unfounded.

The treaty carefully defines genocide to require an "intent to destroy, in whole or part a national, ethnical, racial, or religious group," combined with specific actions to implement that intent. Thus, contrary to what some have alleged, this would not cover ordinary acts of war, since the objective of any justificable conflict could never be the destruction of a race or ethnic group.

Nor does the inclusion of acts causing "mental harm to members of the group" challenge constitutionally protected free speech, as some fear. No act becomes an act of genocide unless it is accompanied by a provable intent to destroy the members of a national, ethnical, racial, or religious group. Even an effort to effectively eliminate a religious sect through conversion would not constitute genocide, since it is not aimed at actual destruction of the religion's members.

The treaty also outlaws conspiracy, incitement, and attempt to commit genocide, as well as complicity in genocide. Some have claimed that this removes the requirement for an overt act. This assertion is false. As a lawyer, I can assure you that each of these crimes does require an overt act toward the actual genocide. Thus, mere thoughts and protected speech are not punishable.

Another concern frequently expressed about this convention is that it does not apply to political genocide and, thus, it is alleged that genocide conducted through a "purge of enemies of the state" would not be punishable. Again, this is not the case. What the treaty in fact provides is that the proscribed acts of genocide "shall not be considered as political crimes for the purpose of extradition." The reason for this is to avoid precisely the potential loophole that causes concern. Generally, extradition treaties contain an exception for so-called political offenses such that a country need not surrender a criminal to another country for punishment if they claim the offense was "political."

Eliminating this loophole strengthens the treaty, but it does not expose U.S. citizens to greater risk of foreign accusations because they would still have all of the protections and safeguards we have built into all of our extradition treaties. It is important to remember that this convention is not an agreement to extradite. That is still governed solely by existing treaties which are already in effect, or those we might enter in the future.

Similarly, this convention does nothing to expose U.S. citizens to greater risk of being tried in a foreign court or international tribunal, or even the United Nations, where our constitutional guarantees of due process would not apply.

First, each nation that ratifies the treaty must implement its own legislation to carry out its provisions. Thus, U.S. laws and constitutional protections would have to be observed in any trial taking place in this country, and we can easily retain the power to try all U.S. citizens regardless of where the alleged offense occurred.

With regard to an international tribunal, there is currently no such court with jurisdiction over individuals, and none could be established with jurisdiction over the United States without our separate agreement to such. The World Court has jurisdiction only over countries, and then only with each country's assent. Furthermore, the World Court cannot punish countries or individuals. Sanctions can only be implemented by action taken at the United Nations, where we have a veto and where jurisdiction is again limited to nations, not individuals.

With these safeguards, I can see no justification for refusing to add our leadership to this international condemnation of the heinous act of genocide. Given the long history of man's inhumanity to man, action that draws attention to, condemns, and provides a legal framework for punishing the crime of genocide is sorely needed and should be supported by the United States of America.

Instead of merely expressing the sense of the Senate in support of these principles, I believe we should be ratifying the Genocide Convention. Unfortunately, the distinguished majority leader has determined that ratification is not possible given the current timetable for the conclusion of this session of Congress.

I am hopeful that the next session will see this treaty ratified. In the meantime, this resolution is a significant step forward and puts us clearly on record as condemning this most grave of crimes. A crime which hope relegates to history, but sobriety recognizes as potential.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maine [Mr. Cohen], the Senator from Arizona [Mr. Goldwater], the Senator from Oregon [Mr. Hatfield], the Senator from Idaho [Mr. McClure], the Senator from Illinois [Mr. Percy], the Senator from Texas [Mr. Tower], and the Senator from Wyoming [Mr. Wallop] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. Hatfield] would vote "yea."

Mr. CRANSTON. I announce that the Senator from Missouri [Mr. Eagleton], the Senator from Kentucky [Mr. Huddleston], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Michigan [Mr. Levin] are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan [Mr. Levin], would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 87, nays 2, as follows:

[Rollcall Vote No. 288 Ex.]

YEAS—87

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hart
Hatch
Hawkins
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Jepsen
Johnston
Kassebaum
Kasten
Lautenberg
Laxalt
Leahy
Long
Lugar
Mathias

Matsunaga
Mattingly
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Tsongas
Warner
Weicker
Wilson
Zorinsky

NAYS—2

East
Symms

NOT VOTING—11

Cohen
Eagleton
Goldwater
Hatfield
Huddleston
Kennedy
Levin
McClure
Percy
Tower
Wallop

So the resolution (S. Res. 478) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BRADLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

PUBLIC DEBT LIMIT INCREASE

Mr. BAKER. Mr. President, let me explain the situation, if I may. At this moment, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Now the Senate has before it once more the debt limit resolution. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. What is the pending question?

The PRESIDING OFFICER. The clerk will report the pending question.

The bill clerk read as follows:

> A joint resolution (H.J. Res. 654) increasing the statutory limit on the public debt.

The PRESIDING OFFICER. The question recurs on the Symms amendment No. 7092.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there are a few routine matters that we may be able to do in order to get them over to the House in time for the House to act on them. If the managers of the debt limit bill and the sponsor of the pending question do not object, I would like to now have a time of about 15 minutes to do some routine matters.

I ask unanimous consent that there be a period for the transaction of routine morning business until 1 p.m. in which Senators may speak for not more than 2 minutes each, except for the two leaders, against whom no time limitation will apply.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ARCHIE ROBERTSON, A CONGRESSIONAL FELLOW WITH THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS

Mr. WARNER. Mr. President, I take this opportunity to publicly recognize the contribution made to my staff by Mr. Archie Robertson, a fellow with the American Society of Mechanical Engineers.

After joining my staff last January, Archie filled in for my legislative assistant for energy and environmental affairs.

He had the creative inclination to pursue initiatives on Virginia wilderness, coal research, the environment, the continuous electron beam accelerator facility, and various water projects including the deepening of Hampton Roads and the protection of Tangier Island.

One of the projects Archie worked on, which personally intrigues me, is the development of a railroad locomotive which burns coal.

The impact this one initiative could have on our Nation's railroads, our coal industry, and our energy independence is dramatic.

Archie has brought to my office, and indeed the U.S. Senate, a refreshing level of expertise which has caused the reality of the outside world to penetrate the insulated environment of this hallowed deliberative body.

Though Archie is a resident of New Jersey, he has demonstrated a deep and abiding devotion to solving the energy and environmental problems of Virginians.

For that, the citizens of my great Commonwealth may consider him their adopted son.

I will miss Archie Robertson when he leaves my staff later this year to resume his duties in private industry.

I will miss Archie because he and I have a great deal in common.

He and I are both engineers.

But most of all, I will miss Archie, as will my staff, for his quiet sense of humor, his endless patience, his sensitivity and his tireless attention to detail.

Finally, Mr. President, I wish Archie, his wife Suzanne and their four children, a safe journey and good fortune in their future endeavors.

They will always have a place as members of my Senate family.

S. 1300—RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND SELF-SUFFICIENCY ACT OF 1983

Mr. PRESSLER. Mr. President, I join my distinguished colleagues in shared regret over the failure of the Senate to act this year on S. 1300, the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983.

As a cosponsor of that legislation, I have worked hard with my colleagues from rural States to ensure the financial integrity of the REA system. Without such legislation, rural electric and telephone cooperative consumers face less reliable service at higher cost.

In some States, the REA has not played such a crucial role in the development of the area as it has in South Dakota. But in South Dakota, where some of the cooperatives have less than one consumer per mile of line, the financial assistance of the REA loan programs is critical to maintaining affordable power to these areas. I can remember when the REA brought electricity to my family farm near Humboldt, SD, and I still believe that our farm might never have benefited from electric power had it not been for the REA Program. The job of the REA Program is not complete. We must maintain an effective REA Program.

The President and I have discussed the REA, and I have also worked with the NRECA to try to get this bill passed. An often overlooked fact of life in rural America is that rural electric consumers pay an average of 12 percent more for their electricity than do their city cousins. Without the kind of strong financial base which S. 1300 provides our rural electric and telephone users, it will be very difficult to keep the already high utility rates on farms and ranches and in small towns from going up.

I will fight for Senate consideration of similar REA legislation early next year so that the REA revolving fund will remain solvent. Perhaps some type of agreement can be worked out in the meantime on the various parts of the bill which have been so controversial. I will continue to work on this critical issue and hope that all our distinguished colleagues will join us in the effort to ensure the survival of rural electric and telephone programs.

TRIBUTE TO REPRESENTATIVE JACK EDWARDS

Mr. DENTON. Mr. President, we are here today to pay tribute to a superb politician, a fine man, and a distinguished Member of the House of Representatives who is retiring from Congress at the end of the current term. I am speaking, of course, about Representative JACK EDWARDS of Alabama's First Congressional District.

I am pleased and honored to join the senior Senator from Alabama [Mr. HEFLIN] and others in paying tribute to JACK EDWARDS for his services to the Congress and our Nation.

Back in 1982, when JACK first talked about retirement, some of his friends were able to talk him out of it. We stressed the need for him to remain active in Congress. The future of our country depended on Jack and other Members of Congress like him. I wish we could talk him out of it again, but we could not. Although all his other friends and I know that he will enjoy the more relaxed life on Mobile Bay, all of us in Washington will miss him.

Jack and I come from the same city—Mobile, AL. We were friends before I came to Washington, and our joint service here has made us even closer. Our wives are close, and our staffs are close. We share a love of our country, of Alabama, and of Mobile, and I share his love for the beautiful waters of our State. In a way I envy Jack, for he will return to live on and enjoy the beauty of Mobile Bay.

Jack was born in Birmingham, AL, in 1928. He attended the University of Alabama, where he received both a bachelor of sciences degree and a law degree. He served in the U.S. Marine Corps from 1946 to 1948 and 1950 to 1951. Jack taught business law at the University of Alabama, and then practiced law full time in Mobile from 1954 until 1964.

Jack was first elected to Congress in 1964, and easily won reelection nine times. He is the third ranking Republican on the House Appropriations Committee, and ranking minority member on the Defense Appropriations Subcommittee. He also serves on the Transportation Appropriations Subcommittee.

Mr. President, Jack taught the people of the First District of Alabama and, arguably, all of Alabama, how to split a ticket and elect good people from both parties. His election led the way for other Alabama Republicans, myself included, to win their races for elected office. It is my fervent hope the tradition established by Jack will live long after he retires.

Jack's expertise on defense matters has been the hallmark of his career in the House of Representatives. As the senior Republican on the Defense Appropriations Subcommittee, he has built a reputation as a broker between the administration and its critics and opponents. As "Politics in America" put it:

> Highly regarded for his intelligence and judgment, Edwards argues the case for military preparedness with a thoroughness and balance that even critics of the Pentagon find difficult to ignore. He is a somewhat gentler version of Sam Nunn, the Georgia Democrat who argues defense issues with similar skill in the Senate.

I am not the only person who thinks highly of Jack Edwards. His colleagues in the House have consistently remarked that Jack is a thoughtful, considerate politician. That is evidenced by the fact that they have repeatedly elected him as vice chairman of the House Republican Conference. The 1984 edition of "The Almanac of American Politics" describes Jack as a "bright, public-minded pillar of the community," and notes correctly that he "has commanded considerable respect" in the House of Representatives.

In a professional way, I have benefited greatly from Jack's presence in the House. As a freshman Senator, I relied upon his advice and counsel on many aspects of national policy. I have particularly valued Jack's strong House leadership and guidance on matters affecting our national defense. Jack knows the importance of keeping our Nation strong, and he has played a major role in shaping and promoting the efforts under this administration to redress the deficiencies of the past.

Finally, let me say that Jack is, above all else, a first-class human being. I know of no one who is more considerate and more thoughtful, truly interested in and concerned about his fellow men. It is all too rare to find knowledge, leadership, compassion, candor, and congeniality all in one man. Jack has all those qualities, and they make him an exceptional individual. I, and all of us, will miss him as much for his personal character as for his professional accomplishments.

As good as he is, in my judgment he does not deserve the lovely, talented woman, Jolane, who graces his life as his spouse. She has been at least half of their team, and by far the more charming.

We all owe much to Jack for his contributions to Congress and country. I hope that I may continue to rely upon his friendship and wisdom when he returns to private life, and I know that, as a private citizen and a constituent, he will continue his active interest in the welfare of Mobile, of Alabama, and of the United States.

Mr. President, I am confident that I join with all Members of Congress in saying, "Thank you, Jack, for all that you have done. Because you came to Washington, our country is a better place. God bless you."

JACK EDWARDS: AN OUTSTANDING REPRESENTATIVE

Mr. HEFLIN. Mr. President, today it is my honor and privilege to rise in recognition of one of my Alabama colleagues in the House of Representatives, the Honorable Jack Edwards, who has served the people of Alabama's First Congressional District for 20 years—a man esteemed and respected by both his constituents and his colleagues.

Jack Edwards was first elected to the House in November 1964. Now serving his 20th year, Jack has announced that he will retire from Congress at the end of this term, in January. In fact, it was his desire to step down at the conclusion of the last term, but friends prevailed upon him to continue his public service for 2 more years.

During Jack Edwards' two decades of public service, he has been among the finest of all servants of the people. Throughout that service, he has embodied the very highest traditions of the Congress of the United States.

Mr. President, one thing I have always admired about Representative Edwards has been his dedication to the people of his district. In Congress, his work has truly been as their Representative, and his achievements have been theirs as well.

In my travels across the First District, lying in southwestern Alabama, I am constantly running across projects which are, in large part, monuments to the success of Jack Edwards. One of the primary ones, of course, is the Tennessee-Tombigbee Waterway. As a member of the House Appropriations Committee, Jack was always instrumental in leading the fight for continued funding of the waterway. The project, now scheduled to open in February 1985, will be a great asset to Mobile and all of Alabama.

The Theodore Channel, a valuable asset to the Port of Mobile and the area's industrial development, has been completed. The Warrior-Tombigbee Waterway is rebuilding, and the Alabama-Coosa has been completed to Montgomery. In addition, the Bon Secour National Wildlife Refuge is virtually complete, and funds have been secured for the deepening of Mobile Harbor.

Jack Edwards has also been instrumental in road and highway development in his district. He was a leader in obtaining funding for the Interstate 10 twin tunnels in Mobile, and was a major factor in formulating the interstate crossing of Mobile Bay and the Mobile River Delta.

The new Dauphin Island Bridge, Cochrane Bridge, and the Alabama River Bridge in Claiborne all owe a part of their existance to the efforts of Jack Edwards. You can also add to the list a new airport in Gulf Shores, airport improvements in Mobile and Fairhope, a new Federal building in Mobile, and Amtrak service from Mobile to New Orleans. Every county in his district has projects which could bear the label "made by Jack Edwards."

Mr. President, these are but a few of the countless accomplishments of a man totally devoted to the most important business possible—the people's business. Through his dedication, hard work, leadership, and intelligence, Jack Edwards has become a truly shining example of a public servant, in an era when all too much of the luster has been taken off of such service.

I do not for one moment, Mr. President, wish to leave the impression that Jack has been a completely parochial Congressman. Such has not been the case. Just as he has served Alabama and its people, so has he also served America and Americans.

For the past decade, he has been senior Republican on the House Defense Appropriations Subcommittee, and it is in military matters that he has become best known. JACK is recognized as being among the most knowledgeable Members of Congress in the field of defense. This recognition is documented in publications such as "Politics in America 1982", which said JACK "argues the case for military preparedness with a thoroughness and balance that even critics of the Pentagon find difficult to ignore."

Still, Mr. President, I believe that the best way to find out the truth about someone is to listen to those who know him best. With JACK EDWARDS, those are the people back home, the people of Alabama's First District, and their opinion is not hard to figure out. In fact, their feelings are immediately clear if one just looks at the election results over the last 20 years. By averaging the percentage of the votes received in each election by Congressman EDWARDS, you come up with the unbelievable statistic of an average vote of 67 percent. That, more than any other figure or word, illustrates the high regard in which JACK EDWARDS is held by the people of his district. Of course, the feeling is reciprocal, as evidenced by the fact that, after retirement, Jack is not settling in Washington, but is returning to his hometown of Mobile and his old friends. This is most unusual for a Congressman who has served many years around the Potomac. It proves he was never afflicted with "Potomac fever."

Mr. President, as I hope it is clearly evident from my remarks, I admire JACK EDWARDS—both as a public servant and as a human being. I am grateful to have had the opportunity to have served along with him, and especially, for his friendship.

More than two decades ago, even before JACK EDWARDS was a Member of the House of Representatives, John Kennedy issued a challenge to all public office holders in saying "our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage; second, were we truly men of judgment; third, were we truly men of integrity; and, finally, were we truly men of dedication?"

It is with that measure of success with which I wish to close my tribute to Representative JACK EDWARDS—a man of true courage, unparalleled judgment, unquestioned integrity, and complete dedication—a truly successful and outstanding public servant.

I ask consent that the attached article from the Bimingham News appear in the RECORD following my remarks.

I thank the Chair.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, Oct. 7, 1984]

WITH PRIDE AND YARNS, REPRESENTATIVE EDWARDS ENDS ERA

(By Olivia Barton)

WASHINGTON.—Plaques and pictures fill the boxes on the floor of U.S. Rep. Jack Edwards' office. They are the memorabilia of 20 years in Congress—things Edwards hopes his grandchildren will want to look at one day.

Will anyone care, he wonders aloud, to see the pictures he has with five presidents from Lyndon Johnson to Ronald Reagan? If they don't, Edwards shrugs, "I've tried not to take myself too seriously."

As Edwards prepared last week to return to Mobile this weekend—and to become a private citizen and lawyer instead of a congressman—he reflected on the high points and the low ones of his 20-year career.

The darkest moments, he said, were during the 1960s as the Deep South struggled to adjust to new civil-rights legislation and a new way of life. "It was tough on blacks, on whites and on those of us in the legislative branch having to deal with that. Now we are approaching a time for equal rights for all," said Edwards.

The years of the Vietnam War were tough ones, too, when Edwards felt torn—wanting to support the troops, but having doubts about "what we were doing."

On the bright side, the feathers in his cap include the soon-to-be-completed Tennessee-Tombigbee Waterway and his leadership on defense matters. As ranking Republican on the Defense Appropriations Subcommittee, Edwards said, "I feel I've been a material factor in rebuilding the defenses of the country. If I have a national record, it's in the field of defense."

If anything has marked his career in Congress, it's the entree Edwards has had to the White House, especially with the Republican presidents, he said.

Because Edwards was part of the Republican leadership in Congress, he has met each week with Reagan, just as he did with Richard Nixon and Gerald Ford.

That responsibility means Edwards has been called by the White House at odd times and in odd places.

As Edwards packed away his president pictures, he chuckled about those times.

During the Johnson administration, Edwards was playing golf at Mobile Country Club and was on the "furtherest hole from clubhouse" when the caddymaster came flying up in a golf cart.

"He screeched to a halt and said, 'The president wants you, the president wants you.' We were making the turn in about 30 minutes. I said I'd call him after that. The caddy's jaw dropped," said Edwards, whose friends encouraged him to go ahead.

"We go flying back with the caddy yelling to everyone on the golf course, 'The president wants him, the president wants him.'" Edwards remembered. Johnson, who wanted to get Edwards' support for a bill, asked Edwards what he'd been doing.

"I told him I was playing golf and having the best round I'd had in two years. He says, 'I guess I just lost a vote on that bill.' I said, 'You sure did,'" said Edwards.

When Ford was president, Edwards was sailing one day in Little Lagoon at Gulf Shores when the sailboat turned over. He and a friend were down in the water, trying to flip the boat up when Edwards saw his friend's wife on shore yelling and motioning to them to come ashore.

"But it was hard to get the boat upright. I looked up again and here came a police car with its light flashing. The policeman gets out and with an electric bullhorn says, 'The president wants Mr. Edwards.' Everyone is triggered into animation at the thought of the president," said Edwards.

"We got the boat up and sailed back, and here comes the police chief with his blue light flashing. He jumps out and says, 'The president wants Mr. Edwards,' said the congressman, who said they all followed him into the house.

"I headed for the bedroom and they said, 'Where are you going?' I told them I was cold, that I wanted to take a shower and dry off," said Edwards. "They said, 'You've got to call him now.'"

While they listened, Edwards called the White House and got President Ford.

"We chatted. He said, 'By the way, what are you doing down there?' I told him, 'I'm freezing my ass off talking to you.' They all went 'Ohhhh.'"

When Edwards decided to retire from Congress, he went to Mobile for a job interview with a law firm.

He'd been talking to two of the senior partners for more than an hour. "Everyone was feeling his way about what to do with a former congressman. I said, "You know, I have not got the foggiest notion what I'm worth to a firm like yours,'" Edwards said he told them.

At that moment, the secretary stuck her head in the door and said, The president wants to speak to Mr. Edwards."

Edwards left the room to speak to Reagan. When he returned and tried to pick up the conversation, one of the lawyers told him, "You're worth twice what you were 10 minutes ago."

Edwards laughs about a call he got once from Vice President George Bush.

Edwards had gone to the vice president's residence for a party honoring all the big contributors to the Republican Party.

The congressman's 1974 Chevy Vega sputtered almost to the front of the house, then died. Edwards got out, lifted the hood and was jiggling some wires when the bus drove up with all the contributors aboard, staring at him. Edwards decided to go inside and visit for awhile, but returned about an hour later to work on the car.

One of the guards tried to help him, but eventually he called a wrecker to tow the car to a garage.

The next day, Edwards sent one of his staff interns to get the car.

"He was coming down Massachusetts Avenue when the car breaks down right in front of the vice president's home," said Edwards. The intern coasted the car into Bush's driveway.

"The guard comes out and says, 'My God, not again,'" said Edwards.

"The next day, the vice president called me up and said, 'Edwards, get your damn car out of my driveway.'"

There are "not too many funny Nixon stories," said Edwards, who also saw very little of Jimmy Carter.

Edwards, who enjoys telling his "president stories," said he can understand how the person must feel who's trying to convey the message that the president wants him.

"When you consider that it's the top person in the Free World, you can understand almost the intimidation the people feel when the White House calls," said Edwards.

Edwards has taken all that in stride and "not too seriously." But he admits the last laugh may be on him.

This year, as Edwards has readied his new home on Mobile Bay, he called a man in to explain how the burglar alarm worked. Edwards wanted to turn the alarm off while the movers and workmen still were coming and going.

When the man left, Edwards went out to work on his pier. "I was underneath it, down in the water, when I heard this voice say, 'Who's under there? Come out.' I looked up and saw this policeman staring at me," said Edwards.

"I knew this policeman had come to tell me the president was calling," said Edwards. Instead, the policeman had come to investigate. Edwards' burglar alarm had gone off.

"And we think everything revolves around Washington," said Edwards. That experience, he said, made him realize what it's going to be like from now on.

A TRIBUTE TO REPRESENTATIVE JACK EDWARDS

Mr. WEICKER. Mr. President, after 20 years of faithful and dedicated service, including 16 years on the Appropriations Committee, Congressman JACK EDWARDS of Alabama is leaving the House and Washington to return to his beloved Mobile where he intends to resume the practice of law.

I first came to know JACK EDWARDS while serving in the House of Representatives in the late 1960's and later came to respect and admire him during protracted negotiating sessions at Appropriations Committee conferences, and I am glad to have a former member of his staff as my legislative assistant for national defense.

JACK EDWARDS is best known for his work on the Defense Appropriations Subcommittee, serving as its ranking minority member since 1975. No other Member—either in the House or Senate—has been more studious in the way he has gone about trying to understand the issues at hand nor more reasonable in the way he has tried to solve them.

Perhaps his most important contribution to our national defense was the role he played in uncovering serious deficiencies in the readiness of the Armed Forces in the late 1970's. His investigations and subsequent interrogation of Defense Department witnesses helped to focus national attention on the issue. In the end, his leadership in this area brought massive increases in funding for spare parts and greatly influenced the Reagan administration's early thinking on defense.

Without question, JACK EDWARDS is recognized as a defense expert, but his fine reputation is not based on knowledge alone. The key to this man is the way he uses the knowledge he has. JACK EDWARDS is a man of style. He is gracious, but his graciousness is perfectly balanced against a deep sense of what is right and a quiet determination to pursue that goal. He has applied reason in a forum dominated by politics and has done so with distinction and some measure of success.

Representative EDWARDS will be missed around here, and he will be missed most of all by those of us who care deeply about the well-being and strength of the military and are committed to eliminating wasteful and unnecessary programs and practices within the Defense Department and the military services. We don't want him to go. He must be experiencing some of these same feelings, but being the warm and sensitive man that he is, he has made peace with himself and is ready to move on. He has done his part and can now go home with a clear conscience, ready to begin a new phase in life. I hope he finds happiness and contentment there.

H.R. 5833—AMENDING THE MERCHANT MARINE ACT OF 1936

Mr. PACKWOOD. Yesterday, the Senate passed H.R. 5833, amending the Merchant Marine Act of 1936 to improve the administration of the ship financing guarantee program under title XI of the act and to set up more stringent criteria for issuance of these guarantees. The original intent of the Merchant Marine Act of 1936 was to foster the development and encourage the maintenance of a U.S. Merchant Marine. Under the original Merchant Marine Act, title I has as part of its declaration of policy:

> It is necessary for the national defense and development of its foreign and domestic commerce that the United States shall have a Merchant Marine . . . (d) composed of the best equipped, safest, and most suitable types of vessels . . . and (e) supplemented by efficient facilities for shipbuilding and ship repair. It is hereby declared to be the policy of the United States to foster the development and encourage the maintenance of such a Merchant Marine.

In committee, Senator DANFORTH of Missouri offered an amendment to be sure the original intent of the act was preserved. I would like to ask the Senator from Missouri to comment on his concerns and explain his clarifying language that was adopted in committee.

Mr. DANFORTH. I was concerned that the original intent of the title IX program of the act may have been lost in the enactment of H.R. 5833 and offered my amendment to assure that it was not. Without my amendment, the Secretary of Transportation, in making a title XI commitment to guarantee an obligation, after being assured of its economic soundness, was instructed in making that determination to look no further than the need—for new or additional capacity. This criteria assumes that a vessel is a vessel, is a vessel.

Mr. PACKWOOD. What other criteria should be considered by the Secretary of Transportation in making a commitment to guarantee an obligation under the title XI program?

Mr. DANFORTH. The authors of the original Merchant Marine Act of 1936 recognized the need to promote research and development efforts in our maritime industry, both for large ocean vessels and for inland river vessels. It is for the public benefit that the maritime industry be at the cutting edge of technological advances, and is one of the main reasons for the existence of the Maritime Administration. Major technical advances have been made in the design of marine hulls, propellers, nozzles and in main engine design. All of which improve the vessel's efficiency which is another way of saying that with the same amount of fuel it will go faster or push more barges. Vessels built today, incorporating the most advanced design technology, are the most cost effective and because of that, should be given full consideration when the Secretary is making a determination to commit a title XI guarantee. In addition MARAD has an added concern for the shipyards building such high-tech equipment. The survival of the shipbuilding industry, presently in a very depressed period, should also be a factor in the Secretary's determination.

Mr. PACKWOOD. So the purpose of your amendment is to assure that other criteria, including but not limited to increased fuel efficiency and improved vessel performance, also be considered in making a title XI commitment to guarantee an obligation.

Mr. DANFORTH. That is correct. I believe these factors must be considered by the Secretary of Transportation when making a determination to commit a guarantee under title XI. Accordingly, the Secretary of Transportation should recognize that it is the sense of the Senate that applications for title XI guarantees covering the construction of vessels that incorporate technological improvements, including, but not limited to, improved fuel efficiency and/or improved safety, and that otherwise qualify for said commitment to guarantee, shall have equal weight with the other criteria set forth in section (d)(1)(A)(i) of H.R. 5833.

JENNINGS RANDOLPH: SENATOR AND STATESMAN

Mr. HOLLINGS. Mr. President, when the Senate adjourns its 98th session this week, we will be losing one of our most respected and venerable institutions. We will also be losing a gentleman of wisdom and experience who I am proud to call friend.

Few legislators have as long and distinguished a record of service in the U.S. Congress as JENNINGS RANDOLPH, and few have amassed such a list of accomplishments for their constituents at home and for the country as a whole.

JENNINGS first came to Washington as a young Congressman in 1932 with Franklin Delano Rossevelt. In fact, today he is the last Member of Congress to have served through F.D.R.'s first 100 days of the New Deal. As a young man from West Virginia, he immediately established himself as a compassionate and good-hearted legislator, working diligently to help pull the people of his district and the United States out of the depths of a depression.

JENNINGS knew instinctively what too many in this town have forgotten today: that government can and should have a key role as a catalyst bringing the other parts of our society together to work for the betterment of us all.

As a House Member and later in the Senate as chairman of the Committee on Environment and Public Works, he knew how to make the wheels of Government move toward this goal He helped establish, and more recently save, the Appalachian Regional Commission and Economic Development Administration to provide funding and infrastructure aid so new or struggling business could thrive. He oversaw the passage of important mine safety legislation and the construction of bridges, dams and airports all over the country. And it was a forward-looking JENNINGS RANDOLPH who saw early on the need and proposed a plan for what eventually became the Interstate Highway System. He also was the original sponsor of the 26th amendment, lowering the voting age to 18, A more successful legislator you could hardly find.

Through it all, JENNINGS retained a keen sense, even in difficult times, of the dignity and honor of the Senate. His wisdom, experience and courtliness will be long remembered, and greatly missed, by this body.

I sure I am joined by the rest of my colleagues, JENNINGS, in wishing you the very best. You have shown us how the Senate can work at its best. As you take our leave, you leave your country a record of uncommon achievement. It is a record in which you should take great pride, just as your country takes great pride in you.

UNITED NATIONS

Mr. KASTEN. Mr. President, in last Sunday's Washington Post Jack Anderson had a column concerning expanded salaries at the United Nations.

Mr. Anderson's article came a few days after the Senate agreed to an amendment I proposed on the subject of compensation for United Nations employees, which was subsequently agreed to in conference with the House and will be enacted into law when the President signs the continuing resolution for fiscal year 1985. Mr. President, my amendment was directed at recent actions taken by the United Nations which can only be described as outrageous whereby they increased their compensation by giving themselves an additional 9.6 percent "post adjustment allowance" in the face of repeated successful actions which prohibited direct salary increases. A further aspect which compounds this abhorrent action is the fact that they invented new methodology in order to come up with such a high post adjustment allowance percentage. In a nutshell, their new methodology consisted of them surveying prices at only the better and most expensive retail establishments which they justify by saying they are, after all, upper-middle class and their cost of living should not be affected by the tastes of all New Yorkers. An example used in an official State Department cable was that they determined the price of shoes by only going to Gucci, whereas the Bureau of Labor Statistics would sample a cross-section of retail shoe outlets.

Mr. President, Mr. Anderson's article is right on the mark, but, in addition, we must be fully conscious of other avenues that the elite bureaucrats devise in order to pad their compensation.

Mr. President, I ask unanimous consent that Mr. Anderson's column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 7, 1984]

TIME TO CUT THE U.N.'S FAT SALARIES

(By Jack Anderson)

Defying the White House, Sen. Nancy L. Kassebaum (R-Kan.) is trying to curb at least some of the financial excesses of the luxury-loving bureaucrats at the United Nations. The mystery is why the president's advisers tried to keep her from pushing for reforms. These extravagancies costs the United States a bundle, and keeping expenses down would seem to be a made-to-order issue for the Reagan administration.

The shocking fact is that U.N. bigwigs are paid salaries more befitting corporate executives or lottery winners. Even the smaller fry draw wages that would be the envy of most of the Americans whose taxes support the U.N.

Confidential State Department sources told my associate Lucette Lagnado that the bureaucrats who inhabit the elegant U.N. establishment on the East River are so enormously overpaid that a mere interpreter can take home as much as a member of President Reagan's Cabinet.

At the more celestial levels of the U.N. pantheon, an assistant or undersecretary-general could make more than anyone in the U.S. government except the president.

Here are some of the examples unearthed by Kassebaum:

The net pay—after taxes—of the 20 or so undersecretaries is $92,811. Assistant secretaries aren't far behind at about $85,000; there are close to 150 of these super-grade functionaries.

Directors of U.N. agencies—of whom there are more than 330—take home between $71,000 and $75,000 a year after taxes.

A step below the directors are the "D-1" career officers—about 1,000 of them. They net between $63,000 and $71,000.

Thousands of U.N. employees take home $48,000 and $67,000 a year. (By comparison, a U.S. Cabinet secretary, overseeing thousands of employees and a budget in the billions, is lucky to net $60,000.)

The U.N.'s salaries are exorbitant enough. But when the bureaucrats finally weary of the lucrative 9-to-5 routine, their pensions and other retirement benefits are downright mind-boggling—especially to an American taxpayer contemplating the modest benefits of Social Security.

According to State Department sources, U.N. bureaucrats are entitled, in the European tradition, to lump-sum retirement benefits in addition to their regular annuities.

Many senior bureaucrats head into retirement with more than $200,000 plus a generous monthly stipend, while those at the highest levels are given golden parachutes of $300,000 or more. Even translators, who number in the thousands at the U.N., may qualify for a $200,000 lump sum.

How is this possible? There's no mystery to it: U.N. bureaucrats make their own decisions on the salaries they'll receive. They are, of course, answerable to the General Assembly, but there's a fatal flaw in that system.

The flaw was illustrated just this summer. The bureaucrats voted themselves an across-the-board pay raise of 10 percent, plus a 5-percent cost-of-living increase.

On July 23, U.S. Ambassador Jeane Kirkpatrick held a closed-door meeting with U.N. Secretary General Javier Perez de Cuellar. Kirkpatrick expressed her strong misgivings over the pay raise. Within the next few days, the ambassadors from the Soviet Union, France, Britain and Japan—the other major contributors to the U.N.'s annual budget—made similar quiet protests to Perez de Cuellar.

Surely this united opposition from the nations that bankroll the U.N. would bring the bureaucrats to their senses? * * *

TRIBUTE TO SENATOR JENNINGS RANDOLPH

Mr. BAUCUS. Mr. President, Congress is about to lose a statesman. Senator JENNINGS RANDOLPH's presence will be sorely missed in this Chamber. He is a compassionate, articulate, and affectionate colleague who has taught me, as he teaches each of us, the fine art of legislating and caring about people.

His accomplishments for West Virginia and the country are long and fruitful, spanning a vast range of interests. His mark is felt on which we have come to take for granted. Much of the strong Federal transportation system we enjoy today can be attributed to his effort. Locks and dams of our inland waterway system, bridges and airports large and small, are his most tangible accomplishments. It took 20 years before JENNINGS RANDOLPH's call for an interstate highway system was finally approved. But it finally was approved, and we now take it for granted. He was a tireless visionary in this endeavor as he was in so many other areas.

But JENNINGS RANDOLPH did not just care about bricks and mortar; he cared about people. He was instrumental in the adoption of the 26th amendment, providing the right to vote to 18-year-olds. He first proposed such legislation in 1942. In order to insure that coal miners might enjoy their later years with some measure of fiscal security, he sponsored and saw enacted a Black Lung Program to assist miners afflicted with the social disease of the coal industry; black lung disease.

When the country's attention turned to concern for environmental quality, JENNINGS RANDOLPH once again found himself at the forefront of the issue. His leadership of 14 years as chairman of the Committee on Environment and Public Works saw the enactment of major legislation including the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, and Superfund. He was largely responsible for or played a major role in the creation of the laws which ensure a safe and healthful environment for all Americans.

The legacy of accomplishments goes on and on. But for me, I shall remember JENNINGS RANDOLPH as an articulate adroit legislator with a compassion and understanding for people. I will never forget his thoughtfulness. One night after a marathon late night session in the Senate, I ran into JENNINGS RANDOLPH as he was waiting for a cab and I was leaving. As anyone would have done, I offered him a ride home. He did not need to do it, but by the time I arrived at the Senate the next day, I had received a personal note from JENNINGS RANDOLPH thanking me. His thoughtfulness was unending.

At the same time, it was a sorry Member who interpreted this humble kindness as a lack of legislative fortitude. He had a way of quietly making his point in a manner that squarely but elegantly hit its mark. He was a proficient legislator whose skills will be missed.

He never tired of antidotes and stories in the Environment and Public Works Committee. One day during markup of a piece of major environmental legislation, a member of the committee offered an amendment which was soundly denounced by every other member of the committee. Not just denounced, but resoundingly spoken out against. This colleague stated that he felt like someone had been driving a motorcycle over his back and his back was etched with tire tread marks.

In the quiet elegant manner only JENNINGS RANDOLPH could deliver, he stated that those transgressions were only footprints in the shifting sands of time.

Well, JENNINGS RANDOLPH has left his footprints in this body. But I dare say, they will not blow away. They will stand the test of time. He will be sorely missed and affectionately remembered. I consider him a true friend. He has served West Virginia and the country proudly. I wish him well.

HOWARD BAKER: A GREAT LEADER, A GREAT HUMAN BEING

Mr. HELMS. Mr. President, those who have never been privileged to serve in the Senate may not fully understand it, but this is an institution that, notwithstanding its occasional turmoil and frustrations, finds its strength in the friendships and the working relationships that each of us experiences.

And there is nostalgia, too, when one of our colleagues departs. In the instances of HOWARD BAKER's decision to leave the Senate, I feel it deeply and personally because HOWARD is an extraordinary man in addition to having been a remarkable Senator and majority leader.

He has left an indelible imprint because he has had an unforgettable and unique impact upon the Senate. He will be remembered as a competent, patient and always cheerful working companion. Whether or not I am in the Senate next year, I am going to miss HOWARD BAKER.

I am proud to have him as my friend, and to be his. Dick Russell, who himself brought enormous grace and dignity to this Senate, had an expression that he reserved for very special people—and its fits HOWARD BAKER like a glove. Senator Russell used to say, when he wanted to pay the ultimate in compliments, "That fellow is one of nature's noblemen."

HOWARD BAKER is certainly that. I shall be eternally grateful for what he has meant to me—indeed, to all of us. And Dorothy and I extend our affectionate best wishes to HOWARD and Joy always.

JOHN TOWER: A SENATOR'S SENATOR

Mr. HELMS. Mr. President, if ever there was an uncommon man, or a Senator with an incredible ability to measure up to his duty and responsibility, it is JOHN TOWER. There has not been a Senator with more dedication, more ability, or more understanding of what the U.S. Senate is all about.

It is difficult to accept the fact that there will be no JOHN TOWER in the Senate next year. All of us have relied upon him and admire his determination and skill. We have learned from him. He is a great American.

Whatever JOHN does from this point on, he will do well. That is his nature. America is strong today because of his unflagging dedication to a strong nations defense. The Senate is a more meaningful institution because of him. He has set an example for the rest of us to follow.

I am very proud of JOHN TOWER, and I am grateful for the privilege of having served in the Senate with him. To Lilla and him, Dorothy and I extend our best wishes—and our gratitude for their friendship.

TRIBUTE TO SENATOR HOWARD BAKER

Mr. JOHNSTON. Mr. President, before the 98th Congress comes to a close I want to add my own tribute to the distinguished majority leader, the senior Senator from Tennessee, who has ably guided us over the past 4 years. As many of my colleagues from this side of the aisle have said, I, too, want to add my sincere thanks to Senator BAKER for his fairness, bipartisanship, openness and willingness to work with all Members to resolve many difficult issues we have faced since 1981.

From my own experience, I know Senator BAKER has done as much as any leader can to accommodate all Members, and this approach has helped the Senate remain the collegial body that it is. Far too often, I think, we speak of the Senate as a faceless institution and overlook the contribution of one man, of one personality. Certainly with HOWARD BAKER, the gracious and open attitude he has brought to the job of majority leader has been a key ingredient in helping the Senate work its will over the last 4 years. Without his presence, this Senator has no doubt that working through the agenda would have been more difficult than it was.

When historians look back, with the benefit of hindsight, years from now, I am confident that they will rate HOWARD BAKER as one of the giants of the Senate, as one whose personal touch in this great institution truly made a difference. I am grateful that I have had a chance to serve with Senator BAKER, to work with him and to learn from him. I, like so many of my colleagues, will miss his leadership next year, and I will also miss his unique, personal touch which has served us all so well throughout his tenure in the Senate.

CHANGES IN THE FISHERY CONSERVATION AND MANAGEMENT ACT

Mr. MURKOWSKI. Mr. President, I support the changes S. 2463, the

Outer Continental Shelf revenue sharing bill, will make in the Fishery Conservation and Management Act [FCMA]. However, I must express some reservations to my colleagues. Although the changes to the FCMA made by this legislation attempt to aid our domestic fishing industry, I believe a major revision of our Nation's fishing policy is necessary. The changes proposed today will not solve the larger problem of assuring the U.S. fishing industry has the opportunity to fully utilize the resources along our own shoreline. It is time to take a long look at the process proscribed by the FCMA, and come up with a better system.

Under criteria set out in the FCMA, our Nation allocates millions of tons of fish from our country's exclusive economic zone each year. We have been allocating these resources to foreign fishing fleets since the FCMA was passed in 1976.

In 1983, foreign nations caught 1,312,784 metric tons of fish from the United States 200-mile coastal waters. That means 2.9 billion pounds of our fish were caught by foreign fishermen last year. I might add, Mr. President, that 97 percent of this foreign catch was off the shores of Alaska.

Do we allow other countries to harvest fish in our waters because of low demand for fish in the United States? No, Mr. President. I am happy to say that Americans are learning of the nutritional benefits of seafood and per capita consumption has increased in the United States. However, foreign fishing industries have been the main benefactor of this increase. In 1983 alone, we imported $5.1 billion worth of fish products. This was a 13-percent increase from 1982. What should be disturbing to my colleagues about these imports is that they came largely from fish that had been caught in U.S. waters.

Mr. President, this bill will help our Nation's fishing industry in two ways. First, it will require the Secretary of State to examine the extent to which a nation is cooperating with the United States through the purchase of fishery products from U.S. processors, particularly fish products for which the foreign nation has requested an allocation. As the situation now stands, foreign nations will prohibit the importation of products that could assist the United States develop our underutilized species. They prohibit importation so that their access to these resources in U.S. waters will not be threatened.

Second, this bill will allow the Secretary of State the discretion not to allocate all of the allowable level of fish in the U.S. exclusive economic zone. The law now requires the Secretary of State to give away the optimim yield of seafood resources that U.S. fishermen will not catch.

Mr. President, I applaud the changes provided in this bill. However, I want to make it clear that I am still not satisfied with the allocation system. Problems will still exist that only an extensive revision of the FCMA can solve.

Most importantly, Mr. President, the domestic fishing industry is not receiving the benefit from the fish within our waters as was originally promised by the FCMA. When the act became law in 1976, the goal was for the phase-out of all foreign fishing within our waters. At the present time, 8 years later, foreigners unfairly compete with the U.S. industry using the fish we allocate them. The United States is no closer to total domestic utilization of the fishery resource then we were in the 1970's. Although more of our fishermen are selling fish to foreign processors, we have no plan that I have seen to eliminate allocations and allow the U.S. fishing industry to receive all of the benefit from our Nation's rich fishing resources.

This is something I will be working on during the next session of Congress and I want my colleagues to understand the seriousness of the problem. It is time we start down the path toward elimination of foreign fishing within our waters and develop a plan for full domestic utilization of the resource.

TRIBUTE TO SENATOR PAUL TSONGAS

Mr. HOLLINGS. Mr. President, few persons have left so large an imprint on this body in so short a time as our distinguished colleague, the junior Senator from Massachusetts. His departure from this body will diminish the quality of Senate debate, but I know I speak for my colleagues in expressing the hope and expectations that we will have the benefit of his contribution to the public dialog for many years to come.

In only 6 short years Paul Tsongas has established himself not only as a knowledgeable and effective legislator, but also as a major new thinker in the Democratic Party. Paul won my lasting respect on July 3, 1980, when, as a liberal Senator, he went before the Americans for Democratic Action and told them that liberalism in this country was on its way to becoming a footnote in history unless Democrats broke out of the antibusiness, big-spending mold that had characterized them since the late 1960's.

This speech, followed by the publication of his book, "The Road From Here," helped spark a major revolution in Democratic thinking that is still ongoing today. We Democrats have a long way to go, but we should all thank Senator Tsongas for his role in helping to get us started.

Paul also leaves behind him a distinguished legislative record in only 6 years. His service on the Foreign Relations Committee has been marked by his pointed and intelligent criticism of this administration's shortsighted policies in the Third World. Having served in the Peace Corps himself in Ethiopia, Paul knows from firsthand experience the wrong-mindedness of pursuing military options as the first and often only resort in American foreign policy. He has been a thoughtful and leading voice for Democrats on the administration's handling of policy in Africa, the Middle East, and Latin America.

On the Energy Committee Senator Tsongas played a key role in passing the landmark Alaskan conservation and development legislation during the 96th Congress. As a legislator he has repeatedly shown the kind of intensity, diligence, and quite pragmatism that is needed to get things done.

Having known you, Paul, as friend and fellow legislator, I have no doubt that you will continue in your intelligent outspokeness on matters that concern us all. I'm sure I speak for all my colleagues when I wish both you and your wife, Nikki, only the best. Good luck. We will miss you.

PRODUCT LIABILITY

Mr. KASTEN. Mr. President, I believe that prompt action on product liability legislation by the Senate would be to the benefit of consumers, workers, and product sellers alike. The goals of the legislation are to encourage the manufacture of safe products and to reduce unnecessary costs, particularly legal costs, associated with the current lack of uniformity in product liability law. The need for uniform product liability rules is clearly an important issue. Enactment of product liability legislation is a top priority for the administration.

I regret that time is running out before the Senate adjourns, and that action on product liability legislation may not be completed during this Congress. I appreciate the efforts of the majority leader in trying to schedule time for the Senate to consider this important piece of legislation. And I understand the tremendous scheduling pressures that have resulted from problems with the continuing resolution and other matters.

Product liability is an issue whose time has come. It will not go away. The Product Liability Act will be back again next year, and I intend to be in the forefront of those who support its enactment. It is my hope that when this important legislation comes back next year, it will be a top priority for the Senate and will receive early consideration.

Mr. BAKER. I thank the Senator from Wisconsin for his remarks. I agree that the need for uniform rules of product liability is indeed an important issue. And I commend the Senator for his efforts over the past 4 years to develop a bill that incorporates suggestions from all the groups who have an interest in shaping this legislation.

Product liability is an issue that has received careful consideration by the Senate Commerce Committee over two Congresses. I understand that enactment of legislation is a top priority for the administration. I agree with the sentiments of the Senator from Wisconsin that this important legislation should receive early consideration by the Senate in the next Congress.

Mr. KASTEN. I thank the majority leader. S. 44 is a bill that is in the public interest—it will serve to promote product safety by putting strong and certain safety incentives on people who can prevent accidents. S. 44 makes manufacturers absolutely liable if there is even the slightest defect in quality control that leads to accidents. It makes them absolutely liable if they promote a safety aspect of their product, and that promise proves to be untrue. For example, if a manufacturer says "this glass does not shatter" and the glass then shatters, the manufacturer pays. S. 44 also incorporates the very highest standards that are humanly possible with respect to design and warning about products. It requires that manufacturers and products sellers exercise the care, attention, knowledge, and skill that our society requires for the protection of its own interests. In spite of the rhetoric of S. 44's opponents, there is no higher standard—that is humanly possible to achieve—in any State in the United States today. By way of contrast, the standards put forth by some of our courts are so obscure that they are virtually incomprehensible to nonlawyer juries who must decide cases, to manufacturers who design products, and to the consumers who are injured by defective products. A principal advantage of S. 44 is that it is clear in its incentives for safety.

S. 44 does not let manufacturers off the hook after they have produced a product. It requires a continuing duty to warn and to inform product users about newly discovered risks. This will be a major innovation in many, many States in the United States of America. S. 44 does not allow manufacturers or product sellers to hide behind arbitrary statutes of limitation that exist, unfortunately, in many States. In many States today, thousands of persons injured by products lose their right to sue before they know or have reason to know they are injured. This unfairness will not occur under S. 44: It contains a progressive statute of limitation that will protect the rights of persons who have latent injuries caused by toxic substances.

S. 44 creates incentives for product safety in the workplace without placing any restrictions on rights of workers to sue. The AFL-CIO said, in a statement to the Commerce Committee, that:

> The section on the relationship between worker compensation and third party litigation, in particular, has been redrafted to answer prior criticisms and is now worthy of favorable consideration * * *."

That statement brings up a more general, but key point about S. 44. Over the 4 years that this bill has developed, we have actively responded to suggestions from labor organizations, consumer groups, administration officials, attorneys general, experienced trial lawyers, and many Senators. Senator GORTON and I made a number of significant modifications last fall to ensure beyond a shadow of a doubt that S. 44 is fair. The Consumer Federation of America and the AFL-CIO, to mention only a few, have recognized and have praised our efforts to be responsive to their concerns. The bill balances the interests of both manufacturers and consumers. It assures that consumer rights are protected and that the proposal will be an effective instrument to create product safety.

In addition to improving product safety in the United States, the bill will reduce the burgeoning legal costs that now drain the product liability system. It is shocking that 59 cents for every dollar going to victims goes to defense lawyers. It is equally shocking that 41 cents of the victim's dollar is taken by his other attorney. Perhaps we should no longer be shocked by this. In a recent settlement in the agent orange case, nine plaintiffs' attorneys have sought over $23 million of a $180 million settlement intended to compensate about 9,000 injured persons. This means that each injured person will receive a modest $20,000 while each of the plaintiffs' attorneys takes home over $2½ million. The instability of product liability law fuels the greed of a few attorneys—this situation simply has to be put to a stop.

Curiously, some attorneys' groups and some of my colleagues have argued that S. 44 will increase, rather than decrease, legal costs. But they point to no case in the history of American law to prove their point. As a matter of legal history, it is true that whenever uniform statutes have replaced a jumble of common law, our legal system has operated more efficiently. There has never been a case where our law has retreated from a statute back to common law uncertain, unpredictable, and retroactive rules.

Where both parties to a suit know the rules, settlement will be facilitated. Where there is a more expedient resolution of claims, lawyer costs will fall.

I have been asked, somewhat cynically perhaps, why manufacturers would support a bill that is so balanced in nature and has so many aspects that do help injured parties. They suggest that there must be some hidden agenda in S. 44 that is not readily discoverable to the layman's eye. The fact is that there is no hidden agenda: The corporations are tired of wasting money on attorneys. They want to be able to have effective cost monitoring of the system. Currently, the corporations cannot effectively monitor the costs. If they get a charge of $10,000 for legal research in the State of Oklahoma and their home base is in Illinois, there is little or no way they can evaluate the reasonableness of cost. When S. 44 becomes law, both outside and corporate counsel will, so to speak, be looking at the same hymn book—costs will be controlled and they will fall.

It has been argued that somehow S. 44 will bring about a crazy quilt of interpretations with 51 different sets of rules. This totally ignores crystal clear Supreme Court rulings on the subject of Federal tort law. All States must follow the interpretations of the Federal courts. We have intepretation beacons from the Supreme Court and 11 of our circuits. As a practical matter, it is the very same situation that exists with the Federal rules of evidence. The Federal rules of evidence have been law for over 10 years and there is no one in the United States of America who has called for their repeal because they have brought too much confusion.

Some opponents of the bill have suggested there is not enough of a product liability crisis. I believe that the record of over 2 years on this bill makes crystal clear that we do have a crisis—by continuing with the current system. The present system mutes what should be an engine for product safety—product liability law. The present system drains money away from victims and hands it to lawyers. The cost of the system is very real and it is going to increase.

It should be remembered that S. 44 was developed over an 8-year period of time in the crucible of public opinion—not in the office of some plaintiffs' lawyer in the closing days of the Congress. It is a blend of the best law from our 51 jurisdictions, and it is in the public interest. I hope my explanation helps my colleagues appreciate why many legal experts have come to the conclusion that S. 44 is sound legislation that should be acted upon promptly. As the Honorable Warren W. Eginton, a prominent Federal judge, testified before the Commerce Committee:

> The more promptly this legislation is enacted the more quickly the litigation will flow and the lighter will be the economic burdens of all parties involved. Certainly, the task of judge and of the juries in understanding the problems and the rules of law to be applied to those problems will be greatly simplified by uniformity.

I urge my colleagues to support this important legislation, and I urge the Senate to act quickly on it next year.

SENATOR HOWARD BAKER

Mr. MITCHELL. Mr. President, during 4½ years in this body, I have not known a more able, knowledgeable, congenial, or fair-minded colleague than HOWARD BAKER. He has skillfully achieved the most difficult feat faced by a legislative leader. He has productively managed the complicated affairs of the Senate while retaining the respect, friendship, and support which he widely enjoys on both sides of the aisle.

That is also the most important requisite of successful majority leadership—a description which, by any measure, fits the distinguished Senator from Tennessee. His reputation, built in long years of astute and diligent service, spreads outside this Chamber and beyond this city, to the country and to the world. Among other things, it rests on his mastery of the issues and the legislative process, on his objective pursuit of the best interests of this country, and on the personal relationships he perceptively and considerately developed with his fellow Members. It rests, too, on a deep and abiding humanity and on a broad, disciplined but tolerant view of the competing interests of our vigorous society.

Whoever succeeds to his responsibilities among us, in the months and years to come, HOWARD BAKER's accomplishments as a leader and as a legislator will never fade. In a time of increasingly complex challenges to our country at home and abroad and to the capacity of our leaders to meet them, he stood the test with intelligence, talent, integrity, humor, and grace. We, who owe him an immense debt and who must profit by his high example, will miss him.

TRIBUTE TO SENATOR HOWARD BAKER

Mr. DENTON. Mr. President, I join with all of my colleagues to pay tribute to the majority leader, the distinguished senior Senator from Tennessee, as he comes to the end of a truly remarkable career in the Senate.

Many of my senior colleagues have known Senator BAKER since he came to the Senate, and have had experience with him in capacities other than that of majority leader. For those of us who have arrived only within the last 4 years, however, he is the majority leader. I have known no other Senate than that in which Senator BAKER has exercised his leadership, and I confess—without intending to question the capabilities of some of my colleagues—that I look forward with some trepidation to what we might call the "Post-Baker Era."

Perhaps the heart of the matter is that our majority leader treats each of us as if he or she is truly special, yet treats everyone the same. That is a remarkable gift, and it strikes me as a testimonial to his understanding that all human beings are unique individuals, each special in his or her own right and equal in the eyes of God. My belief is that this basic understanding is what underlies what can rightly be praised as his personableness, his sincerity, and his political sense.

Mr. President, I thank HOWARD BAKER for his services to our country and to this body. I wish him well, and I want him to know that he has played a special role in this Senator's education and development as a Member of the Senate.

SENATOR HOWARD BAKER

Mr. GRASSLEY. Mr. President, as we near the date of sine die here in the U.S. Senate we have heard many of our colleagues extol praise upon the majority leader of the Senate HOWARD BAKER.

Today I too would like to take the opportunity to extend my personal best wishes to Senator BAKER as he is about to embark upon a new career in the private sector. In the last 4 years that I have had the privilege to serve in the U.S. Senate I have found his leadership to be without equal, his counsel to be impeccable, his personal friendship to so many, unwavering.

As history looks back upon the years of leadership of Senator BAKER I am sure that the historians will be extremely kind to him. HOWARD's temperament, diligence to the task placed before the Senate, his extraordinary negotiating skills and his unwavering sense of fairness have won him the admiration not only of his Republican colleagues, but I believe of all the Democrats as well.

For that individual who will follow Senator BAKER as the next majority leader of the Senate, I would say to you HOWARD, you have set a standard that will be hard to match. To that individual who will follow in your footsteps I would simply say, an excellent path has been laid for you and the foundation is solid.

While we in this body will sorely miss Senator BAKER's leadership on the floor we will never be able to lose the imprint he has permanently embossed in our hearts and mind.

Mr. President, the job of majority leader of the U.S. Senate must at times seem to be a thankless one. Two hundred million plus constituents spread from shore-to-shore, ocean to ocean; each somehow identified with one or a multitude of interests, concerns, fears, and hopes. Then, of course, there are 99 Members of this legislative body, our staffs of 20 or more in Washington, committees making up a small army, our State office staffs, caseworkers, grants people, tour guides—How in the world has Senator HOWARD BAKER remained sane in the midst of this sort of pressure? How could he provide kind words and support when the pressure is high? Creative solutions in the midst of complexity? And most of all—friendship, when the temptation must have been great to provide something less?

How do your stand between two opposing sides, each convinced that the solidity of Western Civilization depended on agreement with their views, and bring order out of chaos? What special abilities does it take to hammer out legislative solutions when for hours or days no two Members of this Senate could come to a perfect agreement? Critique is so much easier than crisis resolution. Senator HOWARD BAKER will be remembered as a Senator who possessed the gift of diplomacy, a keen sense of discernment and an ability to humorously and sensitively bring debaters back together when the dust on the Senate floor had settled. I will personally miss the presence of the Senator from the great State of Tennessee and am convinced that his work as majority leader will be remembered for its integrity, energy, and calmness in the eye of the storms. May the Lord bless you with wisdom, discernment, and insight.

Senator BAKER, let me state for the record that this is one Senator that while I will personally miss your leadership here in the Senate I look forward to a continuation of your friendship in the years to come. May God be with you and your family in the days and years ahead in matters of health, reflection, and guidance in the challenges you face in the future. God's speed and stay in touch.

TRIBUTE TO SENATOR JOHN TOWER

Mr. PELL. Mr. President, as we enter the final days of the 98th Congress, I wish to join my colleagues in honoring and paying special tribute to a distinguished friend and collegaue, JOHN TOWER of Texas.

It has been my pleasure to know JOHN personally since he came to this body in a special election in the spring of 1961, just a few months after my first election to the Senate. I have always been profoundly impressed by his knowledge of government and the way he approaches all problems with a

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keen, analytical mind. In his four terms here, he has won the respect and admiration of all who have served with him.

From the very beginning of his service in the Senate, JOHN TOWER has dedicated his many legislative skills to the improvement and strengthening of our Armed Forces. He has always emphasized the importance to our national security of the men and women who serve in uniform. It was Senator TOWER who led the fight against the onerous military pay cap several years ago and who sponsored the legislation which led to the 11.7-percent pay raise for our military personnel. He has also sponsored many other bills and amendments which benefitted members of the Armed Forces and their families.

Few Members of the Senate have occupied as many influential positions as has Senator TOWER. The second most senior Republican in the Senate, he serves as chairman of the Armed Services Committee, chairman of the Senate Republican Policy Committee, and member of the influential Budget Committee. Senator TOWER is also a ranking member of the Banking, Housing, and Urban Affairs Committee, where he is chairman of the Housing and Urban Affairs Subcommittee.

JOHN TOWER has been a formidable and highly effective committee chairman, and has certainly proven to be a worthy successor to his legendary predecessor, Lyndon Baines Johnson. I am sure that his contributions to his party and our Nation will continue in the future, and I join my colleagues in extending to Senator TOWER and his wife, Lilla, my sincerest wishes for a healthy and productive future of continued service to our country.

TRIBUTE TO SENATOR HOWARD BAKER

Mr. PELL. Mr. President, I join in paying tribute to the distinguished majority leader, the senior Senator from Tennessee, as he approaches the end of his tenure in this body. I salute him for his indefatigable attention to the management of the Senate, and I wish him well in his future endeavors.

HOWARD BAKER has borne the weighty burden of one of the most thankless of jobs with exceptional skill and grace. He has been unfailing in his compassion, patience, good humor and courtesy, and he has personified the basic spirit of comity which holds this institution together. There has never been a time when it could not have been said that he has kept faith with the opposition.

All of this has never more apparent than in the difficult, indeed agonizing process of winding up the Senate's work in the 98th Congress. Once again, it called forth the most extraordinary qualities of leadership and forebearance to steer this fractious body of autonomous Members through the treacherous shoals of cloture, germaneness, unanimous consent, quorum calls and reconsideration to the ultimate goal of sine die adjournment.

Fortunately for the Senate, the Senator from Tennessee embodies that special blend of statesmanship and stamina which made it possible to do the job. The Senate has been well served by his agility of mind, mastery of detail, precision of speech and keep political insight.

Mr. President, the job of majority leader of the U.S. Senate is one to which few are called and even fewer are equal. We are indeed fortunate to have had in our midst a man of the mettle of HOWARD BAKER who was here when we needed him—on both sides of the aisle. Like his distinguished predecessor, the able Senator from West Virginia, ROBERT BYRD, HOWARD BAKER answered the call and proved more than equal to the challenge. He will indeed be sorely missed.

NATIONAL SEA GRANT COLLEGE PROGRAM

Mr. PELL. Mr. President, the Senate last night passed legislation providing for continuation of the National Sea Grant College Program.

As the author of the legislation which established the Sea Grant Program 18 years ago, in 1966, I am proud of the important role this program has played in strengthening our Nation's ocean sciences and marine industry capabilities, and I am delighted that the Congress has approved its extension.

The Sea Grant Program is a working partnership between the Federal Government, colleges and universities across the country, State and local governments, and marine and ocean industries. And this partnership has worked effectively to solve problems and to discover new opportunities through a combination of education, applied research, and advisory services.

Studies repeatedly have shown the Sea Grant Program to be highly cost effective, with measurable benefits to marine and ocean industries and to the people exceeding many fold the modest investment of taxpayers' dollars. The legislation enacted today will extend the program for 3 years, authorizing appropriations of $39 million, $42 million, and $44 million respectively.

The record of accomplishment of the Sea Grant Program has brought it broad and strong bispartisan support in the Congress, from State governments, and from fishery, recreational, transportation, and marine recreation industries that have benefited from the program.

Despite this record of accomplishment, the administration, I regret to say, had advocated the elimination of the Sea Grant College Program for the past 4 years. Each administration budget for the past 4 years has proposed zero dollars for the program. And each year, the administration has offered a different reason for its opposition to the program. In 1 year the administration said sea grant simply did not have a Federal mission, despite findings of the Congress to the contrary. In another year, the administration said sea grant had succeeded so well in establishing an effective national network that the program could be disbanded and the activities turned over to State governments.

Fortunately, the Congress each year has rejected emphatically the recommendations of the administration and has insisted on the continuation of the program. With passage of this legislation, the Congress once again makes clear its judgment that the Sea Grant College Program is a valuable and effective program which benefits the entire Nation.

I hope that now the administration will accept the repeated judgments of the Congress and that the President will promptly sign this legislation authorizing continuation of the Sea Grant College Program.

ARTIST MINNIE LOIS FLETCHER

Mr. MATTINGLY. Mr. President, we often overlook the pioneering efforts of men and women who overcame tremendous odds to acquire an education in an era when college education was rare and then go on to become leaders in their profession. One such person was Minnie Lois Fletcher of Moultrie, GA. Miss Fletcher graduated from Johns Hopkins in 1921 and her art is still appreciated today. Portraits of two Georgia Governors are on display in the State Capitol in Atlanta, and other portraits by her may be seen in the Welch Memorial Library and at Johns Hopkins Hospital.

Miss Fletcher's life is an inspiration and I ask unanimous consent that an article on her career be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A 92-YEAR-OLD GEORGIAN HONORED AS PIONEER IN MEDICAL ART FIELD

(By Grace T. Crawford)

MOULTRIE, GA.—A 92-year-old Moultrie woman who painted portraits of two Georgia governors to help repay her college debt has learned 44 years after retirement that she may have been the first Georgian to become a medical illustrator.

When Minnie Lois Fletcher graduated in 1921 from the world's first school of medical art, operated by Johns Hopkins University in Baltimore, she culminated nearly nine years of work and study. She had paid her way through art school at Wesleyan College in Macon and the Art Students League in New York in addition to financing the two-year course at Johns Hopkins under world famous illustrator Max Brodel.

Brodel was brought to this country in 1894 from Leipzig, Germany, to illustrate medical and surgical texts by Hopkins writers and in 1911 established the school's department of medical art.

A recent check through the German professor's early handwritten records showed no other Georgians enrolled there from 1911 until 1921, according to the art department's director-emeritus, Ranice W. Crosby. She said that although the records are "somewhat incomplete, as far as we can determine, there's a good chance that Miss Fletcher may be Georgia's first trained medical illustrator."

The Moultrie woman also learned recently from Johns Hopkins that, according to existing records and other information available, she is believed to be the oldest living student of the man considered "the father of medical art" in this country.

Another surprise came from the medical school's archives department when she was informed that a portrait the university commissioned her to do in 1920 of Dr. Henry M. Hurd, Johns Hopkins' first superintendent, is currently being restored by a Washington artist and soon will be rehung in the hospital.

In addition, she learned that her 1920 portrait of Dr. Warren H. Lewis, then professor of physiological chemistry, still hangs in the Welch Memorial Library near the famous John Singer Sargent portrait of the four doctors who founded the medical school.

At her small home on First Avenue in Moultrie, the retired medical artist smiled over the interest in M.L. Fletcher portraits and said she often made more from one painting than from an entire month's work as a medical illustrator. "But it didn't matter," she said, "because I was so happy and excited over my work. It never occurred to me that I had any kind of record."

She was the daughter of a country doctor, she said, one of 12 children. She knew as a teenager there was a place for her in the medical world. "I worked with my father," she said. "I watched him operate. He cared, and through him I learned to know the value of helping alleviate human suffering. I thought, through my art, I might be able to do something worthwhile in the world, something different. I didn't know what it was but I was determined to find out."

And she did, in the summer of 1917, as she painted portraits to repay her college debt, and met an Atlanta doctor who told her of the school in Baltimore that trained medical artists. "Professor Brodel. That's the man you need to see, young lady," he said. "He is running a very good school, and you should fit in there fine."

Sixty-seven years later she still remembers that moment of elation. "That was it," she said. "I didn't know much about medical art, but I knew my place was there."

So she redoubled her money-making efforts and a few months later made a direct appeal to Gov. Nathaniel E. Harris, who looked at her work and commissioned her to do his portrait and that of an earlier Governor, Joseph E. Terrell, with only a small photograph for guidance. Both paintings now hang on the second floor of the state Capitol.

Realizing that her work had just begun, the determined young woman spent the next two years as an art teacher at Columbia College in Columbia, S.C., and continued to paint portraits. "I scrimped and did without and saved my money like a miser to be ready for Johns Hopkins," she said.

During an 18-year career, she illustrated for hospitals in Pennsylvania, in Canada, spent a brief time at Piedmont Hospital in Atlanta, a few years at Fifth Avenue Hospital in New York and her last eight at New York Hospital and Cornell Medical Center. Her monthly salary ranged from $75 to $200 plus room and board, supplemented by freelance illustrating and portrait painting.

Until her retirement in 1940, her illustrations were used in the journals of the American and Georgia medical societies.

SENATOR BAKER

Mr. GLENN. Mr. President, as we move toward adjournment of the 98th Congress, I am struck by the sharp contrast between the Senate's laggardly performance of the last few days and the brilliant leadership Senator HOWARD BAKER has provided the last 4 years. There can be no more compelling evidence of the need for reform of the Senate than our failure to complete action on appropriations bills in spite of HOWARD BAKER's best efforts.

Everyone knows that the role of majority leader is a difficult one and in recent years it has become nearly impossible. Yet Senator BAKER has time and again risen to the challenges of partisan politics and procedural maneuvers to advance the public interest. In this role Senator BAKER has demonstrated the leadership qualities that won him the confidence of Tennessee voters and made him a most effective spokesman for their concerns. He has been considerate of differing points of view and the rights of everyone to be heard. He has been courageous in addressing issues honestly and generous in victory as well as defeat. He has been a Senator of impeccable integrity, a leader of unparalleled fairness and above all, a man of his word.

We will miss Senator BAKER's presence when we return for the 99th Congress—but when we do return and when we take up the issues of Senate reform, I hope we will do so with the same ceaseless determination and commitment to justice that HOWARD BAKER has shown. If we do, I am confident that we can restore confidence in the Senate and make it worthy of Senator BAKER's fine example.

On behalf of Annie and myself, I want to extend to HOWARD and Joy our gratitude for their friendship and best wishes for the future.

SENATOR TSONGAS

Mr. GLENN. Mr. President, we are all familiar with stories about elected officials who stayed in office long after their vision and judgment had left them. But it is rare and regrettable when a leader as young and talented as Senator PAUL TSONGAS chooses to retire from public title. Sadly this is the case in PAUL's decision not to seek reelection to the Senate.

Although PAUL has served for only one term his accomplishments are wide-ranging and profound. He has been a leader in the struggle to defend human rights, he has helped advance the prospects of strong and effective arms control, and he has successfully challenged the traditional thinking of the Democratic Party. In these endeavors he has infused major policy debates with the idealism, intelligence, compassion and common sense that distinguishes his career. Not only has Senator TSONGAS made noteworthy contributions in each of these areas, but he has shaped an agenda for the future as well.

The legacy of PAUL's work in the Senate will continue to shape our consideration of foreign and domestic policy issues and will serve as an inspiration to young people considering the challenges of public service.

I want to thank PAUL for his outstanding service in the Senate, express my appreciation for his friendship and advice and extend my best wishes to him and his family for a bright and prosperous future.

RETIREMENT OF SENATOR JENNINGS RANDOLPH

Mr. PELL. Mr. President, throughout the 24 years I have served in this body, it has been both a personal privilege and honor to work with the senior Senator from West Virginia [Mr. RANDOLPH]. His retirement at the end of this session will mark the conclusion of 40 years of service in both the U.S. House of Representatives and the U.S. Senate.

I have come to know JENNINGS RANDOLPH best through his work on the Senate Labor and Human Resources Committee where we have served together. He is the senior member of that committee. In addition, he served as chairman of the Senate Subcommittee on the Handicapped from the day it was created in 1972 and is now its ranking minority member.

Senator RANDOLPH's achievements in the area of increased services and education for the handicapped are legendary. He was the original author of Public Law 94-142, the Education of the Handicapped Act, which today provides special education and related services to over 4 million handicapped children. He was the author of the Randolph-Sheppard Act, which established the nationwide system of vending stations in public buildings. That act now provides employment for thousands of blind persons throughout our country. Further, he was the author of both the Developmental Disabilities Act and the Vocational Rehabilitation Act.

But it is in the area of education that I have worked most closely with Senator RANDOLPH. For the past 25 years he has been instrumental in helping write and pass every major piece of education legislation. That includes the Elementary and Secondary Education Act, the Higher Education Act, the Vocational Education Act, Head Start, and the National Foundations on the Arts and the Humanities. Most recently, Senator RANDOLPH was successful in getting Congress to approve establishment of a U.S. Institute for Peace. That achievement marked the culmination of almost 30 years of hard work, which began in 1945 when then Congressman JENNINGS RANDOLPH introduced his first national peace agency bill.

Mr. President, it is without question that not only West Virginia but the entire United States has been fortunate, indeed, to have had the spirited, progressive leadership of JENNINGS RANDOLPH in the House and the Senate. We will miss his contributions when this body reconvenes next year, but we are all better off because of the remarkable legislative accomplishments that have been the hallmark of his service to our Nation.

WORKERS' COMPENSATION

Mr. HATCH. Mr. President, as chairman of the Labor Committee I express my strong support for S. 44. The act was referred to our committee for review as it relates to issues of Federal and State workers' compensation law. I am pleased to see that the statements of the distinguished Senator from Massachusetts and the distinguished Senator from Michigan recognize that Federal reform of the product liability system is needed through enactment of uniform product liability rules. The views of the distinguished ranking member of the Committee on Labor and Human Resources in large part relate to issues other than the interplay of product liability and workers' compensation law. I will not address those issues because they are addressed in the report of the Committee on Commerce, Science, and Transportation.

The distinguished ranking member of the Labor Committee objects to S. 44 because it does not address the issue of occupational disease recovery and does not address the alleged inadequacies of State workers' compensation systems. The act was not intended to address these issues. The issue of occupational disease recovery is a separate matter from product liability. The Labor Committee has held oversight hearings on occupational disease recovery and will continue its study of the matter.

S. 44 is intended to reform product liability law, not to modify State workers' compensation systems. S. 44 clarifies the interrelationship between the workers' compensation and product liability systems. It does not affect workers' compensation ratemaking, the determination of whether an employee should recover workers' compensation benefits, or the amount of those benefits.

I have always taken the position that State laws should regulate workers' compensation benefits and I am opposed to any legislation which would establish a Federal Workers' Compensation Program. S. 44 is intended to avoid interference with workers compensation programs. Therefore, I take strong exception to the suggestion that benefits for occupational disease issues should be linked to product liability legislation. Product liability is a separate issue and S. 44, the Product Liability Act, should be judged on its own merits.

IRS RULING 84-132

Mr. HEINZ. Mr. President, I am pleased to be joining my distinguished colleague from Arkansas, Senator PRYOR, in attempting to postpone the effective date of the Internal Revenue Services Revenue Ruling 84-132. This revenue ruling, which was published last month, will have disastrous effects on athletic scholarship programs across the country.

Revenue Ruling 84-132 disallows a charitable contribution deduction for the entire payment to a university's athletic scholarship program that is required to be made in order to obtain the right to purchase a preferred season ticket to a university's home football games. I am advised that there are approximately 100 universities and colleges across the country that currently have these programs for their football and basketball tickets.

Many universities with competitive athletic programs support those programs in part with contributions from alumni and fans. Those contributions are tax deductible, and often carry with them the privilege of buying preferential seating at athletic events. For example at the University of Pittsburgh, if a donor gives up to $250 to the university's athletic financial aid fund, he becomes a member of the Pitt Golden Panthers, and is entitled to purchase a season ticket for the hometown games. He must pay the full value of the ticket—$78—and does not receive any type of discount. The location of the ticket is between the 50 yard line and the endzone depending on the amount of the contribution. The Pitt Golden Panthers have raised approximately $700,000 annually through this program, which is used exclusively for athletic scholarships for the entire university, not just the football team. In fact only about half of this money is used for football scholarships. Perhaps more importantly, their entire athletic scholarship program is $1.6 million. As you can see, the $700,000 raised by the Pitt Golden Panthers preferred seating plan provides a significant portion of their scholarship program.

The revenue ruling recently issued by the IRS could end the tax-deductible status of these scholarship contributions. The IRS has declared that because the contribution to the athletic association entitles you to preferred tickets, then the entire contribution will no longer be deductible. Two important factors serves as the basis of this specific ruling: One, there was a waiting list to get into the athletic association, and two, it was the only way that a fan could get a preferred ticket. While these two factors distinguish the University of Pittsburgh's and Penn State's programs, it is unknown how the ruling will be applied and the impact it will have on contributions to other scholarship programs.

The impact of Revenue Ruling 84-132 could have a significant adverse impact on the ability of colleges and universities to attract scholarship contributions. The tragic result would be a reduction in the pool of financial aid available to help promising scholar-athletes attend college. Without these scholarships, many students might not have been able to go to college.

We have introduced legislation to postpone the effective date of the Revenue Ruling 84-132. This will give us a chance to study the impact this revenue ruling will have on education, prior to jeopardizing many of the Nation's college scholarship programs. I encourage my colleagues to join our efforts.

TRIBUTE TO SENATOR JENNINGS RANDOLPH

Mr. KENNEDY. Mr. President, as the 98th Congress draws to a close, I am proud to honor our outstanding colleague and friend, the senior Senator from West Virginia, JENNINGS RANDOLPH, and pay tribute to his brilliant career spanning over five decades of service to the people of West Virginia and America.

Roosevelt and Randolph—the New Deal twins. It has a ring to it, and well it should. For there are few Members in the history of this institution who have served their State and their Nation with as much dedication and effectiveness as JENNINGS RANDOLPH. And there is no Member in this Chamber today who stands more clearly for the enduring values of hope and human progress for which Franklin Roosevelt stood.

JENNINGS RANDOLPH came to Washington with F.D.R. He took his oath of office as a member of the House of Representatives on March 4, 1933, the same day that F.D.R. took the oath as President. JENNINGS is now the sole remaining Member of that historic 73d Congress, which was the architect of the New Deal and which changed forever the social and economic landscape of our Nation.

And what a survivor our colleague is—a powerful voice that makes him a true namesake of William Jennings Bryan and that can shake the rafters in these Chambers at any hour on a minute's notice. And there is a power to the commitment of JENNINGS RANDOLPH that matches the power in his voice—an unselfish dedication to all those in society who need our help the most, and an unshakable belief in economic progress and social justice for every citizen in a Nation where none is left behind.

If, as has been said, the New Deal is still a big deal in Congress and America, it is because of the skill and experience of men and women in public service like JENNINGS RANDOLPH, who have worked to keep it so.

Years ago, they asked the great physicist, Lord Rutherford, how he always happened to be riding the crest of the wave. And he replied, "Well, I made the wave, didn't I?" And that is how we think of JENNINGS RANDOLPH in this Chamber—he helped to make the New Deal a reality in the lives not only of the people of West Virginia but of all Americans.

For 50 years, he has been at the forefront of every major policy debate of our time. More than that, he has shaped and guided many of the most important and far-reaching Federal programs of the past and present generations in our public life.

In the House of Representatives, and later as a member of the Senate Committee on Environment and Public works, which he chaired for so many productive years, JENNINGS RANDOLPH pioneered the idea of an Interstate Highway System and guided it to reality.

It is one thing for a politician to be there to cut the ribbons when new roads open. But it is a far more significant thing to be the man who actually started the roads and bridges, the man whose leadership in Congress launched the concept and obtained the funds and saw the projects through to their completion. That is the man they call "Mr. Highway and Mr. Transportation," JENNINGS RANDOLPH of West Virginia.

In addition, throughout his career in public service, he has been a champion of the environment. He presided over the enactment of the Clean Air Act, the Clean Water Act, and other monumental legislation to protect the environment and preserve the magnificent natural heritage of America.

On issues of economic and regional development, Senator RANDOLPH has also been a leader of vision and achievement. He is the father of the legislation that established both the Appalachian Regional Commission and the Economic Development Administration, which have done so much to reduce the blight of poverty for millions of our people.

The compassion and concerns of JENNINGS RANDOLPH reach out as well to other vital areas. He has been a tireless advocate for safety in the workplace, for education, for health care, and for the rights of the disabled. He was one of the earliest sponsors and strongest supporters of the constitutional amendment that lowered the voting age to 18 and made young Americans full citizens of our democracy.

For all his public life, he has been a champion of legislation for the disabled and the handicapped. The Blind Vendor Program created in the Randolph-Sheppard Act of 1936 is one of the great historic landmarks in this area and was the forerunner of so many other bills that have helped the handicapped in more recent years.

Every miner in America owes a debt of gratitude to JENNINGS RANDOLPH for his outstanding leadership on coal mine health and safety, and on black lung disease. It was JENNINGS RANDOLPH who first proposed the legislation in the Senate in 1969. It was JENNINGS RANDOLPH who got it through the Congress. And it is because of JENNINGS RANDOLPH that over $1 billion in benefits have been paid out since then to miners disabled by that cruel disease.

Every working man and woman in America owes a debt of gratitude to JENNINGS RANDOLPH for his years of brilliant service on the Senate Labor Committee, for the landmark legislation on jobs and the minimum wage and fair labor standards that have done so much in recent years to improve the lives of workers.

Every senior citizen owes a debt of gratitude to JENNINGS RANDOLPH for his leadership in passing medicare through the Senate, and in helping to keep the Social Security system on an even keel.

Jennings and I have sat side-by-side on the Health Subcommittee for the past 22 years, and there is no Senator who cares more deeply than JENNINGS RANDOLPH about the quality of health care in this country.

Every veteran of America's wars owes a debt of gratitude to JENNINGS RANDOLPH for his dedicated work on the Senate Veterans' Committee and his vigorous efforts to ensure that those who served the Nation in time of war are not forgotten in time of peace.

For many years, Senator RANDOLPH has championed the cause of peace through his tireless efforts for the enactment of legislation creating a National Peace Academy. And finally, this year, because of the persistence of JENNINGS RANDOLPH, we have made a start in the right direction by the creation of the U.S. Institute of Peace—including, as one of its enterprises, the "Jennings Randolph Program for International Peace"—as part of the Department of Defense Authorization Act for fiscal year 1985.

As Shakespeare might have written of JENNINGS RANDOLPH, age cannot wither him nor custom stale his infinite variety. Throughout his long and brilliant career in the Congress, Senator RANDOLPH's vision has never dimmed, and his convictions have never wavered. Administrations have come and gone, but JENNINGS RANDOLPH has never faltered. For more than half a century, he has served his country with wisdom and courage. We have been proud to work with him as a colleague, and we shall miss his friendship and leadership in the Senate in the years to come.

True to the motto of West Virginia—"Mountaineers are always free"—JENNINGS RANDOLPH has given all of us a lesson in the meaning of freedom and the enduring ideals of America. And if they ever carve a Mount Rushmore in those West Virginia mountains, JENNINGS RANDOLPH will be up there with the other great leaders in the history of the State.

LAWYERS ALLIANCE FOR NUCLEAR ARMS CONTROL MISSION

Mr. BRADLEY. Mr. President, the American public is justifiably concerned about the proliferation of nuclear weapons and the lack of meaningful arms control discussions. The level of tension between the Soviet Union and the United States is also disturbing to most Americans.

The U.S. Senate is on record urging the President to begin discussions with the Soviet Union about the possibility of establishing nuclear crisis centers. I have also proposed that discussions begin on ways to avoid turning outer space into another arena for nuclear conflict.

I commend the efforts of many public spirited groups to find ways to establish a dialog with their Soviet counterparts. One such effort was the recent mission of delegates from the Lawyers Alliance for Nuclear Arms Control who went to the Soviet Union to meet with representatives of the Association of Soviet Lawyers. I ask unanimous consent that a copy of that report recently published in the New Jersey Law Journal be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From the New Jersey Law Journal, July 26, 1984]

LAWYERS ALLIANCE MEETS WITH SOVIETS ON NUCLEAR ARMS CONTROL

(By Daniel Crystal)

"We must never relax our efforts to arouse in the people of the world, and especially in our governments, an awareness of the unprecedented disaster which they are absolutely certain to bring on themselves unless there is a fundamental change in their attitude toward one another as well as in their concept of the future. The unleashed power of the atom has changed everything except our way of thinking."—Albert Einstein

INTRODUCTION

Highly encouraging proof that agreement on nuclear arms control is possible between the two great superpowers, the United States and the USSR, is afforded in the fact that delegations of lawyers from both countries reached solid agreement on a Joint Statement and three Joint Papers following the conclusion of a conference held in Airlie, Virginia, and Washington, D.C., March 26-31, 1984.

Delegates of the Lawyers Alliance for Nuclear Arms Control, Inc. (LANAC) and the Association of Soviet Lawyers met to continue discussions on arms control topics they had begun in Moscow in July 1983.

As a result of vigorous negotiations at the meetings, the delegates from the legal groups in the two countries achieved agreement on the three working papers, which serve as initial proposals for reversing the dangerous nuclear arms race. The papers are entitled "A Test Moratorium: A First Stage Toward Nuclear Freeze and Reductions," "Compliance with Nuclear Arms Agreement," and "To Improve the Climate and Raise the Effectiveness of International Negotiations."

Work is continuing between the two groups on the principles of equality and equal security and no-first-use of nuclear weapons.

In announcing the agreement on ways that lawyers in the two countries can contribute to reducing the likelihood of nuclear war, the two groups of delegates declared: We share a common desire to improve the process of nuclear arms control negotiations. We are private citizens and do not speak for our governments. However, we believe that it is crucial—especially in the current period of international tension—to do whatever is possible to keep lines of communication open between our societies and to generate fresh, constructive and practical ideas for reversing the movement toward nuclear catastrophe.

EFFECTIVE INTERNATIONAL NEGOTIATIONS

Practical, innovative suggestions for tightening up and implementing the process of negotiations on nuclear arms and other treaties are provided by the third Joint Paper, "To Improve the Climate and Raise the Effectiveness of International Negotiations."

The starting point of the agreement here is that the most important danger in the world today is that of nuclear war, particularly such a war between the two superpowers.

Both the United States and the USSR, they emphasized, must continue to negotiate in good faith with each other even when they are most thorougly in disagreement. It is precisely at such times, they stressed, that such continuing negotiations are most essential.

The delegates agreed further that there should be consultation between the two countries before either makes any decision affecting the other nation. Priority must be given to avoiding nuclear conflict. Regional problems should be solved by means of negotiation, dealing with each problem on its own merits. The delegates concluded that both sides must recognize at all times that we live in an interdependent world where each side's security depends at all times on the other's.

These were not simply hortatory statements. They drew upon their professional expertise as lawyers and negotiators to point out that familiar negotiating techniques can make the process of hard, tough bargaining more effective. Such demonstrated and successful techniques include joint efforts on research, participation in joint training programs, devising and utilizing problem-solving approaches, improving easy communication between the two superpowers, and establishing a small joint staff to be concerned with the negotiating process during protracted bilateral negotiations.

AGREEMENT CAN BE REACHED

The two delegations reminded their respective governments that important agreements have been reached in the past. They concluded they can similarly be reached in the future.

They declared in this regard: The Soviet Union and the United States have differing views about the nature of the ideal social system, about the direction in which the world should be going, and about actions and policies of the other. These differences need to be faced and dealt with responsibly. And despite them, the two countries share vital interests of vast importance; avoiding nuclear war and avoiding the waste on armaments of resources that could better be used to promote economic health and human well-being. Even where substantive interests are directly opposed, the two countries share an interest in preventing their competition from escalating to armed confrontation. They should seek professionalism in their negotiations and prudence in their decisions. The advent of the nuclear age has made this imperative.

It is important to remember that there already exists a legal basis for the conduct of a broad range of Soviet-American relations. Agreements, for example, govern negotiations on reducing the risk of nuclear war and limiting and reducing the nuclear arsenals of the USA and the USSR.

* * * * *

"The realization of this first step," they declared, "would create favorable conditions for the implementation of more far-reaching measures. This does not mean, however, that other measures of nuclear arms reduction should await the implementation of a moratorium."

The wide-spread fear that there might be cheating on a freeze or reduction of nuclear weapons is met in the agreed-upon policy statement by proposals for adequate verification, including onsite inspection.

The delegates said in this important regard: Each step toward a comprehensive freeze or reduction of nuclear weapons should be accompanied by measures for adequate verification. At the same time, the problem of control should not be used as a pretext for undermining the very idea of the limitation and reduction of nuclear weapons. The forms of verification should reflect the purposes, scope and content of the agreement so as to provide fully adequate assurance of compliance.

While the moratorium on testing of nuclear weapons and new delivery vehicles should be designed to be adequately verifiable by national technical means, the transition to subsequent phases of a freeze or reduction of nuclear weapons would require that such means of control be supplemented with other means. These might include various mutually agree-upon methods of on-site verification of limitations in the manufacture, testing, and deployment of nuclear weapons, including the manufacture of fissionable materials for nuclear weapons.

The reference by the delegates to verification by "national technical means" clearly refers to such technological procedures, readily available to both superpowers, as spy statellites, monitoring radiation from secret test, and the like.

COMPLYING WITH AGREEMENTS

Both the LANAC and the Soviet delegations include skilled and experienced negotiators. Their expertise is manifest in the second position paper on which they agreed, "Compliance With Nuclear Arms Agreements."

In this paper, the American and Soviet lawyers dealt carefully with the perennial problem of proper interpretation of ongoing agreements and how to resolve resulting questions as to whether such agreements are being complied with or are being violated.

They recommended that questions arising under Nuclear Arms Agreements and Treaties be addressed in a professional manner. Calling upon their professional skills as attorneys and negotiators, they stated their view that prerequisites for a needed continuing mechanism to monitor compliance with nuclear arms agreements include: (1) an adequately trained staff of experts, (2) continuity, stability and regular meetings, (3) confidentiality of proceedings, and (4) public awareness that the negotiation and confirmation processes are truly working.

They found a satisfactory and successful model in the Standing Consultative Commission (SCC) established by the Anti-Ballistic Missiles Treaty of 1972. Accordingly, they recommended that a similar mechanism be utilized for other appropriate agreements "so as to enlist confidence that compliance is taking place while preserving the benefits of confidential resolution of questions raised."

Both sides are convinced that, despite the ideological and political differences between the USSR and the USA, both countries can and must cooperate in the areas where their interests coincide. The most important of such areas is prevention of nuclear war and reduction of international tensions. Success can result only from negotiations which are conducted constructively and with due regard to the legitimate security interests of both sides. Another sine qua non of success is the preservation, strengthening and development of the existing legal basis of US-Soviet relations.

This unmistakable confirmation that reversal of the frightening nuclear arms race is feasible even in the current glacial diplomatic relations between the two countries comes at a time when nuclear arms control and national security are at the very forefront of legal and public consciousness. An increasing number of lawyers share with other professionals and the general public the need to confront the awesome destructiveness of nuclear weapons and the alarming prospect of their possible use.

For some time, this writer has been urging members of the legal community in New Jersey to become aware of and active in LANAC. In letters to the New Jersey Law Journal, I have been emphasizing that this important organization of nuclear arms control advocates provides a valuable means of using our professional skills to do what we can to avert nuclear disaster. The success of the quiet negotiations which LANAC has been conducting with members of the Association of Soviet Lawyers confirms the important role that LANAC is increasingly playing in what I believe to be the most important issue facing the world today and for the foreseeable future.

THE DANGERS WE FACE

The LANAC and Soviet lawyer delegations joined in a bleak assessment of the dangers of the continuing arms race: According to the calculations of specialists, approximately 50,000 nuclear weapons of various types are amassed in the world at the present time. In its destructive power, this arsenal is roughly one million times greater than the bomb dropped on Hiroshima and 5,000 times greater than all explosives used in the Second World War. Without doubt, a nuclear war, should one begin, would result in the destruction of human civilization and perhaps of life on Earth.

Meanwhile, current trends in the military, technological and political fields lead to the continuing build-up of nuclear weapon stockpiles, to further improvement of the means of their delivery, and to the creation of conditions where the use of nuclear weapons becomes more and more likely. If the nuclear powers, particularly the USSR and USA, do not adopt decisive measures to halt the nuclear arms race very soon, a fatal outcome may become unavoidable.

VERIFIED NUCLEAR WEAPONS FREEZE

The LANAC and Soviet delegations called for "an adequately verified nuclear weapons freeze as a step to reductions," terming such mutually verifiable freeze "a concrete, practical and realizable measure that could reduce the threat of nuclear war, avert the possible collapse of the entire structure of arms control, promote trust between governments, assist in efforts to prevent the proliferation of nuclear weapons, and create favorable conditions for the reduction and ultimate elimination of nuclear weapon stockpiles."

These were experienced negotiators on both sides, and their proposals are eminently practical. The working paper, "A Test Moratorium: A First Stage Toward Nuclear Freeze and Reductions," recognizes that, in practice, a complete nuclear weapons freeze as a step to reductions would mean the discontinuation of the manufacture, testing, and deployment of all types of nuclear weapons. The delegates added, however, that, "In view of the complexity of achieving agreement on the entire range of these problems simultaneously, a useful approach might be to move toward this goal by stages."

They propose that in the initial stage, the two sides could concentrate on banning tests of nuclear explosives and new types of delivery vehicles, subject to adequate verification by national technical means.

A moratorium on such testing of nuclear explosives and new types of delivery vehicles, they added, would play a very important role in damming the most dangerous channel of the arms race—the creation of new types and the modernization of existing systems of nuclear weapons.

Such a moratorium, they urge, could be initiated not only by agreement but, in the alternative, by means of similar declarations from both sides that they are suspending such tests of nuclear explosives and new delivery systems. It could be stipulated further that after the expiration of a specified time, if both sides were satisfied with the situation that emerged, the declarations could be reaffirmed in the form of a bilateral agreement.

The two sides have also reached agreement on many concrete means for the limitation of nuclear arms such as forbidding nuclear tests in the atmosphere, under water, and in outer space; non-proliferation of nuclear weapons; limiting anti-ballistic missile systems; limiting strategic delivery vehicles; banning the stationing of nuclear weapons in outer space; and other measures. These achievements, however incomplete, must not be forgotten and indeed must be built upon.

MEMBERSHIP OF DELEGATIONS

Each team of delegates represents prestigious members of the legal profession in the particular country.

The LANAC delegates include:

Roger D. Fisher, Williston Professor of Law, Harvard Law School and director of the Harvard Negotiation Project.

Abram Chayes, Felix Frankfurter Professor of Law, Harvard Law School.

John C. Culver, United States Senator from Iowa, 1975-1981, now partner in Arent, Fox, Kinter, Plotkin & Kahn, Washington, DC.

Adrian W. Dewind, partner in Paul, Weiss, Rifkind, Wharton & Garrison, New York, N.Y.; president of the Association of the Bar of the City of New York, 1976-1978.

John H. Downs, partner in Downs, Rachlin & Martin, Burlington, Vermont; president of the Vermont Bar Association, 1974-1975; chairman of the Vermont House Ways and Means Committee, 1963-1964; Vermont State Representative, 1961-1964.

Erwin N. Griswold, former Solicitor General of the United States; Dean, Harvard Law School, 1946-1967; partner in Jones, Day, Reavis & Pogue, Washington, DC.

Shirley M. Hufstedler, Judge, U.S. Court of Appeals for the Ninth Circuit, 1968-1979; Associate Justice, California Court of Appeals, 1966-1968; Judge, Los Angeles County Superior Court, 1961-1966.

Alan B. Sherr, president, Lawyers Alliance for Nuclear Arms Control, Inc. (LANAC).

The delegates from the Association of Soviet Lawyers have comparable high professional prestige in the legal profession of the USSR. They include:

Vadim K. Sobakin, former Ambassador of the USSR to UNESCO; Professor, Moscow State Institute for International Relations; Advisor to the Central Committee, Communist Party of the Soviet Union; vice president, association of Soviet Lawyers.

Oleg V. Bogdanov, senior researcher, Institute of State and Law, Academy of Sciences of the USSR.

Fyodor M. Burlatsky, Professor, Institute of U.S. and Canada Studies, Academy of the Sciences of the USSR.

Nicolay M. Gundyaeve, Professor, Leningrad Theological Academy, secretary of the Synodal Commission of the Russian Orthodox Church on problems of Christian Unity.

Sergey M. Plekhanov, Head of Department, Institute of United States and Canada Studies, Academy of Sciences of the USSR; member, Association of Soviet Lawyers.

Konstantin F. Shakhmuradov, secretary, Association of Soviet Lawyers.

These agreements were not reached in any perfunctory manner. Alan B. Sherr, president of LANAC and one of the American delegates, said in a LANAC newsletter describing the successful March conference, "Dialogue was free, and substantial changes were made in all the draft papers. New ideas were incorporated, problematic language was dropped or amended, and virtually every sentence was rewritten for clarity and ease of expression." Sherr added, "Notwithstanding the great success of the meetings, I would not want to leave the impression that differences between the two delegations were insignificant or that agreement was reached by glossing over underlying problems. Wide divergences of view were apparent on the topics of the policy of no first use of nuclear weapons and on the Soviet concept of equality and equal security. These issues remain for further study. Seemingly unresolvable differences on the compliance topic and other issues were overcome only after many long hours of work at finding common ground."

CONCLUSION

Unquestionably, there is a growing fear in the world that most of the human race may not make it to the Twenty-First Century. The fear of a Nuclear Holocaust is clearly bottomed upon reality.

Nowhere is it written, however, that this beautiful earth must perish because of nuclear madness. What has been written instead are those beautiful words in the Bible: "I have set before you life and death, blessing and cursing; therefore choose life that both thou and thy seed might live." Deuteronomy 30:18. The legal profession should unite to choose life.

It is not enough however, to thank the LANAC and Soviet lawyers who negotiated these three agreements. We can applaud those agreements as indicative of how valuable lawyering skills can be. The larger question is what each of us will do to help make their proposals work.

Our own survival depends on the success of those proposals. So too do the continuing lives of our nations and of our own loved ones.

Unquestionably, the Soviet attorneys thought of their own Vladimirs and Natashas, Ivans and Ludmillas. Personally I think of my own two sons, Stephen and Roy, my daughter Sara and my daughter-in-law, Serena; of my grandnephew, Adam, and of his impish younger sister, Shana. The loved ones of each of us must have the same opportunity for a full, complete life that each of us has had so far. To personalize these issues of world survival is to make clear that each of us has a vital and individual stake in averting nuclear war.

That is why I urge every member of the New Jersey legal community in whatever capacity you serve—judge, attorney, law clerk, law professor, legal secretary, law librarian—to join New Jersey LANAC and to become active in it. Write or telephone our president, Steven B. Hoskins, of McCarter & English, 550 Broad Street, Newark 07102; (201) 622-4444. We have nothing more important to do with our lives than turn the arms race around.

Mr. BRADLEY. Mr. President, as we approach November 7, the Senate should realize its meaning.

I ask unanimous consent that a statement by the Congress of Russian-Americans be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONGRESS OF RUSSIAN-AMERICANS, INC.,
Nyack, NY, October 1984.

A DAY OF SORROW AND IRRECONCILABILITY, 1984

As we approach November the 7th, the day when the Soviet Union annually celebrates international communism's arrogation of power in Russia, we—Russian-Americans—appeal to the U.S. Government and to freedom-loving citizens of this country to designate it as a Day of Sorrow and Irreconcilability.

Sadly, albeit fittingly, among all the ethnic groups making up the tapestry of the United States of America, only the Russian-Americans persist in annually asking their Government and their fellow Americans to observe this inglorious day. Russian-Americans feel it is their sacred duty to mark with mourning and defiance the day international communism claimed their former countrymen as its first victim. Thus, they honor their brothers living under the Soviet rule.

On this day we express our sorrow for all victims of the communist terror, and our irreconcilability with the theory and practice of communist doctrine.

Moreover, let us not forget that November 7, 1917 marked not only the beginning of immeasurable sufferings for the Russian and other enslaved peoples of the Soviet Union, but also the beginning of a global human tragedy which today endangers the existence of the Free World. Utilizing the threat of a nuclear war, the Soviets have gradually taken over key strategic positions in all parts of the world. Today there hardly a nation on the face of the earth that has not been victimized by communist aggression.

Therefore, we ask the Government of the United States and all other Free World governments to designate November the 7th as a Day of Sorrow and Irreconcilability.

Over the past 67 years the Soviet government has spared no effort in trying to strip the Russian nation of its heritage. Despite the desecration and destruction of over 50,000 churches and monasteries, the persecution and extermination of millions of people in concentration camps and prisons, we witness today in the Soviet Union a revival of faith and awakening of national pride. The determination of the Russian people to live free blazes as never before. Perhaps the Russian soul, having nurtured its people through their long, barren winter of oppression, senses at last spring's hymn of freedom yearning to be sung. How more can we honor our brothers than by lending voices to this chorus? For by proclaiming this day of Sorrow and Irreconcilability, we intone "Let there be light" and indeed for all those who hear our voices in their darkness there is light!

BOARD OF DIRECTORS,
Congress of Russian-Americans.

THE ANNIVERSARY OF AMERICKE LISTY

Mr. BRADLEY. Mr. President, as a Member of the U.S. Senate I feel I am privileged to pay tribute to a group of people who exemplify what is great about this Nation. People who are dedicated to truth and to freedom, who strive to help improve the well being of their fellow man, either in this Nation or abroad.

Mr. President, I am proud to have many such people in my own State of New Jersey. But, today, I would like to call your attention to a group of Czechoslovakian people who publish a weekly tabloid called Americke Listy, which is translated to mean American letters.

Americke Listy is published in Perth Amboy, NJ. It has a national circulation of over 15,000 weekly, which reaches over 66,000 Czechoslovak-American people in New Jersey and many more across the Nation. More important than that, however, is that Americke Listy is carried in diplomatic pouches to Prague, where it is available in the U.S. Embassy Library.

Americke Listy reports about the lastest events happening in Czechoslovakia. It details the activities of Czechoslovakian activists and dissidents who have continued to resist domination by a Communist dictatorship which refuses to acknowledge their culture, their traditions and, perhaps saddest of all, their hopes and their dreams. This tabloid represents one of the few visions of light in an otherwise blackened environment.

Mr. President, on October 24 of this year, Americke Listy will celebrate its 110th anniversary of publication. Begun in 1874 in New York City, it was originally known as New Yorske Listy. Over the years Americke Listy has grown as the Czechoslovakian population in this country has grown. In 1960 they moved from their previous home in New York to their present location in Perth Amboy.

Mr. President, I would certainly be remiss if I did not say a few words about the publisher of Americke Listy, Mr. Frank Svehla. I met with Mr. Svehla and he told me that it hurt him deeply to see his native Czechoslovakia repressed as it is today. However, unlike many people Frank Svehla is determined to do something about it. Mr. Svehla is a tireless worker who has given unselfishly to the effort of exposing the situation in Czechoslovakia. He is a credit to Czechoslovakia and a credit to America.

In conclusion, Mr. President, many Americans are dedicated to the ideals which made this Nation great, but as we approach the anniversary of Americke Listy, it would do each of us well to reflect on the struggle of the Czechoslovakian people and the concern and hard work of Czechoslovakian Americans like those who have given us Americke Listy. We must remind ourselves of our commitment to support freedom and democracy throughout the world.

TRIBUTE TO SENATOR HOWARD BAKER

Mr. CHAFEE. Mr. President, we are close to the final hour, the final minutes of our leadership under Senator HOWARD BAKER. I know that many others have spoken. but I want to record here my deep appreciation for the marvelous leadership he has given both to the Republicans and to the Senate during these past 8 years.

It has been my privilege to have served with HOWARD BAKER the entire time that he has been the Republican leader. We began as a small band, only 39 in all; in the last 4 years we have gained a solid majority of 55. HOWARD BAKER has led us with grace and great skill both as the minority and the majority.

HOWARD BAKER has been the master of leadership in the Senate in my experience. When we begin to wrangle and become, it would seem, hopelessly entangled in procedural snarls, it is always a relief to see HOWARD BAKER come to the floor. You are confident then that a solution will be found to what seems an impossible impasse.

Certainly one of HOWARD BAKER's greatest strength is his mastery of procedure and his masterful skill in resolving conflict.

But the hallmark of his leadership is his extraordinary patience and his unfailing good humor. So often, in moments of great tension, these qualities have helped quell animosity, restore a sense of balance and move this frequently unruly body forward.

So he now leaves, to go on to other ventures. We have heard some indications that they might concern the Presidency—indeed, I supported HOWARD BAKER when he ran in 1980. We wish him well, Godspeed, and that he may have fair winds and a following sea.

We look forward to seeing him frequently, although I suspect not—in the days to come—in the Senate.

So, HOWARD, wherever you are—I think you leave the floor to avoid such flowery comments, but these come from the heart—we wish you and your family the very best in everything you undertake.

SENATOR HOWARD BAKER

Mr. MOYNIHAN. Mr. President, I have already had the opportunity to speak of my feelings for our beloved and departing majority leader. I will not take the time of the Senate when others wish to speak to the same subject.

The Senator from Rhode Island has reminded me of some of the events which have occurred under the majority leader's reign, which is the longest incumbency of a Republican majority leader since 1920.

It reminds me of one of the more explicitly wrong forecasts I have made in this body or about this body. In 1980, then minority leader HOWARD BAKER asked if I would write an introduction to a fine book he wrote called, "No Margin for Error—America in the Eighties," a very prophetic book in many ways.

I concluded my introduction by saying, "He will be an important American figure for the rest of the century. From across the aisle I salute him. Trusting to his unfailing good nature and good humor, I take my leave with the wish that he long remain minority leader of the United States Senate."

Within 3 weeks of the publication of this book he was the majority leader.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

THE LEADERSHIP OF SENATOR HOWARD BAKER

Mr. STENNIS. Mr. President, I welcome the opportunity to say something regarding Senator HOWARD BAKER and his fine leadership. I may resort to a personal feeling or two.

We have been blessed with two good leaders at the same time. It means a great deal to the institution of the Senate. During their excellent tenure in the last year or two, it seems we have let our procedures get away from us, to a degree. I am looking at this conference report we have just approved. I can barely lift it up with one hand. It is a monument to our failure to follow our procedures, such as the budget requirements.

In spite of that, these two Senators have added great strength to legislation which has passed. They have been indispensable. They have been helpful to all Senators.

I remember HOWARD BAKER the day he came here as a newly elected Senator. He had been here with his father's family, though I had not had the chance to know him. I picked the chance to get to talk to him as a neighbor in that area of the country. I began to realize immediately the inherent qualities that he had, the abilities that he had. I was not surprised at all that he rose to be leader, and an outstanding one, outstanding to the Nation, outstanding to the group he represented here, and to all of us. He worked for his side. That is why we come out here and make these fine suggestions from time to time. Everyone had confidence in what he said. His factual statements were correct as he believed. More and more we started putting belief in his judgment and his qualities of leadership.

I regret that he is going to leave. I am somewhat in a position to judge what he has meant to the country and to this institution. It has been greatly on the plus side. I believe he is capable of being President of the United States. I believe he is capable of holding any office within the gift of the people.

We have two leaders like that. I am not just in a flattering mood today, but we do have two leaders who have those capabilities and capacities.

I refer to the other one as our own beloved leader, the Senator from West Virginia [Mr. BYRD]. So, in these days of darkness and uncertainty, I by no means have lost faith in our institution. Here are two bright, shining lights of achievement, stability, judgment, and splendid control and the things that go to make up leadership. What I am coming to is I want to point out to the people of the United States—they are feeling a little uncertain about things, the way I interpret it. I point out to them that we have leadership of this type here.

I am sorry that the Senator from Tennessee is leaving us. He knows that. I told him that 4 years ago when he withdrew from the Presidential race. I said, "Well, if we are going to have one from your party, you are the man I feel I could back."

I am glad to pay that tribute to him and commend both our leaders and emphasize the importance, under the organization of this unique body, of the role that they play.

Mr. President, I yield the floor.

FAREWELL TO FOUR SENATORS

SENATOR HOWARD BAKER

Mr. MELCHER. Mr. President, I would like to add my praise and commendation to and appreciation for HOWARD BAKER as he leaves us after today or tomorrow, whatever time it takes to finish this Congress.

HOWARD BAKER has been the living embodiment of fairness, decency, and kind good humor. I very much appreciate his fine virtues and I am sure all the rest of the Senate shares my appreciation.

SENATOR JENNINGS RANDOLPH

Mr. President, I also want to take note of three other Senators who are leaving us after this Congress adjourns. Senator JENNINGS RANDOLPH has been the bridge between the early New Deal years of Franklin Delano Roosevelt and the present time. He has been a stout heart for all seasons and has been a great Senator whom we all appreciate.

SENATOR JOHN TOWER

The Senator from Texas, JOHN TOWER, will be leaving the Senate also after this Congress. While he is not a tall Texan, JOHN TOWER is a tough Texan, one who stands up for his point of view and his beliefs, one that we have all appreciated, a man whom we can always count on to stand tall and stand tough for those things that he felt necessary for the country.

SENATOR PAUL TSONGAS

Senator PAUL TSONGAS also is leaving the Senate. PAUL has demonstrated that knowledge and compassion translate into excellence. His dedication has made the Senate better. For all these four Senators, this Senator wishes that throughout life they will continue to be of good public service to the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until not later than 1:30 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, there are a number of matters that appear to be cleared for action by unanimous consent or by routine action. In order to get as many as possible done in order to get them over to the House, I would like to proceed now.

I indicated to the chairman of the Finance Committee as well as Mr. SYMMS, who is the principal sponsor of the pending question, that we do this as promptly as we can and then get back to the debt limit bill, on which I expect to vote around 1:30 or 2 o'clock—not on the debt limit itself, but on a motion in respect to the amendment.

CONVEYANCE OF PUBLIC LANDS IN SENECA COUNTY, OH

Mr. BAKER. Mr. President, I propose to turn to H.R. 5716, if that matter is agreeable with the minority leader.

MR. BYRD. Mr. President, it is.

Mr. BAKER. Mr. President, I ask unanimous consent that the Chair lay before the Senate H.R. 5716, which is at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the bill by title.

The bill clerk read as follows:

A bill (H.R. 5716) providing for the conveyance of public lands in Seneca, OH.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Are there amendments? If there be no amendments, the bill is ordered to be read for a third time.

The bill (H.R. 5716) was read the third time and passed.

Mr. BAKER I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONSERVATION AND MANAGEMENT OF ATLANTIC STRIPED BASS

Mr. BAKER. Mr. President, next I propose to go to H.R. 5492 if there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, may I say that there will be an amendment to that bill. First, I ask the Chair to lay before the Senate H.R. 5492, which is also at the desk.

The PRESIDING OFFICER. The clerk will state the bill.

The bill clerk read as follows:

A bill (H.R. 5492) to provide for the conservation and management of Atlantic striped bass, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 7100

Mr. BAKER. Mr. President, on behalf of Senator CHAFEE, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee [Mr. BAKER] for Mr. CHAFEE, proposes an amendment numbered 7100.

On page 11, beginning with line 4 strike all through "(a)" on line 9.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 7100) was agreed to.

STRIPED BASS AMENDMENT

Mr. CHAFEE. Mr. President, the Senate is considering H.R. 5492, a bill recently passed by the House that deals with the critical problems of the striped bass. Anyone who has been following this issue knows of my interest and concern for what is happening to this magnificent resource. In 1979, we began our emergency study to determine the extent of the decline of striped bass populations and to identify the factors responsible for the declining populations. The first part of the study has been successful. Unfortunately, the success is in the form of recent reports that confirm the depressing trend of declining stocks. The second part, identifying what is causing the decline, is turning out to be more complicated.

Although we may not have a good handle on the cause of the declining stocks, it has become clear to virtually everyone that steps must be taken to save the fish. Steps must be taken now. Not next year or the year after.

The States' responses to the problem has been slow, inconsistent, and, quite frankly, I believe ineffective to date. I am not convinced that we have the luxury of giving the States another chance, another round of promises and inaction. We hear promises that, given a little more time, the States will adopt the 1981 management plan which was developed by the Atlantic States Marine Fisheries Commission. But it has been suggested that the 1981 plan is now seriously out of date and needs to be substantially rewritten. The plan includes a minimum size of 24 inches for striped bass caught in the internal water of a member State. Additionally, the ASMFC management board has recommended a 55 percent reduction in fishing in striped bass and this legislation recognize this reduction as part of the recommended plan.

All of these factors and the recognition that the striped bass management problem is only one example of the problems facing effective interstate management of all migratory fish, led me to introduce S. 2667, the Coastal Migratory Fish Conservation Act. In addition to setting up a mechanism for more effective interstate management of all migratory fish, the bill recognizes the plight of the striper and would impose an immediate moratorium on fishing for stripers up and down the entire Atlantic coast. Rather than write into law what is appropriate scientific basis for lifting the moratorium, the bill would have allowed the moratorium to be lifted on a State-by-State basis as each State adopts and implements an interstate management plan that is to be developed by the States and approved by the Secretaries of Interior and Commerce.

The Subcommittee on Environmental Pollution held a hearing on my bill September 19. Although all witnesses testified that the decline of the striped bass is at critical stage there was disagreement on what was the best management approach to be taken with respect to bringing this magnificent fish to its previous population levels.

Given the conflict over management alternatives for the striped bass, we have worked out a compromise with Representative STUDDS, Representative BREAUX and other members of the House Merchant Marine and Fisheries Committee. These two gentlemen in particular have worked long and hard in developing a proposal to bring back the striped bass and I commend them for this dedication and diligence in this area.

The bill now before us, H.R. 5492, is reasonable and I think will set the stage for recovery of this magnificent fish. It is cosponsored by my good friend Senator MITCHELL, the ranking member of the Environmental Pollution Subcommittee; and Senator KENNEDY, who also has introduced similar striped bass legislation.

The bill is simple and straightforward. The Atlantic Marine Fisheries Commission shall decide during June 1985, whether each coastal State has adopted all regulatory measures necessary to fully implement the plan in its coastal waters. The Commission shall immediately notify the Secretaries of Commerce and Interior of each negative determination made by them. After that period the Secretary of Commerce has 30 days to determine whether that coastal State has come into compliance. If the State is not in compliance, the Secretary shall declare a moratorium on fishing the Atlantic striped bass within the coastal water of the affected State. The moratorium will be lifted only if the Commission determines that the affected State has taken appropriate remedial action to comply with the plan.

The Secretaries of Commerce and Interior are required to conduct a comprehensive annual survey of the Atlantic striped bass fisheries.

In addition, the Commission is required to monitor enforcement of the plan by the States and notify the Secretaries if enforcement of the plan is not satisfactory.

The bill also establishes civil penalties for those who violate the moratorium. Penalties shall not exceed $1,000 for each violation however each day of continuing violation shall constitute a separate offense. Vessels in connection with any unlawful act under subsection (b) shall be subject forfeiture to the United States.

The bill also authorizes $200,000 in fiscal years 1986 and 1987 for supporting the operation and maintenance of striped bass hatcheries in Maryland and Virginia.

Section 8 of the bill requires the Secretaries to review the Commission's existing plan and report to the Commission and the appropriate House and Senate committees within 6 months. The purpose of this report is to review the adequacy of the plan to make recommendations for additional measures which are needed to ensure the future conservation and protection of the striped bass.

This is an important component of the bill Mr. President because, as I have mentioned, some are concerned that the present plan is not satisfactory to deal with declining striped bass populations.

Finally, section 9 provides that the legislation shall be in effect for 18 months after enactment.

Mr. President, although I prefer the interstate management approach of migratory fish that is outlined in S. 2667, I am offering this bill as a compromise—for the time being. Once the Secretaries make recommendations, pursuant to section 8 I want to assure those who are interested in this issue that the Subcommittee on Environmental Pollution will look at them closely. I expect to continue to vigorously pursue the striped bass issue until all necessary actions are taken to restore striper populations to healthy population levels.

I thank Senators MITCHELL and KENNEDY for their cosponsorship of the legislation and their continued support. I urge my colleagues to support this proposal.

Mr. TRIBLE. Mr. President, I commend the Senator from Rhode Island for his efforts to preserve the striped bass. He has worked long and hard to develop legislation which will protect this species while recognizing the very real interest of each coastal State in managing its own fisheries.

The striped bass population is now only 10 percent of what it was a decade ago. The extinction of this fish would be a national tragedy; it would be the end not only of a fine and challenging sport fish, but also of thousands of commercial fishing and processing jobs.

This legislation, on which the gentleman from Rhode Island has labored for many months, is a reasonable response to a serious problem. I have but one concern with this bill, and that is that it may be interpreted in an unreasonable manner.

Let me explain my concern through the use of a hypothetical example.

What if a State intended to meet the goal of a 55-percent reduction as proposed by the Atlantic States Marine Fisheries Commission, took specific steps while relying on expert advice that these steps would lead to a 55-percent reduction, and learned only in retrospect that its good faith efforts had fallen just short of the goal set by the Commission. Would such a State be in compliance as that term is used in this bill?

Mr. CHAFEE. Yes, Mr. President; it would be. This bill was amended on the floor of the House of Representatives to give the Secretary of Commerce the discretion to determine, independent of the Commission's recommendation, whether or not a State is in compliance. The clear meaning of the term compliance can be found in the comments of Congressman JONES, the chairman of the Merchant Marine and Fisheries Committee, and Congressman BREAUX, chairman of the Fisheries Subcommittee. Congressman JONES notes that a two-step procedure is necessary to determine compliance: implementation of the Commission's plan and enforcement of the Commission's plan. Likewise, Congressman, BREAUX said that compliance is a matter to be determined by the Secretary of Commerce. "(T)he Secretary will, in consultation with the State, analyze the plan that the State has submitted; whatever plan that they come up with. We will look to see if that plan constitutes the essence of the . . . Commission recommendation."

Mr. TRIBLE. So would the Senator agree that the decision as to compliance is not based solely on a results only test; that the Secretary must look beyond the bottom line?

Mr. CHAFEE. I would agree with the Senator from Virginia. That is my understanding of the bill and that is the understanding of the Senators I have worked with who support this bill.

It is clear that if a State has taken steps recommended by the Commission or which it otherwise reasonably believed were sufficient to bring about the Commission's percentage reduction goal, and then found that the scientific information and predictions upon which it relied were not accurate and that it had not quite met the percentage reduction goal, then that State could still be found to be in compliance. To further quote Congressman BREAUX, "The discretion is left to the Secretary to make the determination based on the submission of the plan by the State." It is clear that the Secretary should look at the totality of the evidence regarding the State's intentions and actions, rather than simply applying a results only test.

Mr. TRIBLE. So the Secretary must weigh the good faith of the State, its reliance on scientific data and predictions, and other factors in addition to the percentage reduction which it eventually accomplishes?

Mr. CHAFEE. That is correct. A State should not be penalized because it is unable to predict the exact effect of fishery management and conservation measures.

Mr. TRIBLE. I thank the Senator for his responses. This addresses my concerns and I urge the quick passage of this measure. Finally, I wish to state for the record that Virginia has taken steps which have resulted in a current reduction of 74 percent. Virginia has closed the spawning areas in the Mattaponi, Rappahannock, Pamunkey, and James Rivers. It has closed an additional 20 miles of the Rappahannock River, adopted the Commission's proposed 14 inches and 24 inches minimum size limits, and has closed its territorial sea for 3 months each spring. Virginia has gone the extra mile to reduce its striped bass harvest.

Mr. CHAFEE. I appreciate the Senator's concern for the sport and commercial fishermen in his State, for the processors, and most of all, his concern for the future of the striped bass as evidenced by his support of this bill.

Mr. TRIBLE. I thank the Senator for his kind remarks.

Mr. MITCHELL. Mr. President, the measure before us, H.R. 5492, would aid the recovery of Atlantic striped bass populations. Senator CHAFEE has worked with me and other interested Members of the Senate and House of Representatives to draft the legislation and I am pleased to join him as a cosponsor. I know that Senator CHAFEE has been very interested in the conservation of striped bass for a number of years and it is to a large extent the information received from studies authorized by earlier Chafee legislation which brings us here today. I also want to recognize the efforts of Senator KENNEDY and Senator TSONGAS as well as Congressman GERRY STUDDS all of whom have introduced similar legislation to restore striped bass.

Striped bass populations are clearly in trouble. In 1973, commercial striped bass landings from Maine to North Carolina reached a record high of 14 million pounds. In 1983, the coast's commercial landings fell to their poorest level since record keeping began, 1.6 million pounds, a drop of nearly 90 percent in 10 years.

Efforts to save the striped bass must be a top priority, and it is my understanding that most of the coastal States have accepted their responsibility to restore this important source. I know that the State of Maine has. Maine has passed two laws to restrict the catch of striped bass. The State has set a 16-inch minimum size for fish taken, has limited to four the number of fish per person per day which may be taken, has restricted the method of taking to hook and line, or spear, and has prohibited the sale of fish taken in the State. The Atlantic States Marine Fisheries Commission has determined that Maine has complied with its recommendation to reduce the overall take by 55 percent.

This legislation would establish a mechanism to encourage all of the Atlantic Coast States to implement and enforce the provisions of the interstate fishery management plan [ISFMP] for striped bass. The plan, as adopted by the Atlantic States Marine Fisheries Commission, includes a minimum size of 24 inches for striped bass caught in the ocean and a minimum size limit of 14 inches for striped bass caught in the internal waters of member States. In addition, the ASMFC striped bass management board recommended the adoption of a 55-percent reduction in fishing on striped bass and, although the ASMFC has not formally adopted this provision, this bill recognizes this provision as a part of the recommended plan.

H.R. 5492 would require the Atlantic States Marine Fisheries Commission to decide by July 1, 1985, whether the States have taken actions to implement the management plan. The Secretary of Commerce is authorized to declare a moratorium on taking striped bass in States which have not implemented the plan.

In addition, the bill would require the Commission to monitor enforcement of the management plan by the States and immediately notify the Secretaries of Commerce and the Interior of negative determinations. The Secretary of Commerce is authorized to declare a moratorium in States which are failing to enforce the plan.

The Secretary of Commerce is responsible for enforcing the moratorium and may use the services and facilities of other Federal agencies to carry out the moratorium. The bill would also establish civil penalties for those who violate the moratorium, including $1,000 for each violation and forfeiture of vessels used in violations.

Finally, the Secretaries of Commerce and the Interior are required to review the management plan and report to the Commission and the appropriate committees of the Congress on the adequacy of the plan. The report must include recommendations on any additional measures which need to be taken to ensure striped bass recovery.

Mr. President, this is a fair and reasonable bill which would encourage the conservation and recovery of striped bass. The legislation does not preempt State management of fisheries within State coastal waters. It would, however, provide greatly needed Federal assistance to States to facilitate their management activities. I urge my colleagues to join me in supporting this measure.

Mr. KENNEDY. Mr. President, today is an important day for fishermen and conservationists in coastal communities from Maine to North Carolina. For with this legislation, we mark the beginning of an effective and coordinated effort to restore the magnificent striped bass to its former abundance.

The need for action is clear. Over the past decade striped bass landings have dropped by 90 percent. That decline has resulted in the loss of 7,000 jobs in Massachusetts and the other Atlantic Coastal States, and each year it costs the economies of these States approximately $200 million.

Senator Chafee, Senator Mitchell, Senator Tsongas, Representative Studds, and Representative Schneider all deserve considerable praise for their efforts to reverse this disastrous trend. Senator Chafee in particular should be mentioned for having initiated 5 years ago the Emergency Striped Bass study which was critical in demonstrating the need for action. Much of the credit for this legislation must also go to Congressman Studds of Massachusetts, who has led the effort in the House of Representatives—and it should come as no surprise. No one in Congress has a deeper understanding or commitment to marine and fisheries issues, and no one in Congress has done more to move us forward in these areas.

This legislation is not the whole answer to the striped bass problem. As I said when I introduced my own bill to restore this fishery, we must address the other causes of the decline in the striped bass population—particularly the acid rain problem—if any long-term restoration plan is to be effective.

Nevertheless, this legislation marks an important step. The bill mandates the selective imposition of statewide moratoria on striped bass fishing against those Atlantic Coastal States which have failed to comply—by mid-year 1985—with the regional management guidelines developed by the Atlantic States Marine Fisheries Commission [ASMFC] and reviewed by the Secretaries of Commerce and Interior. The bill also reauthorizes the necessary and complementary scientific research program initiated 5 years ago by Senator Chafee.

That scientific program, the results of which were released last April, was to many of us in the Congress, a call to action on this issue. Effective management of striped bass is a difficult task, requiring coordination and cooperation among the 12 Atlantic States in whose tidal waters the fish are concentrated. The unique problems associated with managing a coastal migratory species like the striped bass have been recognized at the Federal level since 1942. In that year Congress consented to the formation of the Atlantic States Marine Fisheries Commission by compact among the various Atlantic Coastal States. Each State is represented on the Commission, which is recognized today as the sole planning agency for management of all east coast nearshore fisheries.

In 1981 the ASMFC produced an interstate management plan which called for fishing restrictions to allow more stripers to reach spawning age. Unfortunately, 3 years have passed since that time and some States have not yet put the Commission's plan into effect. During this period of delay, the situation has grown more serious. Last December, the ASMFC reviewed the latest scientific data and concluded that even if the 1981 plan could be made effective in all States immediatly, new, more stringent measures are now required to protect the species.

Today, ASMFC is calling for a 55-percent reduction in striped bass catch beyond the levels proposed in 1981. The new recommendations reflect a scientific consensus on the steps necessary to permit full restoration of the fishery. Fishermen and managers turned to Congress for action to ensure that the States will not again fail to take the necessary steps.

The selective statewide moratoria imposed by this bill will preserve the primary role of State governments in the management of species within State waters, and, at the same time, provide some incentive for States to move quickly to protect the Atlantic striped bass.

Many of the 12 States included in the striped bass interstate management plan have moved effectively into voluntary compliance with both the 1981 ASMFC guidelines and the 1983 emergency recommendations. Some, likely Maryland, have recently taken action which goes beyond the recommendations. These States should not be penalized for the leadership they have shown thus far by leaving them alone to carry the burden of preserving a national asset. This legislation will provide the right amount of Federal oversight to ensure that the other States follow through with similar efforts.

This legislation is an essential and well-reasoned first step in restoring a very important species. It is a simple, fair approach which preserves the legitimate role of States in the management of coastal species.

The PRESIDING OFFICER. Are there further amendments? If not, the amendment is ordered to be engrossed for a third reading and the bill to be read a third time.

The amendment was ordered to be engrossed for a third reading. The bill (H.R. 2087) was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RELIEF OF HANS ROBERT BEISCH

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 1340.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The bill will be stated by the clerk.

The bill clerk read as follows:

A bill (H.R. 2087) for the relief of Hans Robert Beisch.

The bill was considered, ordered to be read a third time, was read the third time and passed.

Mr. BAKER. I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COUNTERFEIT ACCESS DEVICE AND COMPUTER FRAUD AND ABUSE ACT OF 1984

Mr. BAKER. Mr. President, next I ask the Chair to lay before the Senate Calendar Order No. 1075.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 5616) to amend chapter 47 of title 18 of the United States Code to provide penalties for fraud and related activities in connection with access devices and computers, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 7101

Mr. BAKER. Mr. President, I send an amendment to the desk in the nature of a substitute in behalf of Senators MATHIAS, LEAHY, and KENNEDY and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. MATHIAS and Mr. LEAHY, proposes an amendment numbered 7101.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause, and insert in lieu thereof the following:

This Act may be cited as the Computer Trespass Act of 1984. Sec. 2. Title 18 of the U.S. Code is amended by adding a new Section 1030, as follows:

"SEC. 1030. Trespass in connection with computers

(a) Whoever—

"(1) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and by means of such conduct obtains information that has been determined by the United States Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data, as defined in paragraph r. of section 11 of the Atomic Energy Act of 1954, with the intent or reason to believe that such information so obtained is to be used to the injury of the United States, or to the advantage of any foreign nation;

"(2) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides or purposes to which such authorization does not extend, and thereby obtains information contained in a financial record of a financial institution, as such terms are defined in the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.), or contained in a file of a consumer reporting agency on a consumer, as such terms are defined in the Fair Credit Reporting Act (15 U.S. 1681 et seq.); or

(3) knowingly accesses without authorization a computer operated for or on behalf of the Government of the United States, or, having accessed such a computer with authorization, uses the opportunity such access provides for purposes to which the authorization does not extend, and by means of such conduct affecting such operation, knowingly—

(a) modifies, destroys, or prevents the use of information in such computer, or

(b) uses or discloses individually identifiable information in such computer, the disclosure of which is prohibited by section 552a(*i*) of Title 5;

shall be punished as provided in subsection (c) of this section. It is not an offense under paragraph (3) of this subsection in the case of a person having accessed a computer with authorization and using the opportunity such access provides for purposes to which such access does not extend, if the using of such opportunity consists only of the use of the computer.

"(b)(1) Whoever attempts to commit an offense under subsection (a) of this section shall be punished as provided in subsection (c) of this section.

"(2) Whoever is a party to a conspiracy of two or more persons to commit an offense under subsection (a) of this section, if any of the parties engages in any conduct in furtherance of such offense, shall be fined an amount not greater than the amount provided as the maximum fine for such offense under subsection (c) of this section or imprisoned not longer than one-half the period provided as the maximum imprisonment for such offense under subsection (c) of this section, or both.

"(c) The punishment for an offense under subsection (a) or (b)(1) of this section is—

"(1)(A) a fine of not more than $10,000 or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(1) of this section which does not occur after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(B) a fine of not more than $100,000 or imprisonment for not more than twenty years, or both, in the case of an offense under subsection (a)(1) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(2)(A) a fine of not more than $5,000 or imprisonment for not more than one year, or both, in the case of an offense under subsection (a)(2) or (a)(3) of this section which does not occur after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(B) a fine of not more than $10,000 or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) or (a)(3) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph.

"(d) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section. Such authority of the United States Secret Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.

"(e) As used in this section, the term 'computer' means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator, or other similar device.".

"(f) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcment agency of the United States, a State, or a political subdivision thereof, or an intelligence agency of the United States."

(b) The table of sections at the beginning of chapter 47 of title 18 of the United States Code is amended by adding at the end the following new items:

"1029. Fraud and related activity in connection with access devices.

"1030. Trespass in connection with computers.".

SEC. 3. The Attorney General shall report to the Congress annually, during the first three years following the date of the enactment of this Act, concerning prosecutions under the sections of title 18 of the United States Code added by this Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment (No. 7101) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

So the bill (H.R. 5616) as amended, was passed.

INCREASING EFFECTIVENESS OF PATENT LAWS

Mr. BAKER. Mr. President, next I ask the Chair lay before the Senate Calendar Order No. 1324.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 6286) to amend title 35, United States Code, to increase the effectiveness of the patent laws, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 7102

Mr. BAKER. I send to the desk, Mr. President, an amendment on behalf of the distinguished Senator from Maryland [Mr. MATHIAS] and ask that it be considered.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. MATHIAS, proposes an amendment numbered 7102.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all of Section 101, and insert in lieu thereof the following:

SEC. 101. (a) Section 271 of title 35, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) Whoever without authority supplies or causes to be supplied in or from the United States all or a substantial portion of the components of patented invention, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer.

"(2) Whoever without authority supplies or causes to be supplied in or from the United States any component of a patented invention that is especially made or especially adapted for use in the invention and not a staple article or commodity of commerce suitable for substantial noninfringing use, where such component is uncombined in whole or in part, knowing that such component is so made or adapted and intending that such component will be combined outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer.".

Strike all of Section 103 and insert in lieu thereof the following:

CONCURRENT TRADEMARK USE

SEC. 103. Section 2(d) of the Act of July 5, 1946, commonly known as the Lanham Act (15 U.S.C. 1052(d)), is amended by adding at the end of the first full sentence thereof the following: "Use prior to any filing date of a pending application or registration shall not be required when the owner of such application or registration consents to the grant of a concurrent registration to the applicant.".

In Section 107, strike all of Subsection (a) and insert in lieu thereof the following:

"(a) Subject to subsections (b), (c), (d) and (e) of this section, the amendments made by this Act shall apply to all United States patents granted before, on, or after the date of enactment of this Act, and to all applications for United States patents pending on or filed after the date of enactment."

In Subsection (d) of Section 107, strike "section 103, 104 or 105" after "a ground obviated by" and before "of this Act", and insert in lieu thereof: "Section 104 or 105".

In Section 102(a) of the bill, strike the final quotation mark (") and the period following the final quotation mark, and insert in lieu thereof the following:

"(d) The Secretary of Commerce shall report to the Congress annually on the use of statutory invention registrations. Such report shall include an assessment of the degree to which agencies of the federal government are making use of the statutory invention registration system, the degree to which it aids the management of federally developed technology, and an assessment of the cost savings to the Federal Government of the use of such procedures.".

In section 102 of the bill strike "§ 156. Statutory invention registration" each place it appears and insert in lieu thereof the following: "§ 157. Statutory invention registration".

In section 309 of the bill, strike "1,000,000" and insert in lieu thereof: "250,000".

Mr. MATHIAS. Mr. President, this amendment to the House bill would narrow the bill in a number of ways. First, we have decided to drop entirely the process patent provision, which would have extended process patent protection to products produced by the patented process overseas. Although this provision passed the House and a similar one was approved without dissent by the Senate Judiciary Committee as part of the companion bill, S. 1535, some last minute questions have been raised. Because of the short time remaining in the session, I have decided it would be best to set aside the entire provision rather than try to limit its coverage. I intend to give this project the highest priority in the Subcommittee on Patents, Copyrights and Trademarks next year.

The other major amendment to H.R. 6286 is the deletion of section 103, which would have clarified and simplified the requirements for obtaining licenses to file patent applications abroad. There has been a great deal of discussion on the amendments made by this section, but we have been unable to resolve the strongly-held differences of opinion. In fact, in the face of the continuing controversy we had dropped this provision in the Senate bill during the subcommittee markup.

Notwithstanding these limiting amendments, this bill will significantly improve both the incentives provided by the patent system as well as its efficient functioning. The bill eliminates technical traps for the unwary inventor, it closes loopholes, and it makes a number of other needed refinements in our patent law. I urge passage of this proposal, with the proposed amendments. We also add an amendment at the request of the chairman of the Judiciary Committee [Mr. THURMOND]. This amendment has been cleared by both sides of the aisle. Let me give a brief history.

Associates First Capital Corporation is a wholly owned subsidiary of Gulf & Western Industries. In late 1982, Associates proposed the mark "Equity Express" in connection with a loan service for homeowners. An independent professional search of all data bases as of December 13, 1982, disclosed no conflicting prior uses. In fact, however, Washington Mutual Savings Bank of Seattle, WA, had adopted the same mark for similar services on October 18, 1982, but its pending application had not arrived into the data bases as of the date of the search. Upon discovery of their dual use of the mark, the two users entered into an agreement that acknowledged Washington Mutual's exclusive rights in four States and Associates' exclusive rights in 46 States.

While Associates' right to continued use of the mark is clear, an anomaly in the Lanham Act (15 U.S.C.) 1051 precludes Associates from obtaining a Federal concurrent use registration to protect its rights by foreclosing subsequent use by others in the States where Associates is clearly the first user.

Under 15 U.S.C. § 1052(d), a concurrent use registration may be granted at the discretion of the Patent and Trademark Commissioner in two situations. First, it may be granted if both parties use the mark before the first filing date. Second, such a registration may be granted if a court determines that more than one party is entitled to use. In Associates' case, neither provision technically affords relief.

The Patent and Trademark Office acknowledges that the parties are affected by an anomaly in the law. That Office traditionally does not support private legislation, but has indicated that it would accept a narrowly worded change in the Lanham Act itself. The amendment incorporates language acceptable to the PTO. This language will permit the Patent and Trademark Commissioner to grant concurrent registrations. The Commissioner would be required to determine that confusion or deception would not be likely to result and would be authorized to impose conditions relating to the mode or place of use of the mark to prevent such confusion or deception.

The remedy proposed presents no antitrust problems. On the contrary, it will serve to promote alternative business efforts by making a given trademark available for registration to more than one user.

Mr. METZENBAUM. This amendment provides that the Lanham Act is not violated, in the case of the use of a trademark prior to the filing date of a pending application or registration, if the owner of the application or registration, consents to the grant of a concurrent registration. The amendment, however, does not expressly or by implication provide any immunity under the antitrust laws. Consequently, if an agreement for concurrent use, pursuant to this proposed provision, harmed competition, there would not be any immunity from the antitrust laws under this amendment. Is my understanding correct?

Mr. MATHIAS. The gentleman is correct.

On another matter, I would like to note a further amendment that was adopted at the request of Senator DeConcini and Senator Dole.

The Senate Judiciary Committee has long been interested in reducing the administrative burden on the U.S. Patent and Trademark Office. The committee expects that the statutory invention registration will substantially cut down the number of Government-owned patents filed while still protecting the legitimate concern of the agencies that they not be liable for infringement suits if they fail to file a full patent. This should also result in a substantial cost savings to the agencies.

The committee also expects the agencies to use SIR's in most cases unless there is commercial potential for the invention that justifies the cost of filing for a full patent. The committee notes that the administratively created Defensive Publication Program was used only once by the agencies in its 5 years of existence. In light of that record, the committee will use the annual report by the Secretary of Commerce to ensure that the agencies are faithful to the intent of the Congress that this new program be used to the fullest possible extent.

Finally, Mr. President I would like to take this opportunity to express my thanks to the Senators from Minnesota for bringing to the attention of the Subcommittee on Patents, Copyrights and Trademarks the problems being experienced by the University of Minnesota in securing FDA approval for several drugs they are currently testing and developing. I understand the deep concern of Senators Boschwitz and Durenberger over this matter, and would like to assure them that the subcommittee will hold hearings on the need for additional patent protection for these particular drugs as soon as possible during the 99th Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 7102) was agreed to.

Mr. BOSCHWITZ. Mr. President, as the distinguished Senator from Maryland knows, I have an amendment which is very important to the University of Minnesota and the general public. Very simply, the amendment would extend the patents on two drugs developed by the University of Minnesota. These drugs have the potential to save the lives of thousands and thousands of people who suffer from heart problems that result in sudden death.

It is necessary to extend the patents so that clinical studies can be conducted to compare these drugs with other drugs that are currently being used. If the studies are not conducted, it is certain that the drugs will not be used widely, if at all, when the patents expire.

Because the first patent expires in 1986, it is appropriate to recount the circumstances that demonstrate the need for extending the patents. As the Senator from Maryland is well aware, obtaining approval from the Food and Drug Administration is often a lengthy process. I am not suggesting that the FDA acted inappropriately or in an untimely manner in approving the use of the drugs. Indeed, I am not aware of any allegations to this effect. Still, the fact remains that FDA did not approve the drugs for general use until 1981. And, physicians have not been using these life-saving drugs because the studies I referred to earlier have not been done.

Since the FDA approval in 1981, efforts have been made to have the studies conducted by private industry. However, the short, remaining life of the patents had made it economically impracticable for private industry to finance the studies to overcome this obstacle. The University of Minnesota has pledged to finance the studies if the patents are extended.

I believe it is clearly in the public interest to extend the patents, and to do so at the earliest possible time. Although the first patent does not expire until 1986, it is necessary to extend the patents this year, if possible, or if possible next year, because the studies themselves could take up to 2 years.

I recognize the difficult and sensitive position the Senator from Maryland finds himself in during the hectic last days of this Congress. The legislation he has authored is important, and I do not wish to create obstacles for him. I understand that Congressman Kastenmeier, the chairman of the House subcommittee with jurisdiction over this matter, is not willing to accept this amendment without having hearings on it. I fully understand Mr. Kastenmeier's position and believe it is both fair and reasonable—even though I would prefer to accomplish my goal this year. Indeed, Mr. Kastenmeier and his staff have been most cooperative in this endeavor—as has the Senator from Maryland and his staff—during the final days of this Congress.

Because of these circumstances, I will not offer the amendment to this legislation. Still, I plan to pursue this important matter at the earliest possible time next year. In addition, I plan to coordinate my efforts with Congressman Sabo—who has been very helpful this year—in order to achieve enactment of the patent extension next year. To accomplish our goal, I look forward to working with the Senator from Maryland at the beginning of the next Congress and will value his assistance in scheduling hearings and committee and floor action at the earliest possible time.

Mr. DeCONCINI. Mr. President, I express my strong support for this bill. The bill is a combination of two Senate bills—S. 1538 and S. 1535—which received careful consideration before the Subcommittee on Patents, Copyrights, and Trademarks of which I am a member. Although this is not a major bill in the intellectual property field of the law, it is nevertheless an important bill that clarifies many ambiguous areas of the law. It will go a long way toward creating an atmosphere in which the property rights of intellectual property owners will be strengthened.

There are several people and groups that have given generously of their time and expertise in the formulation of this bill. First and foremost, of course, is the distinguished chairman of the Subcommittee on Patents, Copyrights, and Trademarks, Senator Mathias. Under his leadership, that subcommittee has undertaken the important and sometimes thankless task of delving into the arcane and highly technical area intellectual property law. The results have been significant and laid a groundwork for a most active and productive Congress next year as well as resulting in the passage of a number of key bills this Congress. Recognition should also be given to the fine professional staff of the chairman, Ralph Oman, Steve Metalitz, and Charles Borden, for their long labors.

One other person and one other group are particularly associated with the passage of the bill before us. They are Judge Pauline Newman of the Court of the Federal Circuit and the Intellectual Property Owners Association. Judge Newman was an attorney member of the IPO when many of the basic concepts of today's bill were developed. Since her ascension to the bench, the IPO has continued to be most helpful in providing technical data to assist the subcommittee in development of the bill. Of special note was the work of Herb Wamsley, their executive director, who was always willing to ferret out answers to our numerous questions and do so in a cheerful manner.

I am disappointed that two provisions that were in the bills as they came out of the Judiciary Committee have been stripped or substantially modified by the present bill. I am referring to the provision originally found in S. 1538, concerning creation of a uniform practice of using the new statutory invention registrations within the executive branch. And to the provision stripped from this bill that would have given greater sanctity to process patents. With regard to the first of these provisions, a modified version of the original language has been included in this bill which will require the Secretary of Commerce to report annually to the Congress on the use of SIR's by the various agencies. Both the chairman of the subcommittee and I expect that this report will be a thorough analysis of the use of SIR's, as well as suggesting guidelines for their use governmentwide and also recommending standards for the evaluation of the commercial potential of inventions to which the Government may have the right of ownership. Of special interest to this Member, is the use of SIR's made by Government agencies such as NASA, the Department of Energy, and the Army and Navy. If reasonable use of SIR's, is not evident by the time of the first annual report, I will strongly urge the subcommittee to take up the issue of uniform practice in the use of SIR's.

Again, I am pleased to be associated with this bill and urge its prompt adoption.

The **PRESIDING OFFICER**. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The **PRESIDING OFFICER**. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 6286) was passed.

Mr. **BAKER**. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **BYRD**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HEALTH PROMOTION AND DISEASE PREVENTION AMENDMENTS

Mr. **BAKER**. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 771.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 771) entitled "An Act to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Health Promotion and Disease Prevention Amendments of 1984".

SEC. 2. (a)(1) Section 1701(a) of the Public Health Service Act (42 U.S.C. 300u(a)) is amended—

(A) by striking out "and" after the semicolon in paragraph (8);

(B) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and "and";

(C) by inserting after paragraph (9) the following new paragraph:

"(10) establish in the Office of the Assistant Secretary for Health an Office of Disease Prevention and Health Promotion, which shall—

"(A) coordinate all activities within the Department which relate to disease prevention, health promotion, preventive health services, and health information and education with respect to the appropriate use of health care;

"(B) coordinate such activities with similar activities in the private sector;

"(C) establish a national information clearinghouse to facilitate the exchange of information concerning matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care, to facilitate access to such information, and to assist in the analysis of issues and problems relating to such matters; and

"(D) support projects, conduct research, and disseminate information relating to preventive medicine, health promotion, and physical fitness and sports medicine.";

(D) by striking out "and with health planning and resource development activities undertaken under titles XV and XVI" in the last sentence; and

(E) by adding at the end thereof the following: "The Secretary shall appoint a Director for the Office of Disease Prevention and Health Promotion established pursuant to paragraph (10) of this subsection. The Secretary shall administer this title in cooperation with health care providers, educators, voluntary organizations, businesses, and State and local health agencies in order to encourage the dissemination of health information and health promotion activities.".

(2) Section 1701(b) of such Act is amended to read as follows:

"(b) To carry out this title, there are authorized to be appropriated $9,000,000 for the fiscal year ending September 30, 1985, $9,500,000 for the fiscal year ending September 30, 1986, and $10,000,000 for the fiscal year ending September 30, 1987.".

(b) Paragraph (6) of section 1704 of such Act (42 U.S.C. 300u-3(6)) is repealed.

(c) Sections 1706, 1707, 1708, 1709, and 1710 of such Act (42 U.S.C. 300u-5, 300u-6, 300u-7, 300u-8, and 300u-9) are repealed.

(d) Title XVII of such Act is amended by adding at the end thereof the following new section:

"CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION AND DISEASE PREVENTION

"SEC. 1706. (a) The Secretary shall make grants or enter into contracts with academic health centers for the establishment, maintenance, and operation of centers for research and demonstration with respect to health promotion and disease prevention. Centers established, maintained, or operated under this section shall undertake research and demonstration projects in health promotion, disease prevention, and improved methods of appraising health hazards and risk factors, and shall serve as demonstration sites for the use of new and innovative research in public health techniques to prevent chronic diseases.

"(b) Each center established, maintained, or operated under this section shall—

"(1) be located in an academic health center with—

"(A) a multidisciplinary faculty with expertise in public health and which has working relationships with relevant groups in such fields as medicine, psychology, nursing, social work, education and business;

"(B) graduate training programs relevant to disease prevention;

"(C) a core faculty in epidemiology, biostatistics, social sciences, behavioral and environmental health sciences, and health administration;

"(D) a demonstrated curriculum in disease prevention;

"(E) a capability for residency training in public health or preventive medicine; and

"(F) such other reasonable qualifications as the Secretary may prescribe;

"(2) conduct—

"(A) health promotion and disease prevention research, including retrospective studies and longitudinal prospective studies in population groups and communities;

"(B) demonstration projects for the delivery of services relating to health promotion and disease prevention to defined population groups using, as appropriate, community outreach and organization techniques and other methods of educating and motivating communities; and

"(C) evaluation studies on the efficacy of demonstration projects conducted under subparagraph (B) of this paragraph.

The design of any evaluation study conducted under subparagraph (C) shall be established prior to the commencement of the demonstration project under subparagraph (B) for which the evaluation will be conducted.

"(c)(1) During fiscal year 1985, the Secretary shall make grants or enter into contracts for the establishment of three centers under this section. During fiscal year 1986, the Secretary shall make grants or enter into contracts for the establishment of five centers under this section and the maintenance and operation of the three centers established under this section in fiscal year 1985. During fiscal year 1987, the Secretary shall make grants or enter into contracts for the establishment of five centers under this section and the operation and maintenance of the eight centers established under this section in fiscal years 1985 and 1986.

"(2)(A) In making grants and entering into contracts under this section, the Secretary shall provide for an equitable geographical distribution of centers established, maintained, and operated under this section and for the distribution of such centers among areas containing a wide range of population groups which exhibit incidences of diseases which are most amenable to preventive intervention.

"(B) The Secretary, through the Director of the Centers for Disease Control and in consultation with the Director of the National Institutes of Health, shall establish procedures for the appropriate peer review of applications for grants and contracts under this section by peer review groups composed principally of non-Federal experts.

"(d) For purposes of this section, the term 'academic health center' means a school of medicine, a school of osteopathy, or a school of public health, as such terms are defined in section 701(4).

"(e) To carry out this section, there are authorized to be appropriated $3,000,000 for the fiscal year ending September 30, 1985, $8,000,000 for the fiscal year ending September 30, 1986, and $13,000,000 for the fiscal year ending September 30, 1987.".

SEC. 3. Subsection (a) of section 338G of the Public Health Service Act (42 U.S.C. 254r(a) is amended by inserting "clinical psychologists," after "pharmacists,".

SEC. 4. (a) Section 526(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb(a)(2)) is amended by striking out "which occurs so infrequently in the United States that" and inserting in lieu thereof "which (A) affects less than 200,000 persons in the United States, or (B) affects more than 200,000 in the United States and for which".

(b) Section 5(b)(2) of the Orphan Drug Act (21 U.S.C. 360ee(b)(2)) is amended by striking out "which occurs so infrequently in the United States that" and inserting in lieu thereof "which (A) affects less than 200,000 persons in the United States, or (B) affects more than 200,000 in the United States and for which".

SEC. 5. (a) section 305 of the Public Health Service Act (42 U.S.C. 242c) is amended—

(1) by striking out "National Center for Health Services Research" and inserting in lieu thereof "National Center for Health Services Research and Health Care Technology Assessment";

(2) in subsection (b), by striking out "and" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and", and by adding after paragraph (4) the following:

"(5) the safety, efficacy, effectiveness, cost effectiveness, economic, and social impacts of health care technologies."; and

(3) by redesignating subsection (e) as subsection (i) and by adding after subsection (d) the following:

"(e)(1) The Center shall advise the Secretary respecting health care technology issues and make recommendations with respect to whether specific health care technologies should be reimbursable under federally financed health programs.

"(2) In making recommendations respecting health care technologies, the Center shall consider the safety, efficacy, and effectiveness, and, as appropriate, the cost-effectiveness and appropriate uses of the technology.

"(3) In carrying out its responsibilities under this section respecting health care technologies, the Center shall cooperate and consult with the National Institutes of Health, the Food and Drug Administration, and any other interested Federal departments or agencies.

"(f)(1) The Secretary, acting through the Center, shall undertake and support (by grant or contract) research regarding technology diffusion, methods to assess health care technology, and specific health care technologies.

"(2) Any grant or contract under paragraph (1), the direct cost of which will exceed $50,000, may be made or entered into only after consultation with the National Advisory Council on Health Care Technology Assessment.

"(g)(1) There is established the National Advisory Council on Health Care Technology Assessment (hereinafter in this section referred to as the 'Council'). The Council shall advise the Secretary and the Director of the Center with respect to the performance of the health care technology assessment functions prescribed by this section. The Council shall assist the Director in developing criteria and methods to be used by the Center in making health care technology coverage recommendations.

"(2) The Council shall consist of—

"(A) the Director of the National Institutes of Health, the Chief Medical Director of the Veterans' Administration, the Assistant Secretary for Health and Environment of the Department of Defense, the head of the Centers for Disease Control, the head of the Health Care Financing Administration, and such other Federal officials as the Secretary may specify, who shall be ex officio members, and

"(B) twelve acting members appointed by the Secretary.

"(3) The Secretary shall make appointments to the Council as follows:

"(A) The Secretary shall appoint six members of the Council from individuals who are distinguished in the fields of medicine, engineering, and science (including social science) and shall appoint four members from individuals who are distinguished in the fields of law, ethics, economics, and management. Of the members appointed under this subparagraph—

"(i) at least two shall be physicians,

"(ii) two shall be selected from individuals who represent business entities engaged in development or production of medical technology,

"(iii) one shall be selected from individuals who represent hospital administrators, and

"(iv) one shall be selected from individuals who represent health insurance companies or self-insured employers.

"(B) The Secretary shall appoint two members from members of the general public who represent the interest of consumers of health care.

"(4)(A) Each appointed member of the Council shall be appointed for a term of three years, except that—

"(i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(ii) of the members first appointed after the date of the enactment of this subsection, four shall be appointed for a term of three years, four shall be appointed for a term of two years, and four shall be appointed for a term of one year, as designated by the Secretary at the time of appointment.

Appointed members may be appointed for additional terms and may serve after the expiration of their terms until their successors have taken office.

"(B) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(5) The Council shall annually elect one of its appointed members to serve as Chairman until the next election.

"(6) The Council shall meet at the call of the Chairman, but not less often than three times a year.

"(7) The Director of the Center shall (A) designate a member of the staff of the Center to act as Executive Secretary of the Council, and (B) make available to the Council such staff, information, and other assistance as it may require to carry out its functions.

"(h) In each fiscal year, seven and one-half percent of the amount made available under section 2113 for such fiscal year for evaluations shall be made available to the Assistant Secretary for Health to conduct or support (by both grants and contracts) through the Center, evaluations of health services and health care technology which evaluations are not being conducted or supported under this section or section 304.".

(b) Subsection (i) of such section (as so redesignated) is amended by striking out "subsections (b), (c), and (d) of".

(c)(1) Section 304 of such Act (42 U.S.C. 242b) is amended by striking out "National Center for Health Services Research" each place it occurs and inserting in lieu thereof "National Center for Health Services Research and Health Care Technology Assessment".

(2) Such section is amended by striking out ", the National Center for Health Statistics, and the National Center for Health Care Technology" each place it occurs and inserting in lieu thereof "and the National Center for Health Statistics".

(3) Such section is amended by striking out ", the National Center for Health Statistics, or the National Center for Health Care Technology" and inserting in lieu thereof "or the National Center for Health Statistics".

(4) The heading for such section is amended by striking out "and Health Care Technology" and inserting in lieu thereof ", and Health Care Technology Assessment".

SEC. 6. Section 305(c) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting "(1)" before "The"; and

(3) by adding at the end thereof the following new paragraph:

"(2) In carrying out this section, the Secretary shall assist State and local health agencies through a user liaison program and a technical assistance program.".

SEC. 7. (a)(1) The first sentence of paragraph (1) of section 308(i) of such Act (42 U.S.C. 242m(i)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$20,500,000 for the fiscal year ending September 30, 1985, $22,750,000 for the fiscal year ending September 30, 1986, and $24,750,000 for the fiscal year ending Septeber 30, 1987".

(2) The second sentence of such paragraph is amended (A) by inserting after "Research" the following: "and Health Care Technology Assessment", and (B) by striking out "and at least 5 per centum of such amount or $1,000,000, whichever is less, shall be available only for dissemination activities directly undertaken through such Center" and inserting in lieu thereof "and at least 10 per centum of such amount or $1,500,000, whichever is less, shall be available only for the user liaison program and the technical assistance program referred to in section 305(c)(2) and for dissemination activities directly undertaken through such Center".

(3) Such paragraph is amended by adding after the second sentence the following: "For health care technology assessment activities undertaken under subsections (b)(5), (e), (f), and (g) of section 305 the Secretary shall obligate from funds appropriated under this paragraph not less than

$3,000,000 for the fiscal year ending September 30, 1985, $3,500,000 for the fiscal year ending September 30, 1986, $4,000,000 for the fiscal year ending September 30, 1987. For grants under section 309 the Secretary shall obligate from funds appropriated under this paragraph not less than $500,000 for the fiscal year ending September 30, 1985, $750,000 for the fiscal year ending September 30, 1986, $750,000 for the fiscal year ending September 30, 1987.".

(4) The last sentence of such paragraph is amended by striking out "for each" through "1984," and inserting in lieu thereof "for any fiscal year".

(b) Paragraph (2) of such section is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$47,000,000 for the fiscal year ending September 30, 1985, "$49,000,000 for the fiscal year ending September 30, 1986, "$52,000,000 for the fiscal year ending September 30, 1987".

SEC. 8. Section 309 of the Public Health Service Act (42 U.S.C. 242n) is amended to read as follows:

"COUNCIL ON HEALTH CARE TECHNOLOGY

"SEC. 309. (a)(1) In accordance with this section, the Secretary shall make grants for the planning, development, establishment, and operation of a Council on Health Care Technology. The Council shall comply with the provisions of this section.

"(2)(A) The Secretary shall make an initial grant under paragraph (1) to the National Academy of Sciences for the planning, development, and establishment of the Council with the membership prescribed by subsection (d)(1). The amount of such grant may not exceed $500,000 and may be made for not more than two-thirds of the cost of the planning, development, and establishment of the Council.

"(B) The Secretary may not make a grant for the operation of the Council unless the application submitted to the Secretary for the grant contains written assurances from the applicant that the applicant will expend from non-Federal sources for the operation of the Council an amount equal to at least twice the amount of the grant applied for.

"(b) The purposes of the Council shall include—

"(1) promoting the development and application of appropriate health care technology assessments; and

"(2) the review of existing health care technologies in order to identify obsolete or inappropriately used health care technologies.

"(c)(1) The Council shall—

"(A) serve as a clearinghouse for information on health care technologies and health care technology assessment;

"(B) collect and analyze data concerning specific health care technologies;

"(C) identify needs in the assessment of specific health care technologies and research on assessment methodologies;

"(D) develop and evaluate criteria and methodologies for health care technology assessment;

"(E) promote education, training, and technical assistance in the use of health care technology assessment methodologies and results; and

"(F) stimulate, coordinate, and commission assessments of health care technologies.

"(2) No funds from any grant made by the Secretary under this section for the planning, development, and establishment of the Council may be used to conduct any assessment of a health care technology.

"(d)(1) For purposes of a grant for the planning, development, and establishment of the Council, the Council shall be composed of:

"(A) At least ten members appointed by the National Academy of Sciences from individuals who have education, training, experience, or expertise relating to the quality and cost-effectiveness of health care technologies and who are representatives of organizations of health professionals, hospitals, and other health care providers, health care insurers, employers, consumers, and manufacturers of products for health care.

"(B) Three members appointed by the Secretary of Health and Human Services.

"(C) The Director of the Office of Technology Assessment, who shall be an ex officio member.

"(2) Any vacancy in the Council shall not affect its power and, for purposes of a grant for the planning, development, and establishment of the Council, shall be filled in the manner prescribed by paragraph (1).

"(f) The President of the National Academy of Science shall designate one of the members appointed to the initial Council under subsection (d)(1)(A) as Chairman of the Council for a one-year term. Thereafter, the members of the Council shall elect one of its members as Chairman for such terms as may be determined by the Council.

"(g) The recipient of a grant under subsection (a) shall submit an annual report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the Council's activities.

"(h) No grant may be made under this section unless an application is submitted to the Secretary in such form and containing such information as the Secretary shall prescribe.".

Mr. HATCH. Mr. President, I am pleased that S. 771, the Preventive Medicine Research and Health Promotion Act of 1984, sponsored by me and Senator KENNEDY and which first passed the Senate in September 1983, has been approved with minor modifications by my colleagues in the House. I have accepted their modifications and want to extend my thanks to Mr. WAXMAN and Mr. MADIGAN for their help with this bill.

This legislation represents a milestone in Federal health policy—for the first time there will be an opportunity to conduct broad scale research in disease prevention and health promotion by establishing centers for this research at selected schools of public health and academic health centers throughout the Nation. Although the funding for this effort is relatively modest, I believe it is essential. We start by funding only research centers at institutions which have demonstrated commitment to preventive medicine and the basic resources necessary to carry out a successful program. Much work needs to be done to encourage our citizens to assume more responsibility for their own health. A key factor in this task is educating our health professionals—public health officials, physicians, nurses, and the entire spectrum of allied health professionals to enhance their interest in disease prevention and improve their skills in patient education focusing on health promotion.

This legislation holds the promise of addressing our No. 1 public health problem, that is the rapidly escalating cost of health care. No Federal effort is likely to be more effective in diminishing the staggering economic burden of providing health care than reducing the need for expensive curative medical services. The finest scientists and health policy experts in our Nation have made it abundantly clear to me that most of our "big cost items"—cancer, heart disease, chronic lung disease, and stress-related illnesses—are in large part preventable. Unfortunately, the great majority of our Federal investment in research has heretofore focused almost exclusively on disease. Without question this has resulted in remarkable improvements in diagnostic and therapeutic tools for our health professionals, and enhanced the quality of life of many victims of disease. Nonetheless, it is time we begin investing in how we might better prevent illness which require costly and highly technical management.

The bill, in establishing centers for research and demonstration in health promotion and disease prevention may not provide an adequate definition of prevention research or clear enough guidance on the focus of the centers, for the agency that will allocate the funds, the Center for Disease Control.

The following additional language reflects and clarifies my position on the focus of work to be undertaken by the centers:

> The primary mission of the centers should be to conduct research in the prevention of illness and promotion of good health including strategies to prevent conditions such as poor nutrition, substance abuse, accidents, as well as the reduction of the incidence of disease. It is intended that the centers include: research of methods for appraising health hazards and risk factors and seek improved methods of applying approaches unique to public health to the prevention of chronic illness.
>
> In addition to research, the centers should undertake demonstration projects to translate and apply research findings in the community. When appropriate, the centers should reach out into communities to educate and motivate our citizens. The goal is that community members should not be passive but rather active participants in the planning, operation, and evaluation of these services.
>
> There is not adequate information at this time to recommend how initial core grant moneys could most effectively be spent. Over the past decade there have been established federally funded networks of centers for research in disease categories such as cancer, cardiovascular disease, diabetes and arthritis and most recently prevention research in alcohol and drug abuse. These have proven successful, and useful in providing a stable base for research scientists. Therefore, I recommend that prior to preparing regulations to administer these new centers for research and demonstration in

health promotion and disease prevention, a Consensus Development Conference be held which will include leaders in public health, preventive medicine, and the Administration to determine how these funds might be most efficiently and effectively utilized.

A review of the specific accomplishments of existing research centers should be carefully considered, and general recommendations made on how much of the core grant funds should be spent for faculty support, training, to upgrade facilities, and to initiate relevant research and demonstration projects. I believe that funds can appropriately be spent for refurbishing and renovation of facilities, but that these funds should not be spent for new construction. I strongly believe that funding for additional individual research projects should remain on a competitive basis through the usual channels of peer review from the appropriate federal agencies and the Public Health Service.

Mr. President, I am convinced that this legislation heralds the beginning of an appropriate balance between preventive medicine and disease-specific research in our Federal research effort. We can and must learn more about proper nutrition, motivating healthy lifestyles while respecting our cherished individual freedoms, occupational and environmental health hazards, stress related illnesses, and accident prevention. The proposed research centers can accomplish these goals by improving research in scientific discipline such as epidemiology, biostatistics, nutrition, environmental health, and behavioral science. I am also confident that they can make recommendations on the most cost effective means of motivating personal health, and will provide enormous benefits to industry and the Federal Government as we cope with the challenge of increasingly costly health benefits.

I am aware that there is a high interest in this legislation among schools of public health and throughout the academic community. This is appropriate and indicates a new and much welcome interest in preventive medicine. However, I am convinced that the hoped for results can be achieved only if these centers are established at institutions which are committed to the basic intentions of the legislation. I would hope that institutions intending to focus only on one geographic region or cultural group would not be favored over those capable of conducting a wide spectrum of research which will, it is hoped, translate into improved health care for citizens throughout the world.

Mr. President, I again remind my colleagues that this bill represents a milestone in health promotion and disease prevention. I ask that my colleagues in the Senate swiftly pass this important piece of legislation so that we can give health promotion and disease prevention the attention they deserve.

S. 771 as passed by the House also includes an amendment designed to clear up uncertainty over the operation of the Orphan Drug Act. Under that legislation, which we passed in 1982, we gave certain incentives to drug manufacturers to induce them to shoulder the considerable developmental and regulatory costs of bringing to market drugs which would otherwise not be profitable because they treat diseases afflicting only a relatively small portion of the population. Many such orphan drugs of promise have been identified, but have never been developed because the anticipated return was too small to justify the expense.

We hoped to rectify that situation with the passage of the Orphan Drug Act. Both of the agencies initially involved in formulating regulations for the act, the Food and Drug Administration and the Department of the Treasury, settled upon an approach for determining which drugs should qualify as orphan drugs which is now held up at the Office of Management and Budget. FDA and Treasury both recommend that the basic test be one of whether the manufacturer could reasonably expect to recover his costs, but that there be a floor of 200,000 prospective users, below which a drug would be presumed to qualify because of the small size of the market. OMB has taken a different view, reasoning that such a cutoff might result in giving the incentives of the law to drugs which, because of their extremely high price, may well turn out to recover all their costs and become profitable at some point.

While I understand the weight of both arguments, it seems to me that the more important consideration is making the act workable. I believe that if drug manufacturers must in every case not only make difficult development cost and marketing projections with sufficient detail and confidence to satisfy Federal auditors, but also open their books and disclose backup financial data, many will find participation in the orphan drug program is simply not worth the bother.

While I would not want the incentives of the act to benefit profitable drugs, and I would hope that Government and industry would monitor the profitability of orphan drugs after they are marketed to give us some data on whether this becomes a problem, still I feel we must get this program moving by encouraging its maximum use at the outset. Many millions of Americans, suffering from thousands of rare diseases, are counting on it.

To this end, I have been working with the Department of Health and Human Services and with the Office of Management and Budget for the past 2 weeks to try to resolve this problem. I believe some misunderstandings have been resolved, and profitable discussions have taken place. I have seen positive movement at OMB. I am confident that given more time the matter could be resolved administratively to everyone's satisfaction. But unfortunately time has run out on this process, and since these are probably the last days of the 98th Congress, Representative WAXMAN and I concur that we must take our final opportunity to signal congressional intent on this issue.

Thus, the S. 771 provision would write into the legislation the 200,000-person presumption which was contained in the FDA/Treasury recommendation. Again, I would not be adverse to revisiting the subject if it appears in the future that manufacturers, by charging exceedingly high prices, are circumventing the intent of the law. But for now, we need to give full encouragement to the development and approval of drugs which will otherwise not see the light of day.

I am pleased that S. 771 also includes the text of an agreed upon compromise on H.R. 5496, the National Center for Health Services Research and Medical Technology Assessment, passed by our colleagues in the House of Representatives in June of this year. Similar provisions passed the Senate in June as part of S. 2559. The compromise on H.R. 5496 is important legislation reauthorizing the National Center for Health Services Research and emphasizes the importance of the Federal Government's role in determining what kinds of medical services should be paid for under Medicare and Medicaid Programs. The process of considering which health services, diagnostic tests and therapeutic procedures are cost-effective and beneficial is essential as we struggle to rein in the increasing costs of health care which threaten the viability of the Medicare trust fund, and the benefit of our Medicaid Programs. Many experts in health policy feel we simply do not pay sufficient attention to evaluating what we actually pay for in the name of health care. This compromise on H.R. 5496 will improve the capacity of the Federal Government to accomplish this important work.

To emphasize the importance of technology assessment, the current National Center for Health Services Research is renamed the "National Center for Health Services Research and Medical Technology Assessment." In addition to their current important activities—also reauthorized in S. 2559, the Health Professions Training Assistance Act which passed the Senate in June of this year—the center is charged with conducting studies related to the efficacy, cost effectiveness, and social impact of health care technologies. They are required to make recommendations with respect to whether specific medical technologies should be reimbursed under federally financed health programs. In doing so, they will cooperate and consult with the National Institutes of Health, the Food and Drug Administration, and other interested Federal departments or agencies.

This legislation also authorizes establishment of the Council on Health Care Technology, under the auspices of the National Academy of Sciences, which provides for a new Federal-private sector partnership to promote appropriate health care technology assessment. The Secretary is given authority to fund this new venture by making grants to nonprofit entities which perform functions related to health technology assessment, including: providing a clearinghouse for information on medical technology assessment, identifying needs for research related to medical technology assessment, and coordinating and encouraging education, training, and technical assistance related to medical technology assessment. This new Council is similar to provisions in S. 2504, introduced in March of 1984, by my colleague Senator DAN QUAYLE, which would establish a private, nonprofit institute for health care technology assessment. This includes a consortium of health care payers, providers, researchers, consumers, and the Federal Government to promote utilization of appropriate medical technologies and eliminate costly and ineffective ones. S. 2504 with minor modifications, is amended to H.R. 5496 and thus to S. 771 and I recommend my colleagues adopt these provisions.

Mr. President, I urge expeditious approval of S. 771.

Mr. QUAYLE. Mr. President, I rise in support of the amendments to H.R. 5496, the National Center for Health Services Research and Medical Technology Assessment, now made part of S. 771. I urge your support for this amendment which was worked out in discussions with our House colleagues to reconcile the differences between the House bill, H.R. 5496, and the provisions I offered as an amendment to S. 2559 which was passed by the Senate this summer.

I would like to take this opportunity to thank Chairman HATCH and Senator KENNEDY, for their cooperation and assistance on this bill and to commend my House colleagues for their fine work in this area.

The amendment requires the Secretary of Health and Human Services to make a grant to the National Academy of Sciences for the establishment of a Council on Health Care Technology. This Council is based upon the recommendations of the report, "Medical Technology Assessment: A Plan for a Private/Public Sector Consortium," prepared by a committee of the Institute of Medicine. Its purpose is to promote the development and application of appropriate health care technology assessments and to review existing technologies in order to identify obsolete or inappropriately used technologies.

The Council will serve as a clearinghouse for information on technology and technology assessments, collect and analyze data concerning specific technologies and identify needs in the assessment of specific technologies and research on assessment needs. The Council will receive a maximum of $500,000 in Federal funds for its planning and development which will be matched by a one-third private sector contribution to assist in its establishment. Thereafter, for fiscal years 1986 and 1987, the Federal contribution must be matched by at least twice that amount in private sector funds.

In my view, such an entity is vitally needed since our health care system is presently unable to coherently evaluate, in medical and economic terms, new or emerging technologies, as well as those already in widespread use. The new prospective payment system makes the need for cost-efficient technology assessment even more urgent since it may act as a disincentive to alter accepted patterns of treatment and to permit otherwise obsolete technologies to remain in use. The Council provided for in this amendment would develop the capacity in the private sector to foster technology assessment activities. It will facilitate the private sector, in partnership with the Government, in encouraging more coordination between groups carrying out assessments and improved dissemination of assessment information.

In addition, the amendment reauthorizes the National Center for Health Services Research and takes several steps to enhance its ability to provide advice to the Secretary of Health and Human Services with respect to whether specific technologies should be reimbursed under federally financed programs.

The assessment activities called for by this bill will not be a cure-all for our health care cost problems; however, these activities will help hold down health care costs and contribute to an even higher quality of care.

Mrs. KASSEBAUM. Mr. President, this amendment is intended to clarify the definition of "rare disease or condition" included in the Orphan Drug Act (Public Law 97-414). Our goal in enacting that measure was to encourage the development of drugs for rare diseases. The concern had been that many promising treatments were not being made available because the costs of developing and marketing such drugs far exceeded any expected return in sales. Drug manufacturers were understandably reluctant to assume this type of financial loss, and the Orphan Drug Act was designed to overcome this barrier.

Consequently, the definitional section of the act was couched in terms of reasonable expectations that costs would not be recovered. During the development of the act, we did not attempt to establish a specific incidence level for a disease or condition to be considered rare—believing that experts within the Department of Health and Human Services were in a much better position than Congress to make such a determination. We felt this would be particularly true after the Department gained additional information about orphan drugs, diseases, and conditions in the course of working with the new law. In the nearly 2 years since the Orphan Drug Act was signed into law, HHS has taken a number of positive steps to encourage the development of drugs for rare diseases and has added measurably to our knowledge in this area.

In the course of developing guidelines for the implementation of the law, HHS through its Office of Orphan Products Development has determined that an incidence level of under 200,000 is the point at which a drug manufacturer has no expectation of recovering the development and distribution costs of a drug serving that population. At incidence levels above 200,000, no such presumption exists. A drug serving that population may or may not pay its own way.

Consequently, Department officials concluded that it should not be necessary for a drug manufacturer to provide detailed financial information to justify an orphan drug designation of a drug designed for diseases with an incidence of less than 200,000. Manufacturers would, however, have to prove their inability to recover costs in cases where they seek designation for drugs designed for diseases with incidences exceeding 200,000 cases. The Treasury Department, which is responsible for developing regulations to implement the tax credit section of the act, has concurred with the Department of Health and Human Services on this point.

Unfortunately, a literal reading of the Orphan Drug Act does not appear to leave room for discretion in terms of making presumptions regarding the ability of a manufacturer to recover the costs of drug development and marketing. Because a reasonable expectation of financial loss is the criteria given in the act, manufacturers would be in the position of having to prepare detailed financial reports to justify their request for designation—even though there is no question but that they would not be able to recover costs. It is my concern that this additional requirement will discourage manufacturers from undertaking the development of drugs for rare diseases.

This amendment would avoid this problem by defining "rare disease or condition" as being one which affects less than 200,000 people in the United States or which affects more than 200,000 Americans—but for which there is no reasonable expectation that the cost of developing and making available the drug can be recovered from sales. It was the intention of the Orphan Drug Act to remove disincentives for the development of drugs for rare disease—not to create new ones.

Mr. HATCH. Mr. President, I should like to engage in a colloquy with my good friend, the distinguished chairman of the Finance Committee, Senator DOLE.

As Senator DOLE is aware, S. 771 contains a provision addressed to the definition of an orphan drug under the Orphan Drug Act. This act grants incentives, including tax incentives, to drugs which treat diseases afflicting too small a population to make them profitable, considering the large development and approval costs. The Department of Health and Human Services and Treasury have both proposed an approach for identifying these drugs which incorporates a 200,000-person floor. If a drug will be useful for a population of 200,000 persons or fewer, it will automatically qualify under the act without further demonstration of the costs and revenues projected for it. This approach has been contested by the Office of Management and Budget. While I have been working with OMB to try to effect a change there, I have concurred with Representative WAXMAN on the House side that Congress needs to take its final opportunity in this Congress to signal its intent.

Thus S. 771 writes into the act's definition the 200,000-person standard recommended by Treasury and Health and Human Services. It does not, however, disturb the corresponding language of the Internal Revenue Code. The reason no such change is being made is that there is sufficient latitude under the statute to follow this standard without a legislative amendment. Will the Senator elaborate on this?

Mr. DOLE. Yes, I would be glad to. I understand that such a legislative change is unnecessary because as the statute is written, the Department of the Treasury has the authority to adhere to the standard in the FDA portion of the statute and regulations, even if the section 44(d)(1) definition remains the same.

Mr. HATCH. Do we agree then that the 200,000-person floor should govern not only HHS's but also Treasury's treatment of which drugs qualify for the act's incentives?

Mr. DOLE. Yes, that is also my intent.

Mr. HATCH. I thank the Senator from Kansas for his assistance and cooperation in resolving this matter.

Mr. KENNEDY. Mr. President, I rise in support of S. 771, the Preventive Medicare Research and Health Promotion Act of 1984. This bill now includes both the material included in the original S. 771 and H.R. 5496 as revised through discussion with the House.

H.R. 5496 includes the reauthorization of the National Center for Health Services Research, together with initiatives to increase our rational conventional health care technology assessment. With regard to prevention, far too infrequently over the past decade have we had an opportunity to grant the emphasis that preventive medicine requires. Few organizations or institutes are undeserving of this admonition. Substantial and impressive gains have been made in biomedical research into the cause of disease, gains that now must be equaled in the prevention of disease. With this act, we sharpen the focus of activities of the Public Health Service in the areas of prevention. In this act, we have created an Office of Health Promotion under the Assistant Secretary for Health. Centers for research and demonstration of health promotion and disease prevention will be funded in geographic region throughout the country.

On a yearly basis, we shall now receive in the Congress a report of all activities of the Department of Health and Human Services during the preceding year. From this report we shall be better able to determine the direction of future legislative efforts.

Again, I am pleased that we have created an act that, in effect, will help to save the lives of our citizens and ultimately reduce health care costs.

The reauthorization of the National Center for Health Services Research is also extremely important. The major innovation in this bill is one I have long supported: An enhanced role in this Nation's health research effort for technology assessment.

Whether the issue is quality of care or cost-effectiveness of care, technology assessment is a vital but shamefully neglected part of our Nation's health research activity. The old National Center for Health Care Technology Assessment that I initiated saved the Federal Government during its very brief life amounts totaling hundreds of mills according to independent research. It did this simply by determining certain technologies to be obsolete and unnecessary and recommending their removal from coverage by Federal programs.

Our people deserve to know that when they are subjected to a medical procedure it has received a careful review for safety and effectiveness. Practitioners in the field deserve the same kind of information as they determine what procedure or technology they should imply in a particular case. But this information is largely unavailable. The great bulk of medical procedures and technologies in use have never been subjected to the kind of careful, controlled scientific examination we demand for every drug authorized to be prescribed for the American people.

This bill enhances our capability in this area by combining two provisions, one originally proposed by me and one originated by Senator HATCH. I am delighted that we are finally making progress—however limited—in this important area.

The first provision would elevate the technology assessment function in the National Center for Health Services Research, make the responsibilities of NCHSR in this area more explicit, establish a high level advisory council to encourage and support this function, and provide earmarked funds for this function.

The second provision would establish a joint public-private technology assessment board at the National Academy of Sciences. This board would act as a clearinghouse and coordinator of activities in this area conducted by the organizations and individuals interested in technology assessment and provide a high-level private sector focus for the activity.

I urge prompt enactment of this important bill.

Mr. BAKER. Mr. President, I move to concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. I now ask unanimous consent, Mr. President, that Calendar Order No. 1334, which is the companion House measure, H.R. 5496, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTION IN ENROLLMENT OF H.R. 6257

Mr. BAKER. Mr. President, I now ask the Chair to lay before the Senate House Concurrent Resolution 373, which is at the desk.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A resolution (H. Con. Res. 373) to correct a technical error in the enrollment of the bill H.R. 6257.

BEST COPY AVAILABLE

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The concurrent resolution (H. Con. Res. 373) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTIONS IN ENROLLMENT OF H.R. 3942

Mr. BAKER. Next, Mr. President, I ask the Chair lay before the Senate House Concurrent Resolution 374, which is also at the desk.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A resolution (H. Con. Res. 374) to correct technical errors in the enrollment of the bill H.R. 3942.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The concurrent resolution (H. Con. Res. 374) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRINTING OF SENATE REPORT NO. 98-225

Mr. BAKER. Mr. President, at the request of our distinguished President pro tem (Mr. THURMOND), I ask unanimous consent that following the signature of the President on House Journal Resolution 648, 3,000 copies of the Senate Report No. 98-225, the Senate report to accompany the Comprehensive Crime Control Act, which is S. 1762, be printed for the use of the Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION ACT

Mr. BAKER. Mr. President, I now ask the Chair lay before the Senate Calendar Order No. 1084.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 2713) to authorize appropriations for the fiscal year 1985 for intelligence activities of the United States Government, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment.

Mr. BAKER. Mr. President, at the request of the committee, I ask that the Foreign Relations Committee amendment be withdrawn.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

AMENDMENT NO. 7103

Mr. BAKER. Mr. President, I send to the desk an amendment in the nature of a substitute on behalf of Senators CHAFEE and GOLDWATER and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. CHAFEE and Mr. GOLDWATER, proposes an amendment numbered 7103.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. MOYNIHAN. Mr. President, reserving the right to object—and without objecting—I ask if a copy of that amendment will be available.

Mr. BAKER. Mr. President, I am happy to do so. According to the notations I have, the procedure we are following has been cleared by the Foreign Relations Committee, but I will ask the staff to deliver a copy of the statements of Senator GOLDWATER and Senator CHAFEE to the distinguished Senator from New York, and in the meantime I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, the Senator from Arizona, the chairman of the committee, is necessarily absent, and I have the watch, if you will.

I was concerned that there was going to be change in the language of the authorization bill. There is no such change contemplated by the majority leader's amendment, and I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause, and insert in lieu thereof the following:

That this Act may be cited as the "Intelligence Authorization Act for fiscal year 1985".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1985 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1985, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Select Committee on Intelligence of the Senate, as amended by agreement of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate. That Amended Schedule of Authorizations, dated October 4, 1984, signed by the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate and the Chairman and Ranking Minority Member of the Permanent Select Committee on Intelligence of the House of Representatives, and on file at the offices of those committees, shall be made available to the Committees on Appropriations of the Senate and the House of Representatives, and to the President. The President shall provide for suitable distribution of the amended schedule, or of appropriate portions of the amended schedule, within the executive branch.

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

SEC. 103. During fiscal year 1985, funds may not be made available for any intelligence or intelligence-related activity unless such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity, except that, in no case may reprogramming or transfer authority be used by the Director of Central Intelligence or the Secretary of Defense unless for higher priority intelligence or intelligence-related activities, based on unforeseen requirements, than those for which funds were originally authorized, and in no case where the intelligence requested has been denied by Congress.

AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND CONSTRUCTION OF AN ADDITIONAL BUILDING AT THE CENTRAL INTELLIGENCE AGENCY HEADQUARTERS COMPOUND

SEC. 104. Of the amounts authorized to be appropriated under section 101(1), there is authorized to be appropriated for fiscal year 1985 the sum of $104,500,000 for the design and construction of a new building at the Central Intelligence Agency headquarters compound.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 105. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1985 the sum of $14,500,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

PERSONNEL CEILING ADJUSTMENTS

SEC. 106. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for the fiscal year 1985 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1985 the sum of $20,800,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized two hundred and thirty-two full-time personnel as of September 30, 1985. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1985, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1985, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1985, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403n) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1985 the sum of $99,300,000.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM RULES AND REGULATIONS

SEC. 302. Section 201(a) for Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by striking "to become effective after approval by the chairman and ranking minority members of the Armed Services Committees of the House and Senate." and inserting in lieu thereof "to be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before they take effect.".

TITLE IV—ADMINISTRATIVE PROVISION RELATING TO THE CENTRAL INTELLIGENCE AGENCY

PHYSICAL SECURITY OF CENTRAL INTELLIGENCE AGENCY FACILITIES

SEC. 401. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end thereof the following new section:

"SECURITY PERSONNEL AT AGENCY INSTALLATIONS

"SEC. 15. (a) The Director may authorize Agency personnel within the United States to perform the same functions as special policemen of the General Services Administration perform under the first section of the Act entitled 'An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes' (40 U.S.C. 318), with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers only within Agency installations, and the rules and regulations enforced by such personnel shall be rules and regulations promulgated by the Director.

"(b) The Director is authorized to establish penalties for violations of the rules or regulations promulgated by the Director under subsection (a) of this section. Such penalties shall not exceed those specified in the fourth section of the Act referred to in subsection (a) of this section (40 U.S.C. 318c).

"(c) Agency personnel designated by the Director under subsection (a) of this section shall be clearly identifiable as United States Government security personnel while engaged in the performance of the functions to which subsection (a) of this section refers.".

TITLE V—DEFENSE INTELLIGENCE AGENCY PERSONNEL MANAGEMENT IMPROVEMENTS

CIVILIAN PERSONNEL MANAGEMENT

SEC. 501. (a) Chapter 83 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1604. Civilian personnel management

"(a) The Secretary of Defense may, without regard to the provisions of any other law relating to the number, classification, or compensation of employees—

"(1) establish such positions for civilian officers and employees in the Defense Intelligence Agency as may be necessary to carry out the functions of such Agency;

"(2) appoint individuals to such positions; and

"(3) fix the compensation of such individuals for service in such positions.

"(b) The Secretary of Defense shall, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in the General Schedule under section 5332 of title 5 for positions subject to such Schedule which have corresponding levels of duties and responsibilities. Except in the case of an officer or employee of the Defense Intelligence Agency serving as a member of the Defense Intelligence Senior Executive Service, no officer or employee of the Defense Intelligence Agency may be paid basic compensation at a rate in excess of the highest rate of basic pay contained in such General Schedule.

"(c) The Secretary of Defense is authorized, consistent with section 5341 of title 5, to adopt such provisions of such title as provide for prevailing rate systems of basic pay and to apply such provisions to positions in or under which the Defense Intelligence Agency may employ individuals described by section 5342(a)(2)(A) of such title.

"(d) In addition to the basic compensation payable under subsection (b), officers and employees of the Defense Intelligence Agency who are citizens or nationals of the United States and who are stationed outside the continental United States or in Alaska may be paid compensation, in accordance with regulations prescribed by the Secretary of Defense, not in excess of an allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute. Such allowances shall be based on—

"(1) living costs substantially higher than in the District of Columbia;

"(2) conditions of environment which differ substantially from conditions of environment in the continental United States and warrant an allowance as a recruitment incentive; or

"(3) both of the factors described in paragraphs (1) and (2).

"(e)(1) Notwithstanding any other provision of law, the Secretary of Defense may, during fiscal years 1985 and 1986, terminate the employment of any civilian officer or employee of the Defense Intelligence Agency whenever he considers that action to be in the interests of the United States and he determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such officer or employee cannot be invoked in a manner consistent with the national security. The decisions of the Secretary under this paragraph are final and may not be appealed or reviewed outside the Department of Defense. The Secretary of Defense shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever this termination authority is exercised.

"(2) Any termination of employment under this subsection shall not affect the right of the officer or employee involved to seek or accept employment with any other department or agency of the United States if he is declared eligible for such employment by the Director of the Office of Personnel Management.

"(3) The Secretary of Defense may delegate authority under this subsection only to the Deputy Secretary of Defense or the Director of the Defense Intelligence Agency or both. An action to terminate any civilian officer or employee by either such officer shall be appealable to the Secretary of Defense.".

(b) The table of sections at the beginning of chapter 83 of title 10, United States Code, is amended by adding after the item relating to section 1603 the following new item:

"1604. Civilian personnel management.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 502. (a) Section 5102(a)(1) of title 5, United States Code, is amended—

(1) by striking out "or" at the end of clause (viii);

(2) by inserting "or" at the end of clause (ix); and

(3) by inserting after clause (ix) the following new clause:

"(x) the Defense Intelligence Agency, Department of Defense;".

(b) Section 5342(a)(1) of such title is amended—

(1) by striking out "or" at the end of subparagraph (I);

(2) by inserting "or" at the end of subparagraph (J); and

(3) by inserting after subparagraph (J) the following new subparagraph:

"(K) the Defense Intelligence Agency, Department of Defense;".

TITLE VI—COUNTERINTELLIGENCE AND OFFICIAL REPRESENTATION

POLICY TOWARD CERTAIN AGENTS OF FOREIGN GOVERNMENTS

SEC. 601. (a) It is the sense of the Congress that the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States should not exceed the respective numbers, status, privileges and immunities, travel accommodations, and facilities within such country of official representatives of the United States to such country.

(b) Beginning one year after the date of enactment of this section, and at intervals of one year thereafter, the President shall prepare and transmit to the Committee on Foreign Relations and Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs and Permanent Select Committee on Intelligence of the House of Representatives a report on the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States and the respective numbers, status, privileges and immunities, travel, acommodations, and facilities within such country of official representatives of the United States to such country, and any action which may have been taken with respect thereto.

(c) Section 203 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4303) is amended—

(1) in subsection (a) by striking out the fifth sentence; and

(2) by amending subsection (b) to read as follows:

"(b) There shall also be a Deputy Director of the Office of Foreign Missions. Either the Director or the Deputy Director of such Office shall be an individual who has served in the United States Foreign Service, while the other of the two shall be an individual who has served in the United States Intelligence Community."

(d) The amendments made by subsection (c) shall apply only with respect to any appointment of a Director or Deputy Director of the Office of Foreign Missions, as the case may be, after the date of enactment of this section.

TITLE VII—GENERAL PROVISIONS

AUTHORITY FOR THE CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 701. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 702. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

TITLE VIII—ACTIVITIES IN NICARAGUA

MILITARY OR PARAMILITARY ACTIVITIES

SEC. 801. No funds authorized to be appropriated by this Act or by the Intelligence Authorization Act for fiscal year 1984 (Public Law 98-215) may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except to the extent provided and under the terms and conditions specified by House Joint Resolution 648, making continuing appropriations for the fiscal year 1985, and for other purposes, as enacted.

● Mr. GOLDWATER. Mr. President, today marks the eighth time in as many years that a separate budget authorization bill has been introduced for the American intelligence family. This budget authorization process is now standard procedure and represents clear evidence that our constitutional responsibilities can be fulfilled while, at the same time, maintaining that element of confidentiality necessary for an effective intelligence system.

Mr. President, no other nation in the world does what we have been doing now for the past 8 years. No other nation in the world allows its legislative branch to oversee, in detail, and to authorize the budget for its intelligence community. I believe that this is the best system there is to provide accountability for the intelligence activities of our Government. I also believe that it can work well to ensure that we have a strong and effective intelligence community which, at the same time, is held accountable to the American people through its elected representatives.

Earlier this year, the Budget Subcommittee of the Senate Select Committee on Intelligence held numerous closed hearings. The staff has engaged in hundreds of hours of interviews and briefings in order to pull together the bill which have before us today. We have examined in detail the budgets of the Central Intelligence Agency, the National Security Agency, the intelligence activities of the Departments of Defense, State, and Treasury, and of the Federal Bureau of Investigation.

In addition, the full committee met on numerous occasions to draft and refine this budget authorization bill. In particular, we devoted a tremendous amount of time and attention to the administration's covert action requests and activities. So I want to reaffirm to my colleagues the seriousness with which we assume our responsibilities for authorizing these activities. Also, I would like to reiterate to all Members of this body the documentary materials in the possession of the committee are available for their review. If Members have a question about what we are doing or what we have done, let us know, and we will be glad to share these materials with you under the provisions of Senate Resolution 400.

Mr. President, I would like to take this opportunity to thank my colleagues for their hard work and effort in preparing this legislation. In particular, I would like to thank Senators WALLOP and INOUYE, the chairman and vice chairman of our Budget Subcommittee respectively, for their hard work in this area. These two gentlemen and their colleagues on the Budget Subcommittee are responsible for much of the work, and they are to be commended for it. Also, I would like to thank the staff of the Senate Intelligence Committee and to acknowledge the fine work they have done in preparing and presenting this bill. In particular, I would like to draw attention to the contribution of Mr. Keith Hall, the Committee Budget Officer, and Charlene Packard of the Budget support staff, who have served us ably and in a bipartisan fashion over the past year.

Mr. President, the Intelligence Authorization Act for fiscal year 1985 is an important piece of legislation. Its provisions are the result of a bipartisan debate and consensus. I urge my colleagues to support it.

I ask unanimous consent to have material in connection with matter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE INTELLIGENCE COMMITTEE AMENDMENT TO S. 2713, THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1985

In this explanation, the term "House bill" refers to H.R. 5399 as passed by the House of Representatives; the term "Senate committee bill" refers to S. 2713 as reported from committees of the Senate and placed on the calendar, and the term "Senate-House compromise bill" refers to the Senate Intelligence Committee amendment to S. 2713.

SHORT TITLE

Both the House bill and the Senate committee bill entitled the legislation the "Intelligence Authorization Act for Fiscal Year 1985" and thus the Senate-House compromise bill retains this short title.

AUTHORIZATION OF APPROPRIATIONS

Section 101 of the House bill and section 101(a) of the Senate committee bill were identical, except for the House use of the term "intelligence-related activities" and the line item reference in section 101(10) of the House bill to the Drug Enforcement Administration. The Senate-House compromise bill retains Section 101 of the House bill.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Section 102 of the House bill established the amounts authorized to be appropriated and personnel ceilings according to a classified schedule of authorizations prepared by the House Permanent Select Committee on Intelligence.

Section 101(b) of the Senate committee bill established the amounts authorized to be appropriated and personnel ceilings according to a classified schedule of authorizations prepared by the Senate Select Committee on Intelligence.

In previous years, the Committee of Conference on the intelligence authorization acts agreed to legislation which authorized appropriations and personnel according to a classified schedule of authorizations prepared by the Committee of Conference. Because the purpose of the Senate-House compromise bill is to avoid such a conference, there will be no Committee of Conference to prepare a classified schedule of authorizations. Instead, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence have agreed upon a schedule of authorizations accompanying the Senate-House compromise bill, and this schedule of authorizations has been denominated the classified Amended Schedule of Authorizations prepared by the Select Committee on Intelligence of the Senate. This amended schedule is dated October 4, 1984, signed by the Chairman and Vice Chairman of the Senate Select Committee on Intelligence and the Chairman and Ranking Minority Member of the House Permanent Select Committee on Intelligence, and on file at the office of those committees.

Thus, Section 102 of the Senate-House compromise bill establishes the amounts authorized to be appropriated and personnel ceilings according to the classifed Amended Schedule of Authorizations prepared by the Senate Select Committee on Intelligence, which is the Senate-House agreed schedule of authorizations.

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

Section 103 of the House bill and Section 101(c) of the Senate committee bill were substantially similar, differing only in that the House bill refers to "intelligence and intelligence-related activities" whereas the Senate committee bill refers to "intelligence activities".

The Senate-House compromise bill retains Section 103 of the House bill.

AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND CONSTRUCTION OF AN ADDITIONAL BUILDING AT THE CIA HEADQUARTERS COMPOUND

Section 104 of the House bill authorized appropriation of $14,500,000 for a new building at the CIA headquarters compound.

Section 101(a) and (b) of the Senate committee bill had the effect of authorizing appropriations of $94,500,000 for a new building at the CIA headquarters compound.

The Senate-House compromise bill authorizes $104,500,000 for the new CIA headquarters building.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERROISM ACTIVITIES OF THE FBI

Section 105 of the House bill authorized appropriations of $14,500,000 for FBI domestic counterterrorism activities.

The Senate committee bill contained no similar authorization.

The Senate-House compromise bill retains Section 105 of the House bill.

PERSONNEL CEILING ADJUSTMENTS

Section 106 of the House bill and Section 101(e) of the Senate committee bill contained provisions for intelligence personnel ceiling adjustments which were identical, except for technical cross references to other sections of the bill.

The House-Senate compromise retains Section 106 of the House bill.

AUTHORIZATION OF APPROPRIATIONS FOR THE INTELLIGENCE COMMUNITY STAFF

Section 201 of the House bill authorized appropriations of $20,300,000 for the Intelligence Community Staff.

Section 201(a) of the Senate committee bill authorized appropriations of $21,800,000 for the Intelligence Community Staff.

Section 201 of the Senate-House compromise bill authorizes appropriations of $20,800,000 for the Intelligence Community Staff.

AUTHORIZATIONS OF PERSONNEL END STRENGTH FOR THE INTELLIGENCE COMMUNITY STAFF

Section 202(a) of the House bill authorized a personnel ceiling of 232 full time personnel for the Intelligence Community Staff.

Section 202(b) of the Senate committee bill authorized a personnel ceiling of 211 full time personnel for the Intelligence Community Staff.

The Senate-House compromise bill retains Section 202(a) of the House bill.

The additional provisions in Section 202 of the Senate-House compromise bill consist of identical provisions contained in Sections 202(b) and (c) of the House bill and Sections 201(c) and (d) of the Senate committee bill.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN THE SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

Section 203 of the House bill and Section 201(e) of the Senate committee bill contained identical provisions concerning administration of the Intelligence Community Staff.

Section 203 of the Senate-House compromise bill contains this provision.

AUTHORIZATION OF APPROPRIATIONS FOR CIA RETIREMENT AND DISABILITY SYSTEM

Section 301 of the House bill and Section 301 of the Senate committee bill were identical provisions authorizing appropriation of $99,300,000 for the CIA Retirement and Disability System.

Section 301 of the Senate-House compromise bill contains this provision.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM RULES AND REGULATIONS

Section 302 of the Senate-House compromise bill contains an amendment to the Central Intelligence Agency Retirement Act of 1964 for certain employees. The current statutory provision requiring approval of the leadership of the House and Senate Armed Services Committees for CIA regulations implementing the CIA Retirement Act of 1964 requires amendment because its legislative veto character poses a risk to the CIA retirement system and because it is a jurisdictional anomaly. The amendment made by Section 302 is intended to protect the past, present, and future rights and benefits of participants in the CIA Retirement and Disability System.

The requirement for approval of CIA Retirement Act regulations by four Members of Congress would not appear to survive the Supreme Court's decision in *Immigration and Naturalization Service* v. *Chadha*, 103 S. Ct. 2764 (1983). The amendment to the CIA Retirement Act made by Section 302 requires reporting of CIA regulations to the intelligence committees of the Congress prior to their effective date. This avoids the constitutional infirmity of a legislative veto/approval requirement, while ensuring that the intelligence committees have an opportunity to review the CIA regulations and make their views known before the regulations take effect. Such reporting provisions do not raise separation-of-powers problems, *Sibbach* v. *Wilson*, 312 U.S. 1, 15 (1941). Precedent for requiring reporting to the intelligence committees of CIA regulations prior to their taking effect exists in Section 4(b)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403e(b)(5)), as amended by the Intelligence Authorization Act for Fiscal Year 1982, upon which the amendment to the CIA Retirement Act is based.

The CIA Retirement and Disability System (CIARDS) applies exclusively to certain classes of employees of the Central Intelligence Agency and is administered exclusively by the Central Intelligence Agency. The CIARDS thus falls squarely within the legislative jurisdiction of the Permanent Select Committee on Intelligence of the House (Rule XLVIII(2)(a)(1)) and the Select Committee on Intelligence of the Senate (S. Res. 400, 94th Cong., Sec. 3(a)(1)). The committee on armed services of neither House would have a jurisdictional interest, except due to the anomaly that Section 201(a) of the CIA Retirement Act requires approval of their Committees' leadership for CIARDS regulations. Section 201(a) of the CIA Retirement Act should have been adjusted when jurisdiction of CIA-related legislative matters vested in the intelligence committees upon their creation. The amendment corrects this anomaly.

In summary, the amendment made by Section 302 converts a possibly unconstitutional approval requirement to a reporting requirement, and substitutes the intelligence committees for the armed services committees. Because the intelligence committees engage in continuing oversight of the CIA on many matters, including personnel matters, they are properly suited to review CIA regulations implementing the CIA Retirement Act. It is expected that the CIA normally will transmit CIARDS regulation to the intelligence committees thirty days before their intended effective date.

PHYSICAL SECURITY OF CIA FACILITIES

Section 401 of the House bill and Section 402 of the Senate committee bill contained provisions granting authority for CIA personnel to perform within CIA installations the functions currently performed by GSA special policemen.

Section 401 of the Senate-House compromise bill contains a modified version of the House provision.

Section 401 adds a new section 15 to the Central Intelligence Agency Act of 1949 to provide for effective physical security of CIA installations within the United States. Currently, officers of the Federal Protective Service of the General Services Administration (GSA) provide physical security at CIA facilities. For a number of reasons, the General Services Administration has been unable to handle this function adequately. It would be preferable for the CIA to assume from GSA responsibility for the physical security of CIA installations. Section 401 grants to CIA physical security personnel powers currently exercised by GSA personnel performing that function.

Section 401 will enable the CIA to assume from the General Services Administration responsibility for physical security at CIA installations. It is expected that the CIA will grant preference in hiring for the planned CIA physical security personnel positions to qualified individuals who currently serve in Federal Protection Officer assignments at the CIA

The CIA expects to realize significant budget savings by providing its own physical security in lieu of paying GSA to do so. It is expected that CIA physical security personnel positions will be counted within the authorized end-strengths for CIA personnel provided in the annual intelligence authorization acts.

The transfer of physical security authority and responsibility from GSA to the CIA would normally be accomplished simply by GSA delegating its authority to the CIA. The Departments of Justice, Labor, and Transportation, for example, provide their own physical security under delegations of authority from GSA. The CIA, however, is subject to a unique provision in the National Security Act of 1947 (Section 102(d)(3)) which states that the CIA may not have "police, subpoena, law-enforcement powers, and internal-security functions." That provision could be construed to prevent CIA security personnel, acting under delegated GSA authority, from detaining trespassers or even arresting terrorists attacking a CIA installation, or from issuing federal parking citations for illegally parked automobiles at CIA Headquarters. To remove any ambiguity which could arise concerning the authority of CIA to exercise the powers necessary to perform the physical security function, it is appropriate to provide a clear legislative grant of these powers to CIA physical security personnel.

Section 401 will give CIA physical security personnel designated by the Director of Central Intelligence the same limited law enforcement powers that GSA special policemen, which is the statutory term for Federal Protection Officers, currently possess under Section 318 of title 40, United States Code. CIA physical security personnel will have those limited powers only when they are within the boundaries of installations owned, leased, occupied, or otherwise used by the CIA.

Under Section 401, the Director of Central Intelligence is authorized to issue rules and regulations with respect to CIA property and to establish penalties for their violation. Designated CIA security personnel will be responsible for enforcing such rules and regulations. It is expected that the Director of Central Intelligence will adopt regulations which are as similar as possible to those promulgated by the Administrator of General Services with respect to other federal installations, consistent with the functions and requirements of CIA installations. Section 401 specifies that the penalties established by the Director of Central Intelligence for violations of the rules of regulations promulgated with respect to CIA installations shall not exceed those specified in 40 U.S.C. 318c with respect to other federal installations.

Section 401 requires that CIA security personnel performing the physical security functions at CIA installations be clearly identifiable as United States Government security personnel. This requirement ensures that members of the public entering upon any CIA installations will have due notice of the legal authority of the designated CIA physical security personnel.

It should be emphasized that the grant of authority contained in Section 401 is not meant in any way to detract from the fundamental thrust of the proviso in section 102(d)(3) of the National Security Act of 1947 prohibiting the Agency's exercise of internal security functions. Section 401 will enable CIA guards to stop, detain, and question persons found on Agency property without reasonable explanation, and to conduct physical searches and make arrests on Agency facilities in appropriate circumstances. But the limited authority conferred by Section 401 does not extend beyond Agency facilities. For example, CIA security officers would not be empowered under section 401 to conduct physical searches of persons and property located outside of Agency premises in connection with an investigation of stolen classified documents. Nor does section 401 authorize any expansion of Agency intelligence collection activities that are governed by Executive Order 12333 and related procedures.

It is expected that the Director of Central Intelligence will submit any regulations he may adopt pursuant to section 401 to the intelligence committees at least 30 days before they are intended to become effective.

The CIA has advised that it currently plans to employ its own security guards at its Headquarters, the National Photographic Interpretation Center and two other facilities. It is expected that the Agency will give prior notice to the intelligence committees before deploying its own guards to any of its other locations.

DEFENSE INTELLIGENCE AGENCY PERSONNEL MANAGEMENT IMPROVEMENTS

Section 501 of the Senate committee bill contained new authorities relating to civilian personnel management at the Defense Intelligence Agency (DIA).

The House bill contained no corresponding provision.

Section 501 of the Senate-House compromise contains the Senate committee bill provision with modification of the special DIA personnel termination authority and elimination of the DIA exemption from disclosure laws.

Section 501 is intended to improve the management of civilian personnel within the Defense Intelligence Agency. This would be accomplished by amending chapter 83 of title 10, United States Code, to exempt DIA from civil service classification provisions, authorize compensation for DIA civilian personnel, and authorize the Secretary of Defense, during fiscal years 1985 and 1986, to terminate the employment of DIA civilian personnel when he considers such action to be in the interests of the United States and he determines that other relevant provisions of law cannot be invoked in a manner consistent with the national security.

The Defense Intelligence Agency does not have flexibility in personnel matters similar to that currently available to the CIA and NSA under applicable statutes. As a consequence, DIA has been significantly handicapped in its ability to recruit and reward outstanding analysts and other intelligence specialists and otherwise to operate an equally effective civilian personnel system. If the benefits of "competitive analysis," a concept which both the Administration and the intelligence committees strongly support, are to be realized, it is imperative that DIA have analytical capabilities comparable to its sister agencies.

The additions to chapter 83 of title 10 contained in section 501 will enhance DIA's capabilities to attract and retain high quality personnel in competition with other intelligence agencies. Classification authority would be granted to permit establishment of compensation based on individual capabilities and to ensure timely assignment and utilization of high quality personnel to meet changing intelligence requirements. DIA also will achieve maximum utilization of authorized manpower through enhanced and simplified authority for termination of employees. The additional costs resulting from these provisions are estimated to be relatively small and will be absorbed within authorized appropriation levels. It is anticipated that such costs will be offset by efficiencies to be realized by relief from current cumbersome procedures.

Section 501 amends chapter 83 of title 10, United States Code, by adding a new section 1604 on "Civilian Personnel Management." Chapter 83 of title 10 is entitled "Defense Intelligence Agency Civilian Personnel" and contains the provisions on the Defense Intelligence Senior Executive Service and DIA merit pay system enacted as Title VII of the Intelligence Authorization Act for fiscal year 1982.

Subsections (a) through (d) of the new section 1604 would authorize the Secretary of Defense to establish a flexible personnel management system for those personnel not in the Defense Intelligence Senior Executive Service. Salaries and pay would be fixed in relation to the General Schedule and Wage Grade (prevailing rate) system. A flexible classification system would be established which would incorporate the concepts of both position classification and rank in the person. The system would be structured to permit assignment, movement, and career development without cumbersome classification and related administrative procedures. These flexibilities would permit DIA to rapidly deploy and focus its best talent to vital intelligence areas.

Subsection (a) authorizes the Secretary of Defense to establish civilian positions in the Defense Intelligence Agency and to appoint individuals to such positions, without regard to civil service requirements.

Subsection (b) authorizes the Secretary of Defense to fix pay for positions established under subsection (a) in relation to the General Schedule (GS) rates.

Subsection (c) authorizes a prevailing rate system of basic compensation for positions in or under which the Agency may employ individuals in a trade, craft, or manual labor occupation.

Subsection (d) authorizes additional compensation for employees stationed outside the continental United States or in Alaska at rates not to exceed those authorized by 5 U.S.C. 5941(a). Such allowance shall be based on living costs substantially higher than in the District of Columbia or conditions of environment which differ from those in the continental United States.

Subsection (e) of new section 1604 authorizes the Secretary of Defense, during fiscal years 1985 and 1986, to terminate employment of any civilian officer or employee of DIA whenever he considers that action to be in the interests of the United States and he determines that the procedures prescribed in other provisions of law that authorize the termination of such employment cannot be invoked in a manner consistent with the national security. Termination authority may be delegated only to the Deputy Secretary of Defense, the Director of DIA, or both. Termination action would be appealable to the Secretary of Defense whose decision would be final.

This provision is designed to facilitate, while preserving basic due process, the removal of personnel whose performance or security suitability is demonstrably unsatisfactory or unacceptable, or who are otherwise impairing the effective performance of the Defense Intelligence Agency's mission. The intelligence environment requires security suitability and unusually high standards of performance to ensure the accuracy and reliability of intelligence products. Tolerance of unsatisfactory performance or security suitability is necessarily low. The flexibility granted by this provision would relieve DIA from the external public review procedures to which preference eligible members would otherwise be entitled upon appeal to the Merit Systems Protection Board. The DIA system, however, would provide strict safeguards to assure internal appeal to the Secretary of Defense thereby ensuring equity and consistency. It is expected that the authority conferred by subsection (e) will be used with great care, and not for routine administrative convenience. The Secretary of Defense is required to notify the intelligence committees of each instance in which the termination authority is exercised.

The Committee amendment specifies that the termination authority shall expire on September 30, 1986. This limited duration is designed to provide the Congress with an opportunity to assess the use made of the authority during a two year period in order that an informed decision can be made as to whether the authority should be made permanent.

TECHNICAL AND CONFORMING AMENDMENTS RELATING TO DIA PERSONNEL MANAGEMENT PROVISIONS

Section 502 of the Senate committee bill made technical and conforming amendments to title 5, United States Code corresponding to the changes made by the DIA personnel management provisions contained in Section 501.

Section 502 of the Senate-House compromise bill contains the same technical and conforming provisions as the Senate committee bill contained.

POLICY TOWARD CERTAIN AGENTS OF FOREIGN GOVERNMENTS

Section 601 of the Senate committee bill as reported by the Senate Select Committee on Intelligence contained a provision relating to the numbers, status and privileges of foreign diplomats in the United States whose government engages within the United States in intelligence activities harmful to U.S. national security. The section also required that either the Director or Deputy Director of the Department of State's Office of Foreign Missions have served as a Foreign Service Officer, and that the other have served in the Intelligence Community. Section 601 of the Senate committee bill as reported by the Senate Committee on Foreign Relations also contained provisions concerning these subjects.

Section 601 of the House bill contained no corresponding provision.

The Senate-House compromise retains the "sense of the Congress" provision contained in both the Select Committee on Intelligence and the Committee on Foreign Relations provisions, retains the Committee on Foreign Relations provision concerning the background of the Director and Deputy Director of the Office of Foreign Missions, and adds to those provisions a new reporting requirement.

Subsection 601 (a) expresses the sense of the Congress that the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States should harmful to the national security of the United States should not exceed the respective numbers, etc., within such country of official U.S. representatives to such country.

The new reporting requirement contained in Subsection 601(b) of the Senate-House compromise ensures that the Congress will be informed annually concerning the numbers, status and privileges of foreign representatives in the United States whose governments engage within the United States in intelligence activities harmful to U.S. national security, and of any actions concerning that subject which may have been taken by the executive branch. The compromise language, therefore, deletes the mandatory requirement that the numbers of embassy and consular personnel from such countries not exceed the number of U.S. embassy and consular personnel in such countries. The effect of the new reporting requirement is not to require changes in these numbers, status and privileges, but to inform the Congress concerning the dynamics of this import problem.

Subsections 601(c) modifies current statutory restrictions on the appointment of the Director and Deputy Director of the Office of Foreign Missions in the State Department which has a major role in enforcing reciprocity in the treatment of foreign officials. Current law requires that future Directors must be foreign service officers. This subsection changes that requirement so that either the Director or the Deputy Director will be a foreign service officer, while the other of the two must be an individual who has served in the U.S. intelligence community. Subsection (c) incorporates revisions made by the Foreign Relations Committee on sequential referral. Subsection (d) is a technical provision.

GENERAL PROVISIONS

Section 701 of the Senate-House compromise bill provides that the authorization of appropriations by the intelligence authorization act does not constitute authority for the conduct of an intelligence activity not otherwise authorized. The provision is identical to that contained in Section 501 of the House bill and Section 101(d) of the Senate committee bill.

Section 702 of the Senate-House compromise provides that appropriations authorized by the intelligence authorization act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits by law. The provision is identical to that contained in Section 502 of the House bill and Section 701 of the Senate committee bill.

ACTIVITIES IN NICARAGUA

Section 107 of the House bill provided that, during fiscal year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose of which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

The Senate committee bill contained no corresponding provision. Sections 101(a) and (b) of the Senate committee bill had the effect of authorizing appropriations in a classified amount, subject to classified termination conditions, for activities which Section 107 of the House bill addresses.

Section 801 of the Senate-House compromise bill preserves the authorization of appropriations contained in the Senate committee bill, but specifies that no funds authorized to be appropriated by the Intelligence Authorization Acts for fiscal years 1984 and 1985 may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except to the extent provided and under the terms and conditions specified by House Joint Resolution 648, making continuing appropriations for the fiscal year 1985, and for other purposes, as enacted.●

Mr. CHAFEE. Mr. President, it is my privilege this year to bring to the floor the intelligence authorization bill, which authorizes appropriations for U.S. intelligence activities for fiscal year 1985.

Mr. President, because of the delay that we have experienced in getting the intelligence authorization bill to the floor this year, and the very brief time remaining before final adjournment of the 98th Congress, the Intelligence Committee has worked with its counterpart in the House of Representatives in an effort to ensure that the fiscal year 1985 intelligence authorization bill becomes law. This is important because the bill contains several meritorious legislative provisions as well as certain recurring authorities and restrictions which would otherwise expire. In addition, the intelligence authorization bill is the principal means by which the House and Senate Intelligence Committees provide guidance to the Intelligence Community in the exercise of Congressional oversight. For these reasons, failure to enact an intelligence authorization bill would have significant adverse consequences for the Intelligence Community and for congressional oversight.

Mr. President, this amendment in effect represents an agreement with the House that will obivate the need for a conference. It is our expectation that the House will agree to accept this amendment. In this connection, I should point out there are certain stylistic and technical differences between the committee amendment and the bill that we normally consider in the Senate. These differences are necessary because we expect that the text of the bill which we pass today will be the text enacted into law. I want to assure interested Members that these differences are dictated by the exigencies of the moment, and that they are not in any way meant to alter existing understandings within the Senate concerning the jurisdiction of various committees over certain intelligence-related activities.

Mr. President, it is important to note that section 102 of the committee amendment refers to the classified amended schedule of authorizations prepared by the Select Committee on Intelligence of the Senate. The intelligence authorization bill as enacted into law normally would refer to a classified schedule of authorizations prepared by the Committee of Conference. Because we do not anticipate going to conference on the bill this year, it is necessary to make reference to another document which contains the agreements on authorization which have been reached with the House. Thus, the classified amended schedule of authorizations prepared by the Senate Select Committee on Intelligence will have the same force and effect as that normally given to the classified schedule of authorizations which is usually prepared by the Committee of Conference. Mr. President, the agreement worked out with the House also are reflected in an amended classified supplement to the Intelligence Committee's Report on S. 2713. This document will, therefore, have the same force and effect as that normally given to the classified supplement to the conference report.

I emphasize, Mr. President, that with respect to the Nicaragua issue the committee amendment contains a provision consistent with the agreement that has just been reached in the context of the conference report on House Joint Resolution 648, the further continuing appropriations resolution.

Mr. President, I have prepared a detailed explanation of the provisions contained in the committee amendment, and I ask unanimous consent that it be printed in the RECORD at this point.

Mr. President, I also wish to point out that section 601 of the committee amendment represents a compromise between the Intelligence Committee and the Foreign Relations Committee on a legislative provision pertaining to the hostile intelligence presence in the United States. It is my understanding that this compromise is acceptable to the Foreign Relations Committee and the administration.

Mr. President, as I have already indicated, we do not expect to have a conference or a conference report on the intelligence authorization bill this year, and the explanation of the committee amendment that I have just submitted is intended to serve in lieu of a conference report in explaining the provisions in the Intelligence Authorization Act for Fiscal Year 1985. Additional legislative history can be found in the Senate and House Intelligence Committee Reports on the bill, that is, Senate Report 98-841 and House Report 98-743.

This legislation authorized appropriations for those programs and activities of the U.S. Government which serve the intelligence needs of our national policymakers. This includes the Central Intelligence Agency and the National Security Agency, as well as the national intelligence activities of the Departments of Defense, State, Treasury, and Energy, and the Federal Bureau of Investigation. The bill also authorizes appropriations for the Intelligence Community staff and the Central Intelligence Agency Retirement and Disability System, and it includes several legislative provisions to enhance the effectiveness of our intelligence agencies.

The Select Committee on Intelligence views the annual budget authorization process as one of the principal means of fulfilling its oversight responsibilities, because of the insight and leverage that this process provides in influencing the long-term scope and direction of U.S. intelligence efforts. This year, as in the past, the Committee conducted a comprehensive examination of the intelligence budget request, which included testimony from the Director and Deputy Director of Central Intelligence, key Defense Department officials, and each of the principal intelligence program managers. In addition, for the first time we formally heard testimony from the Nation's leading consumers of intelligence—people whose needs the Intelligence Community exists to fill. We found this testimony instructive, and we intend to continue the dialog with intelligence consumers in the future.

The committee believes that strengthening and improving the U.S. intelligence system should remain among our highest national priorities. As we have emphasized in the past, investment in intelligence must grow to ensure that the Intelligence Community is able to meet the challenges that our Nation will face in the late 1980's and beyond. The committee recognizes that increased investment alone will not necessarily lead to the intelligence capabilities required in the years ahead. We must also be more innovative in crafting the Nation's intelligence activities. It is only through innovation, for example, that we will be able to cope with the serious challenges posed by adversaries who appear to possess a good understanding of current U.S. intelligence capabilities and who employ this knowledge in efforts to frustrate our collection activities. I am pleased to report that the measure we will bring before the Senate fosters such innovation in a number of critically important areas. I firmly believe that these steps place us on a path that will lead to development of the type of intelligence capabilities that will be vital for the maintenance of our national security.

Given the sensitivity of the matters dealt with in the intelligence authorization bill, I cannot discuss details in open session. These matters have, however, been set forth in the classified amended schedule of authorizations and thoroughly discussed in the amended classified supplement to the committee's report. These documents are available to Members under the provisions of Senate Resolution 400 of the 94th Congress.

Mr. President, I also wish to point out to the Senate and to the American public something that is often overlooked, but is critical to the public's understanding of U.S. intelligence. The nature of intelligence activities requires that success be secret. On the other hand, the nature of our society is such that controversy in intelligence activities will often lead to public debate based on speculation. I suppose President Eisenhower summed it up best when he said of intelligence:

> Success cannot be advertised: failure cannot be explained. In the work of intelligence, heroes are undecorated and unsung, often even among their own fraternity. Their inspiration is rooted in patriotism—their reward can be little except the conviction that they are performing a unique and indispensable service for their country, and the knowledge that America needs and appreciates their efforts.

Mr. President, I, as one who serves on the Intelligence Committee, want to emphasize that there is much to be proud of in the Nation's intelligence effort. There are many "quiet successes." One of the things that has struck me in my service on the committee is the sacrifice we demand of the men and women in the intelligence profession who are reponsible for these "quiet successes." They constitute the Nation's first line of defense, and their contributions are critically important to our national security. Yet, there can be no public acclaim or recognition of their accomplishments, dedication, professionalism, or bravery.

Mr. President, on the wall in the entrance foyer to the CIA headquarters building in Virginia, you will find a star for each of those CIA officers who have given their lives while in "quiet" service to their country. The names of some of these individuals are noted, but the names of others, given the nature of their work, cannot be revealed to the public. The number of those stars has, unfortunately, been increasing in recent years. Mr. President, I can think of no more poignant symbol of quiet service to the Nation than those stars associated with names that must remain secret.

So, Mr. President, I think we would all do well to reflect on this aspect of the intelligence profession whenever we debate or consider a matter of controversy in U.S. intelligence. We as a nation owe a debt of gratitude to people in the Intelligence Community that we cannot name, for accomplishments that cannot be trumpeted. I salute the men and women of our Intelligence Community—those who have served, those who are presently serving, and those yet to come—and thank them for their unique sacrifice.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment.

The substitute amendment (No. 7103) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 1100, H.R. 5399.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 5399) to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bil.

Mr. BAKER. Mr. President, I move to strike all after the enacting clause of this measure and to insert in lieu thereof the text of S. 2713, as amended, which has been advanced to third reading in the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MOYNIHAN. Mr. President, this will be the last authorization that Senator GOLDWATER and I will have brought to the floor in behalf of the committee. I regret that he is necessarily absent.

I should like to record that this is the largest authorization bill in the history of the intelligence community and of our committees.

I think the public is entitled to know the sustained increase in the budgets of the intelligence community, which began in fiscal year 1979 and in the budgets proposed in 1978, has now about reached the limit of our expectations, and the out-year growth of these programs associated with technological developments is going to be limited.

We feel strongly that the intelligence oversight committee system is working and has worked. I spoke this morning of one failure in that system, when the community did not consult with the committees before going forward with an operation in Central America which many thought to be beyond the limits of legality and of prudence.

In the aftermath of that event, we have developed new relations with respect to consulation. But I wish it understood that between the time I spoke this morning and this hour in the early afternoon, the U.S. Senate, by a vote of 78 to 11, has agreed to a continuing resolution which, in effect puts an end to the President's options in Central America—very much against his wishes, and he may be right in that regard.

However, it should be understood that when only 11 Members of the Senate would oppose such a measure—and of those 11, I do not think more than 5 would have done so on this basis—there has been a failure of functioning in the executive branch; and if the President or the Secretary of State or the National Security Advisor wishes to look to see what went wrong, they need to look to their own arrangements. What went wrong was that the relationship of trust between the community and Congress was not observed—the only such breach I am aware of in 8 years in this committee—and it has had consequences.

I do not speak to the question whether the policies in Nicaragua are right or wrong. I am just saying that the people who serve the President have served him very poorly if by their conduct they have made it impossible for him to pursue those policies as he hoped to do. This has happened now, and perhaps we can learn from it. If we do not, I suppose it will happen again.

Mr. President, before closing, while some Members are in the Chamber, let me observe that this measure, which is being passed on the unanimous-consent calendar, is one of the largest and most important pieces of legislation Congress will deal with this year. Matters of the utmost importance to the national security are involved here.

We come with a unanimous Senate. We have worked in a bipartisan mode to bring this matter here.

Mr. President, in quick summary, this measure is being adopted on the unanimous-consent calendar, and that reflects not only the importance of the measure, but also the bipartisan support for it. On its own, were it not for the nature of the subject matter, this could occasion a week's debate in the Senate. It involves issues of the very utmost importance to the national security and to the security of the world.

These have been resolved in an exemplary manner by our budget subcommittee headed by the distinguished Senator from Wyoming [Mr. WALLOP] and the equally distinguished Senator from Hawaii [Mr. INOUYE], who have served so diligently these last 4 years as the subcommittee's chairman and vice chairman respectively.

That we bring this to the Chamber in a unanimous manner, I think reflects not only on them, but on the singularly capable staff. And they will rarely hear their names at all in the Chamber, so let me take a moment of the Senate's time to read them and record their merit.

Mr. Keith Hall, our budget officer, has handled a task of extraordinary complexity. Ten different organizations are involved in this, and the issues involved are the highest and most technical.

Mr. Robert Simmons, our staff director, has managed the operation throughout.

Mr. Gary Chase, our chief counsel, has been a fount of continued support and judgment in these matters.

Mr. Daniel Finn, an accomplished attorney, has been the designee of Senator INOUYE on the budget committee, and Dr. Angelo Codevilla has been the designee of Senator WALLOP, who have worked in silent labor for 11 months on this enterprise.

Finally, Mr. Peter Sullivan, the minority staff director and counsel, has been a source of good cheer and good counsel throughout.

Mr. President, on behalf of the members of the committee, I wish to express our gratitude to them and all of their colleagues on the committee's dedicated professional and support staff.

As I said earlier, this will be my last opportunity to thank them as vice chairman. If Senator GOLDWATER were able to be present, he would do the same. I do so on his behalf.

So, Mr. President, to these duties, adieu.

Mr. BAKER. Mr. President, the bill is before the Senate, and I take it there are no further amendments.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 5399) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MOYNIHAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that S. 2713, which was taken up initially, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARITIME APPROPRIATION AUTHORIZATION ACT FOR FISCAL YEAR 1985

Mr. BAKER. Mr. President, there is only one other matter that I have cleared presently for action by unanimous consent, and the minority leader has indicated his approval and consent to this action. I ask the Chair to lay before the Senate Calendar Order No. 869.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 2499) to authorize the appropriation of funds for certain maritime programs for fiscal year 1985.

There being no objection, the Senate proceeded to consider the bill, which had been reported with amendments, as follows:

On page 2, line 10, strike "$75,807,000" and insert "$80,807,000".

On page 2, line 16, strike "$11,200,000" and insert "$16,200,000".

On page 2, line 17, strike "academies," and insert "academies (of which $5,000,000 shall be for the conversion of the vessel Santa Mercedes for use as a suitable training vessel),".

So as to make the bill read:

S. 2499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Appropriation Authorization Act for Fiscal Year 1985".

SEC. 2. Funds are authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Transportation for fiscal year 1985 as follows:

(1) for payment of obligations incurred for operating-differential subsidy, not to exceed $377,750,000;

(2) for expenses necessary for research and development activities, not to exceed $10,000,000; and

(3) for expenses necessary for operations and training activities, not to exceed $80,807,000, including not to exceed—

(A) $42,550,000 for maritime education and training expenses, including not to exceed $21,940,000 for maritime training at the Merchant Marine Academy at Kings Point, New York, $16,200,000 for financial assistance to State maritime academies (of which $5,000,000 shall be for the conversion of the vessel Santa Mercedes for use as a suitable training vessel), $3,000,000 for fuel oil assistance to State maritime academy training vessels, and $1,410,000 for expenses necessary for additional training;

(B) $9,111,000 for national security support capabilities, including not to exceed $7,506,000 for reserve fleet expenses, and $1,605,000 for emergency planning/operations; and

(C) $29,146,000 for other operations and training expenses.

SEC. 3. Funds are authorized to be appropriated for the use of the Federal Maritime Commission, in the amount of $12,292,000 for fiscal year 1985.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 2499) was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask the Chair to inquire if there is further morning business.

The PRESIDING OFFICER. Is there further morning business?

The Senator from Tennessee is recognized.

TRIBUTE TO THE SENIOR SENATOR FROM TENNESSEE

Mr. SASSER. Mr. President, I rise today to pay tribute to my senior colleague from Tennessee and my good friend, the majority leader, HOWARD BAKER.

In the 8 years that I have served in this body, it has been a genuine pleasure and honor to serve with HOWARD BAKER, and he will surely be missed by Members on both sides of this aisle.

HOWARD BAKER has, without question, been one of the most effective majority leaders in the recent history of this body. He has exercised the duty of majority leader with keen intellect and with a cool temperament that this position demands.

During his tenure, HOWARD BAKER has developed an uncanny ability to find the middle ground where others have found only acrimony and intransigence.

Mr. President, my colleague from Tennessee, has a genius for compromise. It is a gift that has served him well throughout his distinguished career.

Senator BAKER is a consummate politician and a very effective spokesman for his party. Yet when the interests of the Nation are at stake he has risen above partisanship and risen above party politics to fashion a credible and appropriate compromise.

Much like his father-in-law, Everett Dirksen, he has not shied away from taking stands on issues which at the time were politically unpopular. He has taken positions on some issues which in the long run proved to better serve this Nation and its people and indeed the peoples of the world.

I well remember his role in winning ratification of the very controversial Panama Canal treaties which demonstrated his willingness to disregard his own political interests for the sake of larger policy concerns.

He was admired by many in this body, including this Senator, for the position he took at that time, and on many other issues.

HOWARD BAKER has been a voice of reason in the Senate and he has been a calming influence as we considered some of the most difficult issues of our time.

And I would say, Mr. President, that whoever succeeds him faces a tremendous challenge in attempting to fill his shoes.

As a native son of Tennessee I have shared the pride of others from our State in the career of my senior colleague. HOWARD BAKER has reflected credit on all of us through his rise to national prominence as majority leader, as a candidate for President of the United States, as one who has been often mentioned for Vice President, and for the important post of Secretary of State.

Although we find ourselves on different sides of the aisle, HOWARD BAKER has been a cooperative and helpful colleague.

I have found him to be a colleague of unusual magnanimity, unflawed by the selfishness and pettiness which too often characterize others in the political arena.

Mr. President, soon Senator HOWARD BAKER will soon become citizen HOWARD BAKER, but I am sure that his wise counsel and thoughtful analysis of the critical issues facing the Nation will be available for many years to come and I have no doubt that he will respond to any call to serve his State and to serve his Nation.

If I may be permitted a personal reference, Mr. President, I will miss HOWARD BAKER's presence in the Senate. It has been a genuine pleasure to serve with him for 8 years. I recall some years ago one of my colleagues inquired of me, "How do you get along with HOWARD BAKER?" And I responded, "If you can't get along with HOWARD BAKER, then you can't get along with anybody."

So I join my colleagues in wishing him the best of luck in his future endeavors and say to him that his career here in the U.S. Senate reflects credit not only upon himself but on our beloved State of Tennessee and indeed on the Nation.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, let me say that there is one other bill that may be cleared for action at this time as in morning business. While I take 1 minute or so to complete the clearance process, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I ask unanimous consent that I may proceed for not more than 2 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am advised through staff that the minority leader has cleared the matter which I am about to ask the Senate to address and does not object to proceeding to its consideration.

TRANSPORTATION OF PASSENGERS BETWEEN THE UNITED STATES AND PUERTO RICO ON FOREIGN-FLAG VESSELS

Mr. BAKER. Mr. President, I ask that the Chair to lay before the Senate Calendar Order No. 1326, H.R. 89.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 89) to permit the transportation of passengers between Puerto Rico and other U.S. ports on foreign-flag vessels when U.S. flag service for such transportation is not available.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike out all after the enacting clause, and insert the following:

That (a) notwithstanding any other provision of law, passengers may be transported on passenger vessels not qualified to engage in the coastwise trade between ports in Puerto Rico and other ports in the United States, directly or by way of a foreign port, except as otherwise provided in this Act.

(b)(1) Upon a showing to the Secretary of Transportation, by the vessel owner or charterer, that service aboard a United States passenger vessel qualified to engage in the coastwise trade is being offered or advertised pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (46 App. U.S.C. 817e) from the Federal Maritime Commission for service in the coastwise trade between ports in Puerto Rico and other ports in the United States, the Secretary shall notify the owner or operator of each vessel transporting passengers under authority of this Act that he shall, within 270 days after notification, terminate all such service. Coastwise privileges granted to every owner or operator under this Act shall expire on the 270th day following the Secretary's notification.

(2) Upon a showing to the Secretary, by the vessel owner or charterer, that service aboard a United States passenger vessel not qualified to engage in the coastwise trade is being offered or advertised pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (46 App. U.S.C. 817e) from the Federal Maritime Commission for service in the coastwise trade beween ports in Puerto Rico and other ports in the United States, the Secretary shall notify the owner or operator of each foreign-flag vessel transporting passengers under authority of this Act that he shall, within 270 days after notification, terminate all such service. Coastwise privileges granted to every owner or operator of a foreign-flag vessel transporting passengers under authority of this Act shall expire on the 270th day following the Secretary's notification.

(c) If, at the expiration of the 270-day period specified in subsections (b)(1) and (b)(2) of this Act, the vessel that has been offering or advertising service pursuant to a certificate described in either of those subsections has not entered the coastwise passenger trade between ports in Puerto Rico and other ports in the United States, then the termination of service required by either of those subsection shall not be required until 90 days following the entry into that trade by the United States vessel.

(d) Any coastwise privileges granted in this Act that expire under subsection (b)(1) or (b)(2) shall be reinstated upon a determination by the Secretary that the service on which the expiration of the privileges was based is no longer available.

(e) For the purposes of subsections (b)(1) and (b)(2), the term "passenger vessel" means any vessel of similar size or offering service comparable to any other vessel transporting passengers under authority of this Act.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

Mr. STEVENS. I rise in strong support of H.R. 89, legislation to allow the transportation of passengers between ports in Puerto Rico and ports on the mainland United States on foreign-flag vessels when U.S.-flag service is not available. This bill was introduced in the House by my good friend BALTASAR CORRADA, the Resident Commissioner from Puerto Rico. The bill was first passed by the House in the 97th Congress by unanimous vote. The legislation was reintroduced in this Congress and passed by the House of Representatives on May 15 by a vote of 390 to 25.

On August 3 my subcommittee held a hearing on the bill and we heard from Congressman CORRADA, Gov. Romeor-Barceló and other officials from Puerto Rico about the importance of the legislation. They identified two important reasons for the bill. First, as an alternate mode of transportation for thousands of residents in Puerto Rico and the U.S. mainland who cannot or will not travel by air. Second, as a way of providing an incentive to Puerto Rico's economic development and tourism industry.

The Commonwealth of Puerto Rico, like my own State of Alaska, looks to the visitor industry as a highly desirable source of economic growth. In recent years, cruise ships have become an important subcomponent of that industry. These mobile, floating resort hotels provide a kind of service quite different from that offered by the long-gone transoceanic passenger liners which served essentially the same function as passenger trains on land. Many of these old passenger liners were U.S.-flag, U.S.-built vessels which were fully qualified for the U.S. coastal trades. As the market for passenger ships withered with the growth of air transportation, most of these U.S.-flag vessels ceased to operate.

For over 30 years, there have been no passenger vessels providing service to Puerto Rico. No large, luxury, passenger cruise ship has been built in this country since the late 1950's. I know that Puerto Rico would rather have U.S.-flag vessels servicing their trade. However, none is contemplated at this time or in the foreseeable future.

H.R. 89 consists of provisions which outline the criteria under which foreign flag vessels may operate between Puerto Rico and the U.S. mainland. In the event that U.S.-flag service becomes available, there is specific language that insures that all foreign-flag vessels providing service would be displaced. The bill provides that a period of 9 months—270 days—shall be given to the foreign operator to terminate service.

If enacted, I am certain that this bill will result in renewed interest by U.S. operators to service that route if it is shown that there is the demand for this kind of service.

This legislation provides for a very narrow exception to the coastwise laws of the United States under strict guidelines, to address a specific situation. Puerto Rico is the only jurisdiction in the Caribbean that does not have available surface transportation with the mainland. The other U.S. territory in the area, the U.S. Virgin Islands, is exempt from the Jones Act for both passenger and cargo transportation. I want to emphasize that H.R. 89 is limited only to passenger transportation. The administration supports its enactment.

I urge my colleagues to vote in favor of passage of H.R. 89, without amendment.

Mr. HOLLINGS. Mr. President, reluctantly I must oppose this measure however worthy its purpose.

H.R. 89 is intended to permit Puerto Rico to develop additional tourism and transportation resources which it is now unable to develop because of the restrictions of our cabotage laws.

By the same token, it can be said that those restrictions also inhibit development of tourism and transportation resources in my own State of South Carolina, as well as all of our other coastal States and our offshore States of Hawaii and Alaska.

If we now had a U.S.-flag passenger cruise industry the tourism industry in all of these States would greatly benefit, and so would their economies. I cannot speak for all of these States, but I do know something about what the tourism industry means to the economy of my own State of South Carolina.

Tourism is our second most important industry.

In 1982, for example, tourist spending was $2.5 billion, and contributed directly to providing 68,000 jobs and an annual payroll of $475 million.

In terms of tourism industry jobs per capita, South Carolina ranks 20th among our 50 States.

In terms of tourism generated States taxes, South Carolina is 19th.

We are 20th in terms of foreign tourism generated expenditures.

Our State tourism budget is the seventh largest in the country.

We spend more State money to promote international tourism than any other State, with the exceptions of Florida, Hawaii, and Alaska.

So, just as in Puerto Rico, we in South Carolina would also like to develop additional tourism resources, because it would greatly benefit our economy too.

Nevertheless, and with great reluctance, I must oppose H.R. 89, as I have consistently opposed other ad hoc exemptions to that body of cabotage laws generically referred to as the Jones Act; and other ad hoc exceptions to the rest of our national maritime policy. Whatever immediate benefits these exemptions might bring to certain sectors of our economy or regions of the country, are outweighed in my judgment, by the threat they pose to our national interest in a strong U.S. merchant marine.

The Jones Act is a cornerstone of our maritime policy, and it is intended to promote the U.S. shipping industry which is essential to our national security and economic prosperity.

Our cabotage laws limit in various ways the right to engage in maritime commerce closely affecting the United States. H.R. 89 would waive that provision which provides that no foreign-flag vessels may transport passengers between ports or places in the United States (46 U.S.C. 289).

The principle of cabotage which is reflected in that provision is recognized in international law, and is commonly practiced throughout the world. That principle, I might add, has been applied continuously in various forms throughout our own history, beginning with the 3d and 11th statutes enacted at the first session of Congress in 1789.

There are therefore substantial reasons for these laws, and they have a history as old as the Republic. And this is why I do not believe we should abandon them and the principles they reflect on a piecemeal basis just because they may pinch here or there at any given time.

If the Jones Act is outdated or no longer serves the national interest, those laws should be repealed or modified only after thorough study and analysis of the consequences and alternatives. Ad hoc exceptions, however, do not permit this kind of study and analysis.

Once Congress opens the door to legislate an exception, simple equity makes it difficult to close that door. H.R. 89 is, I believe, a case in point. If we legislate an exemption for Puerto Rico so that it may develop additional tourism and transportation resources, why shouldn't all of our coastal States, and our two off-shore States also be exempted?

Furthermore, Mr. President, the precedent of allowing foreign-flag vessels to operate between Puerto Rico and the mainland will most assuredly lead to increased pressure from other foreign-flag operations. These foreign interests will view H.R. 89 as a stepping stone to encourage further inroads into the U.S. domestic passenger trade.

Even in this Congress we have seen a strong effort to breach the Jones Act by legislating another exception, and allow two foreign-built, foreign-flag Cunard vessels to be reflagged with Jones Act privileges.

Mr. President, a thorough look at our entire maritime policy is long overdue. We should undertake it without further delay, and resist efforts to chip away at it in the meantime.

Mr. INOUYE. Mr. President, because the U.S. merchant marine is in such dire straits, I am reluctant to oppose any measure which offers some measure of constructive relief that promises to revitalize any of its ailing segments, and thereby help realize the objectives of our national maritime policy.

Over the past few years, however, we have seen the cornerstones of that policy come under attack—the Jones Act; construction differential subsidy; operating differential subsidy; cargo preference.

In some instances these attacks have exacerbated the decline of our merchant fleet. In others, they threaten whatever chance there is to achieve those policy objectives.

When this occurs individual interests quite naturally strike out on their own in an attempt to get what is left of the rapidly dwindling Federal support, or to seek exemptions or exceptions from these programs and policies. Always, of course, these exemptions and exceptions are sought under the justification of expediency and the national interest.

In reality, however, they amount to ad hoc efforts to solve the promotional ills of our maritime industry. At best, they treat the symptom rather than the underlying illness; and at worst, some of them are special interest efforts. Experience tells us that one ad hoc solution begets another, and so on. Once the water starts running, how do you turn off the spigot? To illustrate:

A few years ago Congress enacted temporary build foreign authority because there was no more CDS. That legislation expired; but it was used as the argument to support the enactment of a subsequent special build or acquire foreign provision for Lykes last year, because Lykes has been unable to utilize the authority in the earlier exception before it expired. In the process of enacting this special authority for Lykes, APL also said it needed further assistance so the narrow exception for Lykes was broadened to enable APL to acquire two foreign-built vessels and receive ODS.

Delta Steamship Co., is actively seeking legislation that would require the Government to buy out its existing ODS contracts for $195 million.

Lykes Bros., American President Lines, and U.S. Lines are seeking a legislative exception to enable 12 vessels to be built or acquired foreign and be eligible for ODS.

A few years ago Congress enacted legislation which enabled two U.S.-built passenger vessels to be reflagged with Jones Act privileges. Although the cases are clearly distinguishable, the proponents of Cunard legislation have cited the *Constitution* and *Independence* as precedent for making an exception to the Jones Act for two foreign-built Cunard vessels.

And now, Mr. President, we are asked to legislate another exception to the Jones Act. H.R. 89 would permit foreign-flag passenger vessels to engage in the coastwise passenger trade to transport passengers between ports in Puerto Rico and other ports in the United States, until the Secretary of Transportation determines that passenger service is available on vessels qualified to engage in our coastwise trades.

H.R. 89 is intended to permit Puerto Rico to develop additional tourism and transportation resources which it is now unable to develop because of the restrictions of our cabotage laws. Those restrictions, of course, also inhibit development of tourism and transportation resources in my own State of Hawaii, as well as in the State of Alaska, and in Guam and American Samoa. Indeed the same might be said for the development of the tourism and transportation resources of all of our coastal States.

The objectives of H.R. 89 and similar legislation are certainly worthwhile. It is therefore with great reluctance that I have consistently opposed these ad hoc exemptions to that body of laws generically referred to as the Jones Act.

Ad hoc legislation is not a substitute for policy. Congress should examine all of the laws expressing our national maritime policy. Perhaps those laws and policy are outmoded, and if they are, they should be changed or repealed. But if so, change should only come after thorough study and consideration of the consequences and alternatives. It is this kind of analysis and deliberation which is lacking when we legislate these ad hoc exceptions.

Some of the questions which H.R. 89 raises illustrate the point very well in my judgment:

Would the exemption it provides harm existing U.S.-flag operators? Since there are presently no existing U.S.-flag passenger vessels operating between the mainland and Puerto Rico, it would seem that the answer is no. But that may not be the entire story, however. Interest in developing a viable U.S.-flag domestic passenger trade has recently increased, and from testimony our committee has received, one of the most lucrative markets would be passenger service along the east and gulf coasts.

According to that same testimony (Frank Drozak's of the SIU) passage of H.R. 89 would seriously undermine development in the lower east coast and gulf trades. Foreign-flag vessels operating between Puerto Rico and these same mainland ports would drain off much of this potential market. U.S. operators intent on establishing a successful domestic market would be faced with serious competitive obstacles during the crucial start-up phase of their operations.

Would the benefits to Puerto Rico of H.R. 89, outweigh its potential harm to the U.S. merchant marine? I believe not. The recent interest in developing a U.S. passenger trade will eventually benefit Puerto Rico, if potential U.S. operations are only given a chance. U.S.-flag service between the mainland and Puerto Rico would almost certainly be the next step once east and gulf coast markets are developed. But enactment of H.R. 89 will eliminate that potential once and for all. And in the process, all interest in developing a U.S.-flag coastwise passenger fleet may also die.

Foreign-built, foreign-flag vessels carry far lower debt and operating costs than their U.S.-flag counterparts. Even with the safeguards in H.R. 89, a foreign-flag vessel operating in our trades would thus have a substantial competitive advantage during the 9 months or so when a new U.S.-flag entrant to the trade would have to compete head to head.

The committee has been told that the first year of a new operation is always the most precarious, and that short-term losses during market development are to be expected. But H.R. 89 would compound this risk so greatly, that viable U.S.-flag service would never be achieved.

Equally disturbing is that each time we make an exception it makes it that much easier the next tine. As I said, every one of the cornerstones of our maritime policy is under siege. CDS has gone; ODS is going; and the Jones Act will be next. It becomes easier and easier to rationalize on the grounds of expediency and national maritime policy.

Once Congress opens the door to legislate an exception, simple equity makes it difficult to close that door. H.R. 89 is, I believe, a case in point. If we legislate an exemption for Puerto Rico so that it may develop additional tourism and transportation resources, why shouldn't Hawaii, Alaska, Guam, and American Samoa be given the same opportunity? And, if they are, what has happened to the Jones Act, and the national interest objectives it is intended to promote?

Mr. President, a thorough look at our entire maritime policy is long overdue. We should undertake it without further delay, and resist efforts to chip away at it in the meantime. Ad hoc exceptions such as H.R. 89, preclude this kind of deliberation and consideration.

Mr. HEFLIN. Mr. President, I had intended to introduce an amendment which would allow two foreign flag ships to reflag and operate in the U.S. domestic trades. Due to the time constraints we are operating under and the controversy surrounding this issue I will not offer that amendment today. However, I think it is ironic that we are about to pass legislation which will allow a waiver for foreign flag ships to operate between Puerto Rico and the mainland and at the same time we refuse to allow two ships that want to fly the American flag, employ American seaman, and contribute to the American economy the chance to do so. It is my hope that in the next Congress we will again consider this legislation.

Mr. President, the amendment I had intended to offer today would grant a waiver of the domestic cabotage law. It will allow two foreign-built passenger vessels to be documented as vessels of the United States, with privileges of engaging in the coastwise trade. While the amendment is similar to the bill H.R. 89 it differes in several important respects.

My proposal calls for the reflagging of two foreign-built passenger vessels. Once reflagged, these vessels will greatly enhance U.S. national security, contribute to the U.S. economy and provide much needed employment in an industry already plagued with a 50 percent unemployment level. The U.S. maritime industry has never recovered from the recession and continues to decline even further due to foreign competition and the lack of a viable national maritime policy on the part of our Government. My proposal will help reverse this decline. While on the other hand, foreign-flag vessels entering the coastwise trades under H.R. 89, will only serve to hasten this decline and be of benefit to the foreign interests who own and operate them.

Adoption of H.R. 89 will not employ one American seaman, nor will the revenues produced contribute to the American economy or add tax dollars to the Federal Treasury. Furthermore, none of the vessels entering our trades under H.R. 89 will be available to our Government for use as a military auxiliary in time of national emergency. However, the vessels brought in under my amendment will be documented under U.S. laws, and as such must be made available to our Government for use as military auxiliaries. In addition, these vessels will create thousands of jobs shoreside and aboard ships, recirculating millions of dollars of earned revenues back into the U.S. economy.

Today Mr. President there are presently only two U.S.-flag passenger vessels active in the United States, both of which operate around the Hawaiian Islands. It also should be noted that these vessels were reflagged, and are at this moment contributing to the economy at a rate of about $160 million a year.

In stark contrast, the Soviet Union maintains a fleet of 78 active passenger vessels dispersed around the world. This gives the Soviets a considerable military advantage, because each and every one of these vessels can be quickly converted for use as a troopship or a hospital ship. For those members unaware of the importance of passenger vessels for military operations, I would point out the British use of several passenger vessels for troop transport and offshore housing during the Falkland Islands war. British leaders have since admitted that their passenger vessel capacity was a critical element in their success during the invasion of the Falklands. The highly mobile shelter offered by passenger vessels is not limited strictly to military personnel. A useful example is the recent Grenada operation. In that crisis situation, the U.S. Government called on Britain to permit a passenger ship to be used for the evacuation of U.S. citizens if it became necessary. Fortunately the limited military opposition on the island did not require its use. We should not, however, allow that lesson to go unlearned. Next time our military forces might not have at their disposal an airstrip capable of landing large transport aircraft. Mr. President, I point this out to my colleagues because as we consider this amendment, there are many trouble spots around the world ready to erupt at any time. Many of these trouble spots contain U.S. citizens as was the case in Grenada. America has the responsibility of protecting its citizens in those areas, and therefore, must have at its disposal adequate sealift evacuation capabilities if necessary.

The economic benefits of U.S. passenger vessels to the United States are almost as considerable as the national security aspects. Reflagging two passenger vessels would create thousands of jobs in the seafaring trades, longshore trades and food supply and entertainment trades. Taxes on personal and corporate income would generate millions of dollars for the U.S. Treasury. In addition, adoption of my amendment would recapture and recirculate to the U.S. economy billions of U.S. tourist dollars that are lost each year to foreign flag interests. North American residents constitute 72 percent of all cruise passengers throughout the world. However, all but 2 of the more than 50 passenger vessels that call at American ports are foreign flag. H.R. 89 would increase the number of foreign-flag vessels stopping at our ports while my amendment would double the number of U.S.-flag vessels from two to four. U.S.-flag vessels contribute to the U.S. economy. Foreign-flags do not.

Parties in opposition to my proposal have repeatedly stressed that the reflagging of vessels will harm various proposals to build cruise ships in the U.S. shipyards. This is the same argument, constituting many of the same projects, that has been advanced against reflagging year after year. The opposition argues that reflagging passenger cruise ships will kill any opportunity to build passenger ships in the United States.

Mr. President, I would like the Members to know that it has been 3 years by the opposition to stall reflagging of foreign passenger ships based on promises that keels were being laid in the next few weeks. These proposals were all made part of the record in testimony before both the House and Senate Merchant Marine Committees and thus the Congress has delayed acting on any reflagging proposals. I am a member of the Merchant Marine Subcommittee and some of my colleagues on the subcommittee, opposed the reflagging of these ships. I believe it is time for those members who have in the past opposed reflagging to reassess their position. It has been over a year since hearings were held in the Senate. Over a year of time lapsed and not one keel has been laid, no contracts in effect, and from all reports none are in the making. Therefore we have a responsibilty to act. During testimony it was reported that, if reflagged and given coastwise privileges, the two ships would contribute $160 million to the economy on an annual basis. We have in this Congress passed legislation requiring billions of dollars for national defense and other programs. My proposal would not cost the Government 1 cent and would create $160 million in revenue annually.

My amendment also would guarantee work for U.S. shipyards. To further benefit the U.S. economy and to provide work for the much beleaguered U.S. commercial shipbuilding industry, my amendment requires that all improvements and maintenance to the reflagged vessels be done in U.S. shipyards. It will not be paper work but instead, millions of dollars of substantive work annually to the benefit of U.S. yards and shipyard workers.

Mr. President, it's only equitable that if this body is going to approve H.R. 89, it should also approve my amendment. The vessels brought in under my amendment will contribute to national defense and create thousands of jobs for U.S. citizens. At absolutely no cost to the U.S. Government, the U.S. passenger vessel fleet will be doubled, and along with it, the concomitant national security aspects. H.R. 89 by itself provides no such benefits.

Mr. MOYNIHAN. Mr. President, H.R. 89 presents an opportunity to address, at least partially, a thorny economic issue and to correct a serious inequity. When we experience a serious recession on the United States mainland, the impact upon the people of the Commonwealth of Puerto Rico is far worse—absolutely devastating. In June of this year, as the mainland began to recover from recession, the unemployment rate in Puerto Rico hovered above 20 percent.

The response by the Federal Government, in the 1984 Deficit Reduction Act signed in July, was to deny Puerto Rico the rebate from Federal excise tax collected on rum and cane neutral spirits distilled in Puerto Rico and then sold in the United States.

The cost to Puerto Rico over the 3-year life of the Deficit Reduction Act could be as high as $750 million: A stinging assault upon a government whose entire annual operating budget is $2.2 billion.

Some have wondered how an economy situated on an island, with finite avenues of economic improvement can sustain such a blow and still hope to recover from a recession far deeper than that which we on the mainland experienced. A partial answer is presented for our consideration in H.R. 89.

It hardly needs saying that tourism is a staple of the Puerto Rican economy, and that Puerto Rico competes for tourist patronage with her neighbors in the Caribbean. Yet a provision of our maritime law places Puerto Rico at a tangible disadvantage in attracting tourism. While foreign flag vessels may call without restriction at the Caribbean Basin countries—only U.S.-flag coastwise vessels may carry passengers between the U.S. mainland and Puerto Rico.

Does this pose a material problem? Consider that U.S.-flag passenger service has been unavailable to serve in that trade since 1953. For 31 years Puerto Rico has been admonished to be patient: Service will materialize. Meanwhile Puerto Rico's neighbors have inaugurated lucrative sail-and-fly programs and other creative attractions which are foreclosed to Puerto Rico.

We all hope U.S.-flag passenger service will not only materialize, but flourish. The sad truth is that we presently cannot point to anything which offers Puerto Rico hope that U.S.-flag passenger service will materialize between U.S. mainland ports and Puerto Rico.

All that H.R. 89 would do would be to allow foreign-flag passenger ships to serve in this trade temporarily—to be displaced whenever a qualified U.S.-flag vessel becomes available.

If H.R. 89 is passed as written, Puerto Rico hopes to see the creation of 4,000 new jobs on the island because an additional 80,000 tourists would be expected to come to Puerto Rico via the passenger cruise industry. This would not wipe out a 20-percent unemployment rate—nor is it equivalent to the injury done to Puerto Rico in the Deficit Reduction Act of 1984—but it certainly would be a significant improvement and important relief for the Puerto Rican people who have suffered this discrimination for more than 30 years.

Mr. TRIBLE. Mr. President, prior to the passage of this bill permitting a temporary exemption from certain Jones Act restrictions for foreign-built vessels engaged in the Puerto Rico cruise trade, I wish to speak about similar legislation for a few minutes.

That legislation, S. 1197 permits the reflagging of two Cunard vessels for entry into the Jones Act trade. There is no policy reason why the Puerto Rico bill should receive congressional approval while the Cunard bill dies. It is my hope that Congress will act to reflag these two ships early in 1985.

The Jones Act is the foundation of our maritime policy. Its principal purpose is to reserve the American coastwise trade for American-built, American-crewed ships. This is sound policy which ensures the survival of many of America's private shipyards.

However there has been no passenger vessel constructed in an American yard in the last 26 years and there are no current construction contracts for cruise ships at American shipyards. Since there is no American shipyard work to protect in this area, I have decided that the substantial merits of the Cunard proposal dictate its passage. This initiative will provide work for 1,050 American seafarers, an 11-percent increase in total employment. It will lead to substantial work for American shipyards which refurbish, repair and provide annual maintenance for the two vessels. In addition, these ships can be used by the Defense Department to move troops or to provide hospital services.

Any proposal to waive the Jones Act must receive the most careful scrutiny, and the Cunard bill is no exception. Such proposals must be considered on a case-by-case basis using a three-step analysis: First, will the wavier harm existing American operators? Second, will it offer benefits to the U.S. merchant marine and to our economy? Finally, will it harm the U.S. shipbuilding industry? The Cunard initiative meets all the tests. There are only two American ships in the American luxury cruise trade, the *Independence* and the *Constitution.* Both serve the west coast trade to Hawaii. The Cunard vessels would operate from the west coast to Alaska, along the east and gulf coasts, and on the Great Lakes. Therefore, existing American operators will not be harmed.

Second, the American merchant marine is benefited. There will be jobs for American merchant mariners and ship repairers, and substantial revenues generated in American ports. Finally, since the American shipbuilding industry has not built a luxury cruise ship for 26 years and there are no pending contracts, American shipyards will not be harmed.

If the Cunard bill does not eventually pass, Americans will continue to take cruises in record numbers. But they will embark on foreign ships in American ports and travel to foreign posts; they will have no other choice under the law. This means work for foreign seafarers, work for foreign shipyards, and dollars for foreign businesses and ports. Since there are no American ships to meet this demand and since there are no pending contracts for vessels, I believe that America's interests are best served by this legislation. Unemployment in the seagoing trades is nearly 50 pecent. Unemployment in our shipyards is almost as high. Rejecting this bill will help to solve neither of these grave national problems.

I originally opposed this bill, and I voted against it in the Commerce Committee last year, because of the potential for cruise ship construction in American yards. America's shipbuilders have no stronger supporter than this Senator, and I ardently believe in the necessity of protecting our defense industrial base. But almost a year has passed since the Cunard bill was first considered, and there is still no cruise ship activity in American yards. The time has come to accept or reject this proposal on its merits, and I urge that consideration not be delayed when the new Congress convenes.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? All those in favor, say aye; opposed, nay.

The ayes appear to have it. The ayes do have it.

So the bill (H.R. 89) was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, will the Chair state whether the Senate is in morning business, or has the time expired?

The PRESIDING OFFICER. The time for morning business has expired.

PUBLIC DEBT LIMIT INCREASE

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follow:

A joint resolution (H.J. Res. 654) increasing the statutory limit on the public debt.

The Senate resumed consideration of the joint resolution.

Mr. DOLE. Mr. President, I think we are hopefully nearing some resolution of I think a rather important problem with which we have been trying to deal and that is seller financing imputed interest.

What we think we might be able to work out, which would partially satisfy many of those who are concerned, is for me to make a motion to table the amendment of the distinguished Senator from Idaho [Senator SYMMS]. If that motion is acted upon favorably, then it would be my hope that we might take down the debt ceiling, call up another revenue bill, add to that revenue the bill compromise that we think we have just about worked out with the Senator from Iowa, Senator JEPSEN, with Senator MELCHER, myself, and others, and send that bill to the House and not take final action on the debt ceiling until we find out what action the House will take on imputed interest.

There is also some thought that perhaps we could add to that the other amendment that is pending on the debt ceiling, the Tsongas, Baucus, Kassebaum, Grassley, Biden, et al, amendment, and also send that to the House on the same vehicle. Then, if we get some satisfactory response from the House, we would withdraw the imputed interest amendment from the debt ceiling. The debt ceiling would then be clean and we would have made some progress on the very important problem of imputed interest.

That is what we believe we may be able to work out. But it all depends on what we will be able to do. I say this with no disrespect because Senator SYMMS has done an outstanding job, but I am convinced the House will not entertain a repeal of imputed interest and the other sections. I also believe that the House might accept either the compromise that we have worked out on a bipartisan basis here in the Senate with the industry and with others, with Treasury, with the joint committee, and with the help of our own staff. I am convinced that there is a good chance we will get some action there.

If the House does not act on the vehicle we send over, then it would be my hope we would pass the debt ceiling with the imputed interest amendment on it and then we would have to go to conference.

I have just been assured by the Senator from Alaska that he thinks that will work, which probably puts it in doubt. But in any event we will look at that a little later.

So I hope we might move quickly to a vote. I know the Senator from Idaho wanted a minute or two.

Mr. SYMMS. Mr. President, I thank the distinguished chairman for the way he outlined the proposition. I think all Senators are aware of what has happened with respect to imputed interest by now. This vote which will be coming up on the Dole motion to table the Symms amendment will be the motion to table the language which would be a repeal that would put us back to the law that was passed in 1964 and has worked through today which deals with imputed interest on the Internal Revenue Service Code.

So if the votes are not here to table the motion, then of course, the chairman will take the amendment or have to make a decision, I guess. The amendment will not be passed, but he will be in a position to make a decision at that point of what the next course of action would be.

I hope that my colleagues will not vote to table this motion. What has happened in this, if I could just be very brief and summarize it, when we started out after the passage of the 1984 Debt Reduction Act, there was a great concern all of a sudden by the realtors and homebuilders in this country that something awful had happened in that city on the Potomac that dealt with seller financing of commercial property and residences.

So they wanted to repeal it and then let us work on it next year. The votes are both in this body and in the other body to do that. But in the process they started their compromising process that happens here Washington and made a deal they did not have to make to get a halfway House position. If the Senate would choose to accept the position I am taking, the chairman of the Finance Committee could still go to conference and work out an agreeable solution to this problem with the other body.

So I ask my colleagues not to vote to table this motion. If they do vote to table the motion, and the vote is lost, I think the Record should show that the vote to table is successful because of the lobbying effort that is now going on. And I am sure, if any of you have not checked in your offices, you have received countless wires and calls from your States now that have been told by the Washington office of the National Realtors and Homebuilders to call out the States, call back to your Senators, and tell them to vote to table the Symms amendment which is the very position that most of the people in this country would like to see the Congress take so we can simplify our Tax Code. The chairman has worked out a compromise. His staff has worked long and hard on it. I say to my colleagues as I had said yesterday, it is 21 more pages of complications to be added to the Internal Revenue Tax Code.

I see my good friend from Ohio is on the floor. I talked to him in a private conversation. He said "What is in this?" I said "What it is, HOWARD, is 21 more pages of complicated loopholes so the tax accountants and lawyers can figure out some other complications so we have to have them figure out income taxes."

On the one hand we talk about simplification of the Tax Code. This is not simplification. When the motion to table comes, I hope my colleagues will simply vote not to table the motion. It will only strengthen the chairman's hand in negotiations to settle this issue. I know the chairman does not view it that way. That is the way I see it. I ask my colleagues who have sponsored this legislation—there are 52 Members of this body who are cosponsors of the pending motion which is about to be tabled: I ask those 52, and the others who have committed to me to vote, to vote against this tabling motion.

I thank the chairman. I thank the distinguished chairman.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I want to thank the distinguished Senator from Idaho because he has kept his part of the bargain. We indicated earlier on that there would be an opportunity to vote on the Symms amendment. This would be the indirect vote. He asked a number of questions. I have had my staff go over the questions that you were kind enough to furnish. We believe we have worked out answers with the various assistants from different sources. So I would like to submit answers to the questions raised by the Senator from Idaho. Then, in the event it is not tabled, I aslo will raise some quesitons with the Senator from Idaho. Perhaps if this continues on into tomorrow, he can put his answers in the RECORD.

Finally, I have a statement in support of the imputed interest compromise and also in support of the motion to table. I will indicate again that I intend to move to table, but I think the Senator from Ohio first wanted to make some remarks.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, what we have here is an instance of how far are we going to cut back in the Federal Treasury's incomes in behalf of the real estate tax syndicators. Let me make it clear that we talk about individuals selling their homes. That was already taken care of up to $250,000. If the figure is over that amount, the imputed interest aspects are not applicable for the first $250,000 and the only part which is applicable is on that.

What is really involved is whether or not we are going to sit here and play games with the Federal Treasury. Every conservative Member of this body ought to find difficulty in accepting the Symms amendment because the Symms amendment would open the door again to real estate tax syndications. I point out that in 1981, one-third of all the partnerships in this country were engaged in real estate. Fifty-nine percent reported no taxable income, and actually claiming tax losses of $17.8 billion. And from 1979 to 1982, the value of registered partnerships increased at an annual rate of 72 percent.

I have some of these syndications here on the desk with me. I want you to hear what I am saying. This one is from Morgan Stanley. If you can play games with the cost, the interest rates, and the depreciation, you can do wonders. Morgan Stanley has done such wonders that if you bought into this one that I have in my hand you could put $100,000 into equipment, and you would receive a $671,350 basis for ACRS and tax credits. That procedure would be eliminated under the Dole amendment. It would not be eliminated if the Symms amendment to repeal what we did in the past were to pass.

I also have in my mind another syndication, and this is for a shopping center.

The shopping center sold for $15 million. But they set it up in such a manner that you could take depreciation based upon $23,500,000 and you get all of that merely by investing $1 million with the rest being nonrecourse debt. That would be eliminated under the Dole amendment. It would not be eliminated if the Symms amendment were to pass.

Let me point out that no industry in this country has been taken care of more by the U.S. Congress than the real estate industry. Real estate has benefited greatly from the 15-year accelerated depreciation reduction enacted in 1981, and the lower capital gains rates that were enacted at the same time.

Earlier this year, the Finance Committee sought to end this tax abuse of playing games with the price and the interest rate and the amount that could be depreciated, and by ending that tax abuse, it would save the Federal Treasury $2.2 billion over the next 3 years. Congress acted with the support of the Treasury to shut it down.

Then we came back to it in a matter of days because the real estate lobby was not happy. And the real estate lobby is a very powerful lobby. I want to point out that the real estate lobby, at least a part of it, is supporting the Dole amendment.

But there are some other aspects of the real estate industry who are saying we are not satisfied. The American Hotel & Motel Association wants more, more, and more. The Building Owners & Managers Association International is not happy. They want more. They are greedy. The Coalition for Low and Moderate Income Housing—you would think that was a group really concerned about low and moderate income housing. That is a group concerned about what kind of depreciation you can get and how you can churn your buildings after you have built them. The National Association of Industrial & Office Parks wants more and more. And other groups have said the same thing, the National Association of Real Estate Cos., the National Realtor Committee, the Real Estate Tax Institute.

It is true that the National Association of Realtors, the one that has the money to buy these bid ads in the newspapers, saying "Members of Congress don't hurt homeowners, renters, farmers and small business," has signed off on the Dole amendment.

But I want my colleagues to understand if we never had a Dole amendment and we never had a Symms amendment, we would not be hurting the homeowners unless their homes were worth more than $250,000. We would not be hurting the renters. We would not be hurting the farmers unless the farms are worth in excess of $1 million and we would not be hurting small business people. We provided that exception for $250,000.

Now the Dole amendment over my objection, and frankly I do not think it is the right way to go, provides that you can have the $250,000 for your home and an exemption, plus $250,000 for your vacation home.

But the fact is they are still not satisfied.

What do we have now? Now we have a situation where Senator DOLE has come forward with the proposition that satisfied the National Association of Realtors and a number of other groups, and some groups out there are still saying, "We have to go farther, farther, farther."

I want to say that this Senator does not think that we ought to go farther, farther, and farther. This Senator thinks that the Dole amendment goes far enough. Frankly, I am not willing to have this body pass the Symms amendment until we have had a full opportunity to discuss it, whether that takes 1 day, 2 days, or 1 week. I want to say that I am not holding any tickets for any far off trips. I am prepared to stay here and debate the Symms amendment.

As a matter of fact, if we are going to let all of those tax shelters go through which would be permitted under the Symms amendment——

The PRESIDING OFFICER. The Senate is not in order. Again, there is a cumulative impact from conversations of the staff. The Senator is entitled to be heard. The distinguished Senator from Ohio has the floor.

Mr. METZENBAUM. I thank the Chair.

I am frank to say that if we do not have the courage and backbone to turn down the Symms amendment by tabling it, then I think all Senators should have the opportunity to understand what tax shelters are all about. I have a book entitled "Tax Shelters, The Bottom Line." It was recently published and is very informative.

If we do not table the Symms amendment, I am going to share with you some of the other possibilities you can have if you want tax shelters. Mr. Stanger points out how you can get tax shelters in this country. I am prepared to read this book to you because I think you ought to know just what is going on in this country. Then maybe we will revisit the Symms amendment afterward if Senator DOLE fails in connection with his tabling motion.

I hope we do not get to that point. I hope we see fit to table the Symms amendment, when the chairman of the Finance Committee makes that motion. I will support it. I do not think it is a perfect solution but I think it is a reasonable enough compromise that I am prepared to support it. I know it will be a long day in October when I support the Symms amendment.

THE NEED TO REPEAL THE IMPUTED INTEREST RULES

Mr. PRYOR. Mr. President, I rise to give my strong support to the amendment offered by the Senator from Idaho, Mr. SYMMS, and I'm pleased to be a cosponsor of the pending amendment.

Mr. President, this amendment is fairly simple and straightforward—it repeals the changes made in the Tax Reform Act dealing with debt instruments issued in exchange for property. Most Members of the Senate know this issue as one of "imputed interest." The pending amendment, if it is adopted, will repeal these provisions and take us back to the provisions of tax law prior to that act. It will give us time to take a careful look at this issue next year, without creating a chaotic situation in the real estate industry, where a very large percentage of transactions involve some type of seller-financing.

Mr. President, there was some concern in recent years over large tax shelter transactions that relied on some form of seller-financing to realize large tax benefits. Generally, these concerns focused on two areas. The first was an inflated basis on the part of the purchaser, since the sales price for the property might be higher. The effect of this would be to give the purchaser larger deductions for depreciation under the accelerated cost recovery system.

The second area of concern, Mr. President, was that in large transactions, the seller, by using lower rates of interest to finance the transaction, could convert ordinary income (interest) into capital gain, which is taxed at a lower rate.

While these concerns may be legitimate in certain instances, Mr. President, and we should look at them, I don't think the new rules are wise and I believe they ignore the realities of the marketplace. Further, when an interest rate is set in an arm's length transaction between a willing buyer and willing seller, the tax system should not operate to impose a higher rate. To do otherwise is to bury our head in the sand and fail to take into account the number of transactions that are consummated today simply due to the availability of seller financing.

Mr. President, under section 483 of the Internal Revenue Code, prior to the Tax Reform Act, there were imputed interest rates. They were set by regulation and under these rules as long as the debt instrument carried a rate of 9 percent simple interest (the so-called "test rate") the rules did not apply. If the "test rate" was not met, then a rate of 10 percent, compounded semiannually, was imputed. These rules were sufficient.

The new rules, if not repealed or significantly changed before they are effective on January 1, 1985, will tie the "test rate" and the "imputed rate" to a Federal rate (generally the comparable interest rate for Federal borrowing or roughly the same period) and will use a set percentage of those rates, 110 percent and 120 percent respectively.

These new rates are too high, Mr. President, and more importantly, the scope of the new rules is much too broad—much broader than anyone intended. Therefore, they need to be repealed, while we work on modifications; or failing that we should make significant changes in the exemptions. Sales of principal residences of $250,000 or less and sales of farms of $1 million or less are exempt from the new rules, but this is not sufficient.

Mr. President, I've tried to point out why these rules should be repealed. I've joined my colleague from Idaho, Mr. SYMMS, and my friend from Montana, Mr. MELCHER, in this effort, and I hope the Senate will approve this amendment. It is extremely critical to the real estate industry, and the overall economy. I hope it is approved by the Senate, and then the House, so these much-needed changes can be made before we adjourn.

Mr. TOWER. Mr. President, I have been pleased to strongly support my colleagues, Senator SYMMS and Senator MELCHER, in their efforts to repeal or to modify the imputed interest rate provisions on self-financed sales of property. I am a cosponsor of the Symms bill calling for total repeal and would support it today were it to come up for consideration.

I was pleased to learn that Senator MELCHER was able to craft a successful compromise. While I elected to vote with the majority leader and the chairman of the Finance Committee on the motion to table the Melcher amendment, I nevertheless knew of the firm number of votes against the tabling motion which would have assured a successful vote for Senator MELCHER.

Throughout the debate on the Tax Reform Act of 1984, I have made my views known in opposition to the extension of the original issue discount [OID] rules to all obligations. Mr. President, the National Apartment Association and the Multi-Housing Council have over the last few months presented convincing and well-documented evidence on the negative impact of this change. This change would have jeopardized the self-financing of small rental income properties and farms. Further, Mr. President, the OID changes would have severely curtailed cash flow available for rehabilitation of deteriorating multi-family housing.

Throughout my chairmanship of the Senate Subcommittee on Housing and Urban Affairs, I have stressed the need for rehabilitation of our Nation's existing housing stock. It is my hope, as I leave the Senate, that rehabilitation will continue as a focus of our housing policy.

Again, I congratulate Senators Symms and Melcher for their leadership on this important issue. I thank the distinguished chairman of the Finance Committee for his assistance in developing a compromise.

Now, Mr. President, I would ask unanimous consent that the following article by Ken Harney regarding this issue follow my remarks in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 15, 1984]

"Imputed Interest" Rules Hit Investor Loan Assumptions

(By Kenneth R. Harney)

Real estate investors who didn't read the fine print of the 1984 tax legislation have a new financial worry looming on the horizon.

Treasury officials confirmed last week that, as of next Jan. 1, any real estate investment sale or exchange involving assumption of an existing mortgage and a sale price for the property of $250,000 or more will be subject to the government's controversial new rules on "imputed interest."

Top tax lawyers and accountants say the net effect will be to extend the Treasury's tax arm into far larger numbers of real estate transactions than originally thought.

One prominent Philadelphia accountant, Steven A. Braun of Alexander Grant & Co., called the coming new system a "rolling financial disaster" for thousands of unsuspecting, often-small-scale owners and buyers of investment real estate.

It will mean, for example, that the seller of a relatively modest-sized rental property carrying 9 or 10 percent bank financing probably will have to take a lower price in 1985 than he or she expected to get.

It also will mean that purchasers of anything from rental condominiums to office buildings will be hit by a stark reality: They no longer will be able to take over someone else's attractive cut-rate mortgage and write off depreciation deductions based on the full, negotiated contract price of the property. Instead, they will be faced with an unpleasant choice: either to disregard the favorable financing attached to the piece of real estate they're buying and offer a rock-bottom price to the seller, or simply to buy real estate that comes with no cut-rate financing entanglements whatsoever—if they can afford today's high market rates.

Here's what's behind the latest flap over imputed interest, and what it means for buyers and sellers planning to use loan assumptions.

A key section of the 1984 tax legislation sought to clear up the oftenfluid relationship between the price paid for real estate and the nature of the financing offered by sellers in connection with the sale.

A purchaser of a small rental property, for instance, might have been willing earlier this year to pay $300,000 for the building if the seller offered no special help with the mortgage or deed of trust. The same purchaser, however, might have been willing to pay $375,000 if the seller agreed to "take back" a note at a discount rate—say a 10 percent mortgage for the next 10 years.

Buyers and sellers found the traditional system of negotiating price and financing to be a highly flexible, valuable way of balancing their respective interests. The Treasury Department, however, didn't like the traditional system, and convinced Congress to restrict it severely starting next January.

The Treasury objected to the tax consequences of seller-financed real estate deals. In the case of the $300,000 rental property that sold for $375,000, for instance, the seller pocketed an extra $75,000 in capital gains by offering cut-rate financing.

The purchaser also made out well: He or she got to depreciate the property using a price level $75,000 higher than it otherwise would have been.

The buyer and seller both profited, but the government lost revenue in the process, Treasury argued. The $75,000 "extra" price should be recharacterized as interest income on the seller's ledger, taxable at regular income-tax rates, not capital-gains rates, Treasury said.

The $75,000 also should be chopped off the depreciation basis or tax cost reported by the buyer. The $65,000 was for interest on the seller's take-back note, not for brick and mortar, Treasury's lobbyists argued.

They said that, to calculate the "true" financing and bricks-and-mortar costs in a seller-assisted deal such as this in the future, the mortgage financing should be subjected to the following test: The true cost of money in the sale should be 110 percent of the average rate on long-term Treasury securities (which works out to about 15 percent at current rate levels). If a sale carries a rate below the federally mandated minimum, however, the government should define the true rate in the deal even more harshly. For income-tax purposes, the government should say the seller received interest payments at 120 percent of the federal rate—closer to 16 percent.

The Treasury convinced Congress to write all this into the 1984 tax legislation. Real estate investors have been unhappy about it for the past two months.

What large numbers of them haven't realized yet, according to tax experts at the National Realty Committee, is that, in the closing hours of the tax bill negotiations on Capitol Hill last summer, Treasury lobbyists inserted language expanding the scope of the rules beyond traditional seller financing.

The imputed-interest rules will cover "assumptions of obligations to third-party lenders" after Dec. 31, 1984, said the final draft of the House-Senate conference committee report on the law. "even though such obligations were first issued prior to that date."

Translated from legalese, that means: All those attractive, low-interest assumable mortgages on investment real estate won't be worth their weight in gold anymore, once the clock hits midnight next New Year's Eve.

The only potential bright spot on the horizen is Treasury's forthcoming regulations, which may offer more lenient application of the law to sellers and third-party lenders than to purchasers in real estate transactions involving loan assumptions.

Sellers and third-party lenders with existing mortgages, for example, might be able to compute their capital-gain and income-tax liabilities in 1985 just as they would have before the 1984 tax law went into effect. Buyers of investment properties, on the other hand, will be subject to the full force of the 1984 changes.

Most sellers of homes, by the way, won't run afoul of these complex new provisions unless their property is selling for more than $250,000 and has assumable cut-rate financing. Then the new imputed interest system will apply proportionally to that part of the sales price in excess of $250,000.

IMPUTED INTEREST RATES

Mr. CRANSTON. Mr. President, yesterday, I informed my colleagues that I would vote for the amendment offered by Senator Symms to repeal the imputed interest rate provisions of the 1984 Tax Act.

Last night and this morning I was contacted by the realtors and the home builders of my State, asking me to vote to table the Symms amendment as an essential step to preserve the only remaining chance to lessen the harmful effect of imputed interest rate provisions of the 1984 Tax Act. After weighing carefully the parlicamentary situation as it exists on this, the apparent, last day of the 98th Congress, I cast my vote to table. My vote is not a change in my position and I will continue to support repeal.

I also ask unanimous consent that a letter sent to me by Donald H. Treadwell, president of the National Association of Realtors as a copy of a telegram to Senator Symms be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Association of Realtors,
Washington, DC.

Copy of wire sent today (10/10/84) to Senator Symms, with respect to the critical issue of imputed interest likely to be further considered in the Senate today:

"The Jepsen amendment includes the essential elements of the compromise worked out with my full personal participation in meetings with Finance and Joint Committee staff and Treasury Department representatives. In my judgment it protects the legitimate needs of the buyers and sellers of real estate as well as eliminates abusive practices. Some provisions of the compromise are more desirable than a return to the law prior to the passage of the tax law of 1984. We urge continued support of the Jepsen amendment."

Sincerely,

Donald H. Treadwell, *Realtor.*

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the Record, answers to the questions Senator Symms posed on October 10, 1984, with regard to the imputed interest rate and original discount issue.

There being no objection, the answers were ordered to be printed in the RECORD, as follows:

Answers to Questions Senator Symms Posed

PERSONAL RESIDENCES

1. Q. Why is the exception based on sales price instead of the amount of seller financing?

A. The sales price of a home is a better measure of the taxpayer's need for the exemption than the amount of seller financing provided. The sales price phase-out rule is simpler to compute than the phase-out rule contained in the amendment offered by Senator Melcher.

2. Q. Can a vacation home be sold at 9 percent if it is depreciated under the rules of Section 280A—that is, it is only used by the owner 2 weeks a year?

A. No.

3. Q. What if the vacation home qualifies for depreciation under Section 280A, but no depreciation is actually taken?

A. The exception is not available, but the taxpayer could file an amended return if he had neglected to claim allowable depreciation deductions.

4. Q. If a vacation home can't be sold at 9 percent, what imputed interest rates apply?

A. A vacation home that is depreciable property is eligible for financing under the general real estate rules. Up to $4 million of deferred payments on a note no longer than 12 years can be financed at 80-percent of the applicable Federal rate. Alternatively, unlimited amounts of real property can be financed with no limitation on the term of the note at 100-percent of the Federal rate as long as substantially all of the interest is paid currently. Otherwise, the test rate is 110-percent of the Federal rate. Initially, these rates will be: 80% of Federal rate=10.5%; 100% of Federal rate=13.1%; 110% Federal rate=14.4%

FARMS

5. Q. Why is there a 3-year test?

A. The 3-year test is intended to provide a clear rule that will limit the farm rule to property that has genuinely been in use as a farm, and to exclude investment property that has not been in use as a farm or ranch.

6. Q. What determines whether the property has been used as a farm for the past 3 years—the land or the seller; i.e. can the seller have cash rented the farm and still sell at 9 percent?

A. The only requirement is that the land be used as a farm or ranch. Cash renting would meet this test.

7. Q. How can a seller ensure that a buyer will use the property in the "active conduct" of farming? Does "active conduct" of farming include cash rent by the buyer? What if the buyer lies—does the seller have imputed interest? What happens if the buyer quits farming months or years after the purchase?

A. A buyer's certification under penalty of perjury that he intends to use the property as a farm or ranch will satisfy this requirement (even if the certification is false or inaccurate). The active conduct requirement is not satisfied by the purchaser renting the property for farming by a third party; although the seller may have rented the property to a third party engaged in the active conduct of farming.

8. Q. Why is there a minimum 10-percent ownership requirement and why does a seller only get part of the $2 million exception?

A. The 10-percent ownership requirement is intended to deny the benefits of the 9-percent financing rule to corporate shareholders selling portfolio stock or partners selling small interests in a large business. The $2 million limitation is intended to apply to the size of the transaction on the theory that this rule best measures the taxpayer's need for the exception. Allocating the exemption among partial owners is necessary to fulfill this policy.

9. Q. If the seller owns two farms, must he sell both?

A. No.

10. Q. Are there any restrictions on sales to related parties at 9 percent?

A. No.

TRADES OR BUSINESSES

11. Q. Because the seller's ownership interest must be "readily established," can a sole proprietorship qualify for 9-percent seller financing?

A. Yes. Only the percentage of ownership must be "readily established." All proprietorships meet this test.

12. Q. Does the exception apply only to the sale of the ownership interest? If so, what are the imputed interest rules for the sale of assets—both personal and real property? If not, what are the rules for sales of personal and real property?

A. The rule applies to sales of assets and to sales of ownership interests such as corporate stock or partnership interests.

13. Q. If a seller owns three factories or stories in different cities, can the seller sell only one at 9 percent?

A. For the answer, see the next question.

14. Q. What are "substantially similar" businesses? Does it depend on the product—consumer goods vs. industrial goods—or type of business—manufacturing vs. wholesaling vs. retailing?

A. The rule requires a liquidation of an entire business or a separate line of business. The "substantially similar" test defines what is a line of business. For example, a dry cleaning store and a clothing factory would be considered separate lines of business. If all of the facilities constituting a separate line of business are sold, they qualify for 9 percent financing, up to the $1 million limitation. Whether a business meets the "substantially similar" test depends both on the nature of the business and type of products produced or services provided and other similar factors.

15. Q. Why must the seller sell his entire interest? What if seller owns 100 percent and wants to sell a controlling interest to the children to keep it in the family?

A. The exception was intended to facilitate the disposition of a seller's business, such as when the owner retires. In the case of a sale of an interest to a child of less than the parent's entire interest, the child would need to pay his or her parent a market rate of interest.

16. Q. Are there any rules for sales to family members?

A. Sales to family members can qualify for this rule as long as the seller is terminating his or her active interest in the business.

SALES ALLOWED AT 80 PERCENT OF T-BILL RATE (10.5 PERCENT)

17. Q. Do these rules apply to both someone who owns a duplex and someone who owns an apartment complex? Does the $4 million exception count all debt included in the sale, so that a sale with $5 million total debt (and only $4 million seller-financing) does not qualify?

A. These rules apply to all investment property regardless of size. The $4 million rule applies to any note or notes with up to $4 million of deferred payments at 80 percent of the Federal rate, even if other notes issued in the transaction provide for additional seller financing at a higher interest rate.

18. Q. What happens if the term of the seller financing is more than 12 years?

A. If the term of a note exceeds 12 years, it can qualify for the rule allowing seller financing at 100-percent of the Federal rate, as long as substantially all of the interest is paid currently.

19. Q. How are balloon payments treated?

A. Balloon payments of principal are treated like all other payments of principal. Balloon payments of interest are treated as deferred payments for purposes of the $4 million limitation. Balloon payments of interest are subject to cash method accounting. No income is included, or deductions allowed, until the balloon payment is made.

20. Q. Does this exception apply to all investment property so that a seller of a duplex is expected to be as sophisticated as the seller of an apartment complex?

A. Yes. But this rule is simpler than the general rules applicable to large real estate transactions because it allows for cash method accounting for both buyer and seller and provides a more favorable interest rate.

ASSUMPTIONS

21. Q. Why are future assumptions subject to imputed interest?

A. The assumption rules treat the purchaser of real property with an assumable loan as purchasing two assets. One asset is tangible property which can properly be depreciated if it has a determinable useful life (e.g. a building). The other asset is an intangible financial asset which is not depreciable. The rules are intended to prevent buyers from claiming depreciation or ACRS deductions on nondepreciable financial assets. From the standpoint of the buyer, assuming a low-interest loan from a third party is the same as receiving a low-interest loan from the seller; therefore, the tax treatment of the two transactions as to the buyer should be the same.

22. Q. If loans made after October 15, 1984, cannot be assumed freely, what are or will be imputed interest rate rules to buyer and seller?

A. There is no restriction on the assumption of loans in the bill. The rule only affects the buyer's tax consequences by recharacterizing part of the purchase price as tax deductible interest, instead of tax basis.

CASH ACCOUNTING BY BOTH SELLER AND BUYER

23. Q. What if one of the parties is on accrual method—must he change to cash method for all transactions and get IRS approval?

A. No. Only the interest on the obligation is accounted for on the cash method. No IRS approval is necessary.

24. Q. What happens if one party does not report on the cash method—what is the effect on that party and the other party?

A. An accrual method taxpayer will report interest income and interest deductions on the obligation as the cash payments are made. In general, there is no other effect on the parties. However, anti-abuse rules may apply to defer other interest deductions of the seller where debt is incurred to carry to seller financing (e.g. when a seller borrows from a bank at 15 percent in order to be able to afford to provide seller financing at 10 percent with deferred interest).

GENERAL QUESTIONS

25. Q. What would happen in the case of a major construction project, such as an office or apartment building? In these projects, financing is not done by simply going to the bank and taking out a loan. What happens is that investors, which oftentimes include a financial institution, will loan money for the construction project at a certain rate, but they also want a percentage of the projects. For example, a bank might lend money at a 12-percent rate, but they will want a certain portion of the income/rents from that building once it is built.

In a situation as this, how is the income from rents treated? Is that supposed to be imputed? If it is, wouldn't that drastically increase the 12-percent rate to much higher levels?

Also, how is the 12-percent rate treated as far as the lender is concerned? Does the lender get to deduct the increased interest cost if that cost is borne by the developer? How is the income from the rents treated?

A. Where the lender is not the seller of the property, the transaction is not subject to minimum interest rate rules of sections 1274 or 483. Thus, the 1984 Act changes do not affect the taxation of this transaction.

VARIABLE RATE LOANS

26. Q. What happens when there is a variable interest rate, which are very common these days, and the rate floats below the imputed rate?

A. Where the interest rate under the variable rate formula meets the minimum rate under the Act at the time of the sale, the minimum rate will be met regardless of what interest rates subsequently are charged under the variable rate formula, so long as the interest rate formula varies by reference to a standard commercial index (such as the prime rate) and the same formula is applied consistently over the entire length of the loan.

MULTIPLE LOANS

27. Q. What happens in the case where you have multiple loans on one piece of property? Do you aggregate all of the loans or do each get treated separately?

A. For purposes of the dollar limitations under the amendment, all loans which are part of the same sale or exchange are aggregated.

ANTIABUSE RULES

28. Q. I understand that there are some pro-IRS, so-called anti-tax abuse rules? What are they? How do they work?

A. The anti-abuse rules generally provide that the benefits of cash-method accounting may not be passed on to subsequent holders of seller financing obligations, and are reduced to the extent the seller borrows money to provide seller financing and claims current interest deductions while deferring interest income.

The rules also require so-called wraparound mortgages to account for the portion of the mortgage allocable to an underlying cash method obligation on the cash method.

SMALL BUSINESS RULES

29. Q. If a small business wanted to sell out to another buyer, it is my understanding that according to the compromise, it has to be worth less than $1 million in order to qualify for the current 9-percent safeharbor rate, and it has to totally liquidate all of the business within its line of business.

What happens in the case where the owner of a small business wants to take in a partner and sell 50 percent of the business to the partner because the business needs some cash in order to stay in operation? It's my understanding that they would have to comply with the rules that were incorporated in last summer's tax bill. That requirement would really strangle the ability of many small businesses to grow and become more prosperous. Most fledgling businesses try to pour as much money as possible back into the businesses. If the new partner is taxed on phantom income, that will have a very detrimental impact on any company's growth potential. What is the rationale for that restriction?

What happens in a situation where you have two grocery stores and the owner decides to sell the store in the bad neighborhood, but wants to keep the store that is making a profit? It is my understanding that since he is not totally liquidating the business, he will be subject to the new law that was passed last summer.

A. The small business rule provides a lower 9-percent imputed-interest test rate for cases where a taxpayer is selling his entire interest in a small business—for example in connection with his retirement. It is unlikely that partial sales of business interests for the purpose of raising funds would be seller-financed, because no funds would be made available to sellers in such transactions; sales of partial business interests for cash will not be affected. Once a seller owns multiple business establishments (dry cleaning stores at different locations), the sale of just one establishment more closely resembles a business realignment or reorganization than a case where the taxpayer is going out of the business. As a policy matter, the going-out-of-business sale is more likely to involve a forced sale, or the single major transaction that an individual would encounter in his life. A reduced imputed-interest rate is provided to limit the complexity of the tax treatment of these transactions, and the taxpayer's entry into these transactions.

ASSUMPTIONS

30. Q. Assumable mortgages—It's my understanding that all existing assumptions are okay, but any new assumptions will be subject to the new law. There are a lot of homes out in middle America that are sold because the buyer can assume a loan. Why is it alright to be able to assume a mortgage before January 1, but not after? What happens in the future when you can't assume a mortgage without being hit by the new imputed interest rate law? How will the imputed rates apply?

A. The new rules for assumptions generally will not apply where nondepreciable property—such as a principal residence—is acquired. Thus, homebuyers will not be affected by these rules. The background for the need for this change is described in Q & A 21, above.

RESIDENCES

31. Q. Under the description of the provisions impacting personal residences, the compromise proposal states that in the case of a sale of a principal residence or vacation home by an individual, estate, or testamentary trust, the sale will qualify for the present 9-percent test rate, provided that the purchase price does not exceed $250,000. What happens if one taxpayer is accrual? How does the seller know if the buyer is a cash basis taxpayer? If the seller is currently on the accrual method, must the seller change to cash? And if so, does he have to get permission from the IRS for the accounting change?

A. Sales of principal residences and vacation homes are subject to the reduced, 9-percent imputed interest test rate, and are exempt from the original issue discount rules. Both parties to a transaction involving seller financing instead will use the cash method of these transactions. Because no change in accounting method is involved, parties will never be required to obtain permission from IRS with respect to tax accounting for these transactions. (Virtually no individuals use any other method.) The usual tax accounting method used by the parties will have no effect on their tax treatment under these rules.

FARMS

32. Q. Under the description of the provisions impacting farms and ranches, the compromise proposal incorporates what is referred to as a "3-year test." In other words, in the case of a sale of real property by an individual or small business used as a farm or ranch for the 5-year period prior to the sale they will qualify for other 9-percent test rates, provided the purchaser intends that the property be used in the business of farming or ranching and the purchase prices do not exceed $2 million.

Why is there a 3-year test? Is the 3-year test the same as the estate tax test under section 2032A so that cash rent won't qualify? How do you know the "purchaser's intent?" Who determines the "purchaser's intent—the seller, the buyer or the IRS? What if the purchaser dies? What happens if the buyer does not stay in the farming business for 3 years? Does the IRS then go back and penalize the seller who sold the property on the good faith of the seller who thought he would stay in the farming business for five years?

A. See Question 7, above.

SMALL BUSINESSES

33. Q. In the description of the compromise proposal relating to trades or businesses, it is explained that a sale of a 10 percent or greater ownership interest in a trade or business will qualify for the 9-percent rate if it constitutes a disposition of the seller's entire interest in the business and the seller's ownership interest can be readily established (e.g., in the case of a partnership, there are no special allocations; in the case of a corporation, only one class of stock is outstanding). The maximum amount of purchase price subject to the 9-percent rate will be the seller's pro rata share of the $1 million amount (similar pro rata rules are to be applied in the case of partial interests in residences and farms).

Now, I have some questions with regard to this section:

A. Under this section, what happens if a sole owner wants to sell one-half of the business to one child or, in another case, sell 90 percent to two children in equal amounts?

B. Should there be a separate rule for family sales?

C. What if the seller owns 5 percent of the business?

D. Why is only one class of stock allowed?

E. Under the $1 million amount allowed—what if two people own 50 percent of the business each; one sells all or part of his part of the business—does the seller get the full $1 million allowance or only half of that amount?

A. A. The lower 9-percent imputed interest test rate was provided for liquidating sales of businesses or the like. A partial sale of a business to family members does not come within the policy of liquidating sales. Taxpayers typically undertake such financial restructurings without being subject to the pressure or time constraints that could attend a forced sale of a complete business, or a sale in connection with a retirement from the business. In short, we do not believe these family reorganization transactions present the special policy considerations that justify a below-market imputed interest test rate.

B. See A., above.

C. See the answer to question 29, above.

D. Where a stock interest in a business is sold, the $2 million of purchase price eligible for the 9-percent rate is allocated if the taxpayer owns less than all of the stock. The "one class of stock" rule is needed to permit ready computation of the portion of the selling price qualifying for the lower rate in cases where the taxpayer owns less than all of the stock.

E. The seller would qualify for the 9-percent rate on $500,000 of the selling price.

GENERAL QUESTIONS

34. Q. In another section of the compromise proposal, it states that the term of a note issued in the transaction may not exceed the lesser of 12 years or ⅔ of the applicable ACRS life.

What happens if the transaction is 13 years or more?

What about "balloon" financing?

A. See the answer to questions 18 and 19 above.

ANTIABUSE RULES

35. Q. After quickly reviewing a copy of the draft, I noticed on page 18 of the draft that *any* deferred payment will be subject to the anti-abuse rules. The effect of that provision will be to allow the IRS to cancel out any of the benefits that you have provided to the very narrow group of people you are covering in the so-called compromise proposal. So, while on the one hand you have stated that you are providing exemptions for all of these groups, you have at the same time given authority to the IRS to cancel those exemptions.

A. The abusive transaction rules do not allow the IRS to use any imputed interest rates other than those specified in the bill as applicable to the transaction. The abusive transaction rules only allow the IRS to prevent buyers from claiming depreciation and cost recovery deductions on a tax basis in excess of fair market value.

VACATION PROPERTY

36. Q. What happens to vacation property that is rented? Doesn't rental vacation property get subjected to the new rules?

A. See the answer to question 2, above.

IMPUTED INTEREST

Mr. BAUCUS. Mr. President, I rise to support outright repeal of the imputed interest provision of the 1984 tax law. This ill-conceived provision is terribly complicated. What's more, it could increase interest rates and prevent hundreds of Montanans from selling their homes, farms or small businesses.

As the 98th Congress winds to a close, let's do the right thing. Let's repeal this ill-conceived provision—lock, stock, and barrel.

BACKGROUND

When someone sells property on an installment basis, the principal he receives is treated as capital gain and the interest he receives is treated as ordinary income. Because capital gains are taxed at much lower rates than ordinary income, a seller may have a tax incentive to overstate principal and understate interest. To prevent this incentive from being abused in tax shelter arrangement, Tax Code section 483 directs the Treasury Secretary to issue regulations setting safe harbor and imputed interest rates; if the seller does not actually charge interest of at least the safe harbor rate, he is assumed to have charged interest of the higher imputed rate. Currently, the safe harbor rate is 9 percent and the imputed rate is 10 percent. Therefore, if a seller doesn't charge interest of 9 percent, he is assumed, for tax purposes, to have charged interest of 10 percent.

THE TAX REFORM ACT

The Treasury Department apparently does not think that this system goes far enough. Therefore, as part of President Reagan's 1984 budget, the Treasury Department proposed revising section 483 so that the rate floats along above the Treasury bill rate. Specifically, the safe-harbor rate will be 110 percent of the T-bill rate and the imputed rate will be 120 percent of the T-bill rate.

This provision was initially included in both the House and Senate tax bills, and apparently went unnoticed. However, just before we concluded the House-Senate conference that drafted the final version of the tax bill, I asked Assistant Treasury Secretary Chapoton whether this provision might not cause more harm than good; but one of the House conferees interposed a procedural objection that prevented us from modifying the provision then. A few days later, we were finally able to modify the provision on the Senate floor, by exempting sales of homes worth up to $250,000 and sales of farms and ranches worth up to $1 million. As modified, the new provision is scheduled to take effect on January 1, 1985.

ANALYSIS

Mr. President, it is clear, from the Treasury Department's original description of the problem it perceived, that the new imputed interest provision was aimed at big commercial developers who use sophisticated methods to maximize the tax shelter benefits of their transactions.

But the provision actually goes way beyond that. It affects ordinary homeowners, small businessmen, farmers, and ranchers who resort to seller-financing rather than bank financing. As a result, it has an especially harsh effect in the West, where seller-financing is heavily relied on and where, frankly, high interest rates are driving a lot of farms and businesses under.

Mr. President, the people I am talking about are not sophisticated developers engaging in elaborate tax scams. They are ordinary people who simply cannot sell their homes, businesses, farms and ranches at prevailing sky-high rates. But, under the imputed interest provision, the Government tells them that they must either sell at prevailing rates or suffer a tax penalty. That is an unjustified intrusion.

Mr. President, the exemptions we adopted in July help, but not enough. Let me describe four drawbacks to them. First, the farm and ranch exemption only covers farms and ranches worth up to $1 million; in Montana, that's not necessarily a large farm or ranch, and its owner is probably just struggling to stay afloat. Second, there's no exemption for small businesses. Third, the home exemption only covers principal residences, which do not include the second home a rancher might own in town or the vacation home a family might own at Flathead Lake. Fourth, the provision's operation is terribly complicated. If the new provision applies, the sales contract must state interest of at least 110 percent of the applicable Treasury bill rate. This may come as news to some people in Washington, but not everyone has ready access to a Wall street ticker tape machine to learn the latest T-bill quotations; they'll find it very difficult to comply with the law.

THE NEW COMPROMISE

Over the past few weeks, another compromise has been worked out. This compromise is supported by many groups that have led the fight against the new imputed interest rate provisions, including the realtors, the homebuilders, and the National Federation of Independent Businesses. Essentially, the compromise enlarges the existing exemptions, to cover all personal residences—rather than just principal residences—worth less than $250,000, to increase the farmland exemption from $1 million to $2 million, to create an exemption for small businesses, to create a $4 million "catch-all" exemption for other property, and to blend to lower and higher rates when property is worth more than the applicable exemption.

This compromise certainly liberalizes the rules. However, it is terribly complicated; upon close examination, it may harbor problems yet undiscovered.

REPEAL

So, although I voted for the compromise because it improves a current law, I think we ought to go one step further and repeal the entire new imputed interest rate provision, replacing it with a straight 9-percent safe harbor rate and 10-percent imputed rate, just like the old system. That way, we will be certain to avoid any unanticipated impact on sales of

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homes, farms, ranches and small businesses.

Mr. President, I urge all of my colleagues to support the Symms amendment and thereby flatly repeal the imputed interest rate provisions of the 1984 tax law.

If we do not have the votes to do that, then, and only then, should we turn to the compromise.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I know of no other Senator who wants to speak. I move to table the amendment to the resolution and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SYMMS. This vote is just on the Symms amendment and the perfecting amendment to the Symms amendment but affects no other amendments. Is that correct?

Mr. DOLE. As I understand the Parliamentarian, there are two first-degree amendments. It was not a perfecting amendment. This will be tabling the Symms amendment to the resolution.

Are there two first-degree amendments pending?

The PRESIDING OFFICER. There are two first-degree amendments pending. One is to the resolution and one is to the Symms amendment offered by Senator TSONGAS.

Mr. SYMMS. So this will just be on the issue of the Symms amendment.

Mr. DOLE. We hope to table the Symms amendment to the resolution.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from Oregon [Mr. HATFIELD], the Senator from North Carolina [Mr. HELMS], the Senator from Nevada [Mr. LAXALT], the Senator from Idaho [Mr. MCCLURE], the Senator from Illinois [Mr. PERCY], the Senator from Texas [Mr. TOWER], and the the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] and the Senator from North Carolina [Mr. HELMS] would each vote "nay."

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. DIXON], the Senator from Missouri [Mr. EAGLETON], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. LEVIN], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan [Mr. LEVIN] would vote "yea."

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 57, nays 26, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—57

Abdnor
Andrews
Baker
Bentsen
Biden
Bingaman
Bradley
Burdick
Byrd
Chafee
Chiles
Cranston
D'Amato
Danforth
Dodd
Dole
Domenici
Evans
Ford
Glenn
Gorton
Grassley
Hart
Heflin
Hollings
Humphrey
Inouye
Jepsen
Johnston
Kassebaum
Lautenberg
Leahy
Long
Lugar
Mathias
Matsunaga
Metzenbaum
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Proxmire
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stevens
Tsongas
Warner

NAYS—26

Armstrong
Baucus
Boschwitz
Bumpers
DeConcini
Denton
Durenberger
East
Exon
Garn
Hatch
Hawkins
Hecht
Heinz
Kasten
Mattingly
Melcher
Nickles
Pryor
Quayle
Symms
Thurmond
Trible
Weicker
Wilson
Zorinsky

NOT VOTING—17

Boren
Cochran
Cohen
Dixon
Eagleton
Goldwater
Hatfield
Helms
Huddleston
Kennedy
Laxalt
Levin
McClure
Percy
Stennis
Tower
Wallop

So the motion to lay on the table amendment No. 7092 was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, may I have the attention of the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. Mr. President, I had hoped to be able to take up one other matter, but I am afraid we are not quite ready. There is another Senator who has not yet reached the floor, so I no longer seek recognition.

AMENDMENT NO. 7104

(Purpose: To provide for procedures to eliminate the structural deficit in the Federal Budget, to establish a national bipartisan commission on the balanced budget, and for other purposes)

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, I send an amendment to the desk on behalf of myself, Mr. GORTON, Mr. COHEN, Mr. HEINZ, and Mr. BOSCHWITZ and ask that, notwithstanding section 306 of the Budget Act, it be in order at this time.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, with all of the noise on the floor I could not hear the request. I wish the Chair would get order in the Senate.

I apologize to my friend. I hope he will restate the request.

The PRESIDING OFFICER. The Senate will be in order.

The minority leader is recognized.

Mr. BYRD. Mr. President, I would like to hear the Senator repeat his request.

Mr. DURENBERGER. Mr. President, I have sent an amendment to the desk on behalf of myself, Mr. GORTON, Mr. COHEN, Mr. HEINZ, and Mr. BOSCHWITZ and asked that, notwithstanding section 306 of the Budget Act, it be in order at this time.

Mr. BYRD. Reserving the right to object, will the distinguished Senator state what his amendment does?

Mr. DURENBERGER. The amendment was circulated in "Dear Colleague" form within the last couple of weeks. The purpose of the amendment is to provide the Congress and the President with the opportunity to present a balanced budget by the fiscal year 1989.

I say to my colleague, the distinguished minority leader, it is my intention to discuss the amendment—and I believe other Senators who are cosponsors of the amendment would like to discuss it—and then, with due deference to the process and the institution and the importance of the debt ceiling bill, I will withdraw the amendment after an appropriate period of time for discussion.

Mr. BYRD. Further reserving the right to object——

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. The Senate will be in order.

Without objection, it will be in order to consider the amendment, notwithstanding section 306 of the Budget Act. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER] for himself, Mr. GORTON, Mr. COHEN, Mr. HEINZ, and Mr. BOSCHWITZ proposes an amendment numbered 7104.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

SEC. . (a) This Act may be cited as the "Balanced Budget Procedures Act of 1984".

(b) The Congress finds and declares that—

(1) in recent years, historically high Federal budget deficits have resulted in the rapid growth of the national debt;

(2) as a direct result of such growth, the interest payments on the national debt have increased faster than any other major component of the Federal budget, a trend which, if left unchecked, will encumber future taxpayers with unreasonable debt service;

(3) the effect of such fiscal policy is to subsidize the price of current consumption with future production;

(4) the President and the Congress must take immediate action to further the long-term national interest by dramatically reducing the Federal budget deficit for fiscal year 1986 and for all subsequent fiscal years;

(5) such deficit reductions will require actions that many individual Americans will be reluctant to accept; and

(6) because neither the President nor the Congress has been required to consider the choices necessary to produce a balanced budget, the American people have not been made aware of the sacrifices necessary to promote thereby the long-term national interest.

(c) It is the purpose of this section to—

(1) require the President to submit to Congress—

(A) for each of the fiscal years beginning after September 30, 1985, and before October 1, 1988—

(i) a budget under section 1105 of title 31, United States Code, that would, if implemented, result in a balance between outlays and revenues under conditions of high employment by fiscal year 1989, or

(ii) if the budget submitted under such section for any such fiscal year would not, if implemented, achieve such a balance by fiscal year 1989, an alternative budget in detail equal to that of the budget submitted under such section that would, if implemented, achieve such balance by fiscal year 1989,

(B) for each fiscal year, beginning after September 30, 1988, in which a budget is submitted to the Congress under section 1105 of title 31, United States Code, that would not be balanced under conditions of high employment, an alternative budget that would be in balance under conditions of high employment, and

(C) any legislative proposals necessary to implement any such alternative budget;

(2) require the Committee on the Budget of each House of Congress to report to such House for any fiscal year beginning after September 30, 1985—

(A) a first concurrent resolution on the budget under section 301 of the Congressional Budget Act of 1974 that would, if implemented—

(i) in the case of fiscal years beginning before October 1, 1988, result in a balance between revenues and outlays under conditions of high employment by fiscal year 1989, or

(ii) in the case of any fiscal year beginning after September 30, 1988, result in a balance between revenues and outlays for such fiscal year under conditions of high employment; or

(B) if the concurrent resolution on the budget reported by such Committee for a fiscal year does not comply with the applicable requirements of subparagraph (A), an alternative concurrent resolution on the budget in equal detail to the concurrent resolution reported to the Committee that would, if implemented, achieve such result.

(d)(1)(A) If the total outlays set forth for fiscal year 1989 would exceed the total revenues set forth for such fiscal year under conditions of high employment in any budget submitted by the President under section 1105 of title 31, United States Code, for a fiscal year beginning after September 30, 1985, and before October 1, 1988, such budget shall be accompanied by an alternative budget in which total outlays for fiscal year 1989 would not exceed total revenues for such fiscal year under conditions of high employment.

(B)(i) An alternative budget submitted by the President pursuant to this paragraph for a fiscal year shall be in detail equal to that of the budget submitted by the President under section 1105 of title 31, United States Code, for such fiscal year and shall include a clear and understandable explanation of the differences between such alternative budget and the budget submitted by the President pursuant to such section.

(ii) Not later than March 15 of any year in which the President submits an alternative budget pursuant to this paragraph, the President shall submit recommendations and proposals for changes in the laws of the United States which would be required to be enacted during such year in order to achieve a balance between total outlays and total revenues under conditions of high employment by fiscal year 1989.

(C)(i) Not later than April 15 prior to any fiscal year beginning after September 30, 1985, and before October 1, 1989, the Committee on the Budget of each House of the Congress shall report to such House—

(I) a first concurrent resolution on the budget, for such fiscal year pursuant to section 301 of the Congressional Budget Act of 1974 in which total outlays and total revenues for fiscal year 1989 would be in balance under conditions of high employment, or

(II) if the first concurrent resolution on the budget reported by such Committee for a fiscal year under such section does not comply with the requirements of subclause (I), an alternative concurrent resolution reported by the Committee pursuant to such section that complies with such requirements.

(ii) The provisions of sections 305 and 310 of the Congressional Budget Act of 1974 shall apply to an alternative concurrent resolution on the budget reported pursuant to subsection (i) and any reconciliation bill reported pursuant to such alternative concurrent resolution.

(2)(A) Section 1105 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) If the President submits a budget for any fiscal year pursuant to subsection (a) that—

"(A) assumes that conditions of high employment will exist during such fiscal year; and

"(B) recommends that total outlays exceed total revenues for such fiscal year,

such budget shall be accompanied by an alternative budget for such fiscal year in which total outlays do not exceed total revenues.

"(2) If the President submits a budget for any fiscal year pursuant to subsection (a) that—

"(A) assumes that high employment will not exist during such fiscal year; and

"(B) recommends that total outlays exceed total revenues for such fiscal year by an amount that is greater than the amount by which such excess would be reduced if conditions of high employment were assumed to exist during such fiscal year,

such budget shall be accompanied by an alternative budget for such fiscal year in which total outlays would not exceed total revenues under conditions of high employment.

"(3)(A) An alternative budget submitted by the President pursuant to this subsection for a fiscal year shall be in detail equal to that of the budget submitted pursuant to subsection (a) for such fiscal year and shall include a clear and understandable explanation of the differences between such alternative budget and the budget submitted by the President pursuant to subsection (a) for such fiscal year.

"(B) Not later than March 15 of any year in which the President submits an alternative budget pursuant to this subsection, the President shall submit recommendations and proposals for changes in the laws of the United States which will, if enacted, reduce the amount by which total outlays exceed total revenues for the fiscal year to which such alternative budget relates to the amount of the deficit set forth in such alternative budget.".

(B) The amendment made by subparagraph (A) shall apply to fiscal years beginning after September 30, 1988.

(e)(1) There is established on January 24, 1985, a National Bipartisan Commission on the Balanced Budget. The Commission shall be composed of nineteen members, who shall be appointed as follows:

(A) six members shall be appointed by the President, no more than three of whom shall be of the same political party;

(B) two members, who shall be private citizens, shall be appointed by the President pro tempore of the Senate, one of whom shall be appointed upon the recommendation of the Majority Leader of the Senate, and one of whom shall be appointed upon recommendation of the Minority Leader of the Senate;

(C) one member, who shall be a private citizen, shall be appointed by the Speaker of the House of Representatives;

(D) one member, who shall be a private citizen, shall be appointed by the Minority Leader of the House of Representatives;

(E) two members of the Majority Party of the House of Representatives shall be appointed by the Speaker of the House of Representatives;

(F) two members of the Minority Party of the House of Representatives shall be appointed by the Minority Leader of the House of Representatives;

(G) two members of the Majority Party of the Senate shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate;

(H) two members of the Minority Party of the Senate shall be appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate;

(I) one member shall be appointed by the Chairman of the Board of the Federal Reserve System, from among the members of the Board of Governors of the Federal Reserve System.

(3) A vacancy in the Commission shall not alter its powers, and shall be filled in the same manner in which the original appointment was made.

(4) The Commission shall—

(A) review the budget, and the alternative budget, if any, submitted by the President for fiscal year 1986;

(B) review such other budget proposals or information regarding the elements of fiscal policy as the members of the Commission shall deem relevant;

(C) review the elements of monetary policy, with particular emphasis on its effects on fiscal policy and budget deficits;

(D) review current and prospective economic factors and developments, in both the United States and abroad, that should be taken into account in making fiscal policies;

(E) consult with other private and public sector experts for recommendations about reforms that would best address Federal budget deficits; and

(F) make recommendations for levels of spending and changes in the laws of the United States which may be necessary to achieve a balanced budget by fiscal year 1989.

(5) The Commission may, for the purpose of carrying out paragraph (4), hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commisssion considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(6)(A) The heads of the executive agencies and the legislative agencies shall, to the extent permitted by law, provide the Commission such information as it may require for the purpose of carrying out its functions.

(B) Members of the Commission shall serve without compensation. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in the same amount as persons employed intermittently in the Government service are allowed expenses under sections 5702 and 5703 of title 5, United States Code. Such expenses shall be paid equally from the contingent fund of the Senate and the contingent fund of the House of Representatives.

(7) The Commission shall transmit to the President and to each House of Congress a report not later than March 15, 1985. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such levels of spending, legislation, and administrative actions as it considers appropriate.

(8) The Commission shall cease to exist thirty days after submitting its report pursuant to paragraph (7).

(f) Subsections (a), (b), (c), and (d) of this section and the amendments made by such subsections shall not apply to any fiscal year for which a declaration of war by the Congress is in effect.

Mr. DURENBERGER. Mr. President, this amendment is designed to require the Congress and the President of the United States to face up to the difficult choices that will be necessary to balance the budget and end the long string of bills to increase the debt ceiling.

It has two principal provisions. First, it forces us to draft budget plans that would narrow the gap between revenues and spending until the budget is in balance. It does not force us to balance the budget. But it does require the President and the Budget Committees of the House and Senate to present alternative budgets that are in balance, if their first option is not.

Second, it creates a bipartisan commission, not unlike the Social Security Commission, to make recommendations early next year on how the budget gap might be closed.

All of the election-year rhetoric notwithstanding, today's monumental deficit is of bipartisan making. Politicians of both parties—both here on the Hill and in the White House—have conspired in recent years to craft budgets with massive and growing structural deficits. These deficits exist not because of cyclical downturns in the economy that temporarily depress revenues and increase spending. And they will not be cured by economic growth.

The largest portion of our current and future deficits exist because the revenues generated under current law are insufficient to cover our spending programs, even in the best of times. We are simply not willing to raise the taxes necessary to pay for the spending promises that we have made.

There are two obvious ways out of this dilemma. Cut spending. Or raise taxes. Unfortunately, there is not a majority here in the Congress or out in the country to do either. The American public does not support the kinds of spending reductions that will be necessary to solve the problem. Nor will they agree to substantial tax increases. I suspect that most Americans still believe that there are billions of dollars in waste, fraud, and abuse that could be cut, if the Congress was just diligent in its efforts to oversee Federal spending. Or that billions more would come into the Treasury if we would simply tax the fat cats fairly.

Most of us know that is not true. Most of us know that getting to a balanced budget will be a very painful process. We will have to cut middle class subsidies of some kind for some who are currently receiving them. And most of us know that taxes will have to be raised—not taxes on the rich or taxes on the corporation, but taxes on the middle class. Anybody who understands the magnitude of the deficits we face and the impact of those deficits on the ecomony if sustained much longer, knows that the painful choices are coming.

When? Our problem in making progress on the deficit occurs because the American public does not share our perception. They have not struggled through the budget process with us. And so long as all they get is happy talk about economic growth or scathing attacks on the loopholes that presumably riddle our Tax Code, they will not come to grips with the issue.

That's why I am offering this amendment. It is an educational amendment. The intent is to educate the American public on the real choices that must be made. If we passed this amendment, all of us, Republican and Democrat, President and Congress would be in the soup together. And the public would have the chance to share in our struggle. No more hiding behind constitutional amendments, tax the rich schemes or other gimmicks.

Let me describe the amendment in more detail. It would require the President to submit with his budgets for fiscal years 1986, 1987, and 1988, alternative budgets designed to take us gradually toward a balance in 1989. For 1989, and every year thereafter, it would require the President to submit alternative balanced budgets whenever his own budget does not envision a balance. These alternatives could include deficits, but only to the extent that they would result from cyclical downturns in the economy. In short, they must be designed to produce a balanced budget in times of high employment.

The House and Senate Budget Committees would also be required to do their part. We would require that the committees report to their respective Chamber each year an alternative first concurrent resolution that produces a balancing down by 1989 and no structural deficit thereafter.

Finally, in the interest of achieving a national consensus as soon as possible, the amendment would establish a National Bipartisan Commission on the Budget. Composed of 15 private citizens, the Commission would comment on the President's 1986 budget and the alternatives required by this act.

Mr. President, I could speak at great length on the subject of the deficit and the damage it is doing to the American economy, but I can hear the rustle of airline tickets. If I started on that subject, I would start with the plight of the farmers in Minnesota who are not participating in the recovery seen by the rest of the Nation.

They are not seeing a recovery, because of the deficit. The deficit does increase interest rates—and interest is one of the principal costs of farming. And they are not seeing a recovery because of the high price of the dollar—a high price resulting from high interest rates—which has increased the price of American grain in foreign markets by 35 percent over the last 2 years.

So I would start with the farmer, but my colleagues know that the damage being done goes well beyond the farm. It affects homebuilders and buyers, small business, working men and women who depend on exports for their jobs. There is no doubt that the deficits are continuing the recession—now depression—for some, threatening the recovery for others, and promising a future of unbearable interest payments for all. And each year we delay, we make our job that much more difficult, because interest rates are an ever larger part of the Federal budget.

This Congress promised to make a downpayment. We have passed some legislation, but have not really fulfilled our promise. And we have not either through the process here in the Congress—or by the education that is going on out there in the election—put ourselves in a position to do better next year. We will be back in January facing the same politics, equipped with the same budget law, no better prepared to begin the job of reducing the deficits.

Mr. President, there will be two arguments made against this amendment. One is that we should not further encumber the debt limit with this kind of amendment. Frankly, Mr. President, I cannot think of a better piece of legislation to encumber. And since we have already adopted the amendment of the Senator from Massachusetts which has a related purpose, I cannot see that we do any great damage by taking this item. In fact, this amendment should have a much easier time clearing the House since that body last week passed a very similar piece of legislation and sent it over here.

I should note that we have in the past adopted a similar requirement on an experimental basis. In 1979, the Senator from Oregon, Senator PACKWOOD, successfully amended a debt limit bill to require the President to submit alternative balanced budgets in 1980 and 1981. At the time the deficits were small and much of the benefit that could have been gained by this exercise was lost in change of administrations and modifications that were made in budgets that had already been submitted. In 1979 the Packwood amendment was adopted by the Senate 93 to 0. I would hope for similar success here today.

The second reason we will be given for not adopting this amendment is that we would be amending the budget process on the floor of the Senate without seeking the advice from the Budget and Governmental Affairs Committees in advance. Mr. President, I have made every effort to discuss this amendment with the chairman and members of the Budget Committee. In fact, several Members cosponsored this legisation when I offered it as a bill last week. The sponsor of the comparable legislation which passed the House is the chairman of the House Budget Committee.

Mr. President, I suggest, in fact, that this amendment is needed because the budget process of the Congress is not in good order. We have been forced into legislative contortions this year because appropriations bills were held until the first budget resolution could be resolved. The distinguished ranking member of the Budget Committee objected to waiving the Budget Act to consider the appropriations. So we had to debate a massive continuing resolution. I suggest that we are headed for the exact same experience next year, unless we do something now to assure that we make a better start.

I do not know how much longer the Congress intends to let the budget process tie us in knots. But I do know that something other than extending the debt ceiling must be done about the deficit. And I would hope that we could take this one, not very controversial step now, despite the fact that it does not comport with the redtape that the Budget Act imposes on us.

Mr. President, many Members have expressed an interest in this legislation. Members from the other side of the aisle offered similar proposals and legislation to create a Budget Commission. In the waning days—waning hours—of the Congress many have given up on the possibility that anything might be done and have resigned themselves to the likelihood that we will come back next year no better equipped than we are now to deal with the deficit. I do not know that by offering this amendment I have been successful in rekindling the interest that burned so brightly a few days ago. But I think it is a good idea, a good amendment and that it would serve us well to make the effort even now with but few hours to go.

I ask unanimous consent to have an article on this subject printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A BALANCED BUDGET IS LIKE THE AIR WE BREATHE

(By Dwight R. Lee)

Are government restrictions needed to control pollution? Almost everyone agrees that the answer is yes. Is a balanced budget amendment to the Constitution needed to control deficits? Here, we find widespread disagreement. Yet recognizing the need for pollution controls takes us a long way toward recognizing the need for a balanced-budget amendment.

Few deny that something needs to be done to rein in deficit spending. With the ascendance of the view that social progress comes from government programs, deficits have become a chronic feature of the fiscal landscape. Since 1960 the federal budget has shown a deficit in every year but one. In recent years these deficits have become so large that there is now genuine bipartisan rhetoric in favor of bringing the budget under control. Keynesian economists, who for a time made deficits respectable, have become an endangered species. Despite this, the projection is for red ink for the foreseeable future.

But opposition to a budget amendment remains. There is concern that an attempt to lock the government into such a requirement would at best be ineffective, and at worse eliminate needed fiscal flexibility. In any event, the argument continues, we already have the ability to enact a balanced budget if that is what the American people want. Our elected representatives, in response to constituent demands for fiscal responsibility, have the power to adopt a balanced budget. So why clutter the Constitution with a complicated balanced budget amendment?

The problem with the foregoing is best appreciated when the argument is applied to pollution control, which has much in common with the issue of persistent budget deficits. Consider the following argument. It's true that we have burdened our environment with far too much pollution, but we don't need the government imposing a clutter of complicated restrictions on our productive private enterprises. At best these restrictions will be ineffective, and at worst they will reduce our economic productivity by eliminating desirable private sector flexibility. And anyway, we have the ability to reduce pollution without government regulations if that is what the American people want. All they have to do is cut back on their polluting activities and refuse to buy from companies that are not environmentally responsible.

It is doubtful that many people will find this argument against environmental regulation convincing. It's a fallacious argument and shouldn't be found convincing. The fallacy is based on the same error that permeates the argument against a balanced-budget amendment. That error is in assuming that people will find it in their personal interest to refrain from those things that are detrimental to their collective interest. People will continue to pollute and to buy from polluting companies, even though they would be better off with less pollution. And for the same reasons, people will continue to demand more government spending, even though they would be better off with less.

We suffer from excessive environmental pollution because the private benefits each of us receive from our polluting activities are paid for almost entirely by a defenseless public. Of course, each of us also suffers from the pollution of others, and most of us would be willing to reduce our own pollution if everyone else would do the same. But few see any advantage in sacrificing the personal benefits derived from their polluting activities if they are to continue to be assaulted by the pollution of everyone else. Without some external controls we would be in a pollution free-for-all, because people who acted in environmentally responsible ways would be penalized, while those who did not would be rewarded.

We suffer from excessive government spending because the private benefits each of us receives from our government programs are paid for almost entirely by defenseless taxpayers. Of course, each of us also suffers from the obligation to pay for the government programs of others, and most of us would be willing to reduce our special-interest demands for government spending if everyone else would do the same. But few see any advantage in sacrificing the benefits they receive from their programs if they will have to continue paying for the programs of everyone else. Without some external control, such as a balanced-budget amendment, we will continue in a spending free-for-all, because people who act in fiscally responsible ways will be penalized, while those who do not will be rewarded.

It is not just spending that generates budget deficits, however, but spending in excess of taxes. So is the problem too much government spending or not enough tax revenue? In making the case for a balanced-budget amendment, it doesn't make any difference. People may feel that taxes should be higher (and some polls have indicated that they do) but few seem willing to unilaterally sacrifice their tax loopholes. People will continue to fight for special tax breaks for the same reason they pollute. They get the benefits, while others pick up the tab.

It is simply not true that all it takes to balance the budget is for the American public to want it balanced. The overwhelming majority of Americans have long wanted the federal budget balanced, and that obviously hasn't been enough. It has been recognized for some time that controls on market behavior are needed if we are to avoid excessive pollution. It is now time to recognize that controls on political behavior are needed if we are to avoid excessive deficits. It would be nice if we didn't need a balanced budget amendment to the Constitution. But the fact is, we do.

Mr. ABDNOR. Mr. President, will the Senator yield?

Mr. DURENBERGER. I am glad to yield.

Mr. ABDNOR. Mr. President, I congratulate the Senator from Minnesota on what he is trying to do. He may recall that during consideration of the tax bill, I proposed similar legislation. My proposal was mandatory, requiring annual reductions in the budget deficit. This type of approach has merit.

Mr. President, S. 3039, the so-called Balanced Budget Procedures Act, contains a number of elements which are essential to any comprehensive and responsible solution to our budget crisis. In fact, many of the provisions which it contains are strikingly similar to legislation which I have introduced to require steady progress toward a balanced budget.

This bill contains a reasonable deficit reduction schedule. A balanced budget target date of 1989 is established with a requirement that we begin to plan now how it can be achieved. While I wish there were a quick fix to our deficit problem, the truth is that we have spent decades digging ourselves into this hole and it is going to take some time to climb back out. A multiyear commitment must be part of any meaningful solution.

Another essential element contained in this legislation is a requirement that the President and Congress both play active roles in bringing about a balanced budget. Since both will have to put themselves on the line with deficit reduction plans of their own, neither the Executive nor Congress will be able to take pot shots at the other's attempts to reduce deficits.

As far as it goes, the Balanced Budget Procedures Act is a step in the right direction. However, I am concerned that it does not go far enough to effectively remedy our budget problem.

The bill would require both the Congress and the President to draw up plans for achieving a balanced budget by 1989. But, in contrast to my own bill, nothing requires them to stick to their plans. Drafting balanced budget proposals could essentially become an academic exercise without leading to significant action since both the President and Congress could choose to ignore any plan they put down on paper.

Mr. President, when it comes to reducing deficits, what we need is commitment and self-discipline. If we are going to pass meaningful legislation, the bottom line must be a requirement for action—not paper shuffling.

For this reason, in addition to supporting this legislative effort, I intend to pursue S. 2516, the Deficit Reduction Act, which I introduced April 2. I would hope that my colleagues supporting S. 3039 will also take a look at S. 2516 which would legally force the Congress and the President to adopt responsible spending policies and move steadily toward a balanced budget.

Mr. GORTON. Mr. President, I rise in support of the proposal made by the distinguished senior Senator from Minnesota, and I hope that my colleagues will give it their most careful consideration. If they do, then I believe that they will conclude, as I have concluded, that this would be a useful and healthy change for the Senate to make to the budget process.

I will not claim—and no one would believe me if I did—that adoption of this amendment will not add a certain amount of difficulty to our already contentious annual budget debates. But despite this—indeed, perhaps because of this—the proposal has compelling virtues.

First, it will force the President—this President and future Presidents—to support their entreaties for a balanced budget with specific proposals for bringing this about. As my respected colleague on the Budget Committee, the junior Senator from Kansas, recently stated succinctly: "If the President wants a balanced budget, let him send us one." And if his support for this is more tepid than his statements might indicate, then this will become abundantly clear.

The second virtue of the proposal is that Congress itself will be required to face such proposals. We have, to be sure, faced them in the past, but frequently they were offered as floor amendments, with all of the problems attendant upon this. Instead, the balanced budget proposal will be drafted by the Budget Committees, with the opportunity for deliberation which committee oversight allows, and with the technical resources those Committees possess to ensure that, whatever the other merits of the balanced budget proposal, it will at least be technically sound, thus eliminating a too convenient excuse for opposing it.

Now, I have no illusion that the Budget Committees will necessarily report favorably a balanced budget. And certainly, whatever balanced budget they propose will be different from that submitted by the President. But at least we will have before us a balanced budget that spells out, seriously and in all its difficult detail, the steps necesary to eliminate the deficit. No longer would a balanced budget be an abstract issue of numbers. Instead, we would confront all of the difficult tax increases and spending cuts necessary to reaching this goal.

Let me also make clear that support for this amendment does not preclude supporting other proposals which I know are also circulating on this matter, and which may be offered as amendments to this bill. I think that some of these other proposals are also good ideas.

In particular, I do not see this amendment as inconsistent with the line item veto, nor with the proposal to require a vote on a budget freeze prior to again raising the debt ceiling. And this amendment contains a provision creating a bipartisan deficit reduction commission, which has also been offered in another context by several other Senators. For my part, I would certainly be happy to try to work out any differences between these two proposals with respect to this commission.

Furthermore, if we enact this amendment, then I believe we will be in a much better position to resist another proposal which I believe is dangerous and misguided, although I recognize it also as well intentioned. I speak, of course, of the balanced budget constitutional amendment.

In the long run, I believe that this amendment should give rise to other reforms in our budget process. In particular, I believe we should reform budget accounting to improve the treatment of current v. capital expenditures, to distinguish between expenditures and loans, and to make the unified Federal budget truly unified, by bringing within its purview the so-called off-budget budget. But these issues can be addressed in the future; they are not part of this amendment, and the virtue of this amendment is not contingent upon them.

I commend Senator DURENBERGER for his leadership in this area, and I urge my colleagues to support the amendment.

Mr. HEINZ. Mr. President, I rise in strong support of the balanced budget procedures Amendment. I have cosponsored this legislation because I am convinced that our enormous deficits, and particularly, the prospect of continuing enormous deficits "as far as the eye can see," is the most serious economic problem our Nation faces.

Federal deficits of unprecedented magnitude are draining our capital pool. The cost of money is thereby driven up, thus strengthening the dollar to the point where American industry is placed at a serious disadvantage in the world marketplace. The tie between Federal deficits and the trade deficit is direct and proportional. Therefore, continued Federal deficits will sap our industrial strength. There's no doubt about that Mr. President; it's happening right now. Just ask the steelworkers or coal miners of Pennsylvania.

A more insidious, but related evil of Federal deficits is the fact that the amount of money America is paying to service its debt is increasing geometrically. In fiscal year 1984, the United States paid over $100 billion—that's more than half the deficit—in interest. By fiscal year 1989 we will pay over $200 billion. We are going to double the amount of money we pay in interest in only 5 years.

The prospect of burgeoning interest costs should worry everyone without regard to where they are on the political spectrum. The consequences of skyrocketing interest costs are no mystery. The more we pay for interest, the less we have for other programs. There will be less money to feed hungry children and there will be less money to build aircraft carriers.

I think this amendment is a realistic and responsible step toward addressing the deficit problem. In the first place, it establishes a bipartisan commission to suggest concrete deficit-reducing measures that can be implemented soon, and in the second place, it calls upon the President to send Congress a balanced budget. It is flexible enough, and realistic enough, to recognize that we are not going to balance the budget in one fell swoop, so it allows the President the flexibility to submit an unbalanced budget as well. The value of the requirement that the President submit a balanced budget is that Congress would have some real numbers to sink its teeth into. I do not think the amendment represents an abdication by Congress because we would still hold the purse strings; all it really would do is require the executive branch to do a little research for us and tell us how it would arrange its spending priorities if the budget were balanced.

The idea of a bipartisan commission is particularly attractive to me because of my experience with the Social Security Commission. I remember a lot of people were saying that the Social Security system was dead—that it was beyond rescue. Well, it was not. We fixed it. But we could not have fixed it if it hadn't been for the work done by a bipartisan commission. We should certainly learn from our mistakes, but we should also learn from our successes—and the Social Security package was a success. Why not duplicate that success with the deficit crisis?

I firmly believe that no problem is intractable. Sometimes tough choices have to be made, but every problem has a solution. If I did not believe that, I would not be here. I am a cosponsor of this amendment because it would put us on the track to solving the deficit problem. Mr. President, I urge adoption of the amendment.

Mr. DURENBERGER. Mr. President, I have gone through what might appear to be an exercise not just out of frustration about our inability to deal with the problems that have kept us here for the last 2 weeks, but because I think that the proposal, which has quite a number of cosponsors, a number of whom are not interested in putting it on this particular bill, has a great deal of merit.

I suggest to my colleagues—those who have received it in the form of a "Dear Colleague" letter, those who may read it in the RECORD of today when they are looking back sometime in December for the interesting things that happened to us at the end of this session—that it probably is a lot better than freezes and constitutional amendments that never come about. If we are serious in all this reform talk that has been going on around this place for the last 6 weeks, we will have to start being honest with the folks we represent, and this particular proposal might be adopted during the course of the next session. It is not going to be adopted, I know, as part of the debt limit bill. For that reason, unless someone else wishes to speak on the amendment, I will withdraw my amendment.

The PRESIDING OFFICER. The Senator has the right.

The amendment is withdrawn.

CABLE TELECOMMUNICATION ACT

Mr. BAKER. Mr. President, I have consulted with the managers of the pending measure and with the minority leader, and I believe there is an agreement that we might proceed to a measure that has been cleared on both sides—that is, the cable TV bill.

First, let me put a unanimous-consent request.

I ask unanimous consent that the pending measure be temporarily laid aside and that the Senate proceed to the consideration of S. 66, Communication Act amendments, under a time limitation of not more than 2 minutes overall, and that control of the time be in the usual form.

I further ask unanimous consent that no amendments be in order, except three amendments: A Goldwater amendment, a Hatch amendment, and a Metzenbaum amendment.

I ask unanimous consent that no motions be in order, except a motion to concur in House amendments, a motion to reconsider, and that on that there would be no debate, and a motion to table a motion to reconsider, and that no point of order will lie against the bill.

Mr. METZENBAUM. Mr. President, reserving the right to object—and I do not intend to object—do I correctly understand that the Goldwater amendment will be on the subject of the EEOC, and the Hatch amendment will be the modification of the EEOC as has been discussed between the distinguished Senator from Utah and myself?

Mr. BAKER. Yes, that is correct.

Mr. METZENBAUM. And that the amendment that the Senator from Ohio anticipates offering will deal with the matter of public participation, and it is the intent of the manager of the bill to accept that amendment.

Mr. BAKER. I also ask unanimous consent that no call for the regular order displace this measure.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, reserving the right to object, Senator GOLDWATER's amendment contains communications amendments, the Hatch amendment involves EEOC, and the Metzenbaum amendment is as we discussed.

Mr. METZENBAUM. With the representation of the Senator from Utah that this is as agreed, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 66.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

> *Resolved,* That the House insist upon its amendments to the bill (S. 66) entitled "An Act to amend the Communications Act of 1934", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. DINGELL, Mr. WIRTH, and Mr. BROYHILL be the managers of the conference on the part of the House.

AMENDMENT NO. 7105

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of the Senator from Arizona [Mr. GOLDWATER].

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. GOLDWATER, proposes an amendment numbered 7105.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the House amendment:

In the first section, strike "Franchise Policy and Communications Act of 1984" and insert in lieu thereof "Communications Policy Act of 1984".

In section 2, in proposed section 601:

(1) in paragraph (4), strike "and" the second time it appears, and insert "and are encouraged to provide" immediately after "provide";

(2) amend paragraph (5) to read as follows:

"(5) establish an orderly process for franchise renewal which protects cable operators against unfair denials of renewal where the operator's past performance and proposal for future performance meet the standards established by this title; and"; and

(3) add the following at the end:

"(6) promote competition in cable communications and minimize unnecessary regulation that would impose an undue economic burden on cable systems.".

In section 2, in proposed section 602(6), strike "or combination of facilities" wherever it appears, and strike "use" and insert in lieu thereof "uses".

In section 2, in proposed section 612(b), redesignate paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and insert the following immediately after paragraph (2):

"(3) A cable operator may not be required, as part of a request for proposals or as part of a proposal for renewal, subject to section 626, to designate channel capacity for any use (other than commercial use by unaffiliated persons under this section) except as provided in sections 611 and 637, but a cable operator may offer in a franchise, or proposal for renewal thereof, to provide, consistent with applicable law, such capacity for other than commercial use by such persons.".

In section 2, in proposed section 613(a), strike the designation "(1)"; strike "is" the first time it appears; insert a comma immediately after "affiliates" the first time it appears; and strike all after "system" the first time it appears.

In section 2, in proposed section 623, redesignate subsection (g) as subsection (h), and insert the following immediately after subsection (f):

"(g) Any State law in existence on the effective date of this title which provides for any limitation or preemption of regulation by any franchising authority (or the State or any political subdivision or agency thereof) of rates for cable service shall remain in effect during the 2-year period beginning on such effective date, to the extent such law provides for such limitation or preemption. As used on this section, the term "State" has the meaning given it in section 3(v).

In section 2, in proposed section 634(d)(1), strike "180" and insert in lieu thereof "270".

In section 2, redesignate the first section designated as section 636 as section 635.

In section 5(a), insert "of 1934 (as redesignated by section 6)" immediately after "Communications Act".

In section 5, in proposed section 705(b), insert a comma immediately after "receipt" the second time it appears.

In section 5, in proposed section 705(c), strike "subsection" and insert in lieu thereof "section"; strike "and" at the end of paragraph (3), strike the period at the end of paragraph (4) and insert in lieu thereof "; and"; and add at the end thereof the following:

"(5) the term 'private financial gain' shall not include the gain resulting to any individual for the private use in such individual's dwelling unit of any programming for which the individual has not obtained authorization for that use.".

In section 5, in proposed section 705(d)(2), strike "offense" wherever it appears and insert in lieu thereof "conviction".

In section 5, in proposed section 705(d)(4), strike "interception or receipt of radio communications prohibited" and insert in lieu thereof "any activity prohibited", and strike "prohibited interception or receipt" and insert "prohibited activity".

In section 5, in proposed section 705, redesignate the second new subsection designated "(d)" as subsection (e).

Redesignate section 7 as section 9 and insert the following immediately after section 6:

SUPPORT OF ACTIVITIES OF THE UNITED STATES TELECOMMUNICATIONS TRAINING INSTITUTE

SEC. 7. Nothing in this Act, the Communications Act of 1934, or any other Act, shall be construed to preclude the Federal Communications Commission or the National Telecommunications and Information Administration within the Department of Commerce from participation (including use of staff and other appropriate resources) in support of any activities of the United States Telecommunications Training Institute.

TELECOMMUNICATIONS POLICY STUDY COMMISSION

SEC. 8. Title VII of the Communications Act of 1934 (as redesignated by section 6 of this Act) is amended by adding at the end thereof the following new section:

"TELECOMMUNICATIONS POLICY STUDY COMMISSION

"SEC. 711. (a) There is hereby established the Telecommunications Policy Study Commission (hereinafter in this section referred to as the 'Commission') which shall—

"(1) compare various domestic telecommunications policies of the United States and other nations, including the impact of all such policies on the regulation of interstate and foreign commerce, and

"(2) prepare and transmit a written report thereon to the Congress, the President, and the Federal Communications Commission.

"(b)(1) Such Commission shall be composed of the Chairmen and Ranking Minority Members of the Committee on Commerce, Science, and Transportation and the Communications Subcommittee of the Senate and the Committee on Energy and Commerce and the Telecommunications, Consumer Potection and Finance Subcommittee of the House of Representatives (or delegates of such Chairmen or Members appointed by them from among Members of such Committees).

"(2) The chairmen of such committees (or their delegates) shall be co-chairmen of the Commission.

"(c)(1) The report under subsection (a)(2) shall be submitted not later than December 1, 1987. Such report shall contain the results of all Commission studies and investigations under this section.

"(2) The Commission shall cease to exist—

"(A) on December 1, 1987, if the report is not submitted in accordance with paragraph (1) on the date specified therein; or

"(B) on such date (but not later than May 1, 1988) as may be determined by the Commission, by order, if the report is submitted in accordance with paragraph (1) * * * on the date specified in such paragraph.

"(d)(1) The members of the Commission who are not officers or employees of the United States, while attending conferences or meetings of the Commission or while otherwise serving at the request of the Chairmen, shall be entitled to receive compensation at the rate not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code, including traveltime, and while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the government service employed intermittently.

"(2) The Commission may appoint and fix the pay of such staff as it deems necessary.

"(e)(1) In conducting its activities, the Commission may enter into contracts to the extent it deems necessary to carry out its responsibilities, including contracts with nongovernmental entities that are competent to perform research or investigations in areas within the Commission's responsibilities.

"(2) The Commission is authorized to hold public hearings, forums, and other meetings to enable full public participation.

"(f) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Commission in carrying out this section and shall furnish to the Commission such information as the Commission deems necessary to carry out this section, in accordance with otherwise applicable law.

"(g) There are authorized to be appropriated such sums as may be appropriated to carry out this section for a period of three fiscal years.

"(h) Activities authorized by this section may be carried out only with funds and to the extent approved in appropriation Acts.

"(i) Nothing in this section shall be construed to affect any proceedings by, or activities of, the Federal Communications Commission, except that the Federal Communications Commission, except that the Federal Communications Commission shall consider submissions by the Commission submitted pursuant to subsection (a)(2).".

In the table of contents for the bill, redesignate section 7 as section 9 and insert the following immediately after the item relating to section 6:

SEC. 7. SUPPORT OF ACTIVITIES OF THE UNITED STATES TELECOMMUNICATIONS TRAINING INSTITUTE.

SEC. 8. TELECOMMUNICATIONS POLICY STUDY COMMISSION.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment (No. 7105) was agreed to.

AMENDMENT NO. 7106

Mr. **BAKER**. Mr. President, on behalf of the distinguished Senator from Utah [Mr. HATCH] I send an amendment to the desk.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. HATCH, proposes an amendment numbered 7106.

Mr. **BAKER**. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

Page 47, after line 19, add a new sentence in lieu thereof "The report shall include the number of minorities and women in the relevant labor market for each of the above categories.".

Page 48, strike out subsection (e), beginning on line 2 and ending on line 17 of page 51, and insert in lieu thereof the following:

"(e)(1) On an annual basis, the Commission shall certify each entity described in subsection (a) as in compliance with this section if, on the basis of information in the possession of the Commission, including the report filed pursuant to subsection (d)(3), such entity was in compliance, during the annual period involved, with the requirements of subsections (b), (c), and (d).

"(2) The Commission shall, periodically but not less frequently than every five years, investigate the employment practices of each entity described in subsection (a), in the aggregate, as well as in individual jet categories, and determine whether such entity is in compliance with the requirements of subsection (b),(c), and (d), including whether such entity' employment practices deny or abridge women and minorities equal employment opportunities.

As part of such investigation, the Commission shall review whether the entity's reports filed pursuant to subsection (d)(3) accurately reflect employee responsibilities in the reported job classifications.".

Page 51, line 22, strike out "title" and all that follows down through "the failure" on line 24 and insert in lieu thereof "title. The failure".

Page 52, line 5, after "by the Commission" insert ", through an investigation pursuant to subsection (e) or otherwise,".

Page 52, line 20, after the period insert "Whoever knowingly makes any false statement or submits documentation which he knows to be false, pursuant to an application for certification under this section shall be in violation of this section."

Page 54, line 2, strike out "generally" and all that follows down through "employers" on line 3.

Page 54, line 3, stroke out "greater".

Page 54, line 4, strike out "employees than" and all that follows down through line 5 and insert in lieu thereof "employees,".

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment (No. 7106) was agreed to.

AMENDMENT NO. 7107

Mr. **BAKER**. Mr. President, I move that the Senate concur in the House amendments with a further Senate amendment to be offered by the distinguished Senator from Ohio [Mr. METZENBAUM], which I send to the desk on his behalf.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. METZENBAUM, proposes an amendment numbered 7107.

Mr. **BAKER**. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

On page 31, line 8, after the word "proceedings", insert the following: "which afford the public in the franchise area appropriate notice and participation."

On page 35, line 13, insert after "may" the following: ", after affording the public adequate notice and opportunity for comment,"

Mr. **BAKER**. Mr. President, I ask the Chair to put the question on the amendment to the House amendment.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 7107) was agreed to.

Mr. **PACKWOOD**. Mr. President, at long last we are achieving our goal of passing a comprehensive cable bill. Over a year ago, when we first brought our bill to the Senate floor, I described cable television as an adolescent industry. It has survived a tough childhood, but it has not yet reached its full potential as an adult industry.

I believe even more so today that legislation establishing national cable policy is needed to insure that cable can compete in the marketplace. It is also needed to preserve the legitimate regulatory role of local and State authorities. Finally, it is needed by our Nation's consumers, who have thus far not enjoyed the full benefits of cable. Many citizens, including those in major cities like Washington, still await cable service. Others have been denied innovative programs and services that cannot develop in the shifting regulatory environment in which cable now operates.

This bill has travelled a long and often bumpy road to get here today, and I think it is appropriate to congratulate Senator GOLDWATER, our distinguished chairman of the Communications Subcommittee, for his years of leadership on cable legislation.

Mr. President, this bill is in many respects different from what we originally passed, but it retains the essential elements we deemed necessary for comprehensive cable legislation, including uniform standards on franchise fees, regulation of rates and services, franchise renewals and modifications, and subscriber privacy. We have, however, revised provisions in the House-passed bill. Among our changes are limitations on a cable operator's obligation to set aside channels for nonvideo programming, deletion of the newspaper cross-ownership provision and grandfathering of certain State laws on rate regulation.

Section 5, which addresses the special issue of private reception of satellite cable programming, is a recent addition to the cable bill. This section, added on the House floor, is designed to provide a specific, limited exemption under which individual satellite dish owners can receive unscrambled signals without liability. At the same time, this section strengthens the deterrents against satellite video piracy. As noted in section 5, the exception for individual reception of satellite cable programming in subsection (b) does not apply to feeds of programming or program material carried by satellite that is intended for internal use or for broadcast stations for retransmission to the public at large. Such program material remains subject to section 705 and the revised penalty and private right of action provides of section 5 of this act.

● Mr. **GOLDWATER**. Mr. President, I am pleased that Congress is finally putting the finishing touches on comprehensive cable legislation. We began back in the 1970's to develop legislation that would amend the Communications Act of 1934 to provide a rational framework in which cable could develop to its fullest potential.

Comprehensive legislation is needed to replace the patchwork of Federal, State, and local regulations and court decisions that have been governing cable. The Communications Act, written over 50 years ago before cable even existed, provides little or no guidance. The result has been an unstable regulatory environment that has been bad for the cable industry, bad for the local and State franchising authorities, and bad for consumers.

We wanted legislation that would, for the first time, set a national policy for cable communications. We built a framework that apportioned regulatory authority among the Federal, State, and local governments. Just as important, we set out which aspects of cable may not be regulated by government at any level. And we developed specific standards in crucial cable policy areas, such as ownership, rate regulation, franchise renewal, services and facilities, access channels, privacy, and signal piracy.

The first comprehensive bill I introduced was S. 2172, the Cable Telecommunications Act of 1982. This bill was favorably reported by the Commerce

Committee in July 1982, but there simply was not enough time to bring S. 2172 to the full Senate before adjournment.

In January 1983, at the very beginning of the 98th Congress, I introduced S. 66, the Cable Telecommunications Act of 1983, which was virtually identical to its predecessor. As our committee began work on this bill, it became evident that it would be difficult or impossible to achieve final passage of cable legislation without some sort of agreement between the Nation's cities and the cable industry. Therefore, I asked the leadership of the cable industry and the cities to resolve their differences over legislation so that we could proceed.

To summarize these negotiations, the National Cable Television Association [NCTA] and the National League of Cities [NLC] held a series of meetings in an effort to reach a compromise. S. 66 was amended on several occasions to reflect these compromises. Finally, in April 1983, the president of the NLC and the president of the NCTA sent a letter of endorsement for a revised version of S. 66. On April 21, 1983, the Commerce Committee reported out S. 66 by a vote of 15 to 2. S. 66 passed the Senate on June 14, 1983, by a vote of 87 to 9, over the opposition of some dissident cities and the telephone industry, which objected to deregulation of certain cable telecommunications services.

On the House side, further negotiations between the cities and the cable industry have been needed. At one time or another, both groups have insisted upon changes in the bill as the price for their continued support. Up until the very last minute, it was not clear that the House would or could pass the cable bill.

The House did act, but in many respects the bill they passed is very different than the bill we sent over to them. There are a number of new provisions that I would just as soon not have, and other provisions I would have changed. Nonetheless, this bill is a compromise, and on the whole it is a good bill, and a needed bill. It is proconsumer, procity, and procable. I urge my colleagues to support this bill.

Mr. President, a part of the cable bill to which I have devoted the greatest attention is the redesignated section 705 of the Communications Act. I am very pleased that the Senate-House agreement adopts changes recommended by me to both the criminal and civil action provisions of the new law. These changes guarantee that the more serious criminal penalties and civil remedies applicable to violators, who commit an offense of section 705(a) for the purpose of private financial gain, will not apply to viewers who do no more than receive and view signals in their own dwellings for personal enjoyment. The mere fact that a home viewer may avoid payment of a subscription fee does not constitute private financial gain. In order to prevent such a distorted interpretation, a specific exemption has been written on the face of section 705 for these private home viewers.

Another change I requested assures that the harsher criminal penalties provided of 2 years in jail and a fine of possibly $50,000 will apply only in case of a subsequent conviction of a section 705(a) offense, not simply a subsequent offense. The original House language was susceptible to the interpretation that conviction of two or more counts in the same case would constitute a subsequent offense. The provision was amended by the conferees to assure that a subsequent conviction must occur in a later case.

The agreement also included language in the explanation of the managers at my request making it clear that the term "dwelling unit" in subsection (c)(4) includes in addition to an individual's primary residence, a trailer, recreational vehicle, vacation home, tent, boat, or other private dwelling, used temporarily or permanently.

Now, Mr. President, let me offer some brief background on this subject. Earlier this year, on March 19, I introduced S. 2437, to clarify the policies regarding the right to view satellite-transmitted television programming. The purpose of the bill was to statutorily reaffirm what I believe is the correct interpretation of existing law. My belief is that individuals sitting in their own dwelling units have the right to receive unscrambled satellite-transmitted television signals falling on their dwellings and to view the programming offered by such signals, when such viewing is strictly for private noncommercial purposes.

In the brief 5 or 6 years this technology has been available, nearly 1 million home satellite antennas have been sold. This is a tremendous accomplishment due originally to the personal initiative and skills of a few enthusiastic hobbyists. The development originated in rural America and it has been carried along primarily by many small manufacturers and dealers willing to risk financing a completely new and untested venture. If our Nation is to hold its lead in this and other areas of high technology, we must encourage this type of initiative and competition. We cannot favor one technology over another and we must take care that Government laws do not interfere with progress and stifle the development of excellent products, such as those represented by Earth stations at private dwellings. For these reasons, I am pleased that many of the concepts of S. 2437 are now incorporated into the agreement on S. 66.

Like my bill, the amended bill reaffirms the right of individuals to view unscrambled satellite video transmissions at one's home or other dwelling. Section 705(b) provides that if a programmer, who sells satellite cable programming, wishes to market unencrypted signals to home Earth station users, he can do so. These are not new rights, but ones that preexisted section 705. What is new is that a specific means of enforcement and criminal consequences have been provided for noncompliance with any agreed upon marketing program.

It should be emphasized that the intention of section 705 is that if there is a marketing plan for unencrypted signals, it will be the result of good faith marketplace negotiation for the programming. The plan cannot be unilaterally imposed.

Programmers and the viewing public, and manufacturers of equipment, will have broad room to reach marketplace accommodations. Thus, section 705 is intended to confirm the rights of individuals under existing laws to view unscrambled services in the privacy of their dwellings. A marketing plan cannot be used under section 705 to effectively deprive an individual of those rights.

Here it is important to explain that the term "marketing system" necessarily contemplates the absence of multiple program providers for a particular satellite cable programming service. That is, a system must be established by which there is a single entity to deal with for each such service. While the parties may otherwise join together and cooperate to appoint a common agent, nothing in section 705 is intended as an exemption to Federal or State antitrust laws.

Over the years, Federal courts have recognized that section 605 provides protection against the unauthorized interception and use of various forms of radio communications. But no court has found a violation of section 605 for the home viewing of satellite programming. This fact was recognized by the General Counsel of the FCC in his statement on H.R. 4727, dated December 17, 1981. The General Counsel wrote that "mere possession of a satellite dish and receipt of a satellite signal may not constitute an unauthorized interpretation and 'beneficial use'." Thus, it is not the intention of section 705 to indicate that this activity and the manufacture and sale of equipment involving such activity was previously unlawful. The use of the word "exemption" with respect to satellite dish owners in the report of the managers is prospective only.

Nor will section 705 reverse or change any previous court determination or indicate a congressional approval or disapproval of any court cases concerning section 605. As noted by the FCC General Counsel in his letter, section 605 requires the occurrence of two elements. Therefore, it should be clear that any use of interception and receipt in the legislative history without their conjunctive counterparts, divulge and use, are merely shorthand references and are not meant to have legal significance.

Also, I will emphasize that nothing in section 705 is meant to foreclose consideration by the courts of whether particular transmissions not clearly satellite cable programming are considered for the use of the general public or are protected by the first amendment and are thus exempt from the provisions of section 705. This means that activities presently legal under 605 are not made illegal simply because they are not defined in the new section 705(b).

In this connection, I might explain that the Office of the General Counsel of the FCC reaffirmed in its letter of December 17, 1981, for the House hearing on H.R. 4727, that mere receipt and monitoring of unscrambled police and fire department transmissions by scanner devices does not constitute a violation of section 605. The reception and listening to these signals and to those of wire and news agencies, and airplanes and ships at sea, are generally accepted today as permissible and the changes we are making today do not affect the legality of such reception and listening.

Mr. President, I would also point out that the commonsense interpretation of section 705 should be that a manufacturer, importer, distributor or seller of satellite receiving equipment cannot be made liable in criminal or civil actions based upon the mere sale of such equipment to a person who subsequently violates section 705. These business persons would have to knowingly and willfully assist in enabling a particular individual to violate the law, not simply be aware that the equipment by itself or in combination with other components might possibly be used for prohibited purposes.

Next, I wish to discuss the terms "any person aggrieved", "aggrieved party", and "party aggrieved" in 705(d)(3), relative to civil actions. These terms may be broadly construed to include all those who own the rights in the programming being transmitted, as well as those who own the rights for satellite transmission. But it does not include those entities which possess limited rights of reception and retransmission to the programming, such as cable systems and other purchasers of the right to receive it after satellite transmission.

Finally, section 705(d) is intended to make clear that the new law will have no effect on any right, obligation or liability under the copyright laws. For example, section 110(5) of title 17, United States Code, provides an exemption from copyright liability for public reception of transmissions embodying a performance or display of a work if the reception is accomplished on a signal receiving apparatus of the kind commonly used in private homes. There is an exception if a direct charge is made to see or hear the transmission or the transmission is further transmitted to the public. Whether a device is commonly used in private homes is now and will remain a question for the courts. Congress today makes no determination of this question whatsoever.

In conclusion, I would caution that the changes we made today should not and cannot be interpreted to restrict the free flow on information and ideas. Attempts to use the legislation for such purpose would raise serious first amendment problems. I anticipate that the courts will be vigilant to insure that the rights of the consumer are not abused, should any programmer actually decide to market unscrambled signals.●

Mr. GORTON. Mr. President, I rise in support of the conference action on S. 66, the Cable Telecommunications Act of 1984. We have traveled a long road to reach this point, and the cable industry, the cities, and Members of the Senate and the House must be commended for their persistence.

In January 1983, Senator GOLDWATER introduced S. 66, which was a successor to a similar cable bill which passed the Senate Commerce Committee in the 97th Congress. At that time I voted against the bill as a member of the committee because I believe it went too far in preempting the legitimate role of State and local governments in regulating cable television.

Despite my opposition to S. 66 as introduced, I encouraged the cable industry and the cities to get together and negotiate a proposal for regulating cable television that both sides could support. The National Cable Television Association and the National League of Cities did so, and Senator GOLDWATER prepared an amendment to S. 66 which reflected this compromise agreement. I voted for this compromise in committee and on the floor of the Senate.

S. 66 is a reasonable compromise which protects the interests of not only the cities and the cable industry, but those of the consumers of cable services as well. There are many parts of the country, including my home in Washington, DC, which do not have cable television. This legislation gives the industry the regulatory certainty it needs. And it clarifies the cities' role in regulating cable television. The industry and the cities should now work together to extend the reach of cable television to the inner cities and to rural areas which so far have been passed by the promise of cable.

The cable bill expresses national policy in this important area of communications. I urge my colleagues to support it.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to have printed in the RECORD the legislative history of this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATIVE HISTORY

The text of H.R. 4103, the House companion bill to S. 66, comprised the House amendment to S. 66. The Senate amendment to the House amendment to S. 66 adopts the explanation of H.R. 4103 contained in House Report 98-934, together with the explanation and the colloquies contained in the appendices to this legislative history, with the modifications that follow.

SECTION 1.—SHORT TITLE

The title of the Senate bill is the "Cable Telecommunications Act of 1983."

The House entitled the bill the "Cable Franchise Policy and Communications Act of 1984."

This amendment provides that the title shall be the "Cable Communications Policy Act of 1984."

SECTION 2.—AMENDMENT TO THE COMMUNICATIONS ACT OF 1934

Both the Senate bill and the House amendments amended the Communications Act of 1934 to add a new Title VI to that Act. The Senate adopts the House provisions in Section 2, with the following changes.-

SECTION 601.—PURPOSES

This amendment adopts the purposes in the House amendment, but amends purpose (4) to read to "assure that cable communications provide and are encouraged to provide the widest possible diversity of information sources and services to the public." Purpose (5) is amended to read "establish an orderly process for franchise renewal which protects cable operators against unfair denials of renewal where the operator's past performance and proposal for future performance meet the standards established by this title." The amendment also adds a new purpose (6), to "promote competition in cable communications and minimize unnecessary regulation that would impose an undue economic burden on cable systems."

SECTION 602.—DEFINITIONS

In the Senate bill, the definition of "cable system" referred in several places to a "facility or combination of facilities."

In the House amendment, the definition of "cable system" refers variously to a "facility" and a "facility or combination of facilities."

This amendment provides for a technical amendment so that the definition of "cable system" refers to a "facility" throughout. In all other respects, the Senate adopts the House provisions in Section 602.

SECTION 612.—CABLE CHANNELS FOR COMMERCIAL USE

The Senate bill does not permit franchising authorities to require as part of the request for proposals that channel capacity be designated for leased access use. The Senate bill does permit cable operators to offer to designate channel capacity for such use, and for franchising authorities to enforce any such offer if it is included in the franchise agreement.

The House bill did not limit a municipality's authority to set aside channel capacity for the provision, on a leased access or other basis, of non-video programming and other non-video communications services.

This amendment adopts the position of the Senate bill on the designation of channel capacity by franchising authorities with respect to the provision of non-video programming and other non-video communications services.

By adopting the Senate position on this issue, this amendment does not intend to address the issue of whether a cable operator may provide non-video programming or other services. That issue should be decided under other provisions of the Communications Act of 1934 or state law, whichever is applicable. This amendment is also not intended to give franchising authorities the power to override the Communications Act of 1934 or applicable State law.

In all other respects, the Senate adopts the House provisions in section 612.

SECTION 613.—OWNERSHIP RESTRICTIONS

The Senate bill did not address the FCC's authority to adopt rules regarding the common ownership of a cable system and a newspaper or television broadcast station in the same community.

The House amendment prohibited common ownership or control of a daily newspaper and a cable system after July 1, 1984, if the newspaper is published in a community served by that cable system, and codified the FCC's rule prohibiting common ownership or control of a television broadcast licensee and a cable system.

This amendment does not include a ban on future cable-newspaper local cross-ownership. This amendment, however, is not intended to affect the FCC's authority to establish rules relating to such cross-ownership by regulation.

In every other respect, the Senate adopts the House provisions on ownership restrictions in Section 613. For purposes of section 613(b), the term "video programming" refers to programming generally provided by a television broadcast station today. It is not intended that the term "video programming" include the transmission of information that is primarily textual in nature, even though television broadcast stations have been granted authority to provide such information (generally known as teletext). It should be re-emphasized, however, that this section in no way overrides restrictions on electronic publishing imposed by court decree, agency order, or otherwise, including but not limited to the modified final judgment in *U.S.* v. *AT&T*, 552 F.Supp. 131 (D.D.C. 1982), *aff'd sub nom. Maryland* v. *U.S.*, 103 S.Ct. 1240 (1983).

SECTION 621.—GENERAL FRANCHISE REQUIREMENTS

It should be reiterated that it is the intent of section 621(d) that, with respect to noncable communications services, both the power of any state public utility commission and the power of the FCC be unaffected by the provisions of Title VI. Thus, Title VI is neutral with respect to such authority.

SECTION 622.—FRANCHISE FEES

The Senate bill restricted cable franchise fees to the annual aggregate of 5% of a cable operator's gross revenues derived from the operation of the cable system. The House amendment provided that for any 12-month period, the franchise fees paid by a cable operator shall not exceed 5% of the cable operator's gross revenues derived in such period from the operation of the cable system.

This Senate adopts the House provisions in Section 622, with the following clarifications.

Any franchise in effect on the effect date of Title VI that provides for a franchise fee in an amount up to or in excess of the five percent limitation in section 622(b) (with or without the need for action by any Federal agency) shall be deemed to have lawfully required such fee, up to but not in excess of five percent, as of such effective date, except that where a franchise explicitly establishes a later date or any condition for the imposition of such fee, such later date or condition shall apply.

Nothing in section 622 shall authorize any payment toward any such fee (of the type described in the paragraph above) for any period prior to the effective date of this title, unless such payment has been made prior to such date to a franchising authority.

Where a municipality owns a cable system and leases it to a cable operator, as is the case contemplated in Belmont, Massachusetts, for instance, any payment for the use of the cable system facilities made under such a lease is not intended to be considered a franchise fee.

SECTION 623.—REGULATION OF RATES

The Senate grandfathered for five years certain state laws deregulating the rates for cable services.

The House amendment contained no provision.

This amendment provides that any state law in effect on the effective date of this title which provides for any limitation or pre-emption of the regulation of rates for cable service shall remain in effect during the two year period following such effective date, to the extent that such state law provides for such limitation or pre-emption. In a state with such a law, only those cable systems that are not deregulated, or do not become deregulated under such a law, will be subject to rate regulation during the two-year period.

In all other respects, the Senate adopts the House provisions in Section 623 on the regulation of rates.

SECTION 5.—UNAUTHORIZED RECEPTION OF CERTAIN COMMUNICATIONS

The Senate bill contained no provision on this issue.

The House amendment created a limited exemption to liability under section 705 of the Communications Act (as redesignated by the House amendment) and establishes new penalties and remedies for the violation of the section.

This amendment adopts the House provisions on unauthorized reception of certain communications, with several clarifications and modifications.

The term "private financial gain" as it is used in this section explicitly does not apply to an individual solely because that individual fails to pay for authorization (that has been made available) for viewing of programming that the individual receives in his dwelling unit.

Such an individual would, however, be subject to the other applicable penalties and remedies. This exception from the higher penalties does not apply to anyone assisting an individual in the reception or interception of programming.

This amendment changes the word "offense" to "conviction" in Section 705(d)(2) in order to clarify that more than one conviction, and not a single conviction on more than one violation, is what triggers the applicability of the higher criminal penalties (which provide up to a $50,000 fine and 2 years imprisonment).

It is not intended that commercial establishments be covered by the exemption to liability set forth in 705(b), which is intended to apply only to an individual's dwelling unit. For purposes of this section, an individual's dwelling unit includes a vacation home, an individual's mobile home unit (but not a mobile home park), an individual's recreational motor home vehicle or boat which is designed with sleeping accommodation for no more than a few people.

Nothing in this section shall affect any provision of the antitrust laws.

SUBSECTION (d)—SAVINGS CLAUSE

Section 705(b) is intended to address the unique problems raised by proprietry interest holders authorizing the reception of satellite cable programming by private users. Subsection (d) is intended to make explicit that this amendment has no effect on any right, obligation or liability under the copyright laws or any applicable Federal, State or local law. For example, the rates of compensation established pursuant to a system under subsection (b)(1) is not intended to have any relevance in the establishment of copyright royalty rates for the retransmission of distant signal equivalents. Moreover, the adoption of this provision is not intended to affect the legal status under copyright law of any technological device now available, including any recording device. Further, there is no intent being expressed with respect to the question of whether equipment capable of receiving satellite cable programming is to be considered a receiving apparatus for purposes of an exemption under 17 U.S.C. 110(5). In sum, this is intended to have no precedential effect with respect to the compensation of proprietry interest holders under copyright law.

SECTION 7.—TRAINING INSTITUTE

This amendment adds a new section 7 to the legislation, authorizing the Federal Communications Commission (FCC) and the National Telecommunications and Information Administration (NTIA) to provide staff and other support to the United States Telecommunications Training Institute (USTTI). This institute brings foreign students to this country for training in telecommunications. It relies primarily on U.S. corporations for funding, instructors, and facilities. However, it will not be fully effective without the participation of the FCC and the NTIA, which is currently precluded by law.

SECTION 8.—CONGRESSIONAL COMMISSION

This amendment establishes a Congressional commission to assess and compare the various domestic telecommunications policies of the United States and other nations, including the impact of these domestic policies on interstate and foreign commerce. The Commission's purpose is to review the domestic telecommunications policies of the U.S. and other nations. The Commission should confine its examination to practices which may inhibit commerce in telecommunications products and services.

It is the intent of this amendment that the chairman of the committees shall mean the chairman of the committees as of the date of enactment.

APPENDIX A

H.R. 4103 as reported by the House Energy and Commerce Committee was modified in several respects by the House during House consideration of that bill. These amendments were part of the House amendment to S. 66. This amendment incorporates these modifications, the explanations of which follows:

SECTION 634—EQUAL EMPLOYMENT OPPORTUNITY

It is expected that as part of its investigatory responsibilities under subsection (e)(2), the Commission shall conduct field audits of a random sample of entities.

SECTION 623—REGULATION OF RATES

Amendment No. 1

Under H.R. 4103 as amended, the four-year transition period established for municipal regulation is reduced to two years. That is, municipal authority to regulate the rates for basic service, as defined in H.R. 4103 (and not by the FCC), will be permitted for two years after the effective date of the legislation.

Under H.R. 4103 as amended, the cable operators who have already realigned programming or changed rates as of September 26, 1984 in accordance with the FCC's *Nevada* decision cannot be required to rollback program packages or rates to their pre-*Nevada* status. However, H.R. 4103 as amended does not affect any legal challenge available to *Nevada* decision, or arising from the *Nevada* decision.

SECTION 626—RENEWAL

Amendment No. 2

An amendment to require a franchising authority to make a preliminary assessment that a franchise should not be renewed prior to the commencement of the administrative proceeding in Section 626.

SECTION 601—PURPOSES

Amendment No. 3

An amendment to include as a purpose of H.R. 4103 establishment of a process to protect cable operators against an unfair denial or renewal, and the establishment of an orderly process for consideration of an incumbent operator's renewal proposal.

SECTION 626—RENEWAL

Amendment No. 4

An amendment to clarify that the word "service" in the 626(c)(1)(B) standard for renewal should not be construed to mean programming or other services offered over the system.

Amendment No. 5

An amendment to clarify that the franchising authority and the incumbent cable operator may agree to renewal of the franchise without implementing the administrative procedures set forth in Section 626.

Amendment No. 6

An amendment to condition a denial or renewal under 626(C)(1) (A) or (B), for events occurring after the effective date, on the franchising authority having provided notice and opportunity to cure, and to preclude denial in any case where the franchising authority has waived its right to object or has acquiesced.

SECTION 636—JUDICIAL PROCEEDINGS

Amendment No. 7

An amendment to extend to 120 days the time period in which a cable operator may bring a court action under section 636.

SECTION 622—FRANCHISE FEES

Amendment No. 8

An amendment to clarify that the franchise fee cap of 5 percent of gross revenues per twelve months does not preclude up front lump sum or deferred payments if the effect of such payments will not increase the operator's financial liability in excess of that which would have accrued if such fees had been paid annually.

SECTION 624—REGULATION OF SERVICES, FACILITIES AND EQUIPMENT

SECTION 625—MODIFICATION OF FRANCHISE OBLIGATIONS

Amendment No. 9

An amendment to clarify that the contract modification section does apply to public, educational, and governmental access facilities and equipment provisions in franchises.

SECTION 613—TELEPHONE/CABLE CROSS-OWNERSHIP RESTRICTIONS

Amendment No. 10

The policy of subsection 613(b) is that telephone companies should not provide video programming directly to subscribers in their telephone service areas. The Commission's waiver authority should be narrowly construed and not exercised in a manner that would undermine this basic policy.

SECTION 612—CABLE CHANNELS FOR COMMERCIAL USE

Amendment No. 11

An amendment to clarify that the FCC is to make the same finding that a court is instructed to make with respect to whether channel capacity was made available in accordance with the section.

SECTION 4—POLE ATTACHMENTS

Amendment No. 13

An amendment which allows a state up to 360 days to take action on a pole attachment case, if such a period is provided for in the state's rules and procedures governing pole attachments, before a state shall not be considered to regulate the rates, terms, and conditions of pole attachments.

SECTION 637—EXISTING FRANCHISES

Amendment No. 14

An amendment clarifying that only an existing state law, and any regulation promulgated under such a law, related to public, educational or governmental access, are subject to grandfathering under section 638.

SECTION 621—GENERAL FRANCHISE REQUIREMENTS

Amendment No. 15

An amendment which places in section 621 the standards applicable to the cable operator's use of easements.

The amendment deletes section 633 of the bill as reported by Committee.

A new section has been added which amends section 705 of the Communications Act of 1934, as redesignated by this Act. A complete explanation of this amendment follows:

Amendment No. 16

Explanation of Section 705 as Redesignated and Amended by H.R. 4103

Introduction

A new section has been added to H.R. 4103 as amended which adds new provisions to existing section 605 of the Communications Act (to be redesignated as section 705). These provisions deal with issues that the Subcommittee on Telecommunications first examined some three years ago—the growing practice of individuals taking down satellite delivered programming for private, home viewing by means of privately owned backyard earth stations, as well as the increasing need to adopt stronger penalties and remedies for the unauthorized interception of signals prohibited under section 605.

The bill before us today includes a provision, to be a part of new section 705 of the Communications Act, dealing with the private reception of satellite cable programming and the unauthorized interception of such programming.

Section 705 will provide a stengthened statutory basis for deterring satellite video piracy. At the same time, it provides a specific, limited exemption under which individual satellite dish owners can be authorized to receive unscrambled signals without being subject to liability. In that respect, the intent of new section 705 is to facilitate the creation of an efficient, non-burdensome marketplace mechanism to authorize satellite dish owners to receive unencrypted satellite programming.

By adopting this provision there is no intention to pass judgment on any particular case that was, or was not decided under section 605 of the Communications Act as that section presently exists (prior to this amendment). The amendments made by this legislation are intended, however, to provide satellite cable program suppliers in the future with two clear alternatives for the protection of their satellite transmissions. They may either scramble their signal, or leave their signal unscrambled and establish a marketing system that results in individuals being authorized to receive the satellite cable programming through a compensation scheme. If unauthorized interception of satellite cable programming occurs after either of these two approaches have been followed, then a satellite cable programmer will have the ability to pursue the greatly stengthened penalties and remedies new section 705 provides.

What the amendment made by section 5 of H.R. 4103 accomplishes is to retain the language of the current section 605, while adding a provision dealing solely with authorizing the receipt and use of unencrypted satellite programming. This authorization is carefully designed as a specific, limited exception to the general liability associated with unauthorized use.

By participating in the authorization program, the individual satellite dish owner can protect himself from liability for unauthorized use of unencrypted satellite programming. Similarly, the manufacturers, importers, distributors or sellers of satellite receiving equipment may secure protection against liability under section 705(a) for assisting in the unauthorized use of unencrypted satellite programming. In addition, unauthorized use liability, in the context of unencrypted satellite programming, would not attach to either the individual dish owner or the manufacturer, importer, distributor or seller if an authorization program for the receipt of payment is not established and made available.

Moreover, section 5 of the bill adds a provision strengthening penalties for the unauthorized reception and use of all communications protected by section 605, including satellite cable programming. This provision is designed to deter so-called "video piracy" and protect the legitimate proprietary interest of satellite delivered cable programmers.

Scope of committee amendment

H.R. 4103 as reported by Committee recodifies without modification section 605 to the Communications Act of 1934 as new section 705(a). In amending existing section 605, it is intended to leave undisturbed the case law that has developed confirming the broad reach of section 605 as a deterrent against piracy of protected communications. Over the years federal courts, consistent with congressional intent, have recognized that section 605 provided broad protection against the unauthorized interception of various forms of radio communications. It is the Committee's intention that the amendment preserve these broad protections; that all acts which presently constitute a violation of present section 605 shall continue to be unlawful under that section as amended and redesignated by H.R. 4103.

Section 605 not only prohibits unauthorized interception of traditional radio communications, but also communications transmitted by means of new technologies. For example, existing section 605 provides protection against the unauthorized reception of subscription television (STV), multipoint distribution services (MDS), and satellite communications. This amendment made by section 5 of the bill is intended to preserve this broad reach of existing section 605 and to make clear that all communications covered under section 605, will continue to be protected under new section 705(a).

Moreover, existing section 605 is not limited to holding liable only those who, without authorization, actually receive a particular communication. Those who "assist" (including sellers and manufacturers) in receiving such communications are similarily liable under section 605, and it is intended that this liability also remain undisturbed by this amendment.

SUBSECTION (b)

New section 705(b) prescribes a very limited exception to liability under subsection (a) to enable an individual to receive authorization to intercept or receive satellite cable programming that is unencrypted as defined in paragraph 2(B). The purpose of section 705(b) is to facilitate a marketplace solution to the specific situation in which an individual using a backyard earth station intercepts or receives unencrypted satellite cable programming for private use in his own dwelling.

Specifically, subsection (b) states that the provisions of subsection (a) shall not apply to the interception or receipt of unencrypted satellite cable programming if the following conditions are met:

(1) the satellite cable programming involved is unencrypted;

(2) a program exists under which an agent or agents has been appointed for the purpose of authorizing private viewing of satellite cable programming by individuals, and such authorization is made available pursuant to a marketplace negotiation; and

(3) the individual receiving such satellite cable programming has obtained authorization, which is made available pursuant to (b)(2), to receive such programming.

One of the underlying premises of the subsection (b) exemption is that the marketplace is fully capable of reaching, without any government intervention, a solution to the problem of unauthorized interception and receipt of encrypted satellite cable programming. The technology associated with encrypting, encoding, scrambling or otherwise altering a signal so that a special device is required to receive an intelligible signal, enables parties with the rights to the programming to control the distribution of their product in a manner that provides an incentive for them to make their product available to the satellite home viewer. Accordingly, the narrow exception to subsection (a) applies only to the more difficult problem of receipt or interception or unencrypted or unaltered satellite cable programming.

Moreover, subsection (b) is based on the premise that even in the case of unencrypted or otherwise unaltered satellite cable programming, government involvement should be minimized. Therefore, subsection (b)(2)(A) envisions the creation of a marketing system or other marketplace mechanism whereby individuals can enjoy the private viewing of unencrypted satellite cable programming if they receive authorization from those that have the proprietary interest in that which is being intercepted or received. The burden of establishing such a system or mechanism rests with those who control the unencrypted satellite cable programming intercepted or received. If such a mechanism is not established, liability under subsection (a) for the interception of unencrypted satellite cable programming shall not apply. Furthermore, subsection (b) envisions a licensing mechanism that is put forward in good faith and is truly operational, and is not a mere sham or avoidance scheme to deny individuals the opportunity to privately view unencrypted satellite cable programming free from liability. Finally, subsection (b) requires that the individual actually obtain the authorization that is made available under (b)(2).

It is important to understand that if those with a proprietary interest in the satellite cable programming do not authorize through the lawful designation of an agent or some other mechanism the private viewing of unencrypted programming, then no liability can be found. At the same time, should an agency be established and made operational and the individual fail to obtain authorization, liabilty under subsection (a) for the private viewing of unencrypted satellite cable programming shall apply and the full penalties available under subsection (d) shall be applicable.

The provisions of subsection (b) grant maximum flexibility to the marketplace to permit a reasonable, flexible and efficient system to emerge. An agent or agents can be designated by those who can lawfully authorize the reception or interception of the satellite cable programming transmitted. It should be noted that this subsection addresses only the requirement that a program for the purpose of authorizing receipt of an unencrypted signal for private viewing be established as a prerequisite to applying the civil and criminal penalites contained in this section. The issue of who may provide such authorization, and for what program or program service, will continue to be governed by existing copyright law and contract.

Proprietary interest holders are free to join together to form collection associations. Moreover, authorization for an individual might be obtained through cooperation with manufacturers and dealers in a point of equipment sale licensing plan for particular signals. It is clearly envisioned that a marketplace solution will emerge to meet the needs of satellite dish owners whole protecting those with the proprietary rights in the transmitted programming.

SUBSECTION (C): DEFINITIONS

Satellite cable programming

As noted above, subsection (b) of this amendment is intended to create a limited and strictly conditioned exception to the liability which applies under subsection (a) for the interception of satellite programming signals. Where a satellite signal does not satisfy the definition of "satellite cable programming", an individual's liability for unauthorized interception and use of the signal is not subject to the exemption provided under subsection (b).

"Satellite cable programming" includes video programming and its accompanying audio. The definition does not contemplate programming qualitatively different than what is commonly understood to be "video programming". Thus, the definition does not include, for example, data transmissions in alphanumeric or other forms.

The interception of the "satellite cable programming" must in fact be directly from the satellite feed in order to come within the terms of the exemption to liability set forth in subsection (b). Unauthorized interception of such programming in its retransmitted form, where the form of retransmission is otherwise protected under subsection (a) or other relevant law, is clearly prohibited. Thus, if the programming intercepted is transmitted, for instance, by means of the multipoint distribution service (MDS), or subscription television (STV), liability for such interception shall apply regardless of whether those controlling satellite cable programming have established a system under subsection (b)(2).

Closed-circuit sports and special events transmissions, whether on a regular or ad hoc basis, may be primarily intended for viewing by paying customers in public places where local promoters have acquired public performance rights (e.g. in movie theaters, stadia, or public performance halls). If the sender of such a transmission licenses retransmission rights to certain cable operators, one must look to the facts of the case to determine whether this is the "primary" intent of the sender.

Encrypt

As used in this subsection, "encrypt" signifies a wide range of technological methods used to provide some level of security to a satellite transmitted signal. It is intended to encompass both analog and digital methods, or other methods yet to be developed, to modify or alter a satellite signal and thus to render intelligible viewing of the signal difficult or impossible without authorized equipment (or without illegal tampering with such equipment).

The exemption to liability provided under subsection (b)(1) only relates to unencrypted signals, and not to encrypted signals. A determination that a signal is encrypted or unencrypted for purposes of this section does not depend upon the level of security which the encrypting or scrambling technology chosen by the sender may impart to the video or accompanying audio signal. The fact that the sender takes some reasonable measure to ensure that no person may simply tune in and receive the signal in intelligible form, unless that person acquires authorized equipment necessary to eliminate the effects of the technological impediment, is sufficient to render the signal "encrypted".

Private viewing

The exception to subsection (a) liability created under subsection (b) is intended only to facilitate "private viewing" of satellite cable programming under the terms set forth here-under.

The term "private viewing" is intended to describe a situation whereby an individual purchases or otherwise acquires satellite receiving equipment and uses such equipment to receive satellite cable programming which he views within his private dwelling place. The "individual's dwelling place" is a place not open to the public. It is a place where generally the persons present are within the normal circle of a family or its social acquaintances.

No retransmission, public performance, or display for direct or indirect commercial advantage is contemplated to be "private viewing." The grant of authority for such uses remains purely the prerogative of the party sending the programming or the program supplier.

Thus, it is not intended that "private viewing" include any retransmission by so-called "private cable" or "satellite master antenna television" systems. Nor is it contemplated that an individual may redistribute programming received by his satellite equipment to the homes or residences of his neighbors. Nor is it contemplated that "private viewing" includes display of satellite cable programming in the public area of an apartment building, condominium, or housing complex, or in taverns, restaurants or fraternal halls. However, if a sale or distribution of satellite receiving equipment is exempt from liability under (b)(1), a demonstration of such equipment in connection with such a sale or distribution would also be exempt. The demonstrations contemplated here are very limited—such as a showroom demonstration in the ordinary course of business, and not a demonstration such as public display of in a movie theatre.

SUBSECTION (d): PENALTIES/REMEDIES

The Committee amendment includes a new subsection (c) which provides for civil and criminal remedies against those who violate subsection (a).

The sanctions provided in subsection (d)(1) apply to those who have violated subsection (a) willfully. For these parties, misdemeanor sanctions are applicable in addition to the civil remedies available for an aggrieved party under (d)(3). It is intended that the Department of Justice actively pursue willful violations under this subsection.

It is further intended that the term "direct or indirect commercial advantage or private financial gain" be interpreted broadly by both the courts in deciding actions, and the Department of Justice in pursuing actions, under this section. Those who willfully violate subsection (a) and directly or indirectly enjoy commercial gain from those violations, may be reached.

Under subsection (3)(A), the term "any person aggrieved" shall be broadly interpreted by the courts in such cases and shall include those with any rights in the intercepted radio communications. Such persons would include but are not limited to, owners of the programming being transmitted as well as senders of the signal embodying the programming transmitted. Thus, the Committee amendment provides an explicit right of action for any person aggrieved by the violations of Section 705(a).

Subsection (3)(B) grants the courts in such actions general powers of relief including the power to grant injunctions and to award damages. It is the intent of the Committee that the power to direct the recovery of all costs under (3)(B)(iii) shall include reasonable investigative fees (related to the action brought) of an aggrieved party.

Subsection (3)(C) sets forth the award of damages which the courts may make to parties judged aggrieved by a violation of subsection (a). Subsection (c)(iii) recognizes that in those situations where the violation of subsection (a) was committed willfully and for the purposes of direct or indirect commercial advantage or private financial gain, these factors shall merit consideration of awarding substantial additional damages—up to $50,000 beyond what would otherwise be the applicable amount.

Subsection (C)(iii) also embodies the recognition that in those rare situations in which a violator of subsection (a) had absolutely no reason to believe that his acts constituted a violation of the law, the court may reduce the award to $100. It is not intended that this provision serve in any way as a defense to a determination of liability under subsection (a), but rather only as a provision to be exercised in the court's discretion for those rare instances of ignorance of the law on the part of one adjudged to have violated it.

Subsection (d)(4) is intended to make clear that those who may be subject to penalties and remedies for violations of subsection (a) include any importer, seller, manufacturer or distributor or any equipment intended by such party to assist in any manner in the interception or reception of radio communications prohibited by subsection (a). Those found to have taken such action with such intent shall be subject to penalties and remedies to the same extent and in the same manner as a person who has engaged in a prohibited interception or reception. Obviously this is not intended to apply to manufacturers or dealers who are acting lawfully in providing satellite earth station equipment designed to receive unencrypted video programming. A number of States have enacted State laws which may have an impact on the sale or distribution of equipment relevant to this section. Subsection (d)(4) further provides that such laws, now in effect or adopted in the future, which are consistent with, or afford greater protection than this subsection, shall not be affected.

Mr. PACKWOOD. However, a State would obviously have no authority to adopt laws with respect to interception or reception of radio communications.

APPENDIX B

The explanation of certain provisions of H.R. 4103 were supplemented and modified by colloquies during House consideration of that bill. The conferees concur in those colloquies, which are set forth below:

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding.

I wonder if I might engage the chairman of the subcommittee in a colloquy.

Mr. WIRTH. Yes.

Mr. BLILEY. The Federal set-aside of channels for commercial use under section 612 is triggered by the number of "activated channels" on the cable system. Does that mean the system's total channel capacity?

Mr. WIRTH. Mr. Speaker, if the gentleman will yield, "activated channels" means only the number of channels that subscribers actually are receiving. Although this would include any so-called dark channels which subscribers receive but which currently carry no programming, it would not equate to the total channel capacity of the system—the maximum number of channels that the system could carry—unless the operator actually had the equipment in place at the headend of the system to deliver that maximum number of channels.

Mr. BLILEY. In determining whether the price for commercial use of channels under section 612 is reasonable, courts may look to the price arrangements for comparable services. Yet if such services are offered by the operator, typically the operator will pay a programmer for them. Is it the committee's intent that a commercial user, or lessee, may require the cable operator to pay him a comparable price for his programming?

Mr. WIRTH. The term "price" is intended to encompass any commercial arrangement consistent with the section. For example, such arrangements might include fee per channel, fees per subscriber, profit sharing, or any combination of these arrangements. The channel lessee cannot, however, demand that, rather than the lessee paying the cable operator for access to the cable system, the cable operator must pay the lessee who uses an access channel. The fact that the cable operator may pay for programming made available over channels other than leased access channels has no relevance to the arrangements that may be established for the use of channel capacity designated pursuant to this section.

Mr. BLILEY. I understand that cable operators have an obligation not to fill their commercial access channels in order to avoid bona fide access use. Would it be accurate to say, however, that cable operators may only enter into leased access arrangements where the operator is opposed to granting the programmer access to the cable system?

Mr. WIRTH. No. There does not need to be a "hostile" or "adversarial" relationship between the operator and the programmer for a grant of access to an unaffiliated programmer to be a legitimate use of channel capacity designated pursuant to this section.

Mr. BLILEY. Some have construed the committee report's explanation of section 612 to suggest that the absence of any commercial users on a system is in itself evidence that the operator's rates, terms, and conditions are unreasonable. Is that interpretation correct?

Mr. WIRTH, Section 612 allows cable opertors to establish price, terms, and conditions which at least assure that leased access use will not adversely affect an operator's economic position. Indeed, price, terms, and conditions are presumed to be reasonable absent clear and convincing evidence to the contrary. In view of the flexibility that this section grants an operator to establish rates, terms, and conditions, an operator cannot be found to have acted in bad faith or to have established unreasonable rates simply because parties seeking access choose not to meet the offered rate.

Mr. BLILEY. The committee package of amendments includes an amendment to section 635 relating to equal employment opportunity. What is the purpose and intent of the provision contained in the committee's package of amendments?

Mr. WIRTH. The provision the gentleman refers to is intended to clarify the committee's intent under section 635. The provision indicates that the failure of a cable operator to obtain certification under subsection (e) does not itself constitute a violation of the EEO provisions of H.R. 4103. Moreover, I wish to make clear the legislation's intent that the failure to employ members of minority groups and/or women at the prescribed parity levels does not in and of itself constitute a violation of this title.

Mr. BLILEY. Some have suggested that the committee report, including language stating that section 627 "does not require fair market value to be linked to depreciation book value," may permit depreciated book value to be used in a 627(a)(1) acquisition. Is that a correct reading of the committee's intent?

Mr. WIRTH. No. The committee intends that valuation under 627(a)(1) acquisitions should be based on the value of the cable system as a going concern that will continue in operation and not on book value.

Mr. BLILEY. What is the relationship between permissible franchise fees and public, educational, and governmental access commitments in new franchises?

Mr. WIRTH. Subsection 622(g)(2)(C) establishes a specific provision for PEG access in new franchises. In general, this section defines as a franchise fee only monetary payments made by the cable operator, and does not include as a "fee" any franchise requirements for the provision of services, facilities or equipment. As regards PEG access in new franchises, payments for capital costs required by the franchise to be made by the cable operator are not defined as fees under this provision. These requirements may be established by the franchising authority under section 611(b) or section 624(b)(1). In addition, any payments which a cable operator makes voluntarily relating to support of public, educational and governmental access and which are not required by the franchise would not be subject to the 5 percent franchise fee cap.

Mr. BLILEY. Section 621(a)(3) obligates a franchising authority to assure that access to cable service is not denied to any group of potential residential subscribers because of the income of the residents of the local area in which such group resides. Some have interpreted the committee report on this section to require franchising authorities to force cable operators to build line extensions to every home in a franchise area. Is this interpretation correct?

Mr. WIRTH. No. This provision is intended to assure that franchising authorities meet the responsibility they already have to prevent economic redlining in granting cable franchises. It is not designed to require a cable operator to, for example, build a line extension to a home which may be too remote to wire economically.

Mr. BLILEY. Mr. Speaker, I thank the gentleman.

● Mr. TRIBLE. Mr. President, I wish to ask my distinguished colleague, the Senator from Arizona, to clarify the effect of section 638 of S. 66. It appears to me that this section preserves Federal, State, and local laws which deal with cable television content that is obscene along with other types of speech not protected by the Constitution, such as libel, slander, incitement, invasions of privacy, and false and misleading advertising.

● Mr. GOLDWATER. That is correct and that is the understanding of the conferees. Under section 638, Federal, State, and local laws in those areas would not be preempted by this legislation, other provisions of the Communications Act, or the regulations promulgated by the Federal Communications Commission.

● Mr. TRIBLE. I am particularly concerned about a recent Supreme Court decision regarding the question of FCC preemption. In Capital Cities Cable, Inc., et al. against Crisp, Director, Oklahoma Alcoholic Beverage Control Board, the Court held that conflicting State regulations are precluded when the FCC resolves to preempt an area of cable television regulation. According to Capital Cities, "If the FCC has resolved to preempt an area of cable television regulation and if this determination 'represents a reasonable accommodation of conflicting policies' that are within the Agency's domain, United States against Shimer, supra, at 383, we must conclude that all conflicting State regulations have been precluded."

Although the Court did not specifically address the questions of obscenity and indecency, that case is already being cited by plaintiffs attempting to overturn a Utah statute regulating cable television content. Is section 638 addressed directly to the Supreme Court's decision in Capital Cities?

● Mr. GOLDWATER. Yes; it is and that is the understanding of the conferees. Section 638 makes clear that nothing in this measure is to be interpreted as granting exclusive authority for regulating cable television content to the FCC. Rather, States and localities retain any authority which they would have in this area if the Communications Act of 1934 had never been enacted.

● Mr. TRIBLE. I also wish to ask whether section 638 applies to Federal, State, and local laws dealing with indecency on cable television?

● Mr. GOLDWATER. Yes; it does and that is the understanding of the conferees. Indecency laws are related to laws prohibiting obscenity, and thus would be covered by the phrase from section 638: "and other similar laws." Under this section, Federal, State, and local laws regulating indecency on cable would be preserved. Restrictions on indecent programming in a broadcast context have been upheld by the Supreme Court. For example, the Supreme Court said in FCC against Pacifica Foundation that indecent speech on radio could be restricted to certain times of day in order to protect children. Such restrictions on indecency—if otherwise constitutionally permissible—would not be preempted by this legislation or other provisions of the Communications Act.

● Mr. TRIBLE. Also, I assume that the reference in section 638 to the preservation of Federal laws includes regulations promulgated by the FCC.

● Mr. GOLDWATER. It does. The conferees have no intention of taking away the FCC's authority to regulate indecent or offensive language on broadcast television or on radio by passing this legislation. Section 638 simply makes clear that the authority for regulating cable television content does not rest solely with the FCC, and that the FCC in no way preempts other Federal agencies, and State and local governments from regulating, restricting or prohibiting such material pursuant to other laws, as long as these laws are constitutionally sound.

● Mr. TRIBLE. Finally, the amendment refers to the criminal and civil liability of cable programmers and operators. I assume that the term "cable programmers" would include all parties who exercise control over the content of cable programs and would not be limited to those who produce the programming.

● Mr. GOLDWATER. That is correct.

● Mr. TRIBLE. I thank the Senator from Arizona, and I applaud his tireless and effective efforts to enact this legislation. He has worked for years on this legislation and it will be a lasting testament to his legislative talent.●

Mr. PACKWOOD. Mr. President, I ask unanimous consent to have printed in the RECORD the bill itself.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 66

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Cable Franchise Policy and Communications Act of 1984".

(b) The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Communications Act of 1934.

"TITLE VI—CABLE COMMUNICATIONS

"PART I—GENERAL PROVISIONS

"Sec. 601. Purposes.
"Sec. 602. Definitions.

"PART II—USE OF CABLE CHANNELS AND OWNERSHIP RESTRICTIONS

"Sec. 611. Cable channels for public, educational, or governmental use.
"Sec. 612. Cable channels for commercial use.
"Sec. 613. Ownership restrictions.

"PART III—FRANCHISING AND REGULATION

"Sec. 621. General franchise requirements.
"Sec. 622. Franchise fees.
"Sec. 623. Regulation of rates.
"Sec. 624. Regulation of services, facilities, and equipment.
"Sec. 625. Modification of franchise obligations.
"Sec. 626. Renewal.
"Sec. 627. Conditions of sale.

"PART IV—MISCELLANEOUS PROVISIONS

"Sec. 631. Protection of subscriber privacy.
"Sec. 632. Consumer protection.
"Sec. 633. Unauthorized reception of cable service.
"Sec. 634. Equal employment opportunity.
"Sec. 635. Judicial proceedings.
"Sec. 636. Coordination of Federal, State, and local authority.
"Sec. 637. Existing franchises.
"Sec. 638. Criminal and civil liability.
"Sec. 639. Obscene programming.".
Sec. 3. Jurisdiction.
Sec. 4. Pole attachments.
Sec. 5. Unauthorized reception of certain

communications.
Sec. 6. Technical and conforming amendments.
Sec. 7. Effective date.

AMENDMENT OF COMMUNICATIONS ACT OF 1934

SEC. 2. The Communications Act of 1934 is amended by inserting after title V the following new title:

"TITLE VI—CABLE COMMUNICATIONS

"PART I—GENERAL PROVISIONS

"PURPOSES

"SEC. 601. The purposes of this title are to—

"(1) establish a national policy concerning cable communications;

"(2) establish franchise procedures and standards which encourage the growth and development of cable systems and which assure that cable systems are responsive to the needs and interests of the local community;

"(3) establish guidelines for the exercise of Federal, State, and local authority with respect to the regulation of cable systems;

"(4) assure and encourage that cable communications provide the widest possible diversity of information sources and services to the public; and

"(5) establish a process which protects cable operators against unfair denials of renewal by franchising authorities and which provides for an orderly process for consideration of renewal proposals.

"DEFINITIONS

"SEC. 602. For purposes of this title—

"(1) the term 'affiliate', when used in relation to any person, means another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person;

"(2) the term 'basic cable service' means any service tier which includes the retransmission of local television broadcast signals;

"(3) the term 'cable channel' or 'channel' means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel (as television channel is defined by the Commission by regulation);

"(4) the term 'cable operator' means any person or group of persons (A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system;

"(5) the term 'cable service' means—

"(A) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and

"(B) subscriber interaction, if any, which is required for the selection of such video programming or other programming service;

"(6) the term 'cable system' means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (A) a facility or combination of facilities that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility or combination of facilities that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities use any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of title II of this Act, except that such facility shall be considered a cable system (other than for purposes of section 621(c)) to the extent such facility is used in the transmission of video programming directly to subscribers; or (D) any facilities of any electric utility used solely for operating its electric utility system;

"(7) the term 'Federal agency' means any agency of the United States, including the Commission;

"(8) the term 'franchise' means an initial authorization, or renewal thereof (including a renewal of an authorization which has been granted subject to section 626), issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a cable system;

"(9) the term 'franchising authority' means any governmental entity empowered by Federal, State, or local law to grant a franchise;

"(10) the term 'grade B contour' means the field strength of television broadcast station computed in accordance with regulations promulgated by the Commission;

"(11) the term 'other programming service' means information that a cable operator makes available to all subscribers generally;

"(12) the term 'person' means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity;

"(13) the term 'public, educational, or governmental access facilities' means—

"(A) channel capacity designated for public, educational, or governmental use; and

"(B) facilities and equipment for the use of such channel capacity;

"(14) the term 'service tier' means a category of cable service or other services provided by a cable operator and for which a separate rate is charged by the cable operator;

"(15) the term "State' means any State, or political subdivision, or agency thereof; and

"(16) the term 'video programming' means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

"PART II—USE OF CABLE CHANNELS AND CABLE OWNERSHIP RESTRICTIONS

"CABLE CHANNELS FOR PUBLIC, EDUCATIONAL, OR GOVERNMENTAL USE

"SEC. 611. (a) A franchising authority may establish requirements in a franchise with respect to the designation or use of channel capacity for public, educational, or governmental use only to the extent provided in this section.

"(b) A franchising authority may in its request for proposals require as part of a franchise, and may require as part of a cable operator's proposal for a franchise renewal, subject to section 626, that channel capacity be designated for public, educational, or governmental use, and channel capacity on institutional networks be designated for educational or governmental use, and may require rules and procedures for the use of the channel capacity designated pursuant to this section.

"(c) A franchising authority may enforce any requirement in any franchise regarding the providing or use of such channel capacity. Such enforcement authority includes the authority to enforce any provisions of the franchise for services, facilities, or equipment proposed by the cable operator which relate to public, educational, or governmental use of channel capacity, whether or not required by the franchising authority pursuant to subsection (b).

"(d) In the case of any franchise under which channel capacity is designated under subsection (b), the franchising authority shall prescribe—

"(1) rules and procedures under which the cable operator is permitted to use such channel capacity for the provision of other services if such channel capacity is not being used for the purposes designated, and

"(2) rules and procedures under which such permitted use shall cease.

"(e) Subject to section 624(d), a cable operator shall not exercise any editorial control over any public, educational, or governmental use of channel capacity provided pursuant to this section.

"(f) For purposes of this section, the term 'institutional network' means any communication network which is constructed or operated by the cable operator and which is generally available only to subscribers who are not residential subscribers.

"CABLE CHANNELS FOR COMMERCIAL USE

"SEC. 612. (a) The purpose of this section is to assure that the widest possible diversity of information sources are made available to the public from cable systems in a manner consistent with growth and development of cable systems.

"(b)(1) A cable operator shall designate channel capacity for commercial use by persons unaffiliated with the operator in accordance with the following requirements:

"(A) An operator of any cable system with 36 or more (but not more than 54) activated channels shall designate 10 percent of such channels which are not otherwise required for use (or the use of which is not prohibited) by Federal law or regulation.

"(B) An operator of any cable system with 55 or more (but not more than 100) activated channels shall designate 15 percent of such channels which are not otherwise required for use (or the use of which is not prohibited) by Federal law or regulation.

"(C) An operator of any cable system with more than 100 activated channels shall designate 15 percent of all such channels.

"(D) An operator of any cable system with fewer than 35 activated channels shall not be required to designate channel capacity for commercial use by persons unaffiliated with the operator, unless the cable system is required to provide such channel capacity under the terms of a franchise in effect on the date of the enactment of this title.

"(E) An operator of any cable system in operation on the date of the enactment of this title shall not be required to remove any service actually being provided on July 1, 1984, in order to comply with this section, but shall make channel capacity available for commercial use as such capacity becomes available until such time as the cable operator is in full compliance with this section.

"(2) Any Federal agency, State, or franchising authority may not require any cable system to designate channel capacity for commercial use by unaffiliated persons in excess of the capacity specified in paragraph (1), except as otherwise provided in this section.

"(3) A cable operator may use any unused channel capacity designed pursuant to this section until the use of such channel capacity is obtained, pursuant to a written agreement, by a person unaffiliated with the operator.

"(4) For the purposes of this section—

"(A) the term 'activated channels' means those channels engineered at the headend of the cable system for the provision of services generally available to residential subscribers of the cable system, regardless of whether such services actually are provided, including any channel designated for public, educational, or governmental use; and

"(B) the term 'commercial use' means the provision of video programming, whether or not for profit.

"(5) Any channel capacity which has been designated for public, educational, or governmental use may not be considered as designated under this section for commercial use for purposes of this section.

"(c)(1) If a person unaffiliated with the cable operator seeks to use channel capacity designated pursuant to subsection (b) for commercial use, the cable operator shall establish, consistent with the purpose of this section, the price, terms, and conditions of such use which are at least sufficient to assure that such use will not adversely affect the operation, financial condition, or market development of the cable system.

"(2) A cable operator shall not exercise any editorial control over any video programming provided pursuant to this section, or in any other way consider the content of such programming, except that an operator may consider such content to the minimum extent necessary to establish a reasonable price for the commercial use of designated channel capacity by an unaffiliated person.

"(3) Any cable system channel designated in accordance with this section shall not be used to provide a cable service that is being provided over such system on the date of the enactment of this title, if the provision of such programming is intended to avoid the purpose of this section.

"(d) Any person aggrieved by the failure or refusal of a cable operator to make channel capacity available for use pursuant to this section may bring an action in the district court of the United States for the judicial district in which the cable system is located to compel that such capacity be made available. If the court finds that the channel capacity sought by such person has not been made available in accordance with this section, or finds that the price, terms, or conditions established by the cable operator are unreasonable, the court may order such system to make available to such person the channel capacity sought, and further determine the appropriate price, terms, or conditions for such use consistent with subsection (c), and may award actual damages if it deems such relief appropriate. In any such action, the court shall not consider any price, term, or condition established between an operator and an affiliate for comparable services.

"(e)(1) Any person aggrieved by the failure or refusal of a cable operator to make channel capacity available pursuant to this section may petition the Commission for relief under this subsection upon a showing of prior adjudicated violations of this section. Records of previous adjudications resulting in a court determination that the operator has violated this section shall be considered as sufficient for the showing necessary under this subsection. If the Commission finds that the channel capacity sought by such person has not been made available in accordance with this section, or that the price, terms, or conditions established by such system are unreasonable under subsection (c), the Commission shall, by rule or order, require such operator to make available such channel capacity under price, terms, and conditions consistent with subsection (c).

"(2) In any case in which the Commission finds that the prior adjudicated violations of this section constitute a pattern or practice of violations by an operator, the Commission may also establish any further rule or order necessary to assure that the operator provides the diversity of information sources required by this section.

"(3) In any case in which the Commission finds that the prior adjudicated violations of this section constitute a pattern or practice of violations by any person who is an operator of more than one cable system, the Commission may also establish any further rule or order necessary to assure that such person provides the diversity of information sources required by this section.

"(f) In any action brought under this section in any Federal district court or before the Commission, there shall be a presumption that the price, terms, and conditions for use of channel capacity designated pursuant to subsection (b) are reasonable and in good faith unless shown by clear and convincing evidence to the contrary.

"(g) Notwithstanding sections 621(c) and 623(a), at such time as cable systems with 36 or more activated channels are available to 70 percent of households within the United States and are subscribed to by 70 percent of the households to which such systems are available, the Commission may promulgate any additional rules necessary to provide diversity of information sources. Any rules promulgated by the Commission pursuant to this subsection shall not preempt authority expressly granted to franchising authorities under this title.

"(h) Any cable service offered pursuant to this section shall not be provided, or shall be provided subject to conditions, if such cable service in the judgment of the franchising authority is obscene, or is in conflict with community standards in that it is lewd, lascivious, filthy, or indecent or is otherwise unprotected by the Constitution of the United States.

"OWNERSHIP RESTRICTIONS

"SEC. 613. (a) It shall be unlawful for any person to be a cable operator if—

"(1) such person is, directly or through one or more affiliates owns or controls, the licensee of a television broadcast station and the predicted grade B contour of such station covers any portion of the community served by such operator's cable system; or

"(2) such person, directly or through one or more affiliates, owns or controls a daily newspaper published in a community served by such operator's cable system.

"(b)(1) It shall be unlawful for any common carrier, subject in whole or in part to title II of this Act, to provide video programming directly to subscribers in its telephone service area, either directly or indirectly through an affiliate owned by, operated by, controlled by, or under common control with the common carrier.

"(2) It shall be unlawful for any common carrier, subject in whole or in part to title II of this Act, to provide channels of communications or pole line conduit space, or other rental arrangements, to any entity which is directly or indirectly owned by, operated by, controlled by, or under common control with such common carrier, if such facilities or arrangements are to be used for, or in connection with, the provision of video programming directly to subcribers in the telephone service area of the common carrier.

"(3) This subsection shall not apply to any common carrier to the extent such carrier provides telephone exchange service in any rural area (as defined by the Commission).

"(4) In those areas where the provision of video programming directly to subscribers through a cable system demonstrably could not exist except through a cable system owned by, operated by, controlled by, or affiliated with the common carrier involved, or upon other showing of good cause, the commission may, on petition for waiver, waive the applicability of paragraphs (1) and (2) of this subsection. Any such waiver shall be made in accordance with section 63.56 of title 47, code of Federal Regulations (as in effect September 20, 1984) and shall be granted by the Commission upon a finding that the issuance of such waiver is justified by the particular circumstances demonstrated by the petitioner, taking into account the policy of this subsection.

"(c) The Commission may prescribe rules with respect to the ownership or control of cable systems by persons who own or control other media of mass communications which serve the same community served by a cable system.

"(d) Any State or franchising authority may not prohibit the ownership or control of a cable system by any person because of such person's ownership or control of any media of mass communications or other media interests.

"(e)(1) Subject to paragraph (2), a State or franchising authority may hold any ownership interest in any cable system.

"(2) Any State or franchising authority shall not exercise any editorial control regarding the content of any cable service on a cable system in which such governmental entity holds ownership interest (other than programming on any channel designated for educational or governmental use), unless such control is exercised through an entity separate from the franchising authority.

"(f) This section shall not apply to prohibit any combination of any interests held by any person on July 1, 1984, to the extent of the interests so held as of such date, if the holding of such interests was not inconsistent with any applicable Federal or State law or regulations in effect on that date.

"(g) For purposes of this section, the term 'media of mass communications' shall have the meaning given such term under section 309(i)(3)(c)(1) of this Act.

"PART III—FRANCHISING AND REGULATION

"GENERAL FRANCHISE REQUIREMENTS

"SEC. 621. (a)(1) A franchising authority may award, in accordance with the provisions of this title, one or more franchises within its jurisdiction.

"(2) Any franchise shall be construed to authorize the construction of a cable system over public rights-of-way, and through easements, which is within the area to be served by the cable system and which have been dedicated for compatible uses, except that in using such easements the cable operator shall ensure—

"(A) that the safety, functioning and apperance of the property and the convenience and safety of other persons not be adversely affected by the installation or construction of facilities necessary for a cable system;

"(B) that the cost of the installation, construction, operation, or removal of such facilities be borne by the cable operator or subscriber, or a combination of both; and

"(C) that the owner of the property be justly compensated by the cable operator for any damages caused by the installation, construction, operation, or removal of such facilities by the cable operator.

"(3) In awarding a franchise or franchises, a franchising authority shall assure that access to cable service is not denied to any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides.

"(b)(1) Except to the extent provided in paragraph (2), a cable operator may not provide cable service without a franchise.

"(2) Paragraph (1) shall not require any person lawfully providing cable service without a franchise on July 1, 1984, to obtain a franchise unless the franchising authority so requires.

"(c) Any cable system shall not be subject to regulation as a common carrier or utility by reason of providing any cable service.

"(d)(1) A State or the Commission may require the filing of informational tariffs for any intrastate communications service provided by a cable system, other than cable service, that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to title II of this Act. Such informational tariffs shall specify the rates, terms, and conditions for the provision of such service, including whether it is made available to all subscribers generally, and shall take effect on the date specified therein.

"(2) Nothing in this title shall be construed to affect the authority of any State to regulate any cable operator to the extent that such operator provides any communication service other than cable service, whether offered on a common carrier or private contract basis.

"(3) For purposes of this subsection, the term 'State' has the meaning given it in section 3(v).

"(e) Nothing in this title shall be construed to affect the authority of any State to license or otherwise regulate any facility or combination of facilities which serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management and which does not use any public right-of-way.

"FRANCHISE FEES

"SEC. 622. (a) Subject to the limitation of subsection (b), any cable operator may be required under the terms of any franchise to pay a franchise fee.

"(b) For any 12-month period, the franchise fees paid by a cable operator with respect to any cable system shall not exceed 5 percent of such cable operator's gross revenues derived in such period from the operation of the cable system. For purposes of this section, the 12-month period shall be the 12-month period applicable under the franchise for accounting purposes. Nothing in this subsection shall prohibit a franchising authority and a cable operator from agreeing that franchise fees which lawfully could be collected for any such 12-month period shall be paid on a prepaid or deferred basis; except that the sum of the fees paid during the term of the franchise may not exceed the amount, including the time value of money, which would have lawfully been collected if such fees had been paid per annum.

"(c) A cable operator may pass through to subscribers the amount of any increase in a franchise fee, unless the franchising authority demonstrates that the rate structure specified in the franchise reflects all costs of franchise fees and so notifies the cable operator in writing.

"(d) In any court action under subsection (c), the franchising authority shall demonstrate that the rate structure reflects all costs of the franchise fees.

"(e) any cable operator shall pass through to subscribers the amount of any decrease in a franchise fee.

"(f) A cable operator may designate that portion of a subscriber's bill attributable to the franchise fee as a separate item on the bill.

"(g) For the puposes of this section—

"(1) the term 'franchise fee' includes any tax, fee, or assessment of any kind imposed by a franchising authority or other governmental entity on a cable operator or cable subscriber, or both, solely because of their status as such;

"(2) the term 'franchise fee' does not include—

"(A) any tax, fee, or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and cable operators or their services but not including a tax, fee, or assessment which is unduly discriminatory against cable operators or cable subscribers);

"(B) in the case of any franchise in effect on the date on the enactment of this title, payments which are required by the franchise to be made by the cable operator during the term of such franchise for, or in support of the use of, public, educational, or governmental access facilities;

"(C) in the case of any franchise granted after such date of enactment, capital costs which are required by the franchise to be incurred by cable operator for public, educational, or governmental access facilities;

"(D) requirements or charges incidental to the awarding or enforcing of the franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages; or

"(E) any fee imposed under title 17, United States Code.

"(h)(1) Nothing in this Act shall be construed to limit any authority of a franchising authority to impose a tax, fee, or other assessment of any kind on any person (other than a cable operator) with respect to cable service or other communications service provided by such person over a cable system for which charges are assessed to subscribes but not received by the cable operator.

"(2) For any 12-month period, the fees paid by such person with respect to any such cable service or other communications service shall not exceed 5 percent of such person's gross revenues derived in such period from the provision of such service over the cable system.

"(i) Any Federal agency may not regulate the amount of the franchise fees paid by a cable operator, or regulate the use of funds derived from such fees, except as provided in this section.

"REGULATION OF RATES

"SEC. 263. (a) Any Federal agency or State may not regulate the rates for the provision of cable service except to the extent provided under this section. Any franchising authority may regulate the rates for the provision of cable service, or any other communications service provided over a cable system to cable subscribers, but only to the extent provided under this section.

"(b)(1) Within 180 days after the date of the enactment of this title, the Commission shall prescribe and make effective regulations which authorize a franchising authority to regulate rates for the provision of basic cable service in circumstances in which a cable system is not subject to effective competition. Such regulations may apply to any franchise granted after the effective date of such regulations. Such regulations shall not apply to any rate while such rate is subject to the provisions of subsection (c).

"(2) For purposes of rate regulation under this subsection, such regulations shall—

"(A) define the circumstances in which a cable system is not subject to effective competition; and

"(B) establish standards for such rate regulation.

"(3) The Commission shall periodically review such regulations, taking into account developments in technology, and may amend such regulations, consistent with paragraphs (1) and (2), to the extent the Commission determines necessary.

"(c) In the case of any cable system for which a franchise has been granted on or before the effective date of this title, until the end of the 2-year period beginning on such effective date, the franchising authority may, to the extent provided in a franchise—

"(1) regulate the rates for the provision of basic cable service, including multiple tiers of basic cable service;

"(2) require the provision of any service tier provided without charge (disregarding any installation or rental charge for equipment necessary for receipt of such tier); or

"(3) regulate rates for the initial installation or the rental of one set of the minimum equipment which is necessary for the subscriber's receipt of basic cable service.

"(d) Any request for an increase in any rate regulated pursuant to subsection (b) or (c) for which final action is not taken within 180 days after receipt of such request by the franchising authority shall be deemed to be granted, unless the 180-day period is extended by mutual agreement of the cable operator and the franchising authority.

"(e)(1) In addition to any other rate increase which is subject to the approval of a franchising authority, any rate subject to regulation pursuant to this section may be increased after the effective date of this title at the discretion of the cable operator by an amount not to exceed 5 percent per year if the franchise (as in effect on the effective date of this title) does not specify a fixed rate or rates for basic cable service for a specified period or periods which would be exceeded if such increase took effect.

"(2) Nothing in this section shall be construed to limit provisions of a franchise which permits a cable operator to increase any rate at the operator's discretion; however, the aggregate increases per year allowed under paragraph (1) shall be reduced by the amount of any increase taken such year under such franchise provisions.

"(f) Nothing in this title shall be construed as prohibiting any Federal agency, State, or a franchising authority, from—

"(1) prohibiting discrimination among customers of basic cable service, or

"(2) requiring and regulating the installation on rental of equipment which facilitates the reception of basic cable service by hearing impaired individuals.

"(g) Not later than 6 years after the date of the enactment of this title, the Commission shall prepare and submit to the Congress a report regarding rate regulation of cable services, including such legislative recommendations as the Commission considers appropriate. Such report and recommendations shall be based on a study of such regulation which the Commission shall conduct regarding the effect of competition in the marketplace.

"REGULATION OF SERVICES, FACILITIES, AND EQUIPMENT

"SEC. 624. (a) Any franchising authority may not regulate the services, facilities, and equipment provided by a cable operator except to the extent consistent with this title.

"(b) In the case of any franchise granted after the effective date of this title, the franchising authority, to the extent related to the establishment or operation of a cable system—

"(1) in its request for proposals for a franchise (including requests for renewal proposals, subject to section 626), may establish requirements for facilities and equipment, but may not establish requirements for video programming or other information services; and

"(2) subject to section 625, may enforce any requirements contained within the franchise—

"(A) for facilities and equipment; and

"(B) for broad categories of video programming or other services.

"(c) In the case of any franchise in effect on the effective date of this title, the franchising authority may, subject to section 625, enforce requirements contained within the franchise for the provision of services, facilities, and equipment, whether or not related to the establishment or operation of a cable system.

"(d)(1) Nothing in this title shall be construed as prohibiting a franchising authority and a cable operator from specifying, in a franchise or renewal thereof, that certain cable services shall not be provided or shall be provided subject to conditions, if such cable services are obscene or are otherwise unprotected by the Constitution of the United States.

"(2)(A) In order to restrict the viewing of programming which is obscene or indecent, upon the request of a subscriber, a cable operator shall provide (by sale or lease) a device by which the subscriber can prohibit viewing of a particular cable service during periods selected by that subscriber.

"(B) Subparagraph (A) shall take effect 180 days after the effective date of this title.

"(e) The Commission may establish technical standards relating to the facilities and equipment of cable systems which a franchising authority may require in the franchise.

"(f)(1) Any Federal agency, State, or franchising authority may not impose requirements regarding the provision or content of cable services, except as expressly provided in this title.

"(2) Paragraph (1) shall not apply to—

"(A) any rule, regulation, or order issued under any Federal law, as such rule, regulation, or order (i) was in effect on September 21, 1983, or (ii) may be amended after such date if the rule, regulation, or order as amended is not inconsistent with the express provisions of this title; and

"(B) any rule, regulation, or order under title 17, United States Code.

"MODIFICATION OF FRANCHISE OBLIGATIONS

"SEC. 625. (a)(1) During the period a franchise is in effect, the cable operator may obtain from the franchising authority modifications of the requirements in such franchise—

"(A) in the case of any such requirement for facilities or equipment, including public, educational, or governmental access facilities or equipment, if the cable operator demonstrates that (i) it is commercially impracticable for the operator to comply with such requirement, and (ii) the proposal by the cable operator for modification of such requirement is appropriate because of commercial impracticability; or

"(B) in the case of any such requirement for services, if the cable operator demonstrates that the mix, quality, and level of services required by the franchise at the time it was granted will be maintained after such modification.

"(2) Any final decision by a franchising authority under this subsection shall be made in a public proceeding. Such decision shall be made within 120 days after receipt of such request by the franchising authority, unless such 120-day period is extended by mutual agreement of the cable operator and the franchising authority.

"(b)(1) Any cable operator whose request for modification under subsection (a) has been denied by a final decision of a franchising authority may obtain modification of such franchise requirements pursuant to the provisions of section 635.

"(2) In the case of any proposed modification of a requirement for facilities or equipment, the court shall grant such modification only if the cable operator demonstrates to the court that—

"(A) it is commercially impracticable for the operator to comply with such requirement; and

"(B) the terms of the modification requested are appropriate because of commercial impracticability.

"(3) In the case of any proposed modification of a requirement for services, the court shall grant such modification only if the cable operator demonstrates to the court that the mix, quality, and level of services required by the franchise at the time it was granted will be maintained after such modification.

"(c) Notwithstanding subsections (a) and (b), a cable operator may, upon 30 days' advance notice to the franchising authority, rearrange, replace, or remove a particular cable service required by the franchise if—

"(1) such service is no longer available to the operator; or

"(2) such service is available to the operator only upon the payment of a royalty required under section 801(b)(2) of title 17, United States Code, which the cable operator can document—

"(A) is substantially in excess of the amount of such payment required on the date of the operator's offer to provide such service, and

"(B) has not been specifically compensated for through a rate increase or other adjustment.

"(d) Notwithstanding subsections (a) and (b), a cable operator may take such actions to rearrange a particular service from one service tier to another, or otherwise offer the service, if the rates for all of the service tiers involved in such actions are not subject to regulation under section 623.

"(e) A cable operator may not obtain modification under this section of any requirement for services relating to public, educational, or governmental access.

"(f) For purposes of this section, the term "commercially impracticable' means, with respect to any requirement applicable to a cable operator, that it is commercially impracticable for the operator to comply with such requirement as a result of a change in conditions which is beyond the control of the operator and the nonoccurrence of which was a basic assumption on which the requirement was based.

"RENEWAL

"SEC. 626. (a) During the 6-month period which begins with the 36th month before the franchise expiration, the franchising authority may on its own initiative, and shall at the request of the cable operator, commence proceedings for the purpose of—

"(1) identifying the future cable-related community needs and interests; and

"(2) reviewing the performance of the cable operator under the franchise during the then current franchise term.

"(b)(1) Upon completion of a proceeding under subsection (a), a cable operator seeking renewal of a franchise may, on its own initiative or at the request of a franchising authority, submit a proposal for renewal.

"(2) Subject to section 624, any such proposal shall contain such material as the franchising authority may require, including proposals for an upgrade of the cable system.

"(3) The franchising authority may establish a date by which such proposal shall be submitted.

"(c)(1) Upon submittal by a cable operator of a proposal to the franchising authority for the renewal of a franchise, the franchising authority shall provide prompt public notice of such proposal and, during the 4-month period which begins on the completion of any proceedings under subsection (a), renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the operator or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, in accordance with paragraph (2) to consider whether—

"(A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;

"(B) the quality of the operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix, quality, or level of cable services or other services provided over the system, has been reasonable in light of community needs;

"(C) the operator has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the operator's proposal; and

"(D) the operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

"(2) In any proceeding under paragraph (1), the cable operator shall be afforded adequate notice and the cable operator and the franchise authority, or its designee, shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (a)), to require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding.

"(3) At the completion of a proceeding under this subsection, the franchising authority shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the cable operator. Such decision shall state the reasons therefor.

"(d) Any denial of a proposal for renewal shall be based on one or more adverse findings made with respect to the factors described in subparagraphs (A) through (D) of subsection (c)(1), pursuant to the record of the proceeding under subsection (c). A franchising authority may not base a denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) or on events considered under subsection (c)(1)(B) in any case in which a violation of the franchise or the events considered under subsection (c)(1)(B) occur after the effective date of this title unless the franchise authority has provided the operator with notice and the opportunity to cure, or in any case in which it is documented that the franchising authority has waived its right to object, or has effectively acquiesced.

"(e)(1) Any cable operator whose proposal for renewal has been denied by a final decision of a franchising authority made pursuant to this section, or has been adversely affected by a failure of the franchising authority to act in accordance with the procedural requirements of this section, may appeal such final decision or failure pursuant to the provisions of section 635.

"(2) The court shall grant appropriate relief if the court finds that—

"(A) any action of the franchising authority is not in compliance with the procedural requirements of this section; or

"(B) in the event of a final decision of the franchising authority denying the renewal proposal, the operator has demonstrated that the adverse finding of the franchising authority with respect to each of the factors described in subparagraphs (A) through (D) of subsection (c)(1) on which the denial is based is not supported by a preponderance of the evidence, based on the record of the proceeding conducted under subsection (c).

"(f) Any decision of a franchising authority on a proposal for renewal shall not be considered final unless all administrative review by the State has occurred or the opportunity therefore has lapsed.

"(g) For purposes of this section, the term 'franchise expiration' means the date of the expiration of the term of the franchise, as provided under the franchise, as it was in effect on the date of the enactment of this title.

"(h) Notwithstanding the provisions of subsections (a) through (g) of this section, a cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of subsections (a) through (g) of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (a) through (g).

"CONDITIONS OF SALE

"SEC. 627. (a) If a renewal of a franchise held by a cable operator is denied and the franchising authority acquires ownership of the cable system or effects a transfer of ownership of the system to another person, any such acquisition or transfer shall be—

"(1) at fair market value, determined on the basis of the cable system valued as a going concern but with no value allocated to the franchise itself, or

"(2) in the case of any franchise existing on the effective date of this title, at a price determined in accordance with the franchise if such franchise contains provisions applicable to such an acquisition or transfer.

"(b) If a franchise held by a cable operator is revoked for cause and the franchising authority acquires ownership of the cable system or effects a transfer of ownership of the system to another person, any such acquisition or transfer shall be—

"(1) at an equitable price, or

"(2) in the case of any franchise existing on the effective date of this title, at a price determined in accordance with the franchise if such franchise contains provisions applicable to such an acquisition or transfer.

"PART IV—MISCELLANEOUS PROVISIONS

"PROTECTION OF SUBSCRIBER PRIVACY

"SEC. 631. (a)(1) At the time of entering into an agreement to provide any cable service or other service to a subscriber and at least once a year thereafter, a cable operator shall provide notice in the form of a separate, written statement to such subscriber which clearly and conspicuously informs the subscriber of—

"(A) the nature of personally identifiable information collected or to be collected with respect to the subscriber and the nature of the use of such information;

"(B) the nature, frequency, and purpose of any disclosure which may be made of such information, including an identification of the types of persons to whom the disclosure may be made;

"(C) the period during which such information will be maintained by the cable operator;

"(D) the times and place at which the subscriber may have access to such information in accordance with subsection (d); and

"(E) the limitations provided by this section with respect to the collection and disclosure of information by a cable operator and the right of the subscriber under subsections (f) and (h) to enforce such limitations.

In the case of subscribers who have entered into such an agreement before the effective date of this section, such notice shall be provided within 180 days of such date and at least once a year thereafter.

"(2) For purposes of this section, the term 'personally identifiable information' does not include any record of aggregate data which does not identify particular persons.

"(b)(1) Except as provided in paragraph (2), a cable operator shall not use the cable system to collect personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned.

"(2) A cable operator may use the cable system to collect such information in order to—

"(A) obtain information necessary to render a cable service or other service provided by the cable operator to the subscriber; or

"(B) detect unauthorized reception of cable communications.

"(c)(1) Except as provided in paragraph (2), a cable operator shall not disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned.

"(2) A cable operator may disclose such information if the disclosure is—

"(A) necessary to render, or conduct a legitimate business activity related to, cable service or other service provided by the cable operator to the subscriber;

"(B) subject to subsection (h), made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed; or

"(C) a disclosure of the names and addresses of subscribers to any cable service or other service, if—

"(i) the cable operator has provided the subscriber the opportunity to prohibit or limit such disclosure, and

"(ii) the disclosure does not reveal, directly or indirectly, the—

"(I) extent of any viewing or other use by the subscriber of a cable service or other service provided by the cable operator, or

"(II) the nature of any transaction made by the subscriber over the cable system of the cable operator.

"(d) A cable subscriber shall be provided access to all personally identifiable information regarding that subscriber which is collected and maintained by a cable operator. Such information shall be made available to the subscriber at reasonable times and at a convenient place designated by such cable operator. A cable subscriber shall be provided reasonable opportunity to correct any error in such information.

"(e) A cable operator shall destroy personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under subsection (d) or pursuant to a court order.

"(f)(1) Any person aggrieved by any act of a cable operator in violation of this section may bring a civil action in a United States district court.

"(2) The court may award—

"(A) actual damages but not less than liquidated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is higher;

"(B) punitive damages; and

"(C) reasonable attorneys' fees and other litigation costs reasonably incurred.

"(3) The remedy provided by this section shall be in addition to any other lawful remedy available to a cable subscriber.

"(g) Nothing in this title shall be construed to prohibit any State or any franchising authority from enacting or enforcing laws consistent with this section for the protection of subscriber privacy.

"(h) A governmental entity may obtain personally identifiable information concerning a cable subscriber pursuant to a court order only if, in the court proceeding relevant to such court order—

"(1) such entity offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case; and

"(2) the subject of the information is afforded the opportunity to appear and contest such entity's claim.

"CONSUMER PROTECTION

"SEC. 632. (a) A franchising authority may require, as part of a franchise (including a franchise renewal, subject to section 626), provisions for enforcement of—

"(1) customer service requirements of the cable operator; and

"(2) construction schedules and other construction-related requirements of the cable operator.

"(b) A franchising authority may enforce any provision, contained in any franchise, relating to requirements described in paragraph (1) or (2) of subsection (a), to the extent not inconsistent with this title.

"(c) Nothing in this title shall be construed to prohibit any State or any franchising authority from enacting or enforcing

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any consumer protection law, to the extent not inconsistent with this title.

"UNAUTHORIZED RECEPTION OF CABLE SERVICE

"SEC. 633. (a)(1) No person shall intercept or receive or assist in intercepting or receiving any communications service offered over a cable system, unless specifically authorized to do so by a cable operator or as may otherwise be specifically authorized by law.

"(2) For the purpose of this section, the term 'assist in intercepting or receiving' shall include the manufacture or distribution of equipment intended by the manufacturer or distributor (as the case may be) for unauthorized reception of any communications service offered over a cable system in violation of subparagraph (1).

"(b)(1) Any person who willfully violates subsection (a)(1) shall be fined not more than $1,000 or imprisoned for not more than six months, or both.

"(2) Any person who violates subsection (a)(1) willfully and for purposes of commercial advantage or private financial gain shall be fined not more than $25,000 or imprisoned for not more than one year, or both, for the first such offense and shall be fined not more than $50,000 or imprisoned for not more than two years, or both, for any subsequent offense.

"(c)(1) Any person aggrieved by any violation of subsection (a)(1) may bring a civil action in a United States district court or in any other court of competent jurisdiction.

"(2) The court may—

"(A) grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain violations of subsection (a)(1);

"(B) award damages as described in paragraph (3); and

"(C) direct the recovery of full costs, including awarding reasonable attorneys' fees to an aggrieved party who prevails.

"(3)(A) Damages awarded by an court under this section shall be computed in accordance with either of the following clauses:

"(i) the party aggrieved may recover the actual damages suffered by him as a result of the violation and any profits of the violator that are attributable to the violation which are not taken into account in computing the actual damages; in determining the violator's profits, the party aggrieved shall be required to prove only the violator's gross revenue, and the violator shall be required to prove his deductible expenses and the elements of profit attributable to factors other than the violation; or

"(ii) the party aggrieved may recover an award of statutory damages for all violations involved in the action, in a sum of not less than $250 or more than $10,000 as the court considers just.

"(B) In any case in which the court finds that the violation was committed willfully and for purposes of commercial advantage or private financial gain, the court in its discretion may increase the award of damages, whether actual or statutory under subparagraph (A), by an amount of not more than $50,000.

"(C) In any case where the court finds that the violator was not aware and had no reason to believe that his acts constituted a violation of this section, the court in its discretion may reduce the award of damages to a sum of not less than $100.

"(D) Nothing in this title shall prevent any State or franchising authority from enacting or enforcing laws, consistent with this section, regarding the unauthorized interception or reception of any cable service or other communication service.

"EQUAL EMPLOYMENT OPPORTUNITY

"SEC. 634. (a) This section shall apply to any corporation, partnership, association, joint-stock company, or trust engaged primarily in the management or operation of any cable system.

"(b) Equal opportunity in employment shall be afforded by each entity specified in subsection (a), and no person shall be discriminated against in employment by such entity because of race, color, religion, national origin, age, or sex.

"(c) Any entity specified in subsection (a) shall establish, maintain, and execute a positive continuing program of specific practices designed to ensure equal opportunity in every aspect of its employment policies and practices. Under the terms of its program, each such entity shall—

"(1) define the responsibility of each level of management to ensure a positive application and vigorous enforcement of its policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance;

"(2) inform its employees and recognized employee organizations of the equal employment opportuntiy policy and program and enlist their cooperation;

"(3) communicate its equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin, age, or sex, and solicit their recruitment assistance on a continuing basis.

"(4) conduct a continuing program to exclude every form of predjudice or discrimination based on race, color, religion, national origin, age, or sex, from its personnel policies and practices and working conditions; and

"(5) conduct a continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed to ensure genuine equality of opportunity to participate fully in all its organization units, occupations, and levels of responsibility.

"(d)(1) Not later than 180 days after the effective date of this section, and after notice and opportunity for hearing, the commission shall prescribe rules to carry out this section.

"(2) Such rules shall specify the terms under which an entity specified in subsection (a) shall, to the extent possible—

"(A) disseminate its equal opportunity program to job applicants, employees, and those with who it regularly does business;

"(B) use minority organizations, organizations for women, media, educational institutions, and other potential sources of minority and female applicants, to supply referrals whenever jobs are available in its operation;

"(C) evaluate its employment profile and job turnover against the availability of minorities and women in the relevant labor market;

"(D) undertake to offer promotions of minorities and women to positions of greater responsibility;

"(E) encourage minority and female entrepreneurs to conduct business with all parts of its operation; and

"(F) analyze the results of its efforts to recruit, hire, promote, and use the services of minorities and women and explain any difficulties encountered in implementing its equal employment opportunity program.

"(3) Such rules also shall require an entity specified in subsection (a) with more than 5 full-time employees to file with the Commission an annual statistical report identifying by race and sex the number of employees in each of the following full-time and part-time job categories:

"(A) officials and managers;

"(B) professionals;

"(C) technicians;

"(D) sales persons;

"(E) office and clerical personnel;

"(F) skilled craft persons;

"(G) semiskilled operatives;

"(H) unskilled laborers; and

"(I) service workers.

The statistical report shall be available to the public at the central office and at every location where more than 5 full-time employees are regularly assigned to work.

"(4) the Commission may amend such rules from time to time to the extent necessary to carry out the provisions of this section. Any such amendment shall be made after notice and opportunity for comment.

"(e)(1) Except as provided in paragraphs (5) and (6) and subsections (b) and (c), an entity specified in subsection (a) shall be certified by the Commission as in compliance with subsection (c) if, on the basis of statistical reports under subsection (d)(3) and other information in the possession of the Commission—

"(A) the total number of women employed by such entity is equal to at least 50 percent of the number which bears the same ratio to the total number of all persons employed by such entity as the portion of the available workforce in the area which are women;

"(B) the total number of women employed by such entity in each of the four job categories described in subsection (d)(3)(A)-(D) is equal to at least 50 percent of the number which bears the same ratio to the total number of all persons employed by such entity in such category as the portion of the available workforce in the area which are women available for positions in such category;

"(C) the total number of members of each minority group employed by such entity is equal to at least 50 percent of the number which bears the same ratio to the total number of all persons employed by such entity as the portion of the available workforce in the area which are of that minority group;

"(D) the total number of members of each minority group employed by such entity in each of the four job categories described in subsection (d)(3)(A)-(D) is equal to at least 50 percent of the number which bears the same ratio to the total number of all persons employed by such entity in such category as the portion of the available workforce in the area which are of that minority group and available for positions in such category; and

"(E) notwithstanding subparagraphs (B) and (D), the total number of women and members of each minority group respectively employed by such entity in the job categories of officials and managers, professionals, technicians, and sales persons, in the aggregate, is equal to at least 50 percent of the number which bears the same ratio to the total number of all persons employed by such entity in such categories as the portion of the available workforce in the area which are women and members of each minority group, respectively.

"(2)(A) For purposes of this subsection, the term 'portion of the available workforce in the area', when used with respect to any group, means the ratio that (i) the number of such group available in the labor recruitment area involved bears to (ii) the total number of persons available in the overall workforce in such area.

"(B) In determining such ratio for purposes of paragraph (1) (B) and (D), only persons available for the positions involved shall be taken into account. In determining the availability of such persons for a specific job category under paragraph (1) (B) and (D), the Commission shall consider any Census data, statistics of the United States Department of Labor, or other similar evidence provided by any entity described in subsection (a) as to the lack of sufficient numbers of women and members of each minority group possessing the requisite skills in a specific job category, upon a showing that such entity used best efforts in attempting to recruit women and members of each minority group for that specific job category.

"(3) For purposes of this subsection, the term 'labor recruitment area' means, in the case of a cable system, an area designated by the Commission. In the case of any other entity described in subsection (a), such term means the United States.

"(4)(A) In the case of any entity described in subsection (a) having 5 or fewer full-time employees, the entity shall not be required to be certified under this subsection.

"(B) In the case of any entity described in subsection (a) having 11 or more full-time employees, the provisions of paragraph (1) shall be applied by substituting '60 percent' for '50 percent' each place it appears.

"(C) The requirements of this subsection shall not apply with respect to minority groups if minority group members constitute less than 5 percent, in the aggregate, of the work force in the entity's labor recruitment area.

"(5)(A) The Commission shall prescribe regulations pursuant to this subsection not later than one year after the effective date of this section.

"(B) Paragraph (1) shall not be effective for any entity during the 3-year period beginning on the date regulations are prescribed under this subsection.

"(C) During such 3-year period, the rules of the Commission implementing this subsection shall provide that any such entity specified in subsection (a) shall comply with the requirements applicable to such entity on the day before the date of the enactment of this section or such interim standards as the Commission may by rule prescribe.

"(f)(1) If the Commission finds after notice and hearing that the entity involved has willfully or repeatedly without good cause failed to comply with the requirements of this section, such failure shall constitute a substantial failure to comply with this title and the Commission shall revoke any certification under subsection (e) of this section; however, the failure to obtain certification under subsection (e) shall not itself constitute the basis for a determination of substantial failure to comply with this title. For purposes of this paragraph, the term 'repeatedly', when used with respect to failures to comply, refers to 3 or more failures during any 7-year period.

"(2) Any person who is determined by the Commission to have failed to meet or failed to make best efforts to meet the requirements of this section, or rules under this section, shall be liable to the United States for a forfeiture penalty of $200 for each violation. Each day of a continuing violation shall constitute a separate offense. Any entity defined in subsection (a) shall not be liable for more than 180 days of forfeitures which accrued prior to notification by the Commission of a potential violation. Nothing in this paragraph shall limit the forfeiture imposed on any person as a result of any violation that continues subsequent to such notification. In addition, any person liable for such penalty may also have any license under this Act for cable auxiliary relay service suspended until the Commission determines that the failure involved has been corrected.

"(3) The provisions of paragraphs (3) and (4), and the last 2 sentences of paragraph (2), of section 503(b) shall apply to forfeitures under this subsection.

"(4) The Commission shall provide for notice to the public and appropriate franchising authorities of any penalty imposed under this section.

"(g) Employees or applicants for employment who believe they have been discriminated against in violation of the requirements of this section, or rules under this section, or any other interested person, may file a compliant with the Commission. A complaint by any such person shall be in writing, and shall be signed and sworn to by that person. The regulations under subsection (d)(1) shall specify a program, under authorities otherwise available to the Commission, for the investigation of complaints and violations, and for the enforcement of this section.

"(h)(1) For purposes of this section, the term 'cable operator' includes any operator of any satellite master antenna television system, including a system described in section 602(6)(A).

"(2) Such term does not include any operator of a system which, in the aggregate, serves fewer than 50 subscribers.

"(3) In any case in which a cable operator is the owner of a multiple unit dwelling, the requirements of this section shall only apply to such cable operator with respect to its employees who are primarily engaged in cable telecommunications.

"(i)(1) Nothing in this section shall affect the authority of any State or any franchising authority—

"(A) to establish or enforce any requirement which is consistent with the requirements of this section, including any requirements genrally applicable to cable operators and other employers which affords greater equal employment opportunity protection for employees than is available under this section.

"(B) to establish or enforce any provision requiring or encouraging any cable operator to conduct business with enterprises which are owned or controlled by members of minority groups (as defined in section 309(i)(3)(ii) or which have their principal operations located within the community served by the cable operator; or

"(C) to enforce any requirement of a franchise in effect on the effective date of this title.

"(2) The remedies and enforcement provisions of this section are in addition to, and not in lieu of, those available under this or any other law.

"(3) The provisions of this section shall apply to any cable operator, whether operating to a franchise granted before, or after the date of the enactment of this section.

"JUDICIAL PROCEEDINGS

"SEC. 636. (a) Any cable operator adversely affected by any final determination made by a franchising authority under section 625 or 626 may commence an action within 120 days after receiving notice of such determination, which may be brought in—

"(1) the district court of the United States for any judicial district in which the cable system is located; or

"(2) in any state court of general jurisdiction having jurisdiction over the parties.

"(b) The court may award any appropriate relief consistent with the provisions of the relevant section described in subsection (a).

"COORDINATION OF FEDERAL, STATE, AND LOCAL AUTHORITY

"SEC. 636. (a) Nothing in this title shall be construed to affect any authority of any State, political subdivision, or agency thereof, or franchising authority, regarding matters of public health, safety, and welfare, to the extent consistent with the express provisions of this title.

"(b) Nothing in this title shall be construed to restrict a State from exercising jurisdiction with regard to cable services consistent with this title.

"(c) Except as provided in section 637, any provision of law of any State, political subdivision, or agency thereof, or franchising authority, or any provision of any franchise granted by such authority, which is inconsistent with this Act shall be deemed to be preempted and superseded.

"(d) For purposes of this section, the term 'State' has the meaning given such term in section 3(v).

"EXISTING FRANCHISES

"SEC. 637. (a) The provisions of—

"(1) any franchise in effect on the effective date of this title, including any such provisions which relate to the designation, use, or support for the use of channel capacity for public, educational, or governmental use, and

"(2) any law of any State (as defined in section 3(v)) in efect on the date of the enactment of this section, or any regulation promulgated pursuant to such law, which relates to such designation, use or support of such channel capacity,

shall remain in effect, subject to the express provisions of this title, and for not longer than the then current remaining term of the franchise as such franchise existed on such effective date.

"(b) For purposes of subsection (a) and other provisions of this title, a franchise shall be considered in effect on the effective date of this title if such franchise was granted on or before such effective date.

"CRIMINAL AND CIVIL LIABILITY

"SEC. 638. Nothing in this title shall be deemed to affect the criminal or civil liability of cable programmers or cable operators pursuant to the Federal, State, or local law of libel, slander, obscenity, incitement, invasions of privacy, false or misleading advertising, or other similar laws, except that cable operators shall not incur any such liability for any program carried on any channel designated for public, educational, governmental use or on any other channel obtained under section 612 or under similar arrangements.

"OBSCENE PROGRAMMING

"SEC. 639. Whoever transmits over any cable system any matter which is obscene or otherwise unprotected by the Constitution of the United States shall be fined not more than $10,000 or imprisoned not more than two years, or both.".

JURISDICTION

SEC. 3. (a)(1) Section 2(a) of the Communications Act of 1934 is amended by adding at the end thereof the following: "The provisions of this Act shall apply with respect to cable service, to all persons engaged within the United States in providing such service, and to the facilities of cable operators which relate to such service, as provided in title VI.".

(2) Section 2(b) of such Act is amended by inserting after "section 301" the following: "and title VI".

(b) The provisions of this Act and amendments made by this Act shall not be construed to affect any jurisdiction the Federal Communications Commission may have under the Communications Act of 1934 with respect to any communication by wire or radio (other than cable service, as defined in section 602(5) of such Act) which is provided through a cable system, or persons or facilities engaged in such communications.

ROLE ATTACHMENTS

SEC. 4. Section 224(c) of the Communications Act of 1934 is amended by adding at the end thereof the following new paragraph:

"(3) For purposes of this subsection, a State shall not be considered to regulate the rates, terms, and conditions for pole attachments—

"(A) unless the State has issued and made effective rules and regulations implementing the State's regulatory authority over pole attachments; and

"(B) with respect to any individual matter, unless the State takes final action on a complaint regarding such matter—

"(i) within 180 days after the complaint is filed with the State, or

"(ii) within the applicable period prescribed for such final action in such rules and regulations of the State, if the prescribed period does not extend beyond 360 days after the filing of such complaint.".

UNAUTHORIZED RECEPTION OF CERTAIN COMMUNICATIONS

SEC. 5. (a) Section 705 of the Communications Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsections:

"(b) The provisions of subsection (a) shall not apply to the interception or receipt by any individual, or the assisting (including the manufacture or sale) of such interception or receipt of any satellite cable programming for private viewing if—

"(1) the programming involved is not encrypted; and

"(2)(A) a marketing system is not established under which—

"(i) an agent or agents have been lawfully designated for the purpose of authorizing private viewing by individuals, and

"(ii) such authorization is available to the individual involved from the appropriate agent or agents; or

"(B) a marketing system described in subparagraph (A) is established and the individual receiving such programming has obtained authorization for private viewing under that system.

"(c) For purposes of this subsection—

"(1) the term 'satellite cable programming' means video programming which is transmitted via satellite and which is primarily intended for the direct receipt by cable operators for their retransmission to cable subscribers;

"(2) the term 'agent', with respect to any person, includes an employee of such person;

"(3) the term 'encrypt', when used with respect to satellite cable programming, means to transmit such programming in a form whereby the aural or visual characteristics (or both) are modified or altered for the purpose of preventing the unauthorized receipt of such programming by persons without authorized equipment which is designed to eliminate the effects of such modification or alteration; and

"(4) the term 'private viewing' means the viewing for private use in an individual's dwelling unit by means of equipment, owned or operated by such individual, capable of receiving satellite cable programming directly from a satellite.

"(d)(1) Any person who willfully violates subsection (a) shall be fined not more than $1,000 or imprisoned for not more than six months, or both.

"(2) Any person who violates subsection (a) willfully and for purposes of direct or indirect commercial advantage or private financial gain shall be fined not more than $25,000 or imprisoned for not more than one year, or both, for the first such offense and shall be fined not more than $50,000 or imprisoned for not more than two years, or both, for any subsequent offense.

"(3)(A) Any person aggrieved by any violation of subsection (a) may bring a civil action in a United States district court or in any other court of competent jurisdiction.

"(B) The court may—

"(i) grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain violations of subsection (a);

"(ii) award damages as described in subparagraph (C); and

"(iii) direct the recovery of full costs, including award reasonable attorneys' fees to an aggrieved party who prevails.

"(C)(i) Damages awarded by any court under this section shall be computed, at the election of the aggrieved party, in accordance with either of the following subclauses:

"(I) the party aggrieved may recover the actual damages suffered by him as a result of the violation and any profits of the violator that are attributable to the violation which are not taken into account in computing the actual damages; in determining the violator's profits, the party aggrieved shall be required to prove only the violator's gross revenue, and the violator shall be required to prove his deductible expenses and the elements of profit attributable to factors other than the violation; or

"(II) the party aggrieved may recover an award of statutory damages for each violation involved in the action in a sum of not less than $250 or more than $10,000, as the court considers just.

"(ii) In any case in which the court finds that the violation was committed willfully and for purposes of direct or indirect commercial advantage or private financial gain, the court in its discretion may increase the award of damages, whether actual or statutory, by an amount of not more than $50,000.

"(iii) In any case where the court finds that the violator was not aware and had no reason to believe that his acts constituted a violation of this section, the court in its discretion may reduce the award of damages to a sum of not less than $100.

"(4) The importation, manufacture, sale, or distribution of equipment by any person with the intent of its use to assist in the interception or receipt of radio communications prohibited by subsection (a) shall be subject to penalties and remedies under this subsection to the same extent and in the same manner as a person who has engaged in such prohibited interception or receipt.

"(5) The penalities under this subsection shall be in addition to those prescribed under any other provision of this title.

"(6) Nothing in this subsection shall prevent any State, or political subdivision thereof, from enacting or enforcing any laws with respect to the importation, sale, manufacture, or distribution of equipment by any person with the intent of its use to assist in the interception or receipt of radio communications prohibited by subsection (a).

"(d) Nothing in this section shall affect any right, obligation, or liability under title 17, United States Code, any rule, regulation, or order thereunder, or any other applicable Federal, State, or local law.".

"(b) The amendments made by subsection (a) shall take effect on the effective date of this Act.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 6. (a) Title VI of the Communications Act of 1934 (as in effect before the enactment of this Act) is redesignated as title VII, and sections 601 through 610 are redesignated as sections 701 through 710, respectively.

(b)(1) Section 309(h) of the Communications Act of 1934 is amended by striking out "section 606" and inserting in lieu thereof "section 706".

(2) Section 2511 of title 18, United States Code, is amended—

(A) in subsection (2)(e), by striking out "section 605 or 606" and inserting in lieu thereof "section 705 or 706"; and

(B) in subsection (2)(f), by striking out "section 605" and inserting in lieu thereof "section 705".

(3) Section 105(f)(2)(C) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(f)(2)(C)) is amended by striking out "section 605" and inserting in lieu thereof "section 705".

EFFECTIVE DATE

SEC. 7. (a) Except where otherwise expressly provided, the provisions of this Act and the amendments made thereby shall take effect 60 days after the date of enactment of this Act.

(b) Nothing in section 623 or 624 of the Communications Act of 1934, as added by this Act, shall be construed to allow a franchising authority, or a State or any political subdivision of a State, to require a cable operator to restore, retier, or reprice any cable service which was lawfully eliminated, retiered, or repriced as of September 26, 1984.

Mr. BAKER. Mr. President, I move that the Senate concur in the amendments of the House with the amendments that have been agreed to by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to concur.

The motion was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. PACKWOOD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC DEBT LIMIT INCREASE

The Senate resumed consideration of House Joint Resolution 654.

Mr. BAKER. Mr. President, the Senate is back on the debt limit resolution, is it not?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 7108

(Purpose: To amend the Internal Revenue Code of 1954 to modify withholding to tax on certain securities)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 7108.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . (a) Section 871(h) of the Internal Revenue Code of 1954 (relating to repeal of tax on interest on certain investments) is amended—

(1) by adding at the end thereof the following new paragraph:

"(7) 5-PERCENT WITHHOLDING ON BEARER SECURITIES.—In the case of any interest which is paid on any obligation which is issued by a corporation, partnership, trust, estate, or individual and is not in registered form—

"(A) paragraph (1) shall not apply, and

"(B) paragraph (1) of subsection (a) shall be applied with respect to such interest by substituting '5 percent' for '30 percent'.

"(8) REINSTATEMENT OF TAX WHERE UNITED STATES GOVERNMENT-BACKED SECURITIES IN BEARER FORM.—For purposes of this subsection, the term 'portfolio interest' shall not include any interest on a United States Government security-

"(A) if any interest in such obligation is held through a United States Government-backed security (or such obligation or other security for any United States Government-backed security), and

"(B) if—

"(i) such United States Government-backed security is not in registered form, or

"(ii) such United States Government-backed security is in registered form but the beneficial owner of such security does not furnish a statement which—

"(I) identifies the beneficial owner of the obligation and sets forth the address of such owner,

"(II) is signed by the beneficial owner under penalty or perjury, and

"(III) states that such beneficial owner is not a United States person.

"(9) REDUCTION IN TAX UNDER TREATIES NOT TO APPLY.—No reduction in the tax imposed by subsection (a) on paragraph (7) by reason of any treaty obligation of the United States shall apply.", and

(2) by striking out "In" in paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (7) in".

(b) Section 881(c) of the Internal Revenue Code of 1954 (relating to repeal of tax on interest of foreign corporations) is amended—

(1) by adding at the end thereof the following new paragraph:

"(7) 5-PERCENT WITHHOLDING ON CORPORATE BEARER SECURITIES.—In the case of any interest which is paid on any obligation which is issued by a corporation, partnership, trust, estate, or individual and is not in registered form—

"(A) paragraph (1) shall not apply, and

"(B) subsection (a) shall be applied with respect to such interest by substituting '5 percent' for '37 percent'.

"(8) REINSTATEMENT OF TAX WHERE UNITED STATES GOVERNMENT-BACKED SECURITIES IN BEARER FORM.—For purposes of this subsection, the term 'portfolio interest' shall not include any interest on a United States Government security—

"(A) if any interest in such obligation is held through a United States Government-backed security (or such obligation is collateral or other security for any United States Government-backed security), and

"(B) if—

"(i) such United States Government-backed security is not in registered form, or

"(ii) such United States Government-backed security is in registered form but the beneficial owner of such security does not furnish a statement which—

"(I) identifies the beneficial owner of the obligation and sets forth the address of such owner,

"(II) is signed by the beneficial owner under penalty of perjury, and

"(III) states that such beneficial owner is not a United States person.

"(9) REDUCTION IN TAX UNDER TREATIES NOT TO APPLY.—No reduction in the tax imposed by subsection (a) or paragraph (7) by reason of any treaty obligation of the United States shall apply.", and

(2) by striking out "In" in paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (7) in".

(c) Section 871(h)(5) and section 881(h)(5) of the Internal Revenue Code is amended to read as follows:

"(5) Repeal of tax to apply only in cases of adequate information exchange.—

"(A) IN GENERAL.—Unless the Secretary determines that the exchange of information between the United States and any foreign country is adequate to prevent evasion of the United States income tax by United states persons, paragraph (1) shall not apply to payments of interest to any person within such foreign country (or to payments addressed to, or for the account of, persons within such foreign country). If the Secretary so determines, he shall provide in writing (and publish a statement) that the provisions of this subsection may apply to payments of interest to any person within such foreign country (or payments addressed to, or for the account of, persons within such foreign country) during the period—

"(i) beginning on the date specified by the Secretary, and

"(ii) ending on the date, if any, that the Secretary determines that the exchange of information between the United States and such foreign country is inadequate to prevent the evasion of United States income tax by United States persons or revokes the prior determination of adequacy.".

(d)(1) Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall apply to interest payments made with respect to obligations issued during the period beginning on the date of the enactment of this Act and ending on the date which is 18 months after such date.

(2) If, at any time after the 90th day after the date of the enactment of this Act, the Secretary of the Treasury or his delegate determines that obligations issued by corporations, partnerships, trusts, estates, and individuals cannot be sold to foreign persons in registered form, or not in registered form but with a 5 percent withholding tax, the Secretary of the Treasury or his delegate shall publish such determination in the Federal Register and the amendments made by subsections (a) and (b) shall cease to apply to obligations issued after the date of such publication.

(3) The amendments made by subsection (c) shall apply to interest payments made with respect to obligations issued after the date of the enactment of this Act.

Mr. METZENBAUM. Mr. President, this amendment addresses the sale of U.S. Government and corporate securities in foreign capital markets in a manner that may enable Americans to evade U.S. taxes.

It is not a new subject here in the Chamber. We have had the issue before us before. I sponsored an amendment last August that expressed the sense of Congress that U.S. Government securities should not be repackaged by private firms into unregistered form. That amendment passed unanimously.

Treasury at that time promised not to sell its securities in unregistered form.

But since then, Treasury has changed its mind. The Department has issued regulations that permit U.S. Government securities to be sold in special registered form.

What does that mean?

It means that foreign banks can purchase U.S. Government securities in registered form, and then resell them to their customers whose identity will be kept confidential.

How do we know that these customers are not Americans?

We do not.

we rely entirely on the good faith of foreign banks.

But Secretary Regan says that is OK. The Secretary tells us that we can trust foreign banks to act as policemen for the U.S. Treasury. He says "Trust the Swiss banker. No Swiss banker will permit U.S. citizens to purchase these securities."

Yes, Mr. President, trust the Swiss Bankers.

That says it all about the so-called special registered form.

And how about corporate securities?

Under the Treasury regulation, corporate securities may be sold overseas in bearer form.

What does that mean?

A bearer bond is an instrument whose main appeal to buyers lies in the fact that it can be purchased and held anonymously. U.S. firms have for years sold such securities on foreign markets to lenders who for various reasons wish to keep their identifies secret. Some wish to evade taxes, others to get around currency restrictions, and still others are no doubt engaged in laundering illicit profits from drug smuggling and other criminal activities.

In fact, because of concerns that bearer bonds facilitate tax evasion, Congress restricted their sale in 1982. The Tax Equity and Fiscal Responsibility Act prohibits the sale of bearer bonds by Federal agencies and denies certain tax benefits to U.S. corporations issuing bearer bonds. In addition, the law imposes an excise tax on bonds that violate these prohibitions. The law exempts bonds sold to foreigners when there are arrangements designed to ensure that such bonds not be sold or resold to Americans. Under the new proposed regulations, however, the only arrangement that is necessary is a covenant, a mere promise, by the sellers that no U.S. person will buy the bonds.

Are there any penalties for breaking the covenant?

No.

Do we have any means of determining whether or not these bonds are finding their way into the hands of U.S. buyers?

Of course not.

So much, Mr. President, for tax compliance.

Mr. President, I do not believe that it would be wise or appropriate to close down the foreign capital markets to American corporations. Permitting U.S. companies to sell their securities overseas to anonymous buyers is not the only way for U.S. companies to have access to foreign capital markets. But it is certainly the worst way if we have any interest whatever in improving tax compliance.

So my amendment would do three things:

For a period of 18 months, all corporate bonds would have to be issued in registered form or be subject to a 5-percent withholding tax. If the Secretary finds that this requirement closes off foreign capital markets to U.S. companies, then anytime after 90 days he can return to the status quo.

With respect to Treasury securities my amendment provides that foreign firms could not repackage Treasury securities into bearer form. Currently, Treasury has authority to stop only U.S. firms.

The third item in my amendment would provide with respect to all securities that in order to qualify for the 30-percent withholding repeal, the institution must be located in a country with which the United States has an adequate exchange of information agreement. This is the same requirement imposed on the foreign service corporations program, the program that replaced DISC, and Caribbean Basin Initiative. Regan says that he targeted registered securities work because you can trust the foreign banks to police the market. This program is intended to make that possibility more likely.

Mr. DOLE. Mr. President, first, I wish to thank the distinguished Senator from Ohio for raising this important issue. It is one that he called to my attention 2 or 3 months ago. Treasury voluntarily tightened some of the concerns. Then, we had a meeting in late September in my office with Secretary Regan, the distinguished Senator from Ohio, Senator METZENBAUM, Senator BENTSEN, Senator CHAFEE, and myself. As a result of that meeting, as a result of the concerns expressed by the distinguished Senator from Ohio, Senator METZENBAUM, and others, I have received a letter, and I am certain copies of it are available. I will put it in the RECORD.

I believe the Secretary made a flat out statement to the Senator from Ohio, "Let's see what happens, and if the Senator from Ohio is right we will take action." I think that is a shorthand summary of about an hour's session. In my view, I think we have been able to work it out.

I will just read the pertinent parts of the letter:

> I would like to take this opportunity to follow up on our meeting of Wednesday morning concerning compliance issues related to the implementation of the repeal of the 30-percent withholding tax on portfolio interest paid to foreigners.
>
> As I described in my letter to you of September 7, 1984, the Treasury Department has further refined the compliance procedures initially developed in TEFRA. These procedures are intended to minimize the possibility that a U.S. person will hold interest bearing securities outside the United States in order to evade U.S. tax. In implementing the repeal legislation, which was designed to ensure efficient access by the U.S. Treasury, as well as other U.S. issuers, to the international capital markets, we have been careful to protect the integrity of our tax compliance procedures.

He goes on to say:

> The Treasury Department intends to continue to monitor and analyze the compliance aspects of repeal. In this regard, the Treasury Department will report to Congress within 90 days after the first interest payment made on the foreign-targeted registered issue of Treasury securities regarding our experience under these new compliance procedures.
>
> The United States has been an international leader in matters of tax compliance. Our efforts in implementing the repeal of the 30-percent withholding tax have been directed at improving existing compliance procedures.

So what I would hope is that, based on this assurance, based on the meeting we had with the Secretary, that the Senator from Ohio might not press the amendment at this time.

Mr. METZENBAUM. Mr. President, it is my understanding that the Senator from Rhode Island, Senator CHAFEE, may want to come to the floor to address the issue. I hope someone will alert him. He indicated he might want to be heard. I do not want to delay the matter.

Mr. DOLE. A lot of people want to leave town, also. I think he would be willing, based on the letter from the Secretary, unless the Senator wishes to press the amendment—but we will check with Senator CHAFEE and see if he can speak a little later in the afternoon.

Mr. SYMMS. Mr. President, I do not want to interfere with the chairman. I just want to say one thing about this that has not been discussed, unless I have missed it in the debate on the floor, both at this time and earlier in the year when the Senator from Ohio brought this issue up.

One of the reasons this got started in the first place is the enormous amount of deficit that we have and the bearer certificates enable Treasury to sell more of that at lower interest rates. So when we start in a movement, if we overdo the job of tax compliance—and I am not opposed to tax compliance. But I do think we should understand that if foreign people buy these Treasury certificates and there are more bidders in the buying market, that has a tendency for interest rates to be pressed downward, which is good for all of the people in this country.

We should not fail to remember that one of the reasons this became an issue in the first place was for a way to enable Treasury to be able to finance more of this debt. I do not claim to be an expert in this field, but I am confident if it is overdone and a zealous attitude is taken to say we are not going to allow anything to happen, the pressures will go upward in the marketplace on the interest rates instead of downward, the way we would like to have it.

I thank the chairman for yielding. I see the Senator from Rhode Island is here and he may have some comments.

Mr. CHAFEE. Mr. President, first, I wish to thank the distinguished Senator from Ohio for notifying me about this because he and I discussed it yesterday. He sent word to my office that he was bringing it up and I appreciate that.

I think the chairman of the Finance Committee has, as I understand it, explained it well. He set forth a letter from Secretary Regan. It is a matter we are all concerned about in compliance. I believe that the efforts that Treasury is taking in connection with this are the right steps.

You can press it so far and if you push it too far you are not going to get any of the results of the measure that we won in the beginning.

As the Senator from Ohio knows from our discussions and from his experience, corporate bearer bonds were perfectly possible prior to this because they could be issued through the Lesser Antilles and in the form of Eurobonds. So we are not creating a new loophole by any means.

I know the Senator from Ohio has spent some time on this. We all met with Secretary Regan. I think this is a good letter that the Secretary sent back, particularly with the 90-day report. I hope that this would not be pressed much further because I hope the Senator is satisfied with the explanations.

I wish to assure him—and I know the chairman of the committee said the same thing undoubtedly—but I want to assure the Senator from Ohio that I, and I have probably been the prime sponsor of this, along with the Senator from Texas, Senator BENTSEN—and I know he feels the same way—we both will be carefully monitoring this to see that compliance is not vitiated in some form, so that it will not become a massive loophole.

Mr. METZENBAUM. Mr. President, I understand the position of the chairman of the Finance Committee, as well as the distinguished Senator from Rhode Island. I think I have spoken with the chairman of the Finance Committee often enough on this subject that I feel confident that he is prepared to work with me and the Senator from Rhode Island and the Senator from Texas and others, as well, and hopefully with the Secretary of the Treasury, to see to it that every dollar that is due this country in taxes is brought in. I think that applies not only to the Treasury bonds but corporate bonds as well.

I think to press this matter to a vote the debt limit bill would be inappropriate. I think Treasury is attempting to work with the Congress in this area. In view of that fact, I will withdraw the amendment. I look forward to hopefully working with Treasury as well as the chairman of the Finance Committee and the Senator from Rhode Island on this subject, if need be.

The **PRESIDING OFFICER.** The amendment is withdrawn.

Mr. DOLE. Mr. President, I thank the Senator from Ohio.

I ask unanimous consent that the letter dated September 28, 1984 from Secretary Regan to the Senator from Kansas be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, DC, September 28, 1984.

Hon. ROBERT J. DOLE,
Chairman, Senate Finance Committee,
U.S. Senate, Washington, DC.

DEAR BOB: I would like to take this opportunity to follow up on our meeting of Wednesday morning concerning compliance issues related to the implementation of the repeal of the 30 percent withholding tax on portfolio interest paid to foreigners.

As I described in my letter to you of September 7, 1984, the Treasury Department has further refined the compliance procedures initially developed in TEFRA. These procedures are intended to minimize the possibility that a U.S. person will hold interest bearing securities outside the United States in order to evade U.S. tax. In implementing the repeal legislation, which was designed to ensure efficient access by the U.S. Treasury, as well as other U.S. issuers, to the international capital markets, we have been careful to protect the integrity of our tax compliance procedures. This is evidenced by my decision that the U.S. Treasury, and other U.S. Government issuers, will not issue bearer securities, as well as by the certification requirements applicable to registered Treasury securities designed for sale in the international markets.

We believe that the certification procedures, prescribed in the temporary regulations published on August 22, 1984 and applicable to registered Treasury securities, represent a step forward in international tax compliance procedures. We have reviewed the procedures required by other issuers, including national governments, in the Euro-markets. None require the kind of continuing certification called for by our regulations.

In the August regulations the Treasury Department chose to continue to apply to corporate issuers the compliance procedures adopted in TEFRA. The Treasury Department does not believe it would be a wise policy to adopt measures which could have the effect of suddenly curtailing the ability of U.S. issuers to raise funds in the Euro-markets. Such action could have a serious adverse impact on the domestic financial markets and interest rates. We, therefore, believe that it is important to retain access to the Euro-market for the corporate sector under the procedures which were passed in TEFRA.

The Treasury Department intends to continue to monitor and analyze the compliance aspects of repeal. In this regard, the Treasury Department will report to Congress within 90 days after the first interest payment made on the foreign-targeted registered issue of Treasury securities regarding our experience under these new compliance procedures.

The United States has been an international leader in matters of tax compliance. Our efforts in implementing the repeal of the 30 percent withholding tax have been directed at improving existing compliance procedures. As we implement the legislation, we will continue to pursue our tax compliance objectives vigorously in coming months.

With best wishes.

Sincerely,

DONALD T. REGAN.

Mr. DOLE. Mr. President, what is the pending business?

AMENDMENT NO. 7091

The **PRESIDING OFFICER.** The pending question is the amendment of the Senator from Idaho to the amendment of the Senator from Massachusetts to the debt ceiling bill.

Mr. DOLE. Mr. President, I understand there may have been some confusion—not on the part of the Senator from Idaho—on this amendment. I think he is willing to withdraw this amendment or ask unanimous consent that he may withdraw the amendment. Otherwise, it is my hope that we can quickly on a voice vote move to table the amendment. Is that correct?

Mr. SYMMS. Mr. President, I ask unanimous consent my amendment be withdrawn.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered. The amendment is withdrawn.

Mr. DOLE. Mr. President, I understand that we are reaching a point where we may be able to make some progress if everybody is willing to cooperate. It is 3 o'clock. The longer we take in the Senate the less time we are going to have in the House to try to work out something on imputed interest, I say to my colleagues to sort of outline what I hope might happen. I hope now that those sponsors of the Tsongas amendment who indicated a willingness to maybe withdraw their amendment to debt ceiling will do so and it would be accepted to the bill to be called up shortly by the majority leader. Then we would move from the debt ceiling to prepaid legal services, No. 5361.

The Senator from Kansas on behalf of Senator JEPSEN, and the Senator from Kansas would offer an amendment, and the Senator from Montana would offer a perfecting amendment which would include a relevant amendment from the Senator from Arizona. Hopefully we can pass 5361 with those two amendments and permit that to go to the House and await disposition of those matters by the House. During that interim period the Senator from Kansas will call up another revenue bill because I know there are a number of Senators who have indicated a serious interest in trying to get some changes on both sides of the aisle. So we would call up another revenue bill. I assume it will take the House an hour and a half to take a look at what we send them. During that time the Senator from Kansas would be willing to entertain amendments that others may have to the revenue bill that we can bring up. The boat safety bill is still floating around. We would like to bring that up and fill that up with amendments—hopefully not fill it up, but at least make it available.

Mr. GRASSLEY. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I would be happy to yield.

Mr. GRASSLEY. I have an amendment filed with the same bill you just mentioned, the legal aid bill.

Mr. DOLE. There will be a lot of amendments I assume filed. We will have to determine the priorities. If the priority is to load up the first bill that comes up with everyone's amendment, that is the decision the Senate will have to make. I hope we might limit it to the amendments that are on the debt ceiling, the Tsongas amendment and imputed interest compromise. But obviously other Senators have a perfect right to offer additional amendments. I will not indicate they cannot be offered. I am not certain they will pass. I understand there are a number of Senators who would like to offer amendments.

I think we may have taken care of one matter that has been raised by the Senator from Arkansas, the Senator from Pennsylvania, and a number of other Members who expressed to me their concern about an impact of a Revenue Ruling, 84-132, on the viability of athletic scholarship programs. I share these concerns and have discussed the issue with the acting assistant Secretary of the Treasury for Tax Policy, Mr. Pearlman. He has agreed that the Treasury would withdraw Revenue Ruling 84-132 in order to provide an opportunity for an administrative hearing. I understand Treasury would plan to hold this hearing within 90 days and this should allow sufficient time for a full public discussion of the issues concerned.

I have been advised by the Senator from Arkansas that is certainly a satisfactory resolution of that problem. I have also been advised by the Senator from Pennsylvania that it is a satisfactory resolution to that problem.

Mr. HEINZ. Mr. President, if the Senator will yield, I want to thank the Senator from Kansas for having addressed a very serious problem where I think the Internal Revenue Service overreacted. I think everybody who has a major university or college in their State, whose alumni and others would have been affected by the Internal Revenue ruling had it gone immediately into effect, as was proposed, should be very grateful to the Senator from Kansas, as I am. And I thank him.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. DANFORTH). The Senator from Kansas.

Mr. DOLE. Mr. President, I do not see on the floor the distinguished Senator from Massachusetts, Senator TSONGAS. I wonder if I am correct in assuming that we can now remove the Tsongas-Kassebaum-Baucus-Biden-Grassley amendment from the debt ceiling. Do you want to wait until we bring up the other bill?

Mr. TSONGAS. I prefer to see what the nature of this greased pig is that you have uncovered before we remove it. Could we proceed in that order?

Mr. DOLE. You would like to wait?

Mr. TSONGAS. Yes.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, in cooperation with the managers on the pending resolution, an effort is being made to find a way to accommodate the wishes, needs, and desires of many Senators on a number of amendments and still give us a debt limit bill that we can pass and send to the House of Representatives.

What I am going to propose now, and I have advised the minority leader and other Senators so no one will be surprised, is I ask unanimous consent that the Senate temporarily lay aside the pending resolution and turn instead to H.R. 5361, the group legal services bill, which is at the desk.

Mr. President, I also ask unanimous consent that during the pendency of this measure, no call for regular order will displace it, except a call for regular order by the majority or minority leaders.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

GROUP LEGAL SERVICES PLANS

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 5361) to amend the Internal Revenue Code of 1954 to extend for 1 year the exclusion from gross income with respect to group legal services plans, and for other purposes.

The Senate proceeded to consider the bill.

Mr. PACKWOOD. Mr. President, this is the so-called employer-paid legal benefits bill. The law currently says if an employer in a collective bargaining agreement, or otherwise, provides legal benefits for employees on a nondiscriminatory basis—by that I mean you cannot provide extraordinary legal services for the officers and lesser services for the employees—benefits provided on a nondiscriminatory basis are at the moment regarded as tax-free benefits like health, like many of the others that we adopted earlier this year when we codified it.

The bill pending before us now simply extends this through 1985. Otherwise, it expires this year. I have talked with Mr. Pearlman of the Treasury Department. The administration will sign this bill. Next year, there will be full debate and consideration about the entire subject of employer-provided benefits and it will be unfair for this benefit to expire at the end of this year when we are reviewing the entire subject next year.

Mr. DOLE. Mr. President, under present law, amounts contributed by an employer to a qualified group legal services plan for the exclusive benefit of employees or their spouses and dependents are excluded from gross income for income, FICA, and FUTA tax purposes. In addition, an organization created exclusively to form a part of a qualified group legal services plan may be exempt from income tax. The tax exclusion for qualified group legal services plans and the tax exemption for organizations that form part of a qualified group legal services plan expires on December 31, 1984.

EXPLANATION OF H.R. 5361

H.R. 5361 extends for 1 year until December 31, 1985, the income, FICA, and FUTA tax exclusion for amounts contributed by an employer to a qualified group legal services plan. The bill also extends for 1 year the tax exemption for an organization created exclusively to form part of a qualified group legal services plan. The other requirements that a qualified group legal services plan must meet under present will continue to apply. In addition, the bill adds information and return reporting requirements on employers maintaining a qualified group legal services plan.

REASONS FOR EXTENSION

When the group legal services plan tax exclusion was originally enacted, it was only for a temporary period so Congress would have an opportunity to evaluate the tax exclusion. The absence of any information reporting requirements during this time has made it difficult for Congress to obtain information concerning the operation of these plans. The 1 year extension of the tax exclusion with the added information and return reporting requirements will provide the Internal Revenue Service, Treasury, and Congress with sufficient data to evaluate the effectiveness of the tax exclusion and its effect on the FICA and FUTA wage base. Hopefully, this data will provide Congress with an opportunity to conduct a comprehensive examination of this tax exclusion along with other tax exclusions.

There are many employers who have relied on an extension of the current tax exclusion. In addition, the 1 year extension will allow Congress the opportunity to evaluate the information and return data and make any necessary modifications to the tax exclusion prior to December 31, 1985.

I hope my colleagues will join me in passing this important legislation.

AMENDMENT NO. 7109

Mr. DOLE. Mr. President, I think the Senator from Oregon [Mr. PACKWOOD] has clearly articulated the underlying amendment. What we hope to do—I now send an amendment to the desk in behalf of Senator JEPSEN and myself concerning imputed interest and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE] for himself and Mr. Jepsen, proposes an amendment numbered 7109.

At the end of the bill, insert the following:

SEC. . TAX TREATMENT OF CERTAIN DEFERRED PAYMENTS.

(a) Reduction in Interest Rates Under Section 483.—Section 483 of the Internal Revenue Code of 1954 (relating to interest on certain deferred payments) is ameded—

(1) by redesignating subsections (f), (g), and (h) as subsections (h), (i), and (j), and

(2) by striking out subsection (e) and inserting in lieu thereof the following new subsections:

"(e) Reduced Rate of Interest in Case of Certain Sales or Residences, Farms, or Trades or Businesses.—

"(1) IN GENERAL.—In the case of any debt instrument arising from a sale or exchange to which this subsection applies, the discount rate under subsection (b) or (c)(1)(B) shall be the rate prescribed by the Secretary in regulations but shall not be greater than 10 percent and 9 percent, respectively.

"(2) SALES OR EXCHANGES TO WHICH THIS SUBSECTION APPLIES.—This subsection shall aply to any of the following sales or exchanges:

"(A) RESIDENCES.—Any sale or exchange of a residence by an individual, an estate, or a testamentary trust, but only if—

"(i) either—

"(I) such residence on the date of such sale or exchange (or in the case of an estate or testamentary trust, on the date of death of the decedent) was the principal residence (within the meaning of section 1034) of the individual or decedent, or

"(II) during the 2-year period ending on such date, no substantial portion of such residence was of a character subject to an allowance under this title for depreciation (or amortization in lieu thereof) in the hands of such individual or decedent, and

"(ii) such residence was not at any time, in the hands of such individual, estate, testamentary trust, or decedent, described in section 1221(1) (relating to inventory, etc.).

"(B) FARMS.—Any sale or exchange by a qualified person of—

"(i) real property which was used as a farm (within the meaning of section 6420(C)(2)) at all times during the 3-year period ending on the date of such sale or exchange, or

"(ii) tangible personal property which was used in the active conduct of the trade or business of farming on such farm and is sold in connection with the sale of such farm,

but only if such property is sold or exchanged for use in the active conduct of the trade or business of farming by the transferee of such property.

"(C) TRADES OR BUSINESSES.—

"(i) IN GENERAL.—Any sale or exchange by a qualified person of any trade or business.

"(ii) APPLICATION WITH SUBPARAGRAPH (B).—This subparagraph shall not apply to any sale or exchange of any property described in subparagraph (B).

"(iii) NEW SECTION 38 PROPERTY.—This subparagraph shall not apply to the sale or exchange of any property which, in the hands of the transferee, is new section 38 property.

"(3) DOLLAR LIMITATION.—

"(A) IN GENERAL.—Paragraph (1) shall apply to any debt instrument to the extent that the sales price does not exceed the applicable limit with respect to such sale or exchange.

"(B) APPLICABLE LIMIT DEFINED.—For purposes of this paragraph, the term 'applicable limit' means the limit determined in accordance with the following table:

"If the transaction is described in:	The limit is:
Paragraph (2)(A)	$250,000
Paragraph (2)(B)	2,000,000
Paragraph (2)(C)	1,000,000.

"(4) BLENDED RATE WHERE SALES PRICE EXCEEDS APPLICABLE LIMIT.—In the case of any sale or exchange to which this subsection applies with respect to which the sales price exceeds the applicable limit—

"(A) TEST RATE.—The discount rate under subsection (c)(1)(B) shall, in lieu of the rate under paragraph (1), be equal to the sum of—

"(i) 9 percent, multiplied by a fraction the numerator of which is the applicable limit and the denominator of which is the sales price, and

"(ii) 110 percent of the applicable Federal rate, multiplied by a fraction—

"(I) the numerator of which is the sales price minus the applicable limit, and

"(II) the denominator of which is the sales price.

In the case of a transaction described in paragraph (2)(A), clause (ii) shall be applied by substituting '100 percent' for '110 percent'.

"(B) IMPUTED RATE.—The discount rate under subsection (b) shall, in lieu of the rate under paragraph (1), be equal to the rate determined under subparagraph (A) by substituting '10 percent' for '9 percent' and, except in the case of any transaction described in paragraph (2)(A), '120 percent' for '110 percent' each place it appears.

"(C) RATES AS ADJUSTED.—For purposes of this paragraph, if the Secretary prescribes, pursuant to paragraph (1), a lower discount rate under subsection (c)(1)(B) or (b) than the maximum rate allowed under paragraph (1), such lower rate shall apply in lieu of '9 percent' or '10 percent' in subparagraphs (A)(1) or (B), respectively.

"(5) AGGREGATION AND ALLOCATION RULES.—For purposes of this subsection, except as provided in regulations—

"(A) DEBT INSTRUMENTS.—All debt instruments arising from a transaction (or any series of related transactions) shall be treated as 1 debt instrument.

"(B) SALES AND EXCHANGES.—All sales and exchanges which are part of the same transaction (or a series of related transactions) shall be treated as 1 sale or exchange.

"(C) PRORATION OF APPLICABLE LIMIT WHERE MORE THAN ONE PERSON HOLDS AN INTEREST.—In the case of a sale or exchange of any property (or a trade or business) described in paragraph (2) with respect to which there is more than 1 owner, the applicable limit under paragraph (3) shall be apportioned among each owner on the basis of the ratio which the fair market value of such owner's interest bears to the fair market value of all interests of such owners.

"(6) APPLICATION WITH SUBSECTION (h).—In the case of any qualified sale (as defined in subsection (h)(2)), the applicable limit determined under paragraph (3) shall be reduced by the amount of any debt instrument to which subsection (h)(1) applies.

"(7) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED PERSON DEFINED.—The term 'qualified person' means—

"(i) a person who—

"(I) is an individual, estate, or testamentary trust,

"(II) is a corporation which immediately prior to the date of the sale or exchange has 35 or fewer shareholders, or

"(III) is a partnership which immediately prior to the date of the sale or exchange has 35 or fewer partners,

"(ii) is a 10-percent owner of a farm or a trade or business,

"(iii) pursuant to a plan, disposes of—

"(I) an interest in a farm or farm property, or

"(II) his entire interest in a trade or business and all substantially similar trades or businesses, and

"(iv) the ownership interest of whom may be readily established by reason of qualified allocations (of the type described in section 168(j)(9)(B), one class of stock, or the like).

"(B) 10-PERCENT OWNER DEFINED.—The term '10-percent owner' means a person having at least a 10-percent ownership interest, applying the attribution rules of section 318 (other than subsection (a) (4)):

"(C) SALES PRICE DEFINED.—The term 'sales price' means the sum of—

"(i) money and fair market value of property received in the sale or exchange, plus

"(ii) the stated principal amount of any debt instrument issued in such sale or exchange.

"(D) TRADE OR BUSINESS DEFINED.—

"(i) IN GENERAL.—The term 'trade or business' means any trade or business, including any line of business, qualifying as an active trade or business within the meaning of section 355.

"(ii) RENTAL OF REAL PROPERTY.—For purposes of this subparagraph, the holding of real property for rental shall not be treated as an active trade or business.

"(f) SPECIAL TEST RATES FOR SALES OR EXCHANGES INVOLVING CERTAIN REAL PROPERTY.—

"(1) IN GENERAL.—In the case of any sale or exchange to which this subsection applies, subsection (c)(1)(B) shall be applied by substituting—

"(A) '80 percent' for '110 percent' in the case of any debt instrument described in paragraph (3), and

"(B) '100 percent' for '110 percent' in the case of any debt instrument described in paragraph (4).

"(2) SALES OR EXCHANGES TO WHICH THIS SUBSECTION APPLIES.—

"(A) IN GENERAL.—Except as provided in this paragraph, this subsection applies to any sale or exchange of—

"(i) land, or

"(ii) real property described in subparagraph (D) or (F) of subsection (c)(2) of section 168 (whether or not such property is of a charitable subject to an allowance under this title for depreciation (or amortization in lieu thereof) in the hands of the purchaser), including de minimis amounts of tangible personal property associated with such real property.

"(B) CERTAIN PROPERTY NOT INCLUDED.—This subsection shall not apply to any sale or exchange—

"(i) of new section 38 property, or

"(ii) with respect to which the transferor and transferee are related persons.

"(3) DEBT INSTRUMENTS TO WHICH 80 PERCENT RATE APPLIES.—A debt instrument is described in this paragraph if—

"(A) the term of the instrument (determined with regard to any extension or renewal) is not greater than the lesser of—

"(i) 12 years, or

"(ii) in the case of a debt instrument issued in exchange for recovery property, two-thirds of the shortest recovery period under section 168 for such property, and

"(B) the total deferred payments under such instrument, when added to the sum of the total deferred payments under all other debt instruments issued in connection with the sale or exchange—

"(i) to which this paragraph applies, and

"(ii) which were issued before such instrument was issued,

do not exceed $4,000,000.

"(4) DEBT INSTRUMENTS TO WHICH 100 PERCENT RATE APPLIES.—A debt instrument is described in this paragraph if—

"(A) the rate of interest stated in the instrument is not less than the applicable Federal rate,

"(B) such instrument provides for—

"(i) the unconditional payment each year of at least 80 percent of the interest so stated, or

"(ii) after the close of the 2-year period beginning on the date such instrument was issued the instrument provides the unconditional payment each year of all interest accruing thereunder for that year, and

"(C) such instrument is not described in paragraph (3).

"(5) SPECIAL RULES FOR DETERMINATION OF DISCOUNT RATES.—

"(A) IN GENERAL.—If the applicable Federal rate determined under section 1274(d) for any period after June 30, 1985 (other than the Federal short-term rate) exceeds by more than 2 percentage points such rate for the preceding period as limited by this paragraph, such applicable Federal rate shall not exceed the greater of—

"(i) the sum of—

"(I) such applicable Federal rate for such preceding period, plus

"(II) one-half of such excess, or

"(ii) the highest such applicable Federal rate during the 2-year period before the period for which such determination was made after the application of this paragraph.

"(B) SPECIAL RULES FOR 1985 AND 1986.—Notwithstanding any other provision of this section, in the case of any sale or exchange with respect to which a binding contract was entered into during 1985 or 1986—

"(i) TEST RATE.—The discount rate for purposes of applying subsection (c)(1)(B) to any debt instrument described in paragraph (3) shall not be greater than the rate determined in accordance with the following table:

"For contracts entered into during the period:	The rate is:
Jan. 1-June 30, 1985	10.5
July 1-Dec. 31, 1985	11
Jan. 1-June 30, 1986	11.5
July 1-Dec. 31, 1986	12

For purposes of applying subsection (c)(1)(B) to any debt instrument described in paragraph (4), the discount rate shall not be greater than the rate determined in accordance with the table, plus one-half percentage point.

"(ii) IMPUTED RATE.—The discount rate for purposes of applying subsection (b) to any debt instrument described in paragraph (3) or (4) shall not be geater than the rate determined under clause (i), plus 1 percentage point.

"(6) AGGREGATION RULES.—For purposes of this subsection, all sales and exchanges which are part of the same transaction (or a series of related transactions) shall be treated as 1 sale or exchange.

"(7) RELATED PERSON DEFINED.—For purposes of this subsection and subsection (g), the term 'related person' means a person who is related (within the meaning of section 267 (b) or section 707 (b)(1)) to another person other than a qualified 5-percent or less partner (within the meaning of section 267 (e)(5)(B)).

"(g) SPECIAL RULES FOR APPLICATION OF THIS SECTION.—For purposes of this section—

"(1) APPLICATION OF SUBSECTIONS (e) AND (f).—In the case of any sale or exchange, either subsection (e) or subsection (f) may be applied, but not both.

"(2) TREATMENT OF ASSUMPTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if, after December 31, 1984, any person—

"(i) assumes any debt obligation issued after October 15, 1984, or described in subparagraph (C), in connection with the sale or exchange of any property, or

"(ii) takes such property subject to any such debt obligation,

and the terms and conditions of such debt obligation are not changed, then this section shall apply only to the person assuming, or taking property subject to, such obligation and the obligation shall be treated as issued by the purchaser to the seller in the transaction in which such obligation was assumed or the property taken subject to such obligation.

"(B) OTHER ASSUMPTIONS.—In the case of any assumption to which subparagraph (A) does not apply, the rules regarding assumptions as in effect prior to the enactment of the Deficit Reduction Act of 1984 shall apply.

"(C) OBLIGATIONS DESCRIBED IN THIS SUBPARAGRAPH.—A debt obligation is described in this subparagraph if such obligation—

"(i) was issued on or before October 15, 1984, and

"(ii) was assumed (or property was taken subject to such obligation) in connection with the sale or exchange of property (including a deemed sale under section 338(a)) the sales price of which is greater than $100,000,000.

"(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to effect the purposes of this subsection, including regulations relating to tax-exempt obligations, government subsidized loans, or other similar instruments.

"(E) CERTAIN EXEMPT TRANSACTIONS.—The Secretary shall prescribe regulations under which any transaction shall be exempt from the application of this paragraph if such exemption is not likely to significantly reduce the tax liability of the purchaser by reason of the overstatement of the adjusted basis of the acquired asset.

"(3) FAIR MARKET VALUE RULE IN POTENTIALLY ABUSIVE CASES.—In the case of any potentially abusive situation (within the meaning of section 1274(b)(3)(B)), the principal amount of any debt instrument received in any sale or exchange of property to which this section applies shall be the fair market value of such property adjusted to take into account other consideration involved in the transaction.

"(4) SALE-LEASEBACKS.—Subsections (e) and (f) shall not apply to any sale or exchange if, pursuant to a plan, the transferor or any related person leases such property.

"(5) RULES NOT TO APPLY WHERE PREPAYMENT PROHIBITED.—Subparagraph (A) of paragraph (1) shall not apply to any obligation arising from a loan from a third-party creditor, pursuant to which the obligor is not permitted to pay the instrument prior to maturity.

"(6) NO IMPUTATION RATE WHERE RESTRICTIONS ON STATED INTEREST APPLY.—Except as otherwise provided in regulations, in any case in which State law applicable to a transaction prohibits the parties from stating interest sufficient to safisfy the applicable rate under subsection (c)(1)(B), the rate under subsection (b) shall be considered equal to the rate so applicable under subsection (c)(1)(B).".

(b) INTEREST INCOME AND DEDUCTIONS COMPUTED ON CASH BASIS IN CERTAIN CASES.—

(1) IN GENERAL.—Section 1274 of such Code (relating to determination of issue price in the case of certain debt instruments issued for property) is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL RULES FOR CERTAIN SALES OR EXCHANGES TO WHICH INTEREST RULES OF SECTION 483 APPLY.—Notwithstanding any other provision of this subpart—

"(1) TRANSACTIONS TO WHICH SECTION 483(E) APPLIES.—In the case of any sale or exchange to which section 483(e) applies—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any inclusion in income or deduction under this title with respect to interest on any debt instrument issued in connection with such sale or exchange shall be computed on the cash receipts and disbursements method of accounting.

"(B) SALES PRICE EXCEEDS APPLICABLE LIMIT.—In any case in which the sales price exceeds the applicable limit under section 483(e)(3)—

"(i) except in the case of any transaction to which section 483(e)(2)(A) applies, subparagraph (A) shall not apply, and

"(ii) the discount rates under subsections (c)(3) and (b)(2)(B) shall be equal to the rates determined under subparagraphs (A) and (B) of section 483(e)(4).

"(2) TRANSACTIONS TO WHICH SECTION 483(F) APPLIES.—In the case of any sale or exchange to which section 483(f) applies—

"(A) TRANSACTIONS WITH 80 PERCENT TEST RATE.—

"(i) IN GENERAL.—Except as provided in clause (ii), any inclusion in income or deduction under this title with respect to interest on any debt instrument described in section 483(f)(3) shall be computed on the cash receipts and disbursements method of accounting.

"(ii) SPECIAL RULE FOR TRANSACTIONS NOT QUALIFYING FOR 80 PERCENT TEST RATE.—Clause (i) shall not apply to any debt instrument issued in such sale or exchange if, in addition to such instrument, a debt instrument not described in section 483(f)(3) is issued in such sale or exchange.

"(B) TRANSACTIONS TO WHICH SUBPARAGRAPH (A) DOES NOT APPLY.—

"(i) IN GENERAL.—If subparagraph (A) does not apply to any debt instrument issued in such sale or exchange, subsection (c)(3) shall be applied—

"(I) in the case of any debt instrument described in section 483(f)(4), by substituting '100 percent' for '110 percent', and

"(II) in the case of any debt instrument described in section 483(f)(3), by substituting '80 percent' for '110 percent'.

"(ii) Special rules for 1985 and 1986.—In the case of any debt instrument to which clause (i) applies issued during 1985 or 1986, the discount rate under subsection (c)(3) shall not be greater than the rate determined under section 483(f)(5).

"(3) Special rule for holding and transfer of debt obligation.—

"(A) Paragraphs (1)(A) and (2)(A) shall apply to the holder of a debt obligation only if such obligation is—

"(i) held by the first obligee of such obligation or such obligee's spouse or estate, and

"(ii) secured by the property sole or exchanged in the transaction in which such obligation is issued.

"(B) Except as otherwise provided in regulations, in the case of a transfer of property by the obligor in which the obligation is not satisfied and the transferee does not become liable to pay such obligation to the first obligee, any deduction for interest on any indebtedness paid or incurred by the transferee to the immediate transferor attributable to such obligation shall be deferred until such time as such deduction would have been allowed is such obligation had been assumed by the transferee.

"(C) In any case in which the transferee assumes or takes property subject to any obligation under subparagraph (A) or is considered to do so under subparagraph (B), the transferee shall compute the amount of the deduction for any interest on such obligation on the case receipts and disbursements method of accounting.

"(4) Subsection also to apply to debt used to carry obligations.—In any case in which an obligor of a debt obligation to which paragraph (1)(A) or (2)(A) applies pays or incurs interest on indebtedness to carry such debt obligation, any deduction for such interest shall be deferred to the extent necessary to achieve a proper matching of interest income and expense.

"(5) Regulations to prevent abuse of required cash accounting.—The Secretary may by regulations prescribe rules to prevent the mismatching of interest income and interest deductions in connection with obligations on which interest in computed on the cash receipts and disbursements method of accounting.

"(6) Others rules apply.—For purposes of this subsection, rules similar to the rules under subparagraphs (B) and (D) of section 483 (g)(2) shall apply.".

(2) Special rule for assumptions.—Paragraph (4) of section 1274(c) such Code (relating to debt obligations to which section applies) is amended by adding at the end thereof the following new subparagraph:

"(G) Treatment of assumptions.—

"(i) In general.—Except in the case of property described in subsection (e)(2)(A) of Section 483, if after December 31, 1984, any person—

"(I) assumes any debt obligation issued after October 15, 1984, or described in clause (ii) in connection with the sale or exchange of any property, or

"(II) takes such property subject to any such debt obligation,

and the terms and conditions of such debt obligation are not changed, then this section shall apply only to the person assuming, or taking property subject to, such obligation and the obligation shall be treated as issued by the pruchaser to the seller in the transaction in which such obligation was assumed or the property taken subject to such obligation.

"(ii) Obligation described in this clause.—A debt obligation is described in this clause if such obligation—

"(I) was issued on or before October 15, 1984, and

"(II) was assumed (or property was taken subject to such obligations in connection with the sale or exchange of property (including a deemed sale under section 338(a)) the sales price of which is greater than $100,000,000.

"(III) Certain exempt transactions.—The Secretary shall prescribe regulations under which any transaction would be exempt from the application of this subparagraph if such exemption would not significantly reduce the tax liability of the purchaser by reason of the overstatement of the adjusted basis of the acquired asset.

"(iii) Other assumptions.—In the case of any assumption to which subparagraph (A) does not apply, the rules regarding assumptions as in effect prior to the enactment of the Deficit Reduction Act of 1984 shall apply.

"(iv) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to effect the purpose of this subsection, including regulations relating to tax-exempt obligations, government subsidized loans, or other similar instruments."

(c) Special Rules for Certain Sales or Exchanges of Residences by Dealers in Such Property.—

(1) In general.—Section 1274 of such Code is further amended by adding at the end thereof the following new subsection:

"(f) Special Rules for Certain Sales or Exchanges of Residences by Dealers in Such Property.—Notwithstanding any other provision of this subpart—

"(1) In general.—In the case of any debt instrument described in paragraph (4) arising from a sale or exchange to which this subsection applies—

"(A) subsection (c)(3) shall be applied by substituting '80 percent' for '110 percent', and

"(B) subsection (b)(2)(B) shall be applied by substituting '110 percent' for '120 percent'.

"(2) Sales or exchanges to which this subsection applies.—

"(A) In general.—This subsection applies to any sale or exchange of any residence by a dealer who holds such residence as section 1221 (1) property to a person who intends to occupy such residence if the sales price of such residence does not exceed $250,000.

"(B) Proration of applicable limit where more than one person holds an interest.—In the case of a sale or exchange of any property described in subparagraph (A) with respect to which there is more than 1 owner, the applicable limit under subparagraph (A) shall be apportioned among each owner on the basis of the ratio which the fair market value of such owner's interest bears to the fair market value of all interests of such owners.

"(3) Blended rate where sales price exceeds $250,000.—In the case of any sale or exchange to which this subsection would otherwise apply with respect to which the sales price exceeds $250,000—

"(A) Test rate.—The discount rate under subsection (c)(3) shall, in lieu of the rate under paragraph (1)(A), be equal to the sum of—

"(i) 80 percent, multiplied by a fraction the numerator of which is $250,000 and the denominator of which is the sales price, and

"(ii) 100 percent of the applicable Federal rate, multiplied by a fraction—

"(I) the numerator of which is the sales price minus $250,000, and

"(II) the denominator of which is the sales price.

"(B) Imputed rate.—The discount rate under subsection (b)(2)(B) which shall be the rate under paragraph (1)(B).

"(4) Debt instrument.—A debt instrument is described in this paragraph if it provides conspicuous notice to the obligor in a manner prescribed by regulations that if the obligor of such instrument places the residence in service in a trade or business the depreciation rules under section 168(f)(16) shall apply.

"(5) Sales price defined.—For purposes of this subsection, the term 'sales price' means—

"(i) money and fair market value of property received in the sale or exchange, plus

"(ii) the stated principal amount of any debt instrument issued in such sale or exchange.

"(6) Rules relating to interest to carry dealer obligations arising under this subsection.—

"(A) Excess deductions disallowed.—For each year the interest expense paid or incurred on any debt incurred or continued to carry any dealer obligation shall be disallowed to the extent such expense exceeds interest income includable with respect to such dealer obligation for such year.

"(B) Disallowed interest expense allowed in subsequent years.—For any year the amount of disallowed interest expense shall be allowed as a deduction with respect to any dealer obligation in an amount equal to the disallowed interest expense as of the close of such year (not including any amount previously allowed under this subparagraph) multiplied by a fraction—

"(i) the numerator of which is the sum of the principal payments on such deal obligation made in such year, and

"(ii) the denominator of which is the total amount of principal outstanding on such dealer obligation at the beginning of such year.

"(C) Definitions.—For purposes of this paragraph—

"(i) Dealer obligation defined.—The term 'dealer obligation' means an obligation arising pursuant to a transaction to which paragraph (1) of this subsection applies.

"(ii) Disallowed interest expense defined.—The term 'disallowed interest expense' means the aggregate amount of interest expense disallowed under subparagraph (A) with respect to any dealer obligation.

"(D) No inference.—Nothing in this paragraph shall be construed to imply that any transaction described in this paragraph is or is not subject to the rules of section 453B, and any determination of such issue shall be made as if this paragraph had not been enacted.".

(d) Rule Where Special State Law Applies.—Section 1274 of such Code is further amended by adding at the end thereof the following new subsection:

"(g) No Imputation Rate Where Restrictions on Stated Interest Apply.—Except as otherwise provided in regulations, in any case in which State law applicable to a transaction prohibits the parties from stating interest sufficient to result in an adequate stated interest in the transaction, a rule similar to the rule of section 483(g)(6) shall apply.".

(e) CONFORMING AMENDMENTS.—Paragraph (4) of section 1274(c) of such Code (relating to certain excepted debt instruments) is amended—

(1) by striking out subparagraphs (A) and (B),

(2) by striking out "section 483(e)" and "SECTION 483(e)" in subparagraph (F) and the heading to subparagraph (F), respectively, and inserting in lieu thereof "section 483(i)" and "SECTION 483(i)". respectively, and

(3) by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (A), (B), (C), and (D), respectively.

(f) DEPRECIATION.—Subsection (f) of section 168 of such Code (relating to accelerated cost recovery system) is amended by adding at the end thereof the following new paragraph—

"(16) SPECIAL RULES FOR CERTAIN RESIDENCES.—In the case of any debt instrument described in section 1274 (f) (1), the original principal amount of the debt instrument shall be deemed to be the lesser of—

"(A) the stated principal amount, or

"(B) the imputed principal amount determined by applying section 1274 (f) using a discount rate of 110 percent of the applicable Federal rate at the time the debt was issued.".

(g) FAIR MARKET VALUE IN POTENTIALLY ABUSIVE SITUATIONS.—Subparagraph (B) of section 1274 (b)(3) of such Code (relating to fair market value rule in potentially abusive situations) is amended in clause (ii), by striking out "or" at the end of subclause (III), by redesignating subclause (IV) as subclause (V), and by adding after subclause (III) the following new subclause:

"(IV) deferred interest, or".

(h) DETERMINATION OF APPLICABLE FEDERAL RATE.—

(1) IN GENERAL.—Paragraph (1) of section 1274 (d) of such Code (relating to determination of applicable Federal rate) is amended by adding at the end thereof the following new subparagraph:

"(E) AUTHORITY FOR SECRETARY TO DETERMINE RATE MORE FREQUENTLY.—If there is a significant decrease in any applicable Federal rate following any 6-month test period referred to in subparagaph (B), the Secretary may determine the applicable Federal rate on the basis of a more recent period (not less than 30 days) as he determines appropriate to reflect such decrease.".

(2) SPECIAL RULE FOR 1984.—

(A) IN GENERAL.—In the case of any debt instrument issued during the first 6 months of 1985 pursuant to a sale or exchange for which a binding contract was entered into during 1984, the applicable Federal rate for purposes of sections 483 and 1274 of the Internal Revenue Code of 1954 shall be 10 percent.

(B) PARAGRAPH NOT TO APPLY.—Subparagraph (A) shall not apply to any debt instrument to which section 483 (e) or (f) of the Internal Revenue Code of 1954, as amended by this section, applies.

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 41 of the Deficit Reduction Act of 1984.

At the appropriate place add the following: "Provisions of subsections 483(f) and 1274(f) of the Internal Revenue Code as amended, shall not apply to a transaction if the seller elects to have the discount rates contained in sections 1274 (b)(2)(B) and (c) (3) apply to this transaction and to any related transaction."

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point another explanation of the imputed interest compromise that contains the summary of information, with the exception of that furnished by the Senator from Montana [Mr. MELCHER].

The PRESIDING OFFICER. Without objection, it is so ordered.

The explanation follows:

IMPUTED INTEREST COMPROMISE

1. RESIDENCES

a. General rule

A person who sells his principal residence or vacation home with a purchase price of $250,000 or less would be subject to a 9 percent imputed interest test rate.

If commercial interest rates went down, Treasury would have the authority to lower the 9 percent rate. They would not have authority to raise the 9 percent rate.

The 9 percent rate would apply to both principal residences (at the time of the sale) and vacation homes. Vacation homes would be defined as residences on which depreciation was not allowable for the 2 years before the sale. Inventory property (e.g., a homebuilder's inventory) would not qualify for this rule.

If the purchase price is greater than $250,000, the applicable test rate would be a weighted "blend" of 9 percent and 100 percent of the applicable Federal rate.

No sale-leasebacks would be allowed and both buyer and seller would account for the transaction on a cash basis.

b. Dealer property

A homebuilder or realtor selling a residence which he holds in inventory and sells for a purchase price of $250,000 or less would be subject to an imputed interest rate of 80 percent of the applicable Treasury rate (10.5 percent for the first 6 months of 1985).

The 80 percent rate would apply to sales of homes to be occupied by the owner. It would not apply to residences on which depreciation is claimed by the buyer. If the buyer subsequently took depreciation on the property, the benefit of the 80 percent rate would be recaptured.

If the purchase price is greater than $250,000, the applicable test rate would be a weighted "blend" of 80 percent of the Federal rate and 100 percent of the applicable Federal rate.

For borrowing to carry seller-financing, interest deductions on the borrowing would be limited to current interest income, including imputed interest, recognized on seller financing; deferred interest deductions would be allowed on a pro-rata basis as the homebuyer made payments on his mortgage.

The seller would account for the seller financing on an accrual basis under the original issue discount rules.

2. FARMS AND RANCHES

A farm or ranch with a purchase price of not more than $2 million would also be subject to a 9 percent test rate.

Treasury would have authority only to lower the rate, if appropriate.

The property must have been used by any person (not necessarily the seller) as a farm or ranch for the 3 prior years and the purchasers must intend to use the property as a farm or ranch.

If the purchase price is over $2 million, the test rate will be a weighted blend of 9 percent and the applicable Federal rate.

No sale-leasebacks would be allowed, both buyer and seller would account for the transaction on a cash basis, and the 9 percent rate would not apply to new section 38 (investment tax credit) property. The seller would not be required to liquidate his farm interests.

3. SMALL BUSINESS

This rule would apply only to businesses with a value of no more than $1 million. The sale of a business with a purchase price of $1 million or less would be subject to a 9 percent test rate.

Treasury would have the authority only to lower the rate, if appropriate.

The 9 percent rate would apply to sale of a complete line of such business and to a sale of an ownership interest in such a business.

If the business is worth more than $1 million, then the test rate will be a weighted "blend" of 9 percent and 100 percent of the applicable Federal rate.

No sale-leasebacks would be allowed, both the buyer and seller would account for the transaction on a cash basis, and the 9 percent rate would not apply to new section 38 property.

4. MEDIUM-SIZED REAL ESTATE TRANSACTIONS

For sales of real property involving no more than $4 million of deferred payments, the applicable rate would be 80 percent of the applicable Federal rate (about 10.5 percent for the first 6 months of 1985).

Payments under the agreement could not extend for more than 12 years. Any amount exceeding the $4 million amount would be subject to a rate equal to 100 percent of the applicable Federal rate. Buyer and seller would account for the transaction on a cash basis.

5. LARGE REAL ESTATE TRANSACTIONS

For sales of real property involving more than $4 million of deferred payments, the test interest rate would be 100 percent of the applicable Federal rate.

The maximum rate for transactions subject to the 100 percent of the Federal rate would be 11 percent for the first 6 months of 1985. Thereafter, the rate could be increased no more than 50 basis points (0.5 percent) every 6 months until the rate equaled 100 percent of the applicable Federal rate.

The payments would be accounted for under the original issue discount rules.

Eighty percent of interest due under the contract would be required to be paid currently.

6. OTHER TRANSACTIONS

Transactions not meeting any of the preceding rules would have a test rate of 110 percent of the applicable Federal rate.

7. ASSUMPTIONS

Assumptions of loans originally entered into before date of enactment of these rules would be grandfathered under pre-Deficit Reduction Act rules. Sales of principal residences and vacation homes would also be exempt from the new assumption rules together with other transactions where the Secretary of Treasury determined there was no tax avoidance problem.

8. LIMITATION OF INCREASE IN RATES

If applicable Federal rate increases by more than 2 percent during a 6-month period, the imputed interest test rate generally may not be increased by more than half the amount of the increase (with a minimum of 1 percent).

If there is a significant drop in interest rates, the Secretary of Treasury may reduce the imputed interest rate to reflect the drop in rates.

Mr. DOLE. I say to my colleagues this is the same ground we have been over, with one addition. I have added the DeConcini amendment which is directly related to this issue. It is not a nonrelated or nongermane amendment. This includes the amendment of the distinguished Senator from Iowa. As I understand, the Senator from Montana is going to offer his own modification, so it does not contain the three modifications offered by the Senator from Montana. But it does include the modification added by the Senator from Arizona.

Senator DECONCINI's amendment makes it clear that any taxpayer always has the option to comply with the imputed interest and original issue discount rules of the Deficit Reduction Act notwithstanding the exceptions and special rules contained in this amendment. I think that is the intent of the DeConcini amendment.

Mr. DECONCINI. If the chairman will yield, that is the intent. I thank him for including it. It is a clarifying amendment.

Mr. DOLE. It is a clarifying amendment and should be in here. We thank the Senator from Arizona for calling it to our attention.

Mr. President, there is no dispute about the amendment, I assume. I thank the Senator from Montana who wants to add some clarifying amendments for his participation.

Mr. President, we are ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 7109) was agreed to.

AMENDMENT NO. 7110

(Purpose: To protect current treatment of loan assumptions, permit partial sales of business real property, and clarify definition of a "potentially abusive situation")

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 7110.

At the appropriate place, add the following new sections:

A. Notwithstanding any other provision of law, Section 483(e)(2) of the Internal Revenue Code of 1954, as amended, is further amended by adding the following new material:

"(D) Sale of Business Real Estate.

"The sale or exchange of any real property used in an active trade or business within the meaning of Section 483(e)(7)(D), by a person who would be qualified if he disposed on an entire interest, but only to the extent that the sales price together with any prior sales during the preceding 12 months does not exceed $1 million. In cases of any sale or exchange which exceeds $1 million, paragraph (4) shall apply.".

B. Notwithstanding any other provision of law, Sections 1274 and 483 of the Internal Revenue Code of 1954, as amended, shall not apply to any debt obligation which is assumed or taken subject to (hereinafter "assumed") in a transaction to which Section 483(e)(2) applies except (1) to the extent (and in the manner) that those sections applied to such obligations before the obligation was assumed, or (2) where the terms and conditions of the obligation are modified in connection with the assumption or the transfer of the property.

C. On page 20, strike lines 3 through 10.

Mr. MELCHER. Mr. President, I ask unanimous consent that my amendment on this bill be an amendment to the Dole-Jepsen amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, there are some points that should be raised about the imputed interest language before us. The language in this amendment corrects many of the flaws that existed in the earlier drafts of the proposals for the correction of imputed interest, but there are still three significant deficiencies in the fair treatment of sellers who sell or exchange real property and provide the seller-financing for such transactions. So I offer this amendment. I will describe these three deficiencies which will be corrected if my amendment is accepted.

On the sale or exchange of business real estate, there is a major defect that remains in this package without this amendment that I am offering. The defect is that it prohibits seller financing of the sale or exchange of real estate at 9-percent interest when only part of the trade or business is to be sold. In other words, you would have to liquidate the business, the entire business, in order to become eligible. the circumstances are that in some occasions, a small business will want to sell off part of its property.

For instance, an automobile dealer who wants to sell off the paint shop building because he has moved his paint shop to another building and now he wants to dispose of the old building. Under the provisions that are before us, if that is not corrected, he would be prohibited from having that figured at the lower rate of interest. In other words, it would be subject to the higher imputed rate.

That does not make good sense. So in order to correct that language in the compromise before us, I am offering this amendment.

The exact language in the compromise requires that the seller divest his entire interest in a trade or business and all substantially similar trades or businesses. That is the language that I seek to correct. I do not think Congress should be creating two classes of taxpayers in connection with the imputed interest rates. If it is legislation to sell out all one's interest at 9 percent, it ought to be legislation to sell off parts. My amendment would correct that.

Second, under the compromise before us, loans made after September 1984 will be subjected to the new original issue discount rule if the loan is assumed by a new buyer. This applies not only to new assumed seller-financed loans but to loans made by third parties, including VA- or FHA-guaranteed loans. We do not want that. It was not in the 1984 tax bill when we passed it, nor was it in the House version of the 1984 Tax Act. It comes from language that was added in the conference report.

It was further expanded in the Finance Committee compromise that is now before us and which we should correct. I do not believe the Senate or the House meant to make these new restrictions on loan assumptions. My amendment prohibits such new restrictions on loan assumptions that are eligible for the 9- or 10-percent rate under the law on these sales and simply returns us to the law concerning loan assumptions prior to the enactment of the 1984 Tax Act.

The last defect I would like to correct by my amendment is the addition of "transactions involving deferred interest" to the list of "potentially abusive situations" under which the Secretary of the Treasury is accorded the authority to issue regulations that would eliminate such transactions even beyond what is in the law. Current law already defines many instances of potentially abusive situations in connection with interest rate payments. I believe the current law is sufficient in that regard and I question why we need to add all deferred interest payments sales to the category of potentially abusive situations.

This may not have the intent of the language before us in this compromise, but it creates a situation where that is a strong possibility. My amendment eliminates the new language in this compromise package that makes deferred interest sales in and of themselves potentially abusive situations.

This amendment is meant to assure that we do not take away by technical langauge the protection provided taxpayers under the "safe harbors" that have been created in the compromise language before us.

Mr. President, these are the corrections that I offer. I do not guarantee nor can anyone guarantee that all the flaws are corrected in the language. These are the major ones as I see it. I hope we are not incorporating, if we enact this into law, too many pitfalls for seller-financed sales of real property.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Montana. We have been working with the Senator from Montana personally and at the staff level. We have also discussed these clarifications with Treasury. He has summarized the three changes. We have no objection to them. I think the interpretation that we have is identical to the interpretation of the distinguished Senator from Montana, since I think he wrote mine as well as his.

Mr. DeCONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DeCONCINI. Mr. President, I rise in support of the amendment of the Senator from Montana. Quite frankly, I think we owe him a debt of gratitude for determination and consistency and persistency, as well as the Senator from Kansas and his staff, in working out a compromise.

The Senator from Montana has perfected this amendment and done a very good job.

Mr. DOLE. Mr. President, have we adopted the Melcher amendment?

The PRESIDING OFFICER. The amendment has not been adopted.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I rise in support of the Melcher amendment. I thank the chairman for accepting it and thank my colleague from Montana for his long and tenacious efforts in this matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 7110) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I hope at this time we might be able to resolve the question of whether or not the Tsongas amendment would be added at this point or whether the Senator from Massachusetts would prefer to wait.

Mr. TSONGAS. I think we can do it now. I have no objection.

Mr. DOLE. I understand—I am prepared to accept the amendment on 5361—that then the principal sponsor would be willing to withdraw it from the debt ceiling so we could return to the debt ceiling before final action on this and withdraw the amendment.

Mr. TSONGAS. Could the Senator indicate what assurances he has that the House wishes to see this vehicle passed?

Mr. DOLE. I have no assurance. They would rather not have the problem at all. They would like to have a clean debt ceiling and, frankly, maybe 5361 without any amendment. But we now have the final compromise on imputed interest added to 5361, and if we add the amendment, the Tsongas-Baucus-Kassebaum-Biden-Grassley amendment, that will be two amendments. I hope there will not be any additional amendments. I cannot guarantee the disposition. The House could just send us back another vehicle and we would be right where we were.

Mr. TSONGAS. But the Senator would be disposed to supporting these two amendments in conference?

Mr. DOLE. Good conscience or in conference?

Mr. TSONGAS. I did not realize there was a difference, but if that is the case I will take both.

Mr. DOLE. If the will of the Senate was to adopt the amendment, obviously the chairman of the committee is going to support the will expressed by the Senate.

I think the will was expressed very clearly on this Senator's effort to table the Tsongas amendment. What was that vote?

Mr. TSONGAS. Sixty-one to thirty.

Mr. DOLE. Sixty-one to thirty. I conveyed that information to the chairman of the Ways and Means Committee; that I did not believe we could strip the Tsongas amendment from the bill, not right now and maybe not even later. So my answer to that would be yes.

Mr. TSONGAS. In good conscience?

Mr. DOLE. Yes, in good conscience. Now, I must say, in fairness to the Senator from Massachusetts, it is possible there would not be a conference. I assume the chairman of the Ways and Means Committee could gather his committee together and send us something else. I cannot demand a conference. But if we do go to conference, the answer is yes.

Mr. TSONGAS. Would it be appropriate to have the amendment introduced at this point?

Mr. DOLE. Yes.

AMENDMENT NO. 7111

(Purpose: To limit the increase in the limit on the public debt and to provide for consideration of a deficit reduction bill prior to consideration of another increase in such limit)

Mr. TSONGAS. Mr. President, does the clerk have a copy of the amendment?

Mr. DOLE. We have a copy.

The PRESIDING OFFICER. The clerk does have a copy of the amendment. The amendment will be stated.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. Tsongas], for himself, Mr. Baucus, Mr. Biden, Mr. Grassley, Mrs. Kassebaum, Mr. Armstrong, Mrs. Hawkins, Mr. Inouye, Mr. Levin, Mr. Melcher, Mr. Exon, Mr. Pryor, Mr. Proxmire, Mr. Evans, Mr. Mattingly, Mr. Andrews, and Mr. Jepsen, proposes an amendment numbered 7111.

Mr. TSONGAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following:

SECTION 1. INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out "may not be more" and all that follows through "outstanding at one time" and inserting in lieu thereof "may not be more than $1,730,000,000,000.00 outstanding at one time".

SEC. 2. CONSIDERATION OF A SUBSTANTIAL REDUCTION IN THE FEDERAL DEFICIT.

(a)(1) Notwithstanding any other provision of law, any concurrent resolution, any resolution, or the Standing Rules of the Senate or the Rules of the House of Representatives, it shall not be in order in either the Senate or the House of Representatives to consider, or to vote upon the question of agreeing to, a bill, a joint resolution, or an amendment that would, upon becoming law, authorize the United States Government to issue or insure a face amount of obligations in excess of the face amount of obligations authorized to be issued or insured under chapter 31 of title 31, United States Code, pursuant to subsection (b) of section 3101 of such title (as such section is amended by section 1 of this joint resolution) prior to consideration of, and a vote upon the question of agreeing to, a Federal deficit reduction bill conforming with the requirements of paragraph (3).

(2)(A) The Federal deficit reduction bill required to be considered in a House of the Congress pursuant to paragraph (1) shall be introduced by the presiding officer of such House.

(B) Time for debate on the Federal deficit reduction bill required to be considered in a House of the Congress pursuant to paragraph (1) (and any amendments thereto) shall be equally divided between the majority and minority parties, and shall be controlled by the majority leader and the minority leader of such House, or their designees.

(3) For the purpose of this subsection, a Federal deficit reduction bill means, with respect to a House of the Congress, a bill of such House, the matter after the enacting clause of which reads as follows:

"LIMITATIONS ON BUDGET AUTHORITY

"Section 1. (a) It shall not be in order in the Senate or House of Representatives to consider any bill or resolution making appropriations, if the enactment of such bill or resolution, as recommended by the respective committee on appropriations, would cause the aggregate total budget authority for function 050, National Defense, to exceed $292,900,000,000 in fiscal year 1986.

"(b) It shall not be in order in the Senate or House of Representatives to consider any bill or resolution making appropriations, if the enactment of such bill or resolution, as recommended by the respective committee on appropriations, would cause the aggregate total budget authority for nondefense discretionary activities to exceed $139,800,000,000 in fiscal year 1986.

"(c) For the purpose of this section, budget authority shall be determined on the basis applicable for fiscal year 1985.

"(d) The provisions of subsection (a) or (b) of this section may be waived or suspended in the Senate by a majority vote of the Members voting, a quorum being present, or by unanimous consent of the Senate.

"(e) It is the sense of Congress that the unprecedented magnitude and persistence of current and projected Federal budget deficits must be addressed in a comprehensive strategy to moderate increases in defense spending while continuing the effective constraints on nondefense discretionary programs. To assure the success of such an initiative, the foregoing procedural restraints, in addition to the total aggregate spending limitations pursuant to the Congressional Budget Act of 1974, as amended, are necessary on budget authority both for defense and for nondefense discretionary programs for fiscal year 1986.

"MEDICARE FREEZE

"SEC. 2. (a) Notwithstanding any other provision of law, the "applicable percentage increase" under section 1886(b)(3)(B) of the Social Security Act for any 12-month cost reporting period or fiscal year beginning on or after October 1, 1985, and before October 1, 1986, shall be zero percent.

"(b) The Secretary of Health and Human Services shall report to the Congress within 45 days after the date of the enactment of this Act with respect to suggested methods for assuring that hospitals will not increase amounts charged to patients who are not entitled to benefits under title XVIII of the Social Security Act in order to compensate for amounts not paid by reason of the limitation under subsection (a).

"LIMITATIONS ON COST-OF-LIVING ADJUSTMENTS

"SEC. 3. (a) Notwithstanding any other provision of law, no increase shall be made in payments or benefit amounts under any provision of law which would otherwise require such increase to become effective during fiscal year 1986 as a result of changes in—

"(1) the Consumer Price Index (or any component thereof); or

"(2) any other index which measures costs, prices, or wages.

"(b) No person shall be entitled to any increase in payments or benefit amounts under any provision of law if payment thereof is denied by reason of this section.

"(c) Notwithstanding any other provision of law, any change in—

"(1) the Consumer Price Index (or any component thereof); or

"(2) any other index which measures costs, prices, or wages,

which would have resulted in any increase in payments or benefit amounts during fiscal year 1986 but for the provisions of subsection (a) shall not be taken into account for purposes of determining any increase in payments or benefit amounts during fiscal year 1987 or any fiscal year thereafter.".

(4) The provisions of this subsection are enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(b)(1) Notwithstanding any other provision of law, the head of each agency of the Federal Government shall take such actions as may be necessary to ensure that such agency is prepared to carry out promptly any provisions of law enacted pursuant to this section that require action to be taken by such agency. Actions taken by an agency pursuant to this paragraph shall include the development of contingency plans for carrying out the programs, projects, and activities of such agency in the event that the amounts available for obligation and expenditure by such agency during fiscal year 1986 are reduced pursuant to this section.

(2) For purposes of this subsection, the term "agency" has the meaning given to such term in section 101 of title 31, United States Code.

Mr. TSONGAS. Mr. President, I do not believe there is any need to discuss this amendment. I hope that the House of Representatives would see fit not only to accept this amendment but to embrace it. Part of the reason we Democrats are in this dilemma is that we are not considered to be fiscally responsible, and this would be an ideal vehicle for the House to accept. There are a number of Members over there who are supportive, and I simply urge the chairman of the Ways and Means Committee to recognize the larger implications of this amendment.

Having so convinced my colleagues, I will yield to the Senator from Montana.

Mr. BAUCUS. Mr. President, we have already gone over the arguments for this amendment. The Senate spoke clearly when, a few days ago and by an overwhelming vote of 61 to 30, it rejected a motion to table the amendment. At this point, I hope that the Senate will stand firm. I say that to the chairman of the Ways and Means Committee, as well as to the chairman of the Finance Committee, who is the floor manager of the bill.

With that, Mr. President, I thank my colleague, the Senator from Massachusetts [Mr. TSONGAS], who has led this effort along with Senator BIDEN, of Delaware; Senator KASSEBAUM, of Kansas; Senator GRASSLEY, of Iowa; and Senator ARMSTRONG, of Colorado. They have been stellar supporters.

Mr. EXON. Mr. President, I support and cosponsor the Tsongas amendment because I believe that deficit reduction must be the top priority of the 99th Congress.

More debt has been accumulated since 1981 than all the postwar years combined. This fact is not mentioned to point a blaming finger at any political party, branch of Government or President, but to emphasize that the accumulated national debt is growing at an astounding rate. Certainly, there is enough blame to go around for everyone.

The point is that we have a problem: A serious problem. The annual deficits which at years end do not disappear, but become part of the accumulated national debt, threaten the economic health and independence of this Nation. Earlier this year, Federal Reserve Chairman Paul Volcker warned that the American economy risks being held hostage by foreign investors financing our Nation's deficit spending.

It is an ominous warning that this body should pause to consider. We are rolling debt upon debt at such a rate that the American people through their savings are unable to finance the credit needs of their Government. Our Government has turned to foreign investors to satiate its hunger for credit. The result is that high interest rates are needed to attract the necessary amounts of capital to finance our spending. In turn, the high interest rates make dollar denominated investments very attractive to foreign investors and push the value of the dollar to extraordinary levels.

This tenuous combination of massive Federal borrowing, high interest rates, and high exchange rates has already had a devastating effect on the American farmer who is heavily leveraged and relies on exports. This economic recipe not only threatens the future of the already spotty and sputtering recovery, but the very economic independence of our Nation.

It is as if the President and Congress have delivered this Nation's economic future to a group of unknown foreign money changers. It is time for all Americans to rally together to take our own economic fate back into our own hands. The way we do that is to exercise the necessary courage to slash deficit spending.

When the distinguished Senators from South Carolina, North Dakota, and I offered a bipartisan budget proposal to balance the budget by 1990, a number of our colleagues expressed the view that our proposal was what the economy needed, but that this was an election year and such major measures could not be taken at this time.

Well, next year will not be an election year. It is past time to attack the deficit. This amendment will make spending reductions an early item on the calendar of the 99th Congress.

However, let me make it clear to my colleagues that I believe zero percent growth in defense spending would not be wise. While there are great savings available in defense accounts, I strongly believe that a 3- to 4-percent real growth is necessary to meet our NATO obligations and strategic goals. I also believe that reasonable and sustainable growth is more economical in the long term.

The beauty of the Tsongas amendment is that it accommodates my views on defense. When the Senate considers the bipartisan spending freeze, Senators will have the full opportunity to offer amendments. I, for one, will offer an amendment to allow an appropriate level of growth in defense spending.

I urge my colleagues to join me in support of this proposition. The time to deal with the deficit is long past.

I hope my colleagues will see this proposal as a rowboat that can be used to save our economy from drowning in a sea of red ink. We do have a way out. I, therefore, strongly urge the Senate to adopt this amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I will be brief. I truly think, if the House had an opportunity to look at this amendment, they would like it. It is in their interests. It is in the interests of all of us. I think our only problem with the House may be that they have not really focused on it. But I am convinced, if they did, they would find it as appealing as the majority of our colleagues on this side of the Capitol. I certainly hope they will get an opportunity to do that.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. DOLE. Mr. President, I have no further debate on this amendment. I am prepared to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 7111) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 7112

Mr. GRASSLEY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numered 7112.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

SEC. 2. AMENDMENTS TO THE INTERNAL REVENUE CODE.

(a) MAXIMUM DOLLAR AMOUNT.—Section 7430(b)(1) of the Internal Revenue Code of 1954 is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

(b) DEFINITIONS.—Subparagraph (A) of section 7430(c)(2) of such Code is amended to read as follows:

(A) IN GENERAL.—The term 'prevailing party' means any party to any proceeding described in subsection (a) (other than the United States on any creditor of the taxpayer involved)—

"(i) which has substantially prevailed with respect to—

"(I) the amount in controversy, or

"(II) the most significant issue or set of issues presented, and

"(ii) with respect to which the United States has not established that its position in the civil proceeding was substantially justified.

In determining whether the position of the United States in any civil proceeding was substantially justified, the court may take into account the administrative actions of the Internal Revenue Service in the matter giving rise to the issues in such proceeding. Notwithstanding this subparagraph, a party shall not be treated as a prevailing party if special circumstances would make an award unjust.".

(c) TERMINATION DATE.—Section 7430 (f) of such Code is amended by striking out "1985" and inserting in lieu thereof "1989".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to civil actions or proceedings pending on, or commenced after, the 45th day after the date of the enactment of this Act.

(2) EXCEPTIONS.—The amendments made by this section shall not apply to any action or proceeding pending on such 45th day if there has been a determination by any court of the United States (including the Tax Court and the United States Claims Court) with respect to—

(A) the awarding of reasonable litigation costs in such proceeding, or

(B) the most significant issue or set of issues presented in such proceeding.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GRASSLEY. I yield.

Mr. DOLE. Is this the equal access amendment?

Mr. GRASSLEY. Yes.

Mr. DOLE. I hope we can clear this amendment. It has been adopted by the Senate twice. We see no reason why the House should not accept it. I am prepared to accept it.

Mr. METZENBAUM. Mr. President, will the Senator yield for a question?

Mr. GRASSLEY. I yield.

Mr. METZENBAUM. Have any changes been made in the language?

Mr. GRASSLEY. No. This is the same part that deals with the Tax Code.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 7112) was agreed to.

Mr. THURMOND. Mr. President, I have previously discussed with the distinguished chairman of the Finance Committee a tax problem that has just recently been brought to my attention by a tax attorney representing a major developer, the U.S. Shelter Corp., headquartered in Greenville, SC.

U.S. Shelter had organized a limited partnership and was in the process of marketing interests in that partnership through its underwriter, E.F. Hutton, at the time the Deficit Reduction Act was passed this summer. However, it now appears that it will not be possible for all of the partnership interests to be sold by October 16, 1984, the deadline specified in that law with respect to the sale of these partnership interests to certain tax-exempt investors, including the holders of Individual Retirement Accounts and Keogh plans. This would work a hardship on the U.S. Shelter Corp., by forcing termination of the offering by October 16.

Mr. President, unlike some real estate investment ventures, this particular venture, I have been assured, is not an "abusive tax shelter." Its attraction to investors lies not so much in the potential write-off of depreciation, which is projected to be approximately $500 over the first 5 years for each $5,000 invested, but rather in the projected gain from appreciation of the underlying real property (primarily multifamily housing projects). In fact, I am told that allowing a brief additional period of 30 days for completing the marketing of these partnership interests would actually have a positive effect on Federal Tax Revenue.

In order to resolve this problem and provide a brief time extension, I had prepared an amendment, the language of which had been carefully worked out with the staff of the Finance Committee, so that it was tailored to the resolution of this problem. Unfortunately, with the imminent adjournment of this Congress and some doubt as to whether the House would agree to any amendments of this nature, it may not be possible to achieve a legislative resolution of this issue.

Accordingly, Mr. President, I would like to inquire of the distinguished chairman of the Finance Committee, Mr. DOLE, if he would be willing to join with me in urging the Secretary of the Treasury to promptly look into this matter and grant any administrative relief that he can under the law.

Mr. DOLE. Mr. President, I understand the concerns expressed by the distinguished senior Senator from South Carolina, Mr. THURMOND, relative to this problem. I appreciate his cooperation in not pressing his amendment at this time, and I will be happy to join with him in sending a letter to Secretary Regan requesting that he carefully look into this matter and provide any administrative relief that may be available and appropriate under the law.

Mr. THURMOND. I thank the able Finance Committee chairman for his assistance in this matter.

TSONGAS-KASSEBAUM BUDGET FREEZE AMENDMENT

Mr. PRYOR. Mr. President, I am pleased to be a cosponsor of the amendment being offered by a bipartisan group of Senators who believe as I do, that stronger deficit reducing legislation is needed so that a future economic catastrophe may be avoided.

It is clear, Mr. President, that future action must be taken in order to stem the tide of red ink that the Congressional Budget Office forecasts will rise to staggering levels in the next 5 years. Indeed, CBO's latest baseline projections reflecting the policies in effect in mid-1984, show the Federal debt will reach almost $2.5 trillion by fiscal year 1989 with deficits at about $263 billion. As a percent of GNP, the debt will climb to 46 percent by the end of the decade from its currrent level of 35 percent if current Government policies are not changed. Further evidence of the need to bring down deficits is the fact that $17 million per hour is now being spent to service the interest payment on the national debt.

Mr. President, I supported the compromise budget resolution only after attempting to gain passage of proposals that would have had a more dramatic impact on reducing deficits such as a 1-year budget freeze. While the so-called rose garden plan did compromise a downpayment on the deficit, it clearly did not go far enough in cutting the deficit.

I believe the deficit is a bipartisan problem caused by years of bipartisan neglect. It is time, past time, that we act in a bipartisan manner to resolve this situation.

The amendment offers the Senate an additional opportunity to address the deficit problem in a timely and responsible manner by requiring a vote on a 1-year budget freeze before considering any further debt ceiling increase and by limiting the size of the impending debt ceiling increase. I have previously supported 1 year budget spending freezes and still strongly believe this approach offers a fair and effective method of attacking the deficit. Putting a limit on the size of the soon-to-be-enacted debt ceiling increase would assure that the Senate would have to turn its attention to the freeze proposal early in the 99th Congressional Session.

Mr. President, the amendment being offered by Senators from both parties gives recognition to this problem and provides for a reasonable plan for resolving it.

Mr. GRASSLEY. Mr. President, my amendment (No. 7112) contains the tax provisions of the Equal Access to Justice Act. It has passed this body twice in the last 2 weeks. However, there has been some difficulty in getting the provision through the House. I have been informed this is primarily due to the fact that the provision was in a Judiciary Committee bill rather than a revenue bill thereby preventing the Ways and Means Committee members from properly examining the amendment.

In that we have worked out our differences with the Finance Committee on this side of the Capitol, I am hopeful that the Ways and Means Committee will be in a position to accept it.

The provision requires the Internal Revenue Service to be "substantially justified" in its actions taken against taxpayers or attorneys fees will be awarded to the prevailing taxpayer. It is crucial to the small business community.

In that the provision has already passed the Senate twice, I urge my colleagues to do so once again on this revenue measure, thereby satisfying the Ways and Means Committee's jurisdictional concerns.

Mr. DOLE. Mr. President, I know of no further amendments.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read a third time, the question is, Shall it pass?

The bill (H.R. 5361), as amended, was passed.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC DEBT LIMIT INCREASE

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The joint resolution will be stated by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 654) increasing the statutory limit on the public debt.

Mr. DOLE. Mr. President, at this time, I understand that the Senator from Massachusetts would be willing to withdraw his amendment from this measure.

I say to the Senator from Massachusetts that we now have pending before the Senate the debt ceiling. It is my understanding that he is now prepared to withdraw the Tsongas-Baucus-Biden-Kassebaum-Grassley amendment.

Mr. TSONGAS. And the other 50 people who support it.

Mr. President, I ask unanimous consent that I be allowed to withdraw the amendment at this time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TSONGAS. Mr. President, I wonder if the majority leader will yield in order to allow me to ask for the yeas and nays on the debt ceiling.

Mr. BAKER. I yield.

Mr. TSONGAS. Mr. President, I ask for the yeas and nays on the debt ceiling resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

MISCELLANEOUS TARIFF, TRADE, AND CUSTOMS MATTERS

Mr. BAKER. Mr. President, in an effort to try to accommodate Senators and try to keep the debt limit as clean as we can, I ask unanimous consent that the Senate temporarily lay aside the pending resolution, which is the debt limit resolution, and proceed instead to the consideration of Calendar No. 571, H.R. 2163, which is our old friend, the boat bill.

I also ask unanimous consent that no call for the regular order serve to displace this measure, except a call for the regular order by the majority leader or the minority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 7113

(Purpose: To extend energy-efficiency credits for chlor-alkali electrolytic cells)

Mr. BYRD. Mr. President, I send an amendment to the desk, and I ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 7113.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

"SEC. (a) IN GENERAL.—Subclause VII of section 46(a)(2)(C)(i) of the Internal Revenue Code of 1954 is amended by striking out 'December 31, 1982' and inserting in lieu thereof 'December 31, 1985.'

(b) CONFORMING AMENDMENT.—Clause (vii) of section 46(b)(2)(A) of the Internal Revenue Code of 1954 (as amended by the Deficit Reduction Act of 1984) is amended by striking 'December 31, 1982' and inserting in lieu thereof 'December 31, 1985.' "

Mr. BYRD. Mr. President, this amendment is similar to a provision that was adopted in 1982 as part of the Surface Transportation Assistance Act, relating to energy efficiency tax credits applied to chlor-alkali electrolytic cells. On that occasion the provision covered certain facilities in Louisiana and West Virginia.

For some good reason, that part of the language which dealt with the facility in Louisiana was accepted by the House of Representatives, and that part which dealt with the facility in West Virginia was not accepted. I do know that the distinguished Senator from Louisiana [Mr. LONG] supports this proposal, and he fought for it 2 years ago, as did Mr. DOLE.

The amendment allows an energy efficiency tax credit for the West Virginia facility. Having talked with both managers, I have good reason to believe that they will accept this amendment, and I hope that the Senate will adopt it. Furthermore, I hope that the conference then will accept this amendment.

Mr. President, I yield the floor.

Mr. METZENBAUM. Mr. President, it is very seldom that I rise in connection with an amendment offered by my distinguished minority leader, but the Senator from Ohio does have some concerns about any amendments that impact upon the tax laws.

If we start this precedent, I do not know where you stop. It is my understanding that the managers of the bill do not intend to accept any amendments. I am not familiar with this one. Has the manager of the bill taken a different position in connection with this one?

Mr. DOLE. It is an amendment we adopted before. But I hope I did not mislead the Senator from Ohio. I meant no additional amendments on the prepaid legal services. We were able to comply with that suggestion, which the Senator from Kansas thought was good.

There are a number of Members, including the distinguished minority leader, who have asked about other amendments. What we have done is call up another revenue measure, the boat bill, and I know of at least three Senators who have amendments to that measure. I do not have any quarrel with amendments to the boat bill.

Mr. METZENBAUM. I am trying to say that I have reservations, at 10 minutes to 4, when bringing up a tax bill or a boat bill which will become a tax bill, which will become a Christmas tree bill.

I do not know whether this has merit. It is my understanding that it was adopted by the Senate once before. I do not really like to oppose the minority leader.

I do not like to impose on the minority leader but I am convinced if we take this one and the Senator tells me there are three more coming and take three more, I guarantee there will be three after this and three on top of that.

Frankly, I am really not disposed to accept those amendments and we all would recognize the pressures of time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, if my distinguished colleague will yield just briefly, I wish to get final action on this amendment, and I think that it would be better if I could proceed to get my amendment adopted.

I ask unanimous consent that the name of my senior colleague, Senator RANDOLPH, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I hope the two managers are now in position to accept the amendment.

Mr. DOLE. Mr. President, the Senator is correct. We are prepared to accept the amendment.

I indicated to the Senator from Ohio we are not going to consider any egregious amendment. This amendment has passed before.

I only know of other amendments. I am not going to encourage any amendments. I think if we could limit the number of amendments it would be helpful in our efforts to adjourn.

I am prepared to accept the amendment. I know of no obections.

Does the minority floor manager have any objection to the minority leader's amendment?

Mr. MITCHELL. No.

Mr. DOLE. I know of no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 7113) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 7114

(Purpose: Provide an additional period of time for the marketing of certain limited partnership interests)

Mr. THURMOND. Mr. President, I send to the desk an amendment and ask the clerk to report.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 7114.

At the appropriate place in the bill, add the following:

"Section 31(g)(11) of the Deficit Reduction Act of 1984 (P.L. 98-369) is amended by inserting the following as new subparagraph (E) thereof:

(E) Special Rule for Certain Partnerships Organized on August 3, 1983—In the case of a partnership organized on August 3, 1983, the interests of which were first marketed on March 22, 1984, clause (ii) of subparagraphs (D) shall be applied by substituting "120th day" for "90th day".".

Mr. THURMOND. Mr. President, this amendment will bring in more money to the Treasury. The amendment will make a minor change in a provision of the Deficit Reduction Act of 1984 relating to the marketing of interests in certain limited partnerships to tax-exempt investors. It provides a brief additional period of time for completing the marketing of these partnership interests.

In other words, it just extends the deadline 30 days—that is all it does—to market these interests.

Mr. President, this matter has just been brought to my attention by a former Commissioner of the Internal Revenue Service, Mr. Johnnie H. Walters, and he is representing a major developer, the U.S. Shelter Corp., headquartered in Greenville, SC.

U.S. Shelter had organized a limited partnership and was in the process of marketing interests in that partnership through its underwriter, E.F. Hutton, at the time the Deficit Reduction Act was passed this summer. However, it now appears that it will not be possible for all of the partnership interests to be sold by October 16, 1984, the deadline specified in the law. This would work a hardship on the U.S. Shelter Corp. by forcing termination of the offering by October 16.

Mr. President, unlike some real estate investment ventures, this particular venture, I have been assured, is not an "abusive tax shelter." Its attraction to investors lies not so much in the potential writeoff of depreciation, which is projected to be approximately $500 over the first 5 years for each $5,000 invested, but rather in the projected gain from appreciation of the underlying real property—primarily multifamily housing projects. In fact, I am told that this proposed change will actually have a positive effect on Federal tax revenue.

In summary, Mr. President, this is a very minor damage in an effective date provision of the tax-exempt entity leasing provisions of the Deficit Reduction Act. I hope the distinguished managers of the bill will be able to accept it.

I have discussed this with the manager on this side, Mr. Dole, and I also discussed it with the acting manager on the other side, Mr. Mitchell. The former chairman of the Finance Committee, the distinguished Senator from Louisiana, Senator Long, is now on the floor. I would be glad to go into more detail with him if he wishes. As I explained, the amendment merely extends the time for the marketing of certain partnership interests by 30 days.

Mr. LONG. Mr. President, I have some doubts about this matter. But in view of the fact it is very late in the session and it is going to have to be considered now, I will not object to it.

Mr. THURMOND. I thank the Senator very much.

Mr. DOLE. Mr. President, we have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. Thurmond].

The amendment (No. 7114) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I understand there is one additional amendment that the distinguished Senator from Alaska has. He has been working with the distinguished Senator from Louisiana, Senator Long, on that matter. It may be that the Senator from California, Senator Cranston, will want to bring up an amendment that he knows will be objected to, as I understand it, by the Senator from Ohio.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 7115

(Purpose: To amend the Tax Reform Act of 1984 to provide a transitional rule for the treatment of certain air travel benefits provided to employees of airlines)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. Moynihan], proposes an amendment numbered 7115.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

Insert in the appropriate place the following:

AMENDMENT OF SECTION 531 OF THE TAX REFORM ACT OF 1984

Section 531 of the Tax Reform Act of 1984 is amended by redesignating subsections (g) and (h) as subsections (h) and (i), respectively, and inserting after subsection (f) the following new subsection:

"(g) Determination of Line of Business in Case of Affiliated Group Operating Airline.—If, as of September 12, 1984—

"(1) an individual was an employee (within the meaning of section 132 of the International Revenue Code of 1954, including subsection (f) thereof) of one member of an affiliated group (as defined in section 1504 of such Code) and was eligible for no-additional-cost services in the form of air transportation provided by another member of such affiliated group,

"(2) at least 50 percent of the individuals performing services for the first such corporation were or had been employees of or had previously performed services for the second such corporation, and

"(3) the primary business of the affiliated group was air transportation of passengers,

then, for purposes of applying paragraphs (1) and (2) of section 132(a) of the Internal Revenue Code of 1954, with respect to no-additional-cost services and qualified employee discounts provided for such individual by such other members, the employer of such individual shall be treated as engaged in the same line of business as such other members. For purposes of the preceding sentence and section 132 of the Internal Revenue Code of 1954, an individual who is performing services for the first such corporation who is an employee of the second such corporation shall be treated as also an employee of the first such corporation.".

The PRESIDING OFFICER (Mr. Chafee). Will the Senate please be in order?

The Senator from New York may proceed.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, the purpose of this amendment is small but specific. I believe it is a legitimate amendment, almost a technical amendment to the Tax Reform Act of 1984. That act provided definitive rules for the taxation of employee fringe benefits and generally provided that airlines might continue to provide free or reduced air travel to their employees tax free—as has been the practice of a half-century's standing in our domestic and our international airlines. However, as a technical fallout of the bill, the employees of Pan Am World Services, Inc., were excluded from such tax-free flight privileges as they are technically not directly employees of the airline, but rather they are employees of an affiliated corporation.

And who are these employees of Pan Am World Services, Inc? Who are these employees who work for Pan American World Services? The answer is very simple: In the greatest number they are persons who work under contracts with the Federal Government. They operate airfields and communications systems around the world where there are no regional facilities available to the armed services. They do absolutely indispensable work. They do it in disagreeable and sometimes dangerous circumstances. In fact, they have always shared the same tax-free flight benefits that the other employees in the airline business of Pan American have enjoyed, but a technicality in the 1984 legislation will take those benefits away from them. I would say, Mr. President, that it surely is in the interest of these employees that they should continue to have the same arrangement that previously existed. But it is also very much in the interest of the United States Government that the present benefit situation is in place and should continue in place undisturbed.

This has been a matter which has brought the president of Pan American World Services, Inc., Mr. John J. Casey, to the conference to ask as a matter of great concern and seriousness that this arrangement be made. There is not a large sum of money involved. There are important services involved.

I hope that this small measure might be adopted. I am happy to note, Mr. President, that our distinguished President pro tem, the Senator from South Carolina, asks that he be made a cosponsor of the measure.

I ask unanimous consent that Mr. Thurmond be so added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. Inouye is a cosponsor.

Mr. President, this amendment will help the employees of Pan Am World Services, Inc., around the world. My amendment would preserve tax-free standby flight privileges of the employees of Pan Am World Services, Inc., that might otherwise become taxable under the provisions of the Tax Reform Act of 1984.

Mr. President, this amendment is substantially the same as S. 2995, which I introduced on September 12, 1984, and which is cosponsored by Senators BENTSEN, SYMMS, SASSER, D'AMATO, HAWKINS, COCHRAN, PRESSLER, CHILES, INOUYE, ABDNOR, and PERCY. Similar legislation was introduced in the House of Representatives (H.R. 6231) by the distinguished Congressman from California, [Mr. STARK] and others.

The Tax Reform Act of 1984—the "Act"—provided definitive rules for the taxation of employee fringe benefits. Generally, airlines may continue to provide free or reduced cost standby air travel as a nontaxable fringe benefit, but only to employees in the airline "line of business." The line of business rule was adopted to prevent conglomerates from providing employees in one line of business, such as hotels, with benefits from another line, such as car rentals.

These rules have had an unforeseen adverse effect on employees of Pan Am World Services, Inc. Many of these individuals formerly were employees of Pan American World Airways, Inc., and transferred to World Services with no thought that their fringe benefits could become taxable. Pan Am World Services, Inc., does not itself operate an airline, but many of its areas of operation are closely related to aviation, airport, and aerospace activities.

These individuals have committed themselves to specific personal and career paths. This is especially so in the case of retirees. It is unfair to change the taxation of the standby air travel benefits provided to these individuals. The unions that represent these employees have fully supported this legislative proposal.

Pan Am cannot help these employees by electing to be subject to the excise tax provided for by the act, which would result in elimination of the line of business requirement. The amount of the excise tax in Pan Am's situation would exceed the entire value of benefits provided to the employees outside the airline line of business.

Mr. President, my amendment would provide only a narrow extension of the line-of-business concept to cover Pan Am World Services employees. Most important, the legislation would apply only to persons employed as of September 12, 1984. This grandfather rule would protect only those who had legitimately anticipated the continued nontaxable status of standby air travel benefits, not new employees. The question is one of basic fairness to these American workers.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I have not heard the entire discussion of the amendment because I have had other Members ask about amendments, but I am familiar with the amendment offered by the distinguished Senator from New York. It was offered in the committee. The Senator will recall at that time the Senator from Kansas felt disposed to oppose the amendment. I understand there are circumstances that we did not consider at that time. I told the Senator from New York if he would not press the amendment, that we would be back in January, and assuming where everybody is at that time, I would certainly be willing to carefully assess the amendment, consider the additional circumstances apparently that this Senator was not aware of.

Mr. MOYNIHAN. Do I take it that the distinguished chairman is saying that his original opposition is without changing to any particular position other than just at this point it is open to discussion, and he learned new facts? It has changed in the sense that he will not object to taking the measure up?

Mr. DOLE. I think we ought to hear the case again. The Senator from Kansas, as the Senator from New York recalls, objected. We had a vote. The reason for the opposition then was more a matter of trying to expedite the business than opposition to the amendment. So the answer is yes, the Senator from Kansas is neutral. I think we should have a hearing and if it can be justified. Obviously it should be favorably considered. If not, I guess we will make another judgment.

Mr. MOYNIHAN. This can be done early in the year we hope because there are persons in the faraway places who would like to know what Congress is going to do early in the next Congress.

Mr. DOLE. I think fairly early. I am not certain if there will be a tax bill next year. Some are for taxes and some are not. But I assume there may be a revenue bill floating around somewhere next year.

Mr. MOYNIHAN. I see the Senator from California on the floor.

Mr. CRANSTON. Mr. President, I wanted to bring up another amendment.

Mr. MOYNIHAN. Mr. President, does the Senator from Louisiana wish to speak on this matter?

Mr. President, in light of the very generous commitment of the Senator from Kansas, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 7116

(Purpose: To provide that the provisions of section 252 of the Economic Recovery Tax Act of 1981 relating to the transfers of property to employees subject to certain restrictions) shall apply to certain transfers occurring during 1973)

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. CRANSTON] proposes an amendment numbered 7116.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . (a) IN GENERAL.—Notwithstanding subsection (c) of section 252 of the Economic Recovery Tax Act of 1981, the amendment made by subsection (a) of such section 252 (and the provisions of subsection (b) of such section 252) shall apply to any transfer of stock to any person if—

(1) such transfer occurred in November or December of 1973 and was pursuant to the exercise of an option granted in November or December of 1971,

(2) in December 1973 the corporation granting the option was acquired by another corporation in a transaction qualifying as a reorganization under section 368 of the Internal Revenue Code of 1954,

(3) the fair market value (as of July 1, 1974) of the stock received by such person in the reorganization in exchange for the stock transferred to him pursuant to the exercise of such option was less than 50 percent of the fair market value of the stock so received (as of December 4, 1973),

(4) in 1975 or 1976 such person sold substantially all of the stock received in such reorganization, and

(5) such person makes an election under this section at such time and in such manner as the Secretary of the Treasury or his delegate shall prescribe.

(b) LIMITATION ON AMOUNT OF BENEFIT.—Subsection (a) shall not apply to transfers with respect to any employee to the extent that the application of subsection (a) with respect to such employee would (but for this subsection) result in a reduction in liability for income tax with respect to such employee for all taxable years in excess of $100,000 (determined without regard to any interest).

(c) STATUTE OF LIMITATIONS.—

(1) OVERPAYMENTS.—If refund or credit of any overpayment of tax resulting from the application of subsection (a) is prevented on the date of the enactment of this Act (or at any time within 6 months after such date of enactment) by the operation of any law or rule of law, refund or credit of such overpayment (to the extent attributable to the application of subsection (a)) may, nevertheless, be made or allowed if claim therefor is filed before the close of such 6-month period.

(2) DEFICIENCIES.—If the assessment of any deficiency of tax resulting from the application of subsection (a) is prevented on the date of the enactment of this Act (or at any time within 6 months after such date of enactment) by the operation of any law or rule of law, assessment of such deficiency (to the extent attributable to the application of subsection (a)) may, nevertheless, be made within such 6-month period.

Mr. CRANSTON. Mr. President, this amendment has been passed by the House in 1982 as H.R. 4577 and was reported favorably by the Finance Committee that year.

The amendment would apply the 1982 changes with respect to stock options to a transaction occurring in 1973. The intended beneficiaries are members of the Franzia family who became embroiled in an unfriendly takeover of the family's wine business.

As a result, stock options were exercised, ultimately to the loss of the family. At that time, options were taxable at a value considerably greater than the realized value of the stock. Therefore, the Franzias paid taxes on paper gains. The Senate and the House eventually reversed this absurd rule, but left the Franzias grievance unredressed. My amendment offers us an opportunity to do equity and I ask approval of the amendment.

The PRESIDING OFFICER. Does the Senator move the amendment?

Mr. CRANSTON. I move adoption of the amendent.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, this is an old friend revisited. This is the wine amendment from California that we seem to meet every year about this time in the closing hours of the session. I have a lot of respect for my friend from California. But I think this would be somewhat of an abuse of the tax laws. I have given a fair amount of consideration to what is involved in this amendment. I urge the distinguished Senator from California not to engage in extended debate ad infinitum. I think people have an opportunity to have the matter litigated, and it still is in litigation I understand. I do not believe the Congress of the United States ought to intervene at this point. I really urge that we not engage in extended debate on this particular subject.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I hope the distinguished Senator from California will not press the amendment. I am certainly willing to indicate to the Senator from California now that we will consider this amendment. I do not share the view expressed by the Senator from Ohio, but he is a very important Member of the Senate. But if the Senator from California would be willing to withdraw the amendment, I can indicate for the RECORD that we will carefully address this early next year.

Mr. CRANSTON. I appreciate the comments of the chairman of the committee. Let me say to my friend from Ohio that I really believe justice has been perpetrated upon the Franzia family. But as Senator Baker said to me the other day when I made a similar statement on another bill—and I understand the concern of the Senator from Ohio—I do not want to impose delay or extend the debate upon the Senate at this time. I am delighted that the chairman of the committee will see to it that the matter is considered in an orderly fashion in the committee next year. For those reasons, I withdraw the amendment.

Mr. METZENBAUM. I thank the Senator from California.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I ask unanimous consent that the action of the Senate on May 17, 1984, regarding amendments 3027, 2902, and 3058 be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Reserving the right to object, this Senator does not understand the impact of the vitiation.

Mr. DOLE. This was already passed, but it was last year's tax bill. It is still hanging on to the tax bill.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. DOLE. Mr. President, does the Senator from Colorado wish to be recognized.

Mr. ARMSTRONG. Yes.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 7117

Mr. ARMSTRONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Colorado [Mr. ARMSTRONG] proposes an amendment numbered 7117.

Mr. ARMSTRONG. Mr. President, I note that some Members would like to have it read. I was about to suggest that we dispense with the reading, but I will withhold that.

The PRESIDING OFFICER. The Senator from Colorado has sent to the desk a resolution rather than an amendment.

Mr. ARMSTRONG. Mr. President, if I may, I will withdraw that and put it in the correct format.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Colorado [Mr. ARMSTRONG] proposes an amendment numbered 7117.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> The Internal Revenue Service is currently considering issuing regulations that would reduce mortgage interest tax deductions by military personnel who own their homes and receive fringe allowances; and
>
> Such regulations would be contrary to previous IRS rulings that expressly allowed such deductions (IRS Rulings 62-213m 80-173); and
>
> Such proposed regulations breach pay and benefit commitments made at the time of enlistment; and
>
> Such proposed regulations would undermine efforts to permanently establish all-volunteer armed forces; and
>
> Such proposed regulations would deter efforts to bolster armed service recruitment and retention of highly qualified military personnel; and
>
> The proposed regulations would increase budget deficits because projected revenue increases would be more than offset by higher military payroll costs;
>
> Therefore, it is the sense of the Senate that no disallowance of traditional deductions for homeowner expense be made against military homeowners without the consent of the Department of Defense and before the 99th Congress statutorily resolves the issue.

Mr. ARMSTRONG. Mr. President, this amendment simply expresses the sense of the Senate that the Internal Revenue Service not go forward with rumored plans to prescribe regulations, the effect of which would be to disallow interest deductions for service personnel.

There is a line of thought in some quarters that the historic deduction should be disallowed. In fact, that is a subject which the Senate Finance Committee would want to take a look at because it has been part of the tax practice for many, many years.

The truth of the matter is that if this were to happen during the interim while Congress was out of session, it would really create a chaotic situation. Frankly, I think there is little real chance that the IRS would be headstrong enough to go ahead and issue such regulations. However, since the issue has come to my attention, it just appears to me that we ought to express the notion that they ought to wait until we are back and let Congress take a look at this issue next year.

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Mr. President, the current controversy over the taxation of military housing allowances is classic evidence that the IRS can and does take action that is not in the best interests of the Federal Government.

In 1983, the Internal Revenue Service discovered what to them was an egregious tax loophole: Military servicemen and women received tax-free housing allowances and were also allowed to fully deduct mortgage interest deductions if they owned homes off base. "GIs are having their cake and eating it too," cried the IRS, and launched a preemptive first strike to close this loophole by judicial and regulatory action.

But the Department of Defense retaliated. They told the IRS that closing that so-called "loophole: would be a disaster to the national defense effort. The Pentagon forcefully argued that if the IRS succeeded in closing this loophole that it would:

Mean a 7-percent cut in pay for 300,000 military servicemen and women;

Breach pay and benefit commitments made to service personnel at the time of enlistment;

Undermine efforts to permanently establish the All-Volunteer Armed Forces;

Deter efforts to bolster armed service recruitment and retention of highly qualified military personnel;

Increase budget deficits because projected revenue increases would be more than offset by higher military payroll costs;

Result in a loss of trained career officers and enlisted personnel;

Degrade U.S. combat capability;

Undermine morale in the Armed Forces because it is discriminatory in that it does not affect those with base housing, and is a denial of tax deductions available to almost all other Americans;

Produce a severe decline in value of homes around military bases;

Was contrary to Federal laws and regulations dating as far back as 1925 which held that military housing allowances are nontaxable.

Require the Department of Defense to raise housing allowances to a level where no pay is lost at a cost of $1.2 billion or the Department would be required to build more on-base military housing at a cost far in excess of $1.2 billion.

Even with these bullet-proof arguments, the IRS has yet to back off. Officially, the IRS says it is still studying the issue.

To save the IRS from further study, I urge my colleagues to approve the pending sense of the Senate amendment. This amendment restates the obvious arguments against IRS policy, and closes with this sentence:

> Therefore, it is the sense of the Senate that no disallowance of traditional deductions for homeowner expenses be made against military homeowners without the consent of the Department of Defense and before the 99th Congress statutorily resolves the issue.

Enough said.

Mr. President, I urge adoption of the amendment.

Mr. **METZENBAUM** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Ohio.

Mr. **METZENBAUM**. Mr. President, this is one of the reasons why, when the Senate gets ready to adjourn, it ought to adjourn and quit hanging around any longer.

This is one of the cats and dogs that we always receive. Last year we had it with respect to the clergy. Here we have it with respect to the military as well.

There may be merit, but I doubt it, in the position of my good friend from Colorado. What we are talking about is military personnel getting an allowance for housing, and that is tax free. What they want to do is also be permitted to deduct the interest on their mortgages. The same thing applies with respect to the clergy.

We have had this issue before us in the past, and what has happened is that we stop it at one point and then somebody else was able to get it by at another point on another bill. There was an extension for 1 year.

If there is merit to this position, then it belongs in an authorizing committee that can deal with the issue in a straightforward manner. I do not believe that it belongs in a resolution or an amendment, in a sense of the Congress amendment, telling the Treasury how to conduct itself.

Mr. President, I make no bones about it, that this is exactly the kind of amendment that we should not be having in the late afternoon as we are getting ready to close down.

I would say to the distinguished manager of this bill that if we stay here for 10 more hours he will continue to have amendments coming up of this nature, some better and some worse than others, but there will be a continuum of amendments that people will be bringing up because they will recognize there is a window and an opportunity to go to the floor to add something on.

I am opposed to this amendment. I would hope that the chairman of the Finance Committee would see fit to prevail upon the author of the amendment to withdraw it or move to table it. Once you open up the door and start taking these kinds of amendments, there is absolutely no limit. I think it is time for us to shut down the shop before we do more damage than we have already done to the country.

The **PRESIDING OFFICER**. The Senator from Colorado.

Mr. **ARMSTRONG**. Mr. President, it may be that the Senator from Ohio misunderstands the import of the amendment. Perhaps he understands it and is nonetheless opposed to it.

Mr. President, I want to make it clear that the statutory and regulatory framework has remained unchanged since 1925. What we are concerned about is a rumor which is running around—it is more than a rumor—that the Treasury Department may wish to change that arrangement by regulation during the interim while we are out of session.

All we are expressing here is we do not think that is a good idea.

Mr. **METZENBAUM**. The Senator from Colorado is undoubtedly one of the more intelligent Members of this body. He recognizes the implication of what he has just said, that this is an amendment dealing with a rumor. If there is some problem that has been created, we will have time to deal with it in January or February. The world will not come to an end in the interim period. I do not think we ought to be out here this afternoon adding amendments to this legislation indicating the sense of the Congress to somehow contend with a rumor when we do not know whether the rumor has any basis in fact. If it does, then Congress will certainly be in a position to deal with it before the appropriate committees when we return. I urge him not to push this amendment.

I really urge him strongly not to push this amendment.

Mr. **ARMSTRONG**. Mr. President, I want to be sure the Senator from Ohio understands, and I think he does: It is more than a rumor. There is some basis to it and it is exactly analogous to the repeated attempts over the years of the IRS to impose, through regulation, taxes on fringe benefits of employers. The way Congress has handled it is through measures of this general type. I happen to know that because I have sponsored them on a number of occasions and precluded the IRS from acting precipitately until Congress itself had an opportunity to address the problem.

I want to make sure we understand each other. I think we do. It is just a difference of opinion.

I think it would be a serious mistake for the IRS to move in that area until we have had a chance to legislate.

Mr. **METZENBAUM**. Why not introduce a bill, Mr. President, spelling out the Senator's concerns and let us handle it in the normal course of business, rather than like this, at the 11th hour?

Mr. **ARMSTRONG**. Mr. President, I point out this is the normal course of business. That is, in my judgment, the most direct and simple way to handle it. If the Senator disagrees, that is his privilege, but my resolution speaks for itself. I hope it will be adopted.

Mr. DOLE. Mr. President, I think the Senator from Ohio is right in one respect. The longer we are on the floor, the more flies are going to be attracted to any revenue bill that is out here. I do not care to characterize the amendment of the Senator from Colorado. The word is out that we have a revenue bill on the floor. The lobbyists are flocking to Capitol Hill. We could have a landslide business here over the next 24 or 48 hours.

I think the Senator from Colorado, by just raising this matter, has encouraged the Treasury Department to act. He has already won. The Acting Assistant Secretary of the Treasury has assured me that the Secretary of the Treasury and the Secretary of Defense have agreed that no change in tax policy for housing allowances would be made before 1986.

I think he has done good work. I commend the Senator from Colorado.

Mr. ARMSTRONG. I thank the Senator for his commendation.

Mr. DOLE. I hope he will not push the amendment. He has already won.

I think we have made a record. The Senator from Colorado has called it forcefully to the attention of the Treasury Department and the Defense Department. They agree with him. I hope he will not press the amendment.

Mr. ARMSTRONG. Mr. President, if there is no problem, why not express the sense of the Senate?

Mr. DOLE. There is no problem with this Senator.

Does the Senator from Ohio have a problem since it has already been done?

Mr. METZENBAUM. Mr. President, I have a problem with any further amendments except the Murkowski one, which I think might put some money back in the Treasury. I think it is time that we not stay around here—as the Senator from Kansas says, the Senator from Colorado has already won. If he has, we do not need a sense-of-the-Congress disposition. I am not as familiar with the matter as the Senator from Kansas; it is not my particular field. But I think that our coming in here and saying the sense of the Congress as to what should be done by the Treasury Department is inappropriate. If the issue is not before us, why do we need a sense-of-the-Congress resolution? I really hope that we will not be called upon to debate this matter ad infinitum.

According to the Senator from Kansas, the Senator from Colorado has already prevailed in some other manner. Therefore, I urge him not to push this particular issue, since he does not need to.

Mr. ARMSTRONG. Mr. President, the only thing I am going to add to this discussion is that I ask unanimous consent that the Senator from Virginia [Mr. WARNER] be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. DOLE. Mr. President, did the Senator from Colorado withdraw the amendment?

Mr. ARMSTRONG. No, Mr. President. Let us vote on it and get on with our business. There is nothing wrong with the amendment.

Mr. DOLE. Can we temporarily lay it aside and let the Senator from Alaska offer his amendment?

Mr. ARMSTRONG. Surely, Mr. President.

The PRESIDING OFFICER. If there is no objection, the amendment is temporarily laid aside. Without objection, it is so ordered.

AMENDMENT NO. 7118

(Purpose: To provide for the designation on income tax forms of contributions to retire the public debt)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 7118.

At the end, add the following:

SEC. . CONTRIBUTIONS TO RETIRE THE PUBLIC DEBT.

(a) Any taxpayer may designate on the form for the return of the tax imposed by chapter 1 of the Internal Revenue Code of 1954 for any taxable year—

(1) any portion of an overpayment of such tax for such taxable year, or

(2) any contribution which the taxpayer forwards in money with such return,

as a gift to the United States Government for the purpose of retiring the Federal public debt.

(b) In the case of a joint return of husband and wife, each spouse may make a separate designation under subsection (a) as a gift to the United States Government for the purpose of retiring the Federal public debt.

(c) Space shall be made available for the designation referred to in subsection (a) on the tax return forms in the section dealing with over payments and refunds.

(d) For purposes fo the Internal Revenue Code of 1954, any overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the date prescribed for filing the return of such tax (disregarding any extension) or, if later, the date the return is filed.

Mr. MURKOWSKI. Mr. President, I thank the Chair.

Throughout the duration of this session we have discussed over and over the public debt crisis facing this country and its ramifications. Traditionally, those discussions become quite heated immediately prior to our consideration of raising the debt. However, the furor quickly resides, and the issue retreats to oblivion, until we once again are faced with the necessity of raising the debt ceiling. A lot of ranting and raving takes place on this floor about this subject. But when all is said and done, and the debt ceiling has once again been raised, are we even one step closer to solving the problem? No. Here we are just 4 short months since our last go-around, going through the exact same motions. Is the indignation and frustration expressed over the situation purely symbolic, I cannot believe that that is the case. After all, who is in favor of this spiraling debt?

Today we are considering raising the debt from $1.573 trillion to $1.823 trillion. That is $250 billion in the wrong direction.

Mr. President, the amendment I am offering today is not a solution to this Nation's debt problem. But it is a step. It is a step in the direction of heightening the awareness of the public about the debt crisis this country is facing. In addition, it provides the people of this country a mechanism, however small, of making a personal contribution towards solving the problem. It brings home the fact that this debt is shared by all of us. And it will take all of us working together to solve the problem. In the upcoming session of Congress we will have to either cut spending, raise taxes, or a combination of the two. Meanwhile, many Americans may choose to contribute a portion of their tax refund to a fund dedicated solely to retiring the debt.

My amendment would mandate the insertion of a line on our present tax forms permitting individual and corporate taxpayers to elect to contribute a portion of their refund to an established fund to retire the national debt.

The Federal Government already has a fund in place to receive contributions of this nature. This amendment would simply provide a better and easier mechanism for Americans who wish to contribute to the fund and would highlight the fact that the fund exists.

On June 27, 1961, Public Law 87-58 (title 31, United States Code, sections 901-904), was enacted. That legislation established the special fund, authorizing the Secretary of the Treasury to accept gifts on behalf of the United States for payments to be used solely to reduce the national debt. The Treasury Department does not actively solicit money for that fund, although the Secretary of the Treasury receives and manages gifts made to it.

Existence of the fund is one of America's best kept secrets. Notwithstanding the fact that it has been in place for over 20 years, many of my constituents are wholly unaware that the opportunity to make a positive contribution to debt reduction is available to them.

Presently, the fund is referred to but once a year in a manner which by no stretch of the imagination is designed to attract public attention; it appears on a cover letter from the Internal Revenue Service Commissioner, a letter which is attached to the front of the income tax return form.

Mr. President, most Americans are not interested in "greetings" from the Internal Revenue Service Commissioner at any time, particulary not tax time. I submit to you that this cover letter is read by few, if any, Americans.

However, notwithstanding these obstacles, the fund to date has raised $7 million. Last year alone the fund raised $911,000. Suppose that it was even easier for Americans to participate in? Would not the contributions be even greater?

I am not so naive as to suggest that the contributions from this fund will solve this country's debt problem. Instead, it will highlight the issue and serve as a reminder to all taxpayers that the ever-mounting debt and its debilitating effect on our country is a force that must be reckoned with.

CBO has estimated that if every taxpayer contributed $5 to this fund that one-half billion dollars would be raised. Maybe some would contribute more, others not at all. But the half billion dollar figure is just an estimate. We really have no way of knowing just how much this fund would raise. I think we should at least give it a try. The people of this country should be made aware that they have that opportunity.

Presently, both corporations and individuals can contribute to the fund. Similiarly, my amendment retains that provision. Further, there is no dollar limit set on contributions to the fund. My amendment does not impose any. The only present limitations on charitable contributions are imposed by the Internal Revenue Service guidelines. My amendment would be administered consistent with those.

Our debt is fast approaching $2 trillion. We must give due consideration to any and all methods that would help retire the debt. My amendment is a small, but important step in that direction.

Mr. President, I urge its adoption.

The PRESIDING OFFICER. Is there objection to the adoption of the amendment?

Mr. DOLE. Mr. President, there is no objection to this amendment. This has been worked out with the Senator from Louisiana [Mr. LONG]. There have been slight changes made in it. The Senator from Kansas has no objection. Mr. METZENBAUM has no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 7118) was agreed to.

Mr. MURKOWSKI. I thank the Senator from Kansas, the Senator from Louisiana, and the Senator from Ohio, and their staffs.

AMENDMENT NO. 7117

Mr. DOLE. Mr. President, I hope we can dispose of the Armstrong amendment without a rollcall vote. It is a little ridiculous, at a quarter to five, when we are all trying to get out of here and have important engagements to make, that we have to vote on a sense of the Senate amendment. I hope I can persuade the Senator from Colorado to have a little visit with the Treasury Department representatives. This amendment seems a little pointless, since they have already indicated their position.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Is the pending business the Armstrong amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. we are now prepared to accept the amendment.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Do I understand from the Senator from Kansas that if the Armstrong amendment is accepted, which I do not think is really that big of a deal but it concerns me by being one in a series of amendments, the Senator from Kansas immediately thereafter intends to shut down the lid?

Mr. DOLE. The boat is going to leave right after.

Mr. METZENBAUM. If I am certain that the boat is going to leave, I have no special excitement about the Armstrong amendment; it does not have any monetary impact, as I see it.

Mr. ARMSTRONG. Mr. President, I thank the Senator from Ohio for his forbearance. I think we are ready for the question on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 7117) was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, before proceeding to passage, I ask unanimous consent to strike sections 1, 2, and 3 of the committee reported substitute, and the title amendment.

These are tariff measures that have already been dealt with, and there is no reason to have them in the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2163) as amended, was passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPORT ADMINISTRATION AMENDMENTS ACT

Mr. GARN. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 4230.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 4230) entitled "An Act to extend the authorities under the Export Administration Act of 1979", with the following amendment:

In lieu of the matter inserted by said amendment, insert:

SHORT TITLE

SECTION 1. Titles I and II of this Act may be cited as the "Export Administration Amendments Act of 1984".

TITLE I—AMENDMENTS TO EXPORT ADMINISTRATION ACT OF 1979

REFERENCE TO THE ACT

SEC. 101. For purposes of this title, the Export Administration Act of 1979 shall be referred to as "the Act".

FINDINGS

SEC. 102. (a) Section 2 of the Act (50 U.S.C. App. 2401) is amended in paragraph (3) by striking out "which would strengthen the Nation's economy" and inserting in lieu thereof "consistent with the economic, security, and foreign policy objectives of the United States".

(b) Section 2(6) of the Act is amended to read as follows:

"(6) Uncertainty of export control policy can inhibit the efforts of United States business and work to the detriment of the overall attempt to improve the trade balance of the United States.".

(c) Section 2 of the Act is amended by adding at the end thereof the following:

"(10) It is important that the administration of export controls imposed for foreign policy purposes give special emphasis to the need to control exports of goods and substances hazardous to the public health and the environment which are banned or severely restricted for use in the United States, and which, if exported, could affect the international reputation of the United States as a responsible trading partner.

"(11) The acquisition of national security sensitive goods and technology by the Soviet Union and other countries the actions or policies of which are adverse to the national security interests of the United States, has led to the significant enhancement of Soviet bloc military-industrial capabilities, thereby creating a greater threat to the security of the United States, its allies, and other friendly nations, and increasing the defense budget of the United States.

"(12) Availability to proscribed destinations of goods and technology from foreign sources is a fundamental concern of the United States and should be eliminated through negotiations and other appropriate means whenever possible.

"(13) Excessive dependence of the United States, its allies, or countries sharing common strategic objectives with the United States, on energy and other critical resources from potential adversaries can be harmful to the mutual and individual security of all those countries.".

DECLARATION OF POLICY

Sec. 103. Section 3 of the Act (50 U.S.C. App. 2402) is amended—

(1) in paragraph (3), by inserting before the period at the end thereof "or common strategic objectives",

(2) in paragraph (7)—

(A) by striking out "every reasonable effort" in the second sentence and inserting in lieu thereof "reasonable and prompt efforts"; and

(B) by striking out "resorting to the imposition of controls on exports from the United States" in the second sentence and inserting in lieu thereof "imposing export controls";

(3) in paragraph (8)—

(A) by striking out "every reasonable effort" in the second sentence and inserting in lieu thereof "reasonable and prompt efforts"; and

(B) by striking out "resorting to the imposition of export controls"in the second sentence and inserting in lieu thereof "imposing export controls";

(4) in paragraph (9)—

(A) by inserting "or common strategic objectives" after "commitments" each place it appears, and

(B) by inserting before the period at the end thereof the following: ", and to encourage other friendly countries to cooperate in restricting the sale of goods and technology that can harm the security of the United States"; and

(5) by adding at the end thereof the following:

"(12) It is the policy of the United States to sustain vigorous scientific enterprise. To do so involves sustaining the ability of scientists and other scholars freely to communicate research findings, in accordance with applicable provisions of law, by means of publication, teaching, conferences, and other forms of scholarly exchange.

"(13) It is the policy of the United States to control the export of goods and substances banned or severely restricted for use in the United States in order to foster public health and safety and to prevent injury to the foreign policy of the United States as well as to the credibility of the United States as a responsible trading partner.

"(14) It is the policy of the United States to cooperate with countries which are allies of the United States and countries which share common strategic objectives with the United States in minimizing dependence on imports of energy and other critical resources from potential adversaries and in developing alternative supplies of such resources in order to minimize strategic threats posed by excessive hard currency earnings derived from such resource exports by countries with policies adverse to the security interests of the United States.

"(15) It is the policy of the United States, particularly in light of the Soviet massacre of innocent men, women, and children aboard Korean Air Lines flight 7, to continue to object to exceptions to the International Control List for the Union of Soviet Socialist Republics, subject to periodic review by the President.".

GENERAL PROVISIONS

Sec. 104. (a) Section 4(a)(2) of the Act (50 U.S.C. App. 2403(a)(2)) is amended to read as follows:

"(2) Validated licenses authorizing multiple exports, issued pursuant to an application by the exporter, in lieu of an individual validated license for each such export, including, but not limited to, the following:

"(A) A distribution license, authorizing exports of goods to approved distributors or users of the goods in countries other than proscribed countries. The Secretary shall grant the distribution license primarily on the basis of the reliability of the applicant and foreign consignees with respect to the prevention of diversion of goods to proscribed destinations. The Secretary shall have the responsibility of determining, with the assistance of all appropriate agencies, the reliability of applicants and their immediate consignees. The Secretary's determination shall be based on appropriate investigations of each applicant and periodic reviews of licensees and their compliance with the terms of licenses issued under this Act. Factors such as the applicant's products or volume of business, or the consignees' geographic location, sales distribution area, or degree of foreign ownership, which may be relevant with respect to individual cases, shall not be determinative in creating categories or general criteria for the denial of applications or withdrawal of a distribution license.

"(B) A comprehensive operations license, authorizing exports and reexports of technology and related goods, including items from the list of militarily critical technologies developed pursuant to section 5(d) of this Act which are included on the control list in accordance with that section, from a domestic concern to and among its foreign subsidiaries, affiliates, joint ventures, and licensees that have long-term, contractually defined relations with the exporter, are located in countries other than proscribed destinations, and are approved by the Secretary. The Secretary shall grant the license to manufacturing, laboratory, or related operations on the basis of approval of the exporter's systems of control, including internal proprietary controls, applicable to the technology and related goods to be exported rather than approval of individual export transactions. The Commissioner of Customs, with the assistance of all appropriate agencies shall periodically, but not less frequently than annually, perform audits of licensing procedures under this subparagraph in order to assure the integrity and effectiveness of those procedures.

"(C) A project license, authorizing exports of goods or technology for a specified activity.

"(D) A service supply license, authorizing exports of spare or replacement parts for goods previously exported.".

(b) Section 4 of the Act (50 U.S.C. App. 2403) is amended—

(1) in subsection (b)—

(A) by striking out "Commodity" and "commodity"; and

(B) by striking out "consisting of any goods or technology subject to export controls under this Act" and inserting in lieu thereof "stating license requirements (other than for general licenses) for exports of goods and technology under this Act"; and

(2) in subsection (c)—

(A) by striking out "significant" and inserting in lieu thereof "sufficient";

(B) by inserting after "those produced in the United States" the following: "so as to render the controls ineffective in achieving their purposes"; and

(C) by adding at the end thereof the following: "In complying with the provisions of this subsection, the President shall give strong emphasis to bilateral or multilateral negotiations to eliminate foreign availability. The Secretary and the Secretary of Defense shall cooperate in gathering information relating to foreign availability, including the establishment and maintenance of a jointly operated computer system.".

(c) Section 4(f) of the Act is amended to read as follows:

"(f) Notification of the Public; Consultation With Business.—The Secretary shall keep the public fully apprised of changes in export control policy and procedures instituted in conformity with this Act with a view to representatives of a broad spectrum of enterprises, labor organizations, and citizens interested in or affected by export controls, in order to obtain their views on United States export control policy and the foreign availability of goods and technology.".

NATIONAL SECURITY CONTROLS

Sec. 105. (a)(1) Section 5(a)(1) of the Act (50 U.S.C. App. 2404(a)(1)) is amended by inserting after the first sentence the following new sentence: "The authority contained in this subsection includes the authority to prohibit or curtail the transfer of goods or technology within the United States to embassies and affiliates of prescribed countries.".

(2) Section 5(a)(2) of the Act is amended—

(A) by striking out "(A)"; and

(B) by striking out subparagraph (B).

(3) Section 5(a)(3) of the Act is amended by striking out the last sentence.

(b)(1) Section 5(c) of the Act is amended—

(A) in paragraph (1) by striking out "commodity"; and

(B) by amending paragraph (3) to read as follows:

"(3) The Secretary shall review the list established pursuant to this subsection at least once each year in order to carry out the policy set forth in section 3(2)(A) of this Act and the provisions of this section, and shall promptly make such revisions of the list as may be necessary after each such review. Before beginning each annual review, the Secretary shall publish notice of that annual review in the Federal Register, provide an opportunity during such review for comment and the submission of data, with or without oral presentation, by interested Government agencies and other affected or potentially affected parties, and publish in the Federal Register any revisions in the list, with an explanation of the reasons for the revisions. The Secretary shall further assess, as part of such review, the availability from sources outside the United States of goods and technology comparable to those subject to export controls imposed under this section.".

(2) The amendment made by paragraph (1)(B) of this subsection shall take effect on October 1, 1985.

(C) Section 5(e) of the Act is amended—

(1) in paragraph (1) by striking out "a qualified general license in lieu of a validated license" and inserting in lieu thereof "the multiple validated export licenses described in section 4(a)(2) of this Act in lieu of individual validated licenses"; and

(2) by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) The Secretary, subject to the provisions of subsection (l) of this section, shall not require an individual validated export license for replacement parts which are exported to replace on a one-for-one basis parts that were in a good that has been lawfully exported from the United States.

"(4) The Secretary shall periodically review the procedures with respect to the multiple validated export licenses, taking appropriate action to increase their utilization by reducing qualification requirements or lowering minimum thresholds, to combine procedures which overlap, and to eliminate those procedures which appear to be of marginal utility.

"(5) The export of goods subject to export controls under this section shall be eligible, at the discretion of the Secretary, for a distribution license and other licenses authorizing multiple exports of goods, in accordance with section 4(a)(2) of this Act. The export of technology and related goods subject to export controls under this section shall be eligible for a comprehensive operations license in accordance with section 4(a)(2)(B) of this Act.".

(d) Section 5(g) of the Act is amended to read as follows:

"(g) INDEXING.—In order to ensure that requirements for validated licenses and multiple export licenses are periodically removed as goods or technology subject to such requirements becomes obsolete with respect to the national security of the United States, regulations issued by the Secretary may, where appropriate, provide for annual increases in the performance levels of goods or technology subject to any such licensing requirement. The regulations issued by the Secretary shall establish as one criterion for the removal of goods or technology from such license requirements the anticipated needs of the military of prescribed countries. Any such goods or technology which no longer meets the performance levels established by the regulations shall be removed from the list established pursuant to subsection (c) of this section unless, under such exceptions and under such procedures as the Secretary shall prescribe, any other department or agency of the United States objects to such removal and the Secretary determines, on the basis of such objection, that the goods or technology shall not be removed from the list. The Secretary shall also consider, where appropriate, removing site visitation requirements for goods and technology which are removed from the list unless objections described in this subsection are raised.".

(e) Section 5(i) of the Act (50 U.S.C. App. 2404(i)) is amended—

(1) by striking out paragraph (3);

(2) in paragraph (4)—

(A) by striking out "(4)" and inserting in lieu thereof "(3)"; and

(B) by striking out "pursuant to paragraph (3)" and inserting in lieu thereof "by the members of the Committee"; and

(3) by adding at the end thereof the following:

"(4) Agreement to enhance full compliance by all parties with the export controls imposed by agreement of the Committee through the establishment of appropriate mechanisms.

"(5) Agreement to improve the International Control List and minimize the approval of exceptions to that list, strengthen enforcement and cooperation in enforcement efforts, provide sufficient funding for the Committee, and improve the structure and function of the Secretariat of the Committee by upgrading professional staff, translation services, data base maintenance, communications, and facilities.

"(6) Agreement to coordinate the systems of export control documents used by the participating governments in order to verify effectively the movement of goods or technology subject to controls by the Committee from the country of any such government to any other place.

"(7) Agreement to establish uniform, adequate criminal and civil penalties to deter more effectively diversions of items controlled for export by agreement of the Committee.

"(8) Agreement to increase on-site inspections by national enforcement authorities of the participating governments to ensure that end users who have imported items controlled for export by agreement of the Committee are using such items for the stated end uses, and that such items are, in fact, under the control of those end users.

"(9) Agreement to strengthen the Committee so that it functions effectively in controlling export trade in a manner that better protects the national security of each participant to the mutual benefit of all participants.".

(f) Section 5(j) of the Act is amended to read as follows:

"(j) COMMERCIAL AGREEMENTS WITH CERTAIN COUNTRIES.—(1) Any United States firm, enterprise, or other nongovernmental entity which enters into an agreement with any agency of the government of a proscribed country, that calls for the encouragement of technical cooperation and that is intended to result in the export from the United States to the other party of unpublished technical data of United States origin, shall report to the Secretary the agreement with such agency with sufficient detail.

"(2) The provisions of paragraph (1) shall not apply to colleges, universities, or other educational institutions.".

(g) Section 5(k) of the Act is amended—

(1) by inserting after "conducting negotiations with other countries" the following: ", including those countries not participating in the group known as the Coordinating Committee,"; and

(2) by adding at the end thereof the following: "In cases where such negotiations produce agreements on export restrictions comparable in practice to those maintained by the Coordinating Committee, the Secretary shall treat exports, whether by individual or multiple licenses, to countries party to such agreements in the same manner as exports to members of the Coordinating Committee are treated including the same manner as exports are treated under subsection (b)(2) of this section and section 10(o) of the Act.

(h) Section 5(1) of the Act is amended to read as follows:

"(1) DIVERSION OF CONTROLLED GOODS OR TECHNOLOGY.—(1) Whenever there is reliable evidence, as determined by the Secretary, that goods or technology which were exported subject to national security controls under this section have been diverted to an unauthorized use or consignee in violation of the conditions of an export license, the Secretary for as long as that diversion continues—

"(A) shall deny all further exports, to or by the party or parties responsible for that diversion or who conspired in that diversion, of any goods or technology subject to national security controls under this section, regardless of whether such goods or technology are available from sources outside the United States; and

"(B) may take such additional actions under this Act with respect to the party or parties referred to in subparagraph (A) as the Secretary determines are appropriate in the circumstances to deter the further unauthorized use of the previously exported goods or technology.

"(2) As used in this subsection, the term 'authorized use' means the use of United States goods or technology in the design, production, or maintenance of any item on the United States Munitions List, or the military use of any item on the International Control List of the Coordinating Committee.".

(i) Section 5 of the Act is amended by adding at the end thereof the following new subsections:

"(m) GOODS CONTAINING MICROPROCESSORS.—Export controls may not be imposed under this section on a good solely on the basis that the good contains an embedded microprocessor, if such microprocessor cannot be used or altered to perform functions other than those it performs in the good in which it is embedded. An export control may be imposed under this section on a good containing an embedded microprocessor referred to in the preceding sentence only on the basis that the functions of the good itself are such that the good, if exported, would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States.

"(n) SECURITY MEASURES.—The Secretary and the Commissioner of Customs, in consultation with the Director of the Federal Bureau of Investigation, shall provide advice and technical assistance to persons engaged in the manufacture or handling of goods or technology subject to export controls under this section to develop security systems to prevent violations or evasions of those export controls.

"(o) RECORDKEEPING.—The Secretary, the Secretary of Defense, and any other department or agency consulted in connection with a license application under this Act or a revision of a list of goods or technology subject to export controls under this Act, shall make and keep records of their respective advice, recommendations, or decisions in connection with any such license application or revision, including the factual and analytical basis of the advice, recommendations, or decisions.

"(p) NATIONAL SECURITY CONTROL OFFICE.—To assist in carrying out the policy and other authorities and responsibilities of the Secretary of Defense under this section, there is established in the Department of Defense a National Security Control Office under the direction of the Under Secretary of Defense for Policy. The Secretary of Defense may delegate to that office such of those authorities and responsibilities, together with such ancillary functions, as the Secretary of Defense considers appropriate.

"(q) EXCLUSION FOR AGRICULTURAL COMMODITIES.—This section does not authorize export controls on agricultural commodities, including fats and oils or animal hides and skins.".

FOREIGN AVAILABILITY

SEC. 106. (a) Section 5(f)(1) of the Act (50 U.S.C. App. 2404(f)(1)) is amended by inserting after "The Secretary, in consultation with" the following: "the Secretary of Defense and other".

(b) Section 5(f)(3) of the Act is amended to read as follows:

"(3) The Secretary shall make a foreign availability determination under paragraph (1) or (2) on the Secretary's own initiative or upon receipt of an allegation from an export license applicant that such availability exists. In making any such determination, the Secretary shall accept the representatives of applicants made in writing and supported by reasonable evidence, unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information. In making determinations of foreign availability, the Secretary may consider such factors as cost, reliability, the availability and reliability of spare parts and the cost and quality thereof, maintenance programs, durability, quality of end products produced by the item proposed for export, and scale of production. For purposes of this paragraph, 'evidence' may include such items as foreign manufacturers' catalogues, brochures, or operation or maintenance manuals, articles from reputable trade publications, photographs, and depositions based upon eyewitnesses accounts.".

(c) Section 5(f)(4) of the Act is amended by striking out the first sentence and inserting in lieu thereof the following: "In any case in which export controls are maintained under this section notwithstanding foreign availability, on account of a determination by the President that the absence of the controls would prove detrimental to the national security of the United States, the President shall actively pursue negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability. If, within 6 months after the President's determination, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period described in the preceding sentence for an additional period of 12 months if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.".

(d)(1) Section 5(f)(5) of the Act is amended to read as follows:

"(5) The Secretary shall establish in the Department of Commerce an Office of Foreign Availability which, in the fiscal years 1984 and 1985, shall be under the direction of the Assistant Secretary of Commerce for Trade Administration, and, in the fiscal years 1986 and thereafter, shall be under the direction of the Under Secretary of Commerce for Export Administration. The Office shall be responsible for gathering and analyzing all the necessary information in order for the Secretary to make determinations of foreign availability under this Act. The Secretary shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate at the end of each 6-month period during a fiscal year information on the operations of the Office, and on improvements in the Government's ability to assess foreign availability, during that 6-month period, including information on the training of personnel, the use of computers, and the use of Foreign Commercial Service officers. Such information shall also include a description of representative determinations made under this Act during that 6-month period that foreign availability did or did not exist (as the case may be), together with an explanation of such determinations.".

(2) Section 5(f)(6) of the Act is amended by striking out "Office of Export Administration" and inserting in lieu thereof "Office of Foreign Availability".

(e) Section 5(f) of the Act is amended by adding at the end thereof the following new paragraph:

"(7) The Secretary shall issue regulations with respect to determinations of foreign availability under this Act not later than 6 months after the date of the enactment of the Export Administration Amendments Act of 1984.".

(f) Section 5(h)(1) of the Act is amended by inserting ", the intelligence community," after "Departments of Commerce, Defense, and State".

(g) Section 5(h)(2) of the Act is amended in the second sentence—

(1) by striking out "and" at the end of clause (C); and

(2) by striking out the period at the end of the sentence and inserting in lieu thereof the following: ", and (E) any other questions relating to actions designed to carry out the policy set forth in section 3(2)(A) of this Act.".

(h) Section 5(h)(6) of the Act is amended by striking out "and provides adequate documentation" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "the technical advisory committee shall submit that certification to the Congress at the same time the certification is made to the Secretary, together with the documentation for the certification. The Secretary shall investigate the foreign availability so certified and, not later than 90 days after the certification is made, shall submit a report to the technical advisory committee and the Congress stating that (A) the Secretary has removed the requirement of a validated license for the export of the goods or technology, on account of the foreign availability, (B) the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, or (C) the Secretary has determined on the basis of the investigation that the foreign availability does not exist. To the extent necessary, the report may be submitted on a classified basis. In any case in which the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, the President shall actively pursue such negotiations with the governments of the appropriate foreign countries. If, within 6 months after the Secretary submits such report to the Congress, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period described in the preceding sentence for an additional period of 12 months if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.".

(i) Section 4(c) of the Act is amended—

(1) by striking out "significant" and inserting in lieu thereof "sufficient"; and

(2) by inserting after "those produced in the United States" the following: "So as to render the controls ineffective in achieving their purposes".

(j) Subsections (f)(1), (f)(2), and (h)(6) of section 5 of the Act are each amended by striking out "sufficient quality" and inserting in lieu thereof "comparable quality".

SEC. 107. (a) Section 5(b) of the Act is amended—

(1) by inserting "(1)" immediately before the first sentence; and

(2) by adding at the end thereof the following:

"(2) No authority or permission to export may be required under this section before goods or technology are exported in the case of exports to a country which maintains export controls on such goods or technology cooperatively with the United States pursuant to the agreement of the group known as the coordinating committee, if the goods or technology is at such a level of performance characteristics that the export of the goods or technology to controlled countries requires only notification of the participating governments of the Coordinating Committee.".

(b)(1) Section 10(c) of the Act is amended by striking out "In each case" and inserting in lieu thereof "Except as provided in subsection (o), in each case".

(2) Section 10(d) of the Act is amended—

(A) by striking out "In each case" and inserting in lieu thereof "Except in the case of exports described in subsection (o), in each case"; and

(B) by adding at the end thereof the following: "Notwithstanding the 10-day period set forth in subsection (b), in the case of exports described in subsection (o), in each case in which the Secretary determines that it is necessary to refer an application to any other department or agency for its information and recommendations, the Secretary shall, immediately upon receipt of the properly completed application, refer the application to such department or agency for its review, which review shall be concurrent with that of the Department of Commerce.".

(3) Section 10(e) of the Act is amended—

(A) in paragraph (1)—

(i) by striking out ", within 30 days after its receipt of the application,"; and

(ii) by inserting after the first sentence the following: "The information or recommendations shall be submitted within 20 days after the department or agency receives the application or, in the case of exports described in subsection (o), before the expiration of the time periods permitted by that subsection; and

(B) in paragraph (2)—

(i) by striking out "If the head" and inserting in lieu thereof "(A) Except in the case of exports described in subsection (o), if the head", and

(ii) by adding at the end thereof the following:

"(B) In the case of exports described in subsection (o), if the head of any such department or agency notifies the Secretary, before the expiration of the 15-day period provided in subsection (o)(1), that more time is required for review by such department or agency, the Secretary shall notify the applicant, pursuant to subsection (o)(1)(C), that additional time is required to consider the application, and such department or agency shall have additional time to consider the application within the limits permitted by subsection (o)(2). If such department or agency does not submit its recommendations within the time periods permitted under subsection (o), it shall be deemed by the Secretary to have no objection to the approval of such application.".

(4) Section 10(f) of the Act is amended—

(A) in paragraphs (1), (2), and (4) by adding at the end of each such paragraph the following: "The provisions of this paragraph shall not apply in the case of exports described in subsection (o)."; and

(B) in paragraph (3) by striking out "In the event" and inserting in lieu thereof "Except in the case of exports described in subsection (o), in the event".

(5) Section 10 of the Act * * * of this Act, is amended by adding at the end thereof the following new subsection:

"(o) EXPORTS TO MEMBERS OF COORDINATING COMMITTEE.—(1) * * * working days after the date of formal filing with the Secretary of an individual validated license application for the export of goods or technology to a country that maintains export controls on such goods or technology pursuant to the agreement of the governments participating in the group known as the Coordinating Committee, a license for the transaction specified in the application shall become valid and effective and the goods or technology are authorized for export pursuant to such license unless—

"(A) the application has been otherwise approved by the Secretary, in which case it shall be valid and effective according to the terms of the approval;

"(B) the application has been denied by the Secretary pursuant to this section and the applicant has been so informed; or

"(C) the Secretary requires additional time to consider the application and the applicant has been so informed.

"(2) In the event that the Secretary notifies an applicant pursuant to paragraph (1)(C) that more time is required to consider an individual validated license application, a license for the transaction specified in the application shall become valid and effective and the goods or technology are authorized for export pursuant to such license 30 working days after the date that such license application was formally filed with the Secretary unless—

"(A) the application has been otherwise approved by the Secretary, in which case it shall be valid and effective according to the terms of the approval, or

"(B) the application has been denied by the Secretary pursuant to this section and the applicant was so informed.

"(2) For purposes of this subsection, the term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress, having received on a $ determination of the President under section 6(o)(1) of the Export Administration Act of 1979 with respect to the export controls which are set forth in the report submitted to the Congress with that determination, authorizes the President to impose those export controls.', with the date of the receipt of the determination and report inserted in the blank.

"(3) For purposes of this subsection—

"(A) continuity of session is broken only by an adjournment of the Congress sine die, and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continous session.".

"(3) In reviewing an individual license application subject to this subsection, the Secretary shall evaluate the information set forth in the application and the reliability of the end-user.

"(4) Nothing in this subsection shall affect the scope or availability of licenses authorizing multiple exports set forth in section 4(a)(2) of this Act.

"(5) The provisions of this subsection shall take effect on February 1, 1985.".

MILITARILY CRITICAL TECHNOLOGIES

SEC. 108. (a) Section 5(d) of the Act (50 U.S.C. App. 2404(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B) by striking out "and" after "test equipment,";

(B) by adding "and" at the end of subparagraph (C);

(C) by inserting after subparagraph (C) the following:

(D) keystone equipment which would reveal or give insight into the design and manufacture of a United States military system,"; and

(E) by inserting after "possessed by" the following: ", or available in fact from sources outside the United States to,"; and

(2) by striking out paragraphs (4) through (6) and inserting in lieu thereof the following:

"(4) The Secretary and the Secretary of Defense shall integrate items on the list of militarily critical technologies into the control list in accordance with the requirements of subsection (c) of this section. The integration of items on the list of militarily critical technologies into the control list shall proceed with all deliberate speed. Any disagreement between the Secretary and the Secretary of Defense regarding the integration of an item on the list of militarily critical technologies into the control list shall be resolved by the President. A good or technology shall be included on the control list only if the Secretary finds that prescribed countries do not possess that good or technology, or a functionally equivalent good or technology, and the good or technology or functionally equivalent good or technology is not available in fact to a prescribed country from sources outside the United States in sufficient quantity and of comparable quality so that the requirement of a validated license for the export of such good or technology is or would be ineffective in achieving the purpose set forth in subsection (a) of this section, except in the case of a determination of the President with respect to goods or technology under subsection (f)(1) of this section. The Secretary and the Secretary of Defense shall jointly submit a report to the Congress, not later than October 1, 1985, on actions taken to carry out this paragraph. For the purposes of this paragraph, assessment of whether a good or technology is functionally equivalent shall include consideration of the factors described in subsection (f)(3) of this section.

"(5) The Secretary of Defense shall establish a procedure for reviewing the goods and technology on the list of militarily critical technologies at least annually for the purpose of removing from the list of militarily critical technologies any goods or technology that are no longer militarily critical. The Secretary of Defense may add to the list of militarily critical technologies any good or technology that the Secretary of Defense determines is militarily critical, consistent with the provisions of paragraph (2) of this subsection. If the Secretary and the Secretary of Defense disagree as to whether any change in the list of militarily critical technologies by the addition or removal of a good or technology should also be made in the control list, consistent with the provisions of the fourth sentence of paragraph (4) of this subsection, the President shall resolve the disagreement.

"(6) The establishment of adequate export controls for militarily critical technology and keystone equipment shall be accompanied by suitable reductions in the controls on the products of that technology and equipment.

"(7) The Secretary of Defense shall, not later than October 1, 1985, report to the Congress on efforts by the Department of Defense to assess the impact that the transfer of goods or technology on the list of militarily critical technologies to prescribed countries has had or will have on the military capabilities of those countries.".

FOREIGN POLICY CONTROLS

SEC. 109. (a) Section 6(a) of the Act is amended—

(1) in paragraph (1)—

(A) by striking out "or (8)" and inserting in lieu thereof "(8), or (13)"; and

(B) by inserting in the second sentence after "Secretary of State" the following: ", the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the United States Trade Representative,";

(2) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(3) by inserting after paragraph (1) the following new paragraph:

"(2) Any export control imposed under this section shall apply to any transaction or activity undertaken with the intent to evade that export control, even if that export control would not otherwise apply to that transaction or activity."; and

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by striking out "(e)" and inserting in lieu thereof "(f)".

(b) section 6(b) of the Act is amended to read as follows:

"(b) CRITERIA.—(1) Subject to paragraph (2) of this subsection, the President may impose, extend, or expand expert controls under this section only if the President determines that—

"(A) such controls are likely to achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls, and that foreign policy purpose cannot be achieved through negotiations or other alternative means;

"(B) the proposed controls are compatible with the foreign policy objectives of the United States and with overall United States policy toward the country to which exports are to be subject to the proposed controls;

"(C) the reaction of other countries to the imposition, extension, or expansion of such export controls by the United States is not likely to render the controls ineffective in achieving the intended foreign policy purposes or to be counterproductive to United States foreign policy interests;

"(D) the effect of the proposed controls on the export performance of the United States, the competitive position of the United States in the international economy, the international reputation of the United States, as a supplier of goods and technology, or on the economic well-being of individual United States companies and their employees and communities does not exceed the benefit to United States foreign policy objectives; and

"(E) the United States has the ability to enforce the proposed controls effectively.

"(2) In determining whether to extend export controls in effect under this section on October 1, 1984, as required by subsection (a)(3) of this section, the President shall consider the criteria set forth in paragraph (1) of this subsection and shall consider the foreign policy consequences of modifying the export controls.".

(c) Section 6(c) of the Act is amended to read as follows:

"(c) Consultation With Industry.—The Secretary in every possible instance shall consult with and seek advice from affected United States industries and appropriate advisory committees established under section 135 of the Trade Act of 1974 before imposing any control under this section. Such consultation and advice shall be with respect to the criteria set forth in subsection (b)(1) and such other matters as the Secretary considers appropriate.".

(d) Section 6 of the Act is further amended—

(1) by redesignating subsections (d) through (x) as subsections (e) through (l), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) Consultation With Other Countries.—When imposing export controls under this section, the President shall, at the earliest appropriate opportunity, consult with the countries with which the United States maintains export controls cooperatively, and with such other countries as the President considers appropriate, with respect to the criteria set forth in subsection (b)(1) and such other matters as the President considers appropriate.".

(e) Section 6(f) of the Act, as redesignated by subsection (d) of this section, is amended to read as follows:

"(f) Consultation With the Congress.—(1) The President may impose or expand export controls under this section, or extend such controls as required by subsection (a)(3) of this section, only after consultation with the Congress, including the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(2) The President may not impose, expand, or extend export controls under this section until the President has submitted to the Congress a report—

"(A) specifying the purpose of the controls;

"(B) specifying the determinations of the President with respect to each of the criteria set forth in subsection (b)(1), the bases for such determinations, and any possible adverse foreign policy consequences of the controls;

"(C) describing the nature, the subjects, and the results of, or the plans for, the consultation with industry pursuant to subsection (c) and with other countries pursuant to subsection (d);

"(D) specifying the nature and results of any alternative means attempted under subsection (e), or the reasons for imposing, expanding, or extending the controls without attempting any such alternative means; and

"(E) describing the availability from other countries of goods or technology comparable to the goods or technology subject to the proposed export controls, and describing the nature and results of the efforts made pursuant to subsection (h) to secure the cooperation of foreign governments in controlling the foreign availability of such comparable goods or technology.

Such report shall also indicate how such controls will further significantly the foreign policy of the United States or will further its declared international obligations.

"(3) to the extent necessary to further the effectiveness of the export controls, portions of a report required by paragraph (2) may be submitted to the Congress on a classified basis, and shall be subject to the provisions of section 12(c) of this Act. Each such report shall, at the same time it is submitted to the Congress, also be submitted to the General Accounting Office for the purpose of assessing the report's full compliance with the intent of this subsection.

"(4) In the case of export controls under this section which prohibit or curtail the export of any agricultural commodity, a report submitted pursuant to paragraph (2) shall be deemed to be the report required by section 7(g)(3) of this Act.

"(5) In addition to any written report required under this section, the Secretary, not less frequently than annually, shall present in oral testimony before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on policies and actions taken by the Government to carry out the provisions of this section.".

(f) Section 6(g) of the Act, as redesignated by subsection (d) of this section, is amended—

(1) by inserting after the first sentence the following: "This section also does not authorize export controls on donations of goods (including, but not limited to, food, educational materials, seeds and hand tools, medicines and medical supplies, water resources equipment, clothing and shelter materials, and basic household supplies) that are intended to meet basic human needs."; and

(2) by striking out the last sentence and inserting in lieu thereof the following: "This subsection shall not apply to any export control on medicine, medical supplies, or food, except for donations, which is in effect on the date of the enactment of the Export Administration Amendments Act of 1984. Notwithstanding the preceding provisions of this subsection, the President may impose export controls under this section on medicine, medical supplies, food, and donations of goods in order to carry out the policy set forth in paragraph (13) of section 3 of this Act.".

(g)(1) Section 6(h) of the Act, as redesignated by subsection (d) of this section, is amended—

(A) by inserting "(1)" immediately before the first sentence; and

(B) by adding at the end thereof the following:

"(2) Before extending any export control pursuant to subsection (a)(3) of this section, the President shall evaluate the results of his actions under paragraph (1) of this subsection and shall include the results of that evaluation in his report to the Congress pursuant to subsection (f) of this section.

"(3) If, within 6 months after the date on which export controls under this section are imposed or expanded, or within 6 months after the date of the enactment of the Export Administration Amendments Act of 1984, in the case of export controls in effect on such date of enactment, the President's efforts under paragraph (1) are not successful in securing the cooperation of foreign governments described in paragraph (1) with respect to those export controls, the Secretary shall thereafter take into account the foreign availability of the goods or technology subject to the export controls. If the Secretary affirmatively determines that a good or technology subject to the export controls is available in sufficient quantity and comparable quality from sources outside the United States to countries subject to the export controls so that denial of an export license would be ineffective in achieving the purposes of the controls, then the Secretary shall, during the period of such foreign availability, approve any license application which is required for the export of the good or technology and which meets all requirements for such a license. The Secretary shall remove the good or technology from the list established pursuant to subsection (l) of this section if the Secretary determines that such action is appropriate.

"(4) In making a determination of foreign availability under paragraph (3) of this subsection, the Secretary shall follow the procedures set forth in section 5(f)(3) of this Act.".

(2) The amendments made by paragraph (1) of this subsection shall not apply to export controls imposed under subsection (i), (j), (k) of section 6 of the Act (as redesignated by subsection (d) of this section) before the date of the enactment of this Act.

(h) Section 6(i) of the Act, as redesignated by subsection (d) of this section, is amended by striking out "(f), and (g)" and inserting in lieu thereof "(e), (g), and (h)".

(i)(1) Section 6(j) of the Act, as redesignated by subsection (d) of this section, is amended to read as follows:

"(j) Countries Supporting International Terrorism.— (1) The Secretary and the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 days before any license is approved for the export of goods or technology valued at more than $7,000,000 to any country concerning which the Secretary of State has made the following determinations:

"(A) Such country has repeatedly provided support for acts on international terrorism.

"(B) Such exports would make a significant contribution to the military potential of such country, including its military logistics capability, or would enhance the ability of such country to support acts of international terrorism.

"(2) Any determination which has been made with respect to a country under paragraph (1) of this subsection may not be rescinded unless the President, at least 30 days before the proposed rescission would take effect, submits to the Congress a report justifying the rescission and certifying that—

"(A) the country concerned has not provided support for international terrorism, including support or sanctuary for any major terrorist or terrorist group in its territory, during the preceding 6-month period; and

"(B) the country concerned has made explicit assurances that it will not support acts of international terrorism in the future.".

(2) Any determination with respect to any country which was made before January 1, 1982, under section 6(i) of the Act, as in effect before the date of the enactment of this Act, and which was no longer in effect on the date of the enactment of this Act, shall be reinstated upon the expiration of 90 days after such date of enactment unless, within that 90-day period, the President submits a report under section 6(j)(2) of the Act, as amended by subsection (d) of this section and paragraph (1) of this subsection, containing the certification described in such section 6(j)(2) with respect to that country.

(j)(1) Section 6(k)(1) of the Act, as redesignated by subsection (d) of this section, is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this Act—

"(A) any determination of the Secretary of what goods or technology shall be included on the list established pursuant to subsection (1) of this section as a result of the export restrictions imposed by this subsection shall be made with the concurrence of the Secretary of State, and

"(B) any determination of the Secretary to approve or deny an export license application to export crime control or detection instruments or equipment shall be made in concurrence with the recommendations of the Secretary of State submitted to the Secretary with respect to the application pursuant to section 10(e) of this Act.

except that if the Secretary does not agree with the Secretary of State with respect to any determination under subparagraph (A) or (B), the matter shall be referred to the President for resolution.".

(2) The amendment made by paragraph (1) of this subsection shall apply to determinations of the Secretary of Commerce which are made on or after the date of the enactment of this Act.

(k) Section 6(l) of the Act, as redesignated by subsection (d) of this section, is amended—

(1) in the first sentence by striking out "commodity"; and

(2) by amending the second sentence to read as follows: "The Secretary shall clearly identify on the control list which goods or technology, and which countries or destinations, are subject to which types of controls under this section.".

(l) Section 6 of the Act is further amended by adding at the end thereof the following:

"(m) Effect on Existing Contracts and Licenses.—The President may not, under this section, prohibit or curtail the export or reexport of goods, technology, or other information—

"(1) in performance of a contract or agreement entered into before the date on which the President reports to the Congress, pursuant to subsection (f) of this section, his intention to impose controls on the export or reexport of such goods, technology, or other information; or

"(2) under a validated license or other authorization issued under this Act;

unless and until the President determines and certifies to Congress that (A) a breach of the peace poses a serious and direct threat to the strategic interest of the United States, (B) the prohibition or curtailment of such contracts or agreements will be instrumental in remedying the situation posing the direct threat, and (C) the controls shall continue only so long as such direct threat persists.

"(n) Extension of Certain Controls.—Those export controls imposed under this section with respect to South Africa which were in effect on February 28, 1982, and ceased to be effective on March 1, 1982, September 15, 1982, or January 20, 1983, shall become effective on the date of the enactment of this subsection, and shall remain in effect until 1 year after such date of enactment. At the end of that 1-year period, any of those controls made effective by this subsection may be extended by the President in accordance with subsections (b) and (f) of this section.

"(o) Expanded Authority To Impose Controls.—(1) In any case in which the President determines that it is necessary to impose controls under this section—

"(A) with respect to goods, technology, other information, or persons other than that authorized by subsection (a)(1) of this section; or

"(B) without any limitation contained in subsection (c), (d), (e), (g), (h), or (m) of this section,

the President may impose those controls only if the President submits that determination to the Congress, together with a report pursuant to subsection (f) of this section with respect to the proposed controls, and only if a law is enacted authorizing the imposition of those controls. If a joint resolution authorizing the imposition of those controls is introduced in either House of Congress within 30 days of continuous session after the Congress receives the determination and report of the President, that joint resolution shall immediately be referred to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives. If either such committee has not reported the joint resolution at the end of 30 days of continuous session after its referral, such committee shall be deemed to be discharged from further consideration of the resolution.

METALLIC SCRAP

Sec. 110.—Section 7(c) of the Act (50 U.S.C. App. 2406(c)) is amended to read as follows:

"(c) Petitions for Monitoring or Controls.—(1)(A) Any entity, including a trade association, firm, or certified or recognized union or group of workers, that is representative of an industry or a substantial segment of an industry that processes metallic materials capable of being recycled may transmit a written petition to the Secretary requesting the monitoring of exports or the imposition of export controls, or both, with respect to such material, in order to carry out the policy set forth in section 3(2)(C) of this Act.

"(B) Each petition shall be in such form as the Secretary shall prescribe and shall contain information in support of the action requested. The petition shall include any information reasonably available to the petitioner indicating that each of the criteria set forth in paragraph (3)(A) of this subsection is satisfied.

"(2) Within 15 days after receipt of any petition described in paragraph (1), the Secretary shall publish a notice in the Federal Register. The notice shall (A) include the name of the material that is the subject of the petition, (B) include the Schedule B number of the material as set forth in the Statistical classification of Domestic and Foreign Commodities Exported from the United States, (C) indicate whether the petitioner is requesting that controls on monitoring, or both, be imposed with respect to the exportation of such material, and (D) provide that interested persons shall have a period of 30 days beginning on the date of publication of such notice to submit to the Secretary written data, views or arguments, with or without opportunity for oral presentation, with respect to the matter involved. At the request of the petitioner or any other entity described in paragraph (1)(A) with respect to the material that is the subject of the petition, or at the request of any entity representative of producers or exporters of such material, the Secretary shall conduct public hearings with respect to the subject of the petition, in which case the 30-day period may be extended to 45 days.

"(3)(A) Within 45 days after the end of the 30- or 45-day period described in paragraph (2), as the case may be, the Secretary shall determine whether to impose monitoring or controls, or both, on the export of such material, in order to carry out the policy set forth in section 3(2)(C) of this Act. In making such determination, the Secretary shall determine whether—

"(i) there has been a significant increase, in relation to a specific period of time, in exports of such material in relation to domestic supply and demand;

"(ii) there has been a significant increase in the domestic price of such material or a domestic shortage of such material relative to demand;

"(iii) exports of such material are as important as any other cause of a domestic price increase or shortage relative to demand found pursuant to clause (ii);

"(iv) a domestic price increase or shortage relative to demand found pursuant to clause (ii) has significantly adversely affected or may significantly adversely affect the national economy or any sector thereof, including a domestic industry; and

"(v) monitoring or controls, or both, are necessary in order to carry out the policy set forth in section 3(2)(C) of this Act.

"(B) The Secretary shall publish in the Federal Register a detailed statement of the reasons for the Secretary's determination pursuant to subparagraph (A) of whether to impose monitoring or controls, or both, including the findings of fact in support of that determination.

"(4) Within 15 days after making a determination under paragraph (3) to impose monitoring or controls on the export of a material, the Secretary shall publish in the Federal Register proposed regulations with respect to such monitoring or controls.

Within 30 days following the publication of such proposed regulations, and after considering any public comments thereon, the Secretary shall publish and implement final regulations with respect to such monitoring or controls.

"(5) For purposes of publishing notices in the Federal Register and scheduling public hearings pursuant to this subsection, the Secretary may consolidate petitions, and responses thereto, which involve the same or related materials.

"(6) If a petition with respect to a particular material or group of materials has been considered in accordance with all the procedures prescribed in this subsection, the Secretary may determine, in the absence of significantly changed circumstances, that any other petition with respect to the same material or group of materials which is filed within 6 months after the consideration of the prior petition has been completed does not merit complete consideration under this subsection.

"(7) The procedures and time limits set forth in this subsection with respect to a petition filed under this subsection shall take precedence over any review undertaken at the initiative of the Secretary with respect to the same subject as that of the petition.

"(8) The Secretary may impose monitoring or controls on a temporary basis after a petition is filed under paragraph (1)(A) but before the Secretary makes a determination under paragraph (3) only if (A) the failure to take such temporary action would result in irreparable harm to the entity filing the petition, or to the national economy or segment thereof, including a domestic industry, and (B) the Secretary considers such action to be necessary to carry out the policy set forth in section 3(2)(C) of this Act.

"(9) The authority under this subsection shall not be construed to affect the authority of the Secretary under any other provision of this Act, except that if the Secretary determines, on the Secretary's own initiative, to monitor, control, or both, the export of metallic materials capable of being recycled, pursuant to the authority of this section, the Secretary shall publish the reasons for such action in accordance with paragraph (3) (A) and (B).

"(10) Nothing contained in this subsection shall be construed to preclude submission on a confidential basis to the Secretary of information relevant to a decision to impose or remove monitoring or controls under the authority of this Act, or to preclude consideration of such information by the Secretary in reaching decisions required under this subsection. The provisions of this paragraph shall not be construed to affect the applicability of section 552(b) of title 5, United States Code.".

SHORT SUPPLY CONTROLS

SEC. 111. (a) Section 7(d) of the Act (50 U.S.C. App. 2406(d)) is amended—

(1) in paragraph (1) by striking out "unless" and all that follows through "met" and inserting in lieu thereof "subject to paragraph (2) of this subsection";

(2) in paragraph (2)(A) by striking out "makes and publishes" and inserting in lieu thereof "so recommends to the Congress after making and publishing";

(3) in paragraph (2)(B)—

(A) by striking out "reports such findings" and inserting in lieu thereof "includes such findings in his recommendation"; and

(B) by striking out "thereafter" and all that follows through the end of the sentence and inserting in lieu thereof "after receiving that recommendation, agrees to a joint resolution which approves such exports on the basis of those findings, and which is thereafter enacted into law."; and

(4) by adding at the end thereof the following:

"(4) Notwithstanding the provisions of section 20 of this Act, the provisions of this subsection shall expire on September 30, 1990.".

(b) Section 7(e)(1) of the Act is amended in the first sentence by striking out "No" and inserting in lieu thereof the following: "In any case in which the President determines that it is necessary to impose export controls on refined petroleum products in order to carry out the policy set forth in section 3(2)(C) of this Act, the President shall notify the Congress of that determination. The President shall also notify the Congress if and when he determines that such export controls are no longer necessary. During any period in which a determination that such export controls are necessary is in effect, no".

(c)(1) Section 7(i)(1) of the Act is amended—

(A) in the last sentence by inserting "harvested from State or Federal lands" after "red cedar logs";

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) To the maximum extent practicable, the Secretary shall utilize the multiple validated export licenses described in section 4(a)(2) of this Act in lieu of a validated license for exports under this subsection.".

(2) Section 7(i)(5)(A) of the Act, as redesignated by paragraph (1)(B) of this subsection, is amended to read as follows:

"(A) lumber of American Lumber Standards Grades of Number 3 dimension or better, or Pacific Lumber Inspection Bureau Export R-List Grades of Number 3 common or better;".

(d) Section 7(g)(3) of the Act is amended to read as follows:

"(3)(A) If the President imposes export controls on any agricultural commodity in order to carry out the policy set forth in paragraph (2)(B), (2)(C), (7), or (8) of section 3 of this Act, the President shall immediately transmit a report on such action to the Congress, setting forth the reasons for the controls in detail and specifying the period of time, which may not exceed 1 year, that the controls are proposed to be in effect. If the Congress, within 60 days after the date of its receipt of the report, adopts a joint resolution pursuant to paragraph (4) approving the imposition of the export controls, then such controls shall remain in effect for the period specified in the report, or until terminated by the President, whichever occurs first. If the Congress, within 60 days after the date of its receipt of such report, fails to adopt a joint resolution approving such controls, then such controls shall cease to be effective upon the expiration of such 60-day period.

"(B) The provisions of subparagraph (A) and paragraph (4) shall not apply to export controls—

"(i) which are extended under this Act if the controls, when imposed, were approved by the Congress under subparagraph (A) and paragraph (4); or

"(ii) which are imposed with respect to a country as part of the prohibition or curtailment of all exports to that country.

"(4)(A) For purposes of this paragraph, the term 'resolution' means only a joint resolution the matter after the resolving clause of which is as follows: 'That, pursuant to section 7(g)(3) of the Export Administration Act of 1979, the President may impose export controls as specified in the report submitted to the Congress on   .', with the blank space being filled with the appropriate date.

"(B) On the day on which a report is submitted to the House of Representatives and the Senate under paragraph (3), a joint resolution with respect to the export controls specified in such report shall be introduced (by request) in the House by the Chairman of the Committee on Foreign Affairs, for himself and the ranking minority member of the Committee, or by Members of the House designated by the chairman and ranking minority member; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such a report is submitted, the joint resolution shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session.

"(C) All joint resolutions introduced in the House of Representatives shall be referred to the appropriate committee and all joint resolutions introduced in the Senate shall be referred to the Committee on Banking, Housing, and Urban Affairs.

"(D) If the committee of either House to which a joint resolution has been referred has not reported the joint resolution at the end of 30 days after its referral, the committee shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter.

"(E) A joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and passage of joint resolutions under this paragraph, it shall be in order for the Committee on Rules of the House of Representatives (notwithstanding the provisions of clause 4(b) of Rule XI of the Rules of the House of Representatives) to present for immediate consideration, on the day reported, a resolution of the House of Representatives providing procedures for the consideration of a joint resolution under this paragraph similar to the procedures set forth in section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

"(F) In the case of a joint resolution described in subparagraph (A), if, before the passage by one House of joint resolution of that House, that House receives a resolution with respect to the same matter from the other House, then—

"(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(ii) the vote on final passage shall be on the joint resolution of the other House.

"(5) In the computation of the period of 60 days referred to in paragraph (3) and the period of 30 days referred to in subparagraph (D) of paragraph (4), there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.".

(e) Section 7 of the Act is further amended by striking out subsection (j) and inserting in lieu thereof the following:

"(j) Effect of Controls on Existing Contracts.—The export restrictions contained in subsection (i) of this section and any export controls imposed under this section shall not affect any contract to harvest unprocessed western red cedar from State lands which was entered into before October 1, 1979, and the performance of which would make the red cedar available for export. Any export controls imposed under this section on any agricultural commodity, including fats and oils and animal hides and skins, or on any forest product or fishery product, shall not affect any contract to export entered into before the date on which such controls are imposed. For purposes of this subsection, the term 'contract to export' includes, but is not limited to, an export sales agreement and an agreement to invest in an enterprise which involves the export of goods or technology.".

LICENSING PROCEDURES

Sec. 112. (a) Section 10 of the Act (50 U.S.C. App. 2409) is amended—

(1) by striking out "60" each place it appears and inserting in lieu thereof "40";

(2) by striking out "90" each place it appears and inserting in lieu thereof "60"; and

(3) by striking out "30" each place it appears and inserting in lieu thereof "20";

(b) Section 10(f)(2) of the Act is amended—

(1) by inserting "in writing" after "inform the applicant"; and

(2) by striking out ", and shall accord" and all that follows through the end of the paragraph and inserting in lieu thereof the following: ". Before a final determination with respect to the application is made, the applicant shall be entitled—

"(A) to respond in writing to such questions, considerations, or recommendations within 30 days after receipt of such information from the Secretary; and

"(B) upon the filing of a written request with the Secretary within 15 days after the receipt of such information, to respond in person to the department or agency raising such questions, considerations, or recommendations.".

(c) Section 10(f)(3) of the Act is amended by striking out the first sentence and inserting in lieu thereof the following: "In cases where the Secretary has determined that an application should be denied, the applicant shall be informed in writing, within 5 days after such determination is made, of—

"(A) the determination,

"(B) the statutory basis for the proposed denial,

"(C) the policies set forth in section 3 of this Act which would be furthered by the proposed denial,

"(D) what if any modifications in or restrictions on the goods or technology for which the license was sought would allow such export to be compatible with export controls imposed under this Act,

"(E) which officers and employees of the Department of Commerce who are familiar with the application will be made reasonably available to the applicant for considerations with regard to such modifications or restrictions, if appropriate,

"(F) to the extent consistent with the national security and foreign policy of the United States, the specific considerations which led to the determination to deny the application, and

"(G) the availability of appeal procedures. The Secretary shall allow the applicant at least 30 days to respond to the Secretary's determination before the license application is denied.".

(d) Section 10 of the Act is amended—

(1) in the section heading by adding "; other inquiries" after "applications"; and

(2) by adding at the end thereof the following new subsections:

"(k) Changes in Requirements for Applications.—Except as provided in subsection (b)(3) of this section, in any case in which, after a license application is submitted, the Secretary changes the requirements for such a license application, the Secretary may request appropriate additional information of the applicant, but the Secretary may not return the application to the applicant without action because it fails to meet the changed requirements.

"(l) Other Inquiries.—(1) In any case in which the Secretary receives a written request asking for the proper classification of a good or technology on the control list, the Secretary shall, within 10 working days after receipt of the request, inform the person making the request of the proper classification.

"(2) In any case in which the Secretary receives a written request for information about the applicability of export license requirements under this Act to a proposed export transaction or series of transactions, the Secretary shall, within 30 days after receipt of the request, reply with that information to the person making the request.

"(m) Small Business Assistance.—Not later than 120 days after the date of the enactment of this subsection, the Secretary shall develop and transmit to the Congress a plan to assist small businesses in the export licensing application process under this Act. The plan shall include, among other things, arrangements for counseling small businesses on filing applications and identifying goods or technology on the control list, proposals for seminars and conferences to educate small businesses on export controls and licensing procedures, and the preparation of informational brochures.

"(n) Reports on License Applications.—(1) Not later than 180 days after the date of the enactment of this subsection, and not later than the end of each 3-month period thereafter, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate a report listing—

"(A) all applications on which action was completed during the preceding 3-month period and which required a period longer than the period permitted under subsection (c), (f)(1), or (h) of this section, as the case may be, before notification of a decision to approve or deny the application was sent to the applicant; and

"(B) in a separate section, all applications which have been in process for a period longer than the period permitted under subsection (c), (f)(1), or (h) of this section, as the case may be, and upon which final action has not been taken.

"(2) With regard to each application, each listing shall identify—

"(A) the application case number;

"(B) the value of the goods or technology to which the application relates;

"(C) the country of destination of the goods or technology;

"(D) the date on which the application was received by the Secretary;

"(E) the date on which the Secretary approved or denied the application;

"(F) the date on which the notification of approval or denial of the application was sent to the applicant;

"(G) the total number of days which elapsed between receipt of the application, in its properly completed form, and the earlier of the last day of the 3-month period to which the report relates, or the date on which notification of approval or denial of the application was sent to the applicant.

"(3) With respect to an application which was referred to other departments or agencies, the listing shall also include—

"(A) the departments or agencies to which the application was referred;

"(B) the date or dates of such referral; and

"(C) the date or dates on which recommendations were received from those departments or agencies.

"(4) With respect to an application referred to any other department or agency which did not submit or has not submitted its recommendations on the application within the period permitted under subsection (e) of this section to submit such recommendations, the listing shall also include—

"(A) the period of time that elapsed before the recommendations were submitted or that has elapsed since referral of the application, as the case may be.

"(5) a summary of the number of applications described in paragraph (1) (A) and (B) of this subsection, and the value of the goods or technology involved in the applications, grouped according to—

"(i) the number of days which elapsed before action on the applications was completed, or which has elasped without action on the applications being completed, as follows: 61 to 75 days, 76 to 90 days, 91 to 105 days, 106 to 120 days, and more than 120 days; and

"(ii) the number of days which elapsed before action on the applications was completed, or which has elapsed without action on the applications being completed, beyond the period permitted under subsection (c), (f)(1), or (h) of this section for the processing of applications, as follows: not more than 15 days, 16 to 30 days, 31 to 45 days, 46 to 60 days, and more than 60 days; and

"(3) a summary by country of destination of the number of applications described in paragraph (1) (A) and (B) of this subsection, and the value of the goods or technology involved in the applications, on which action was not completed within 60 days.".

VIOLATIONS

Sec. 113. (a) Section 11(a) of the Act (50 U.S.C. App. 2410(a)) is amended by inserting after "violates" the following: "or conspires to or attempts to violate".

(b) Section 11(b) of the Act is amended—

(1) in paragraph (1)—

(A) by striking out "exports anything contrary to" and inserting in lieu thereof "violates or conspires to or attempts to violate";

(B) by striking out "such exports" and inserting in lieu thereof "the exports involved"; and

(C) by inserting after "benefit of" the following: ", or that the destination or intended destination of the goods or technology involved is,";

(2) in paragraph (2) by striking out the last sentence; and

(3) by adding after paragraph (2) the following new paragraphs:

"(3) Any person who possesses any goods or technology—

"(A) with the intent to export such goods or technology in violation of an export control imposed under section 5 or 6 of this Act or any regulation, order, or license issued with respect to such control, or

"(B) knowing or having reason to believe that the goods or technology would be so exported,

shall, in the case of a violation of an export control imposed under section 5 (or any regulation, order, or license issued with respect to such control), be subject to the penalties set forth in paragraph (1) of this subsection and shall, in the case of a violation of an export control imposed under section 6 (or any regulation, order, or license issued with respect to such control), be subject to the penalties set forth in subsection (a).

"(4) Any person who takes any action with the intent to evade the provisions of this Act or any regulation, order, or license issued under this Act shall be subject to the penalties set forth in subsection (a), except that in the case of an evasion of an export control imposed under section 5 or 6 of this Act (or any regulation, order, or license issued with respect to such control), such person shall be subject to the penalties set forth in paragraph (1) of this subsection.

"(5) Nothing in this subsection or subsection (a) shall limit the power of the Secretary to define by regulations violations under this Act.".

(c) Section 11(c) of the Act is amended by adding at the end thereof the following new paragraph:

"(3) An exception to any order issued under this Act which revokes the authority of a United States person to export goods or technology may not be made unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate are first consulted concerning the exception.

"(4) The President may provide by regulation standards for establishing levels of civil penalty as provided in this subsection based upon the seriousness of the violation, the culpability of the violator, and the violator's record of cooperation with the Government in disclosing the violation.".

(d) Section 11(e) of the Act is amended—

(1) by inserting after "subsection (c)" the following: "or any amounts realized from the forfeiture of any property interest or proceeds pursuant to subsection (g)"; and

(2) by inserting after "refund any such penalty" the following: "imposed pursuant to subsection (c)".

(e) Section 11 of the Act is further amended by redesignating subsection (g) as subsection (i) and by inserting after subsection (f) the following new subsections:

"(g) FORFEITURE OF PROPERTY INTEREST AND PROCEEDS.—(1) Any person who is convicted under subsection (a) or (b) of a violation of an export control imposed under section 5 of this Act (or any regulation, order, or license issued with respect to such control) shall, in addition to any other penalty, forfeit to the United States—

"(A) any of his interest in, security of, claim against, or property or contractual rights of any kind in the goods or tangible items that were the subject of the violation;

"(B) any of his interest in, security of, claim against, or property or contractual rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation; and

"(C) any of his property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

"(2) The procedures in any forfeiture under this subsection, and the duties and authority of the courts of the United States and the Attorney General with respect to any forfeiture action under this section or with respect to any property that may be subject to forfeiture under this section, shall be governed by the provisions of section 1963 of title 18, United States Code.

"(h) PRIOR CONVICTIONS.—No person convicted of a violation of section 793, 794, or 798 of title 18, United States Code, section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be eligible, at the discretion of the Secretary, to apply for or use any export license for a period for up to 10 years from the date of the conviction. Any outstanding export license in which such person has an interest may be revoked, at the discretion of the Secretary, at the time of the conviction.".

(f) Section 11(i) of the Act, as redesignated by subsection (e) of this section, is amended by striking out "or (f)" and inserting in lieu thereof "(f), (g), or (h)".

ADMINISTRATIVE PROCEDURE

SEC. 114. Section 13 of the Act (50 U.S.C. App. 2412) is amended by adding at the end thereof the following:

"(c) PROCEDURES RELATING TO CIVIL PENALTIES AND SANCTIONS.—(1) In any case in which a civil penalty or other civil sanction (other than a temporary denial order or a penalty or sanction for a violation of section 8) is sought under section 11 of this Act, the charged party is entitled to receive a formal complaint specifying the charges and, at his or her request, to contest the charges in a hearing before an administrative law judge. Before such hearing is held, the charged party may submit a response to the complaint, including briefs and other supporting materials. The charged party and the Government may present and cross-examine relevant witnesses. With the approval of the administrative law judge, the Government may present evidence in camera in the presence of the charged party of his or her representative. The charged party may argue orally his or her case in recorded proceedings before the administrative law judge, who shall then make his or her findings of fact and conclusions of law in a written decision, which shall be referred to the Secretary. The Secretary shall, in a written order, affirm, modify, or vacate the decision of the administrative law judge within 30 days after receiving the decision. The order of the Secretary shall be final and is not subject to judicial review.

"(2) The proceedings described in paragraph (1) shall be concluded within a period of 1 year after the complaint is submitted, unless the administrative law judge extends such period for good cause shown.

"(d) IMPOSITION OF TEMPORARY DENIAL ORDERS.—(1) In any case in which it is necessary, in the public interest, to prevent an imminent violation of this Act or any regulation issued under this Act, the Secretary may, without a hearing, issue an order temporarily denying United States export privileges (hereinafter in this subsection referred to as a 'temporary denial order') to a person. A temporary denial order may be effective no longer than 60 days unless renewed in writing by the Secretary for additional 60-day periods in order to prevent such an imminent violation, except that a temporary denial order may be renewed only after notice and an opportunity for a hearing is provided.

"(2) A temporary denial order shall define the imminent violation and state why the temporary denial order was granted without a hearing. The person or persons subject to the issuance or renewal of a temporary denial order may file an appeal of the temporary denial order with an administrative law judge who shall, within 10 working days after the appeal is filed, recommend that the temporary denial order be affirmed, modified, or vacated. Parties may submit briefs and other material to the judge. The recommendation of the administrative law judge shall be submitted to the Secretary who shall either accept, reject, or modify the recommendation by written order within 5 working days after receiving the recommendation. The written order of the Secretary under the preceding sentence shall be final and is not subject to judicial review. The temporary denial order shall be affirmed only if it is reasonable to prevent an imminent violation of this Act or any regulation issued under this Act.

"(e) APPEALS FROM LICENSE DENIALS.—A determination of the Secretary, under section 10(f) of this Act, to deny a license may be appealed by the applicant to an administrative law judge who shall have the authority to conduct proceedings to determine only whether the item sought to be exported is in fact on the control list. Such proceedings shall be conducted within 90 days after the appeal is filed. Any determination by an administrative law judge under this subsection and all materials filed before such judge in the proceedings shall be reviewed by the Secretary, who shall either affirm or vacate the determination in a written decision within 30 days after receiving determination. The Secretary's written decision shall be final and is not subject to judicial review. Subject to the limitations provided in section 12(c) of this Act, the Secretary's decision shall be published in the Federal Register.

"(f) APPOINTMENT OF ADMINISTRATIVE LAW JUDGES.—Any person who, for at least 2 of the 10 years immediately preceding the date of the enactment of the Export Administration Amendments Act of 1984, has served as a hearing commissioner of the Department of Commerce, shall be considered as qualified for selection and appointment as an administrative law judge under section 3105 of title 5, United States Code.".

ANNUAL REPORT

SEC. 115. Section 14 of the Act (50 U.S.C. App. 2413) is amended by adding at the end thereof the following:

"(e) REPORT ON EXPORTS TO PROSCRIBED COUNTRIES.—The Secretary shall include in each annual report a detailed report which lists every license during the year approved under the provisions of this Act for exports to proscribed countries. Such report shall specify to whom such license was granted, the type of good or technology exported, and the country receiving such good or technology. The information required by this subsection shall be subject to the provisions of section 12(c) of this Act.

"(f) REPORT ON DOMESTIC ECONOMIC IMPACT OF EXPORTS TO PROSCRIBED COUNTRIES.—The Secretary shall include in each annual report a detailed description of the extent of injury to United States industry and the extent of job displacement caused by United States exports of goods and technology to proscribed countries. This report shall also include a full analysis of the consequences of exports of turnkey plants and manufacturing facilities to such countries which are used by such countries to produce goods for export to the United States or to compete with United States products in export markets.".

REVIEW BY THE SECRETARY OF DEFENSE AND THE SECRETARY OF STATE

Sec. 116. Section 15 of the Act (50 U.S.C. 2414) is amended by adding the following new sentence at the end thereof: "Any such regulations issued to carry out the provisions of section 5, or of section 4(a) for the purpose of administering the provisions of section 5, may be issued only after submission of the regulations for review to the Secretary of Defense, the Secretary of State, and such other departments and agencies as the Secretary considers appropriate. The preceding sentence does not require the concurrence or approval by any official, department, or agency to which such regulations are submitted.".

DEFINITIONS

Sec. 117. Section 16 of the Act (50 U.S.C. App. 2415) is amended—

(1) in paragraph (3), by inserting "natural or manmade substance," after "article,";

(2) by amending paragraph (4) to read as follows:

"(4) the term 'technology' means the information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data, but not the goods themselves;";

(3) by redesignating paragraph (5) as paragraph (8); and

(4) by inserting after paragraph (4) the following new paragraphs:

"(5) the term 'export' means—

"(A) an actual shipment, transfer, or transmission of goods or technology out of the United States;

"(B) a transfer of goods or technology in the United States to an embassy or affiliate of a controlled country; or

"(C) a transfer to any person of goods or technology either within the United States or outside of the United States with the knowledge or intent that the goods or technology will be shipped, transferred, or transmitted to an unauthorized recipient; and

"(6) the term 'United States' means the States of the United States, the District of Columbia, and any commonwealth, territory, dependency, or possession of the United States, and includes the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a));".

EFFECT ON OTHER ACTS

Sec. 118. (a) Section 17(a) of the Act (50 U.S.C. App. 2416(a)) is amended by striking out "Nothing" and inserting in lieu thereof "Except as otherwise provided in this Act, nothing".

(b) Section 17 of the Act is further amended by adding at the end thereof the following:

"(f) Agricultural Act of 1970.—Nothing in this Act shall affect the provisions of the last sentence of section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3).".

Sec. 119. Section 18 of the Act (50 U.S.C. App. 2417) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 18. (a) Requirement of Authorizing Legislation.—(1) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out the purposes of this Act may be obligated or expended only if—

"(A) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of the Export Administration Amendments Act of 1984; or

"(B) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

"(2) To the extent that legislation enacted after the making of an appropriation to carry out the purposes of this Act authorizes the obligation or expenditure thereof, the limitation contained in paragraph (1) shall have no effect.

"(3) The provisions of this subsection shall not be superseded except by a provision of law enacted after the date of the enactment of the Export Administration Amendments Act of 1984 which specifically repeals, modifies, or supersedes the provision is of this subsection.

"(b) Authorized.—There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

"(1) $24,600,000 for the fiscal year 1985, of which $8,712,000 shall be available only for enforcement, $1,851,000 shall be available for foreign availability assessments under subsections (f) and (h)(6) of section 5 of this Act, and $14,037,000 shall be available for all other activities under this Act;

"(2) $28,000,000 for the fiscal year 1986, of which $10,000,000 shall be available only for enforcement, $2,000,000 shall be available for foreign availability assessments under subsections (f) and (h)(6) of section 5 of this Act, and $16,000,000 shall be available for all other activities under this Act; and

"(3) such additional amounts for each of the fiscal years 1985 and 1986 as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.".

TERMINATION OF AUTHORITY

Sec. 20. Section 20 of the Act (50 U.S.C. App. 2419) is amended to read as follows:

"TERMINATION DATE

"Sec. 120. The authority granted by this Act terminates on September 30, 1985.".

HOURS OF OFFICE OF EXPORT ADMINISTRATION

Sec. 121. The Secretary of Commerce shall modify the office hours of the Office of Export Administration of the Department of Commerce on at least four days of each workweek so as to accommodate communications to the Office by exporters throughout the continental United States during the normal business hours of those exporters.

CIVIL PENALTIES

Sec. 122. Section 11(c)(1) of the Act is amended by striking out "head" and all that follows through "thereof" and inserting in lieu thereof "Secretary (and officers and employees of the Department of Commerce specifically designated by the Secretary)".

ENFORCEMENT

Sec. 123. (a) Section 12(a) of the Act (50 U.S.C. App. 2411(a)) is amended—

(1) by inserting "(1)" immediately before the first sentence;

(2) by striking out "may make such investigations and" and inserting in lieu thereof "(A) may make such investigations within the United States, and the Commissioner of Customs (and officers or employees of the United States Customs Service specifically designated by the Commissioner) may make such investigations outside of the United States, and (B) may";

(3) by striking out "the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and" and inserting in lieu thereof "a district court of the United States,";

(4) by adding at the end thereof the following new sentence: "In addition to the authority conferred by this paragraph, the Secretary (and officers or employees of the Department of Commerce designated by the Secretary) may conduct, outside the United States, prelicense investigations and postshipment verifications of items licensed for export, and investigations in the enforcement of section 8 of this Act."; and

(5) by adding at the end thereof the following new paragraphs:

"(2)(A) Subject to subparagraph (B) of this paragraph, the United States Customs Service is authorized, in the enforcement of this Act, to search, detain (after search), and seize goods or technology at those ports of entry or exit from the United States where offices of the Customs Service are authorized by law to conduct such searches, detentions, and seizures, and at those places outside the United States where the Customs Service, pursuant to agreements or other arrangements with other countries, is authorized to perform enforcement activities.

"(B) An officer of the United States Customs Service may do the following in carrying out enforcement authority under this Act:

"(i) Stop, search, and examine a vehicle, vessel, aircraft, or person on which or whom such officer has reasonable cause to suspect there are any goods or technology that has been, is being, or is about to be exported from the United States in violation of this Act.

"(ii) Search any package or container in which such officer has reasonable cause to suspect there are any goods or technology that has been, is being, or is about to be exported from the United States in violation of this Act.

"(iii) Detain (after search) or seize and secure for trial any goods or technology on or about such vehicle, vessel, aircraft, or person, or in such package or container, if such officer has probable cause to believe the goods or technology has been, is being, or is about to be exported from the United States in violation of this Act.

"(iv) Make arrests without warrant for any violation of this Act committed in his or her presence or view or if the officer has probable cause to believe that the person to be arrested has committed or is committing such a violation.

The arrest authority conferred by clause (iv) of this subparagraph is in addition to any arrest authority under other laws.

"(3)(A) Subject to subparagraph (B) of this paragraph, the Secretary shall have the responsibility for the enforcement of section 8 of this Act and, in the enforcement of the other provisions of this Act, the Secretary is authorized to search, detain (after search), and seize goods or technology at those places within the United States other than those ports specified in paragraph (2)(A) of this subsection. The search, detention (after search), or seizure of goods or technology at those ports and places specified in paragraph (2)(A) may be conducted by officers or employees of the Department of Commerce designated by the Secretary with the concurrence of the Commissioner of Customs or a person designated by the Commissioner.

"(B) The Secretary may designate any officer or employee of the Department of Commerce to do the following in carrying out enforcement authority under this Act:

"(i) Execute any warrant or other process issued by a court or officer of competent jursidiction with respect to the enforcement of the provisions of this Act.

"(ii) Make arrests without warrant for any violation of this Act committed in his or her presence or view, or if the officer or employee has probable cause to believe that the person to be arrested has committed or is committing such a violation.

"(iii) Carry firearms in carrying out any activity described in clause (i) or (ii).

"(4) All cases involving violations of this Act shall be referred to the Secretary for purposes of determining civil penalties and administrative sanctions under section 11(c) of this Act, or to the Attorney General for criminal action in accordance with this Act.

"(5) Notwithstanding any other provision of law, the United States Customs Service may expend in the enforcement of export controls under this Act not more than $12,000,000 in the fiscal year 1985 and not more than $14,000,000 in the fiscal year 1986.

"(6) Not later than 90 days after the date of the enactment of the Export Administration Amendments Act of 1984, the Secretary, with the concurrence of the Secretary of the Treasury, shall publish in the Federal Register procedures setting forth, in accordance with this subsection, the responsibilities of the Department of Commerce and the United States Customs Service in the enforcement of this Act. In addition, the Secretary, with the concurrence of the Secretary of the Treasury, may publish procedures for the sharing of information in accordance with subsection (c)(3) of this section, and procedures for the submission to the appropriate departments and agencies by private persons of information relating to the enforcement of this Act.".

(b) Section 12(c)(3) of the Act is amended—

(1) by striking out "Departments or agencies which obtain" and inserting in lieu thereof "Any department or agency which obtains";

(2) by inserting ", including information pertaining to any investigation," after "enforcement of this Act";

(3) by striking out "the department" and inserting in lieu thereof "each department", and

(4) by adding at the end thereof the following: "The Secretary and the Commissioner of Customs, upon request, shall exchange any licensing and enforcement information with each other which is necessary to facilitate enforcement efforts and effective license decisions. The Secretary, the Attorney General, and the Commissioner of Customs shall consult on a continuing basis with one another and with the heads of other departments and agencies which obtain information subject to this paragraph, in order to facilitate the exchange of such information.".

REGULATIONS

Sec. 124. (a) Section 15 of the Export Administration Act of 1979 is amended—

(1) in the section heading by inserting "Administrative and" before "Regulatory"; and

(2) by striking out "Sec. 15." and inserting in lieu thereof the following:

"Sec. 15. (a) Under Secretary of Commerce.—The President shall appoint, by and with the advice and consent of the Senate, an Under Secretary of Commerce for Export Administration who shall carry out all functions of the Secretary under this Act which were delegated to the office of the Assistant Secretary of Commerce for Trade Administration before the effective date of the Export Administration Amendments Act of 1984 and such other functions as the Secretary may prescribe. The Secretary shall designate three Assistant Secretaries of Commerce to assist the Under Secretary in carrying out such functions.

"(b) Issuance of Regulations.—".

(b) Section 15 of the Act is further amended by adding after subsection (b), as designated by subsection (a) of this section, the following:

"(c) Amendments to Regulations.—If the Secretary proposes to amend regulations issued under this Act, the Secretary shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives on the intent and rationale of such amendments. Such report shall evaluate the cost and burden to United States exporters of the proposed amendments in relation to any enhancement of licensing objectives. The Secretary shall consult with the technical advisory committees authorized under section 5(h) of this Act in formulating or amending regulations issued under this Act. The procedures defined by regulations in existence as of January 1, 1984, with respect to sections 4 and 5 of this Act, shall remain in effect unless the Secretary determines, on the basis of substantial and reliable evidence, that specific change is necessary to enhance the prevention of diversions of exports which would prove detrimental to the national security of the United States or to reduce the licensing and paperwork burden or exporters and their distributors.".

(c) Section 5314 of title 5, United States Code, is amended by inserting "Under Secretary of Commerce for Export Administration," after "Under Secretary of Commerce for Economic Affairs,".

IMPORT SANCTIONS

Sec. 125. Chapter 4 of title II of the Trade Expansion Act of 1962 (19 U.S.C. 1861 et seq.) is amended by adding at the and thereof the following new section:

"SEC. 233. IMPORT SANCTIONS FOR EXPORT VIOLATIONS.

"(a) Any person who violates any national security export control imposed under section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404), or any regulation, order, or license issued under that section, may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe.

"(b) Except as provided in subsection (a) of this section, any person who violates any regulation issued under a multilateral agreement, formal or informal, to control exports for national security purposes, to which the United States is a party, may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe, but only if—

"(1) negotiations with the government or governments, party to the multilateral agreement, with jurisidiction over the violation have been conducted and been unsuccessful in restoring compliance with the regulation involved;

"(2) the President, after the failure of such negotiations, has notified the government or governments described in paragraph (1) and the other parties to the multilateral agreement that the United States proposes to subject the person committing the violation to specific controls on the importing of goods or technology into the United States upon the expiration of 60 days from the date of such notification; and

"(3) a majority of the parties to the multilateral agreement (other than the United States), before the end of that 60-day period, have expressed to the President concurrence in the proposed import controls or have abstained from stating a position with respect to the proposed controls.".

TECHNICAL AMENDMENT

Sec. 126. Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) is amended by striking out "(f)" and inserting in lieu thereof "(g)".

AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961

Sec. 127. Section 502B of the Foreign Assistance Act of 1961 is amended (1) by striking the word "Committee" the first place it appears in paragraph (2) and inserting in lieu thereof "Committees"; and (2) by inserting after the words "Foreign Relations" the first place it appears the phrase "and Banking, Housing, and Urban Affairs (when licenses are to be issued pursuant to the Export Administration Act of 1979)".

EXPORT OF HORSES

Sec. 128. The Act of March 3, 1891 (46 U.S.C. 466a and 466b) is amended by adding at the end thereof the following:

"Sec. 3. (a) Notwithstanding any other provision of law, no horse may be exported by sea from the United States, or any of its territories and possessions, unless such horse is part of a consignment of horses with respect to which a waiver has been granted under subsection (b).

"(b) The Secretary of Commerce, in consideration with the Secretary of Agriculture, may issue regulations providing for the granting of waivers, permitting the export by sea of a specified consignment of horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.

"(c)(1) Whosoever knowingly violates this section or any regulation, order, or license issued hereunder shall be fined not more than five times the value of the consignment of horses involved or $50,000, whichever is greater or imprisoned not more than 5 years, or both.

"(2) The Secretary of Commerce, after notice and opportunity for an agency hearing on the record, may impose a civil penalty not to exceed $10,000 for each violation of this section or any regulation, order, or license issued hereunder, either in addition to or in lieu of any other liability or penalty which may be imposed.".

ALASKAN OIL STUDY

Sec. 129. (a) The President shall—

(1) undertake a comprehensive review of the issues and related data concerning possible changes in the existing incentives to produce crude oil from the North Slope of Alaska (including changes in Federal and State taxation, pipeline tariffs, and Federal leasing policies) and possible changes in the existing distribution of crude oil from the North Slope of Alaska (including changes in

export restrictions which would permit exports at free market levels and at levels of 50,000 barrels per day, 100,000 barrels per day, 200,000 barrels per day, and 500,000 barrels per day), appropriateness of continuing existing controls including, but not limited to—

(A) the effect of such changes on the energy and national security of the United States and its allies;

(B) the role of such changes in United States foreign policymaking, including international energy policymaking;

(C) the impact of such changes on employment levels in the maritime industry, the oil industry, and other industries;

(D) the impact of such changes on the refiners and consumers;

(E) the impact of such changes on the revenues and expenditures of the Federal Government and the government of Alaska;

(F) the effect of such changes on incentives for oil and gas exploration and development in the United States; and

(G) the effect of such changes on the overall trade deficit of the United States, and the trade deficit of the United States with respect to particular countries, including the effect of such changes on trade barriers of other countries; and

(2) develop, after consulting with appropriate State and Federal officials and other persons, findings, options, and recommendations regarding the production and distribution of crude oil from the North Slope of Alaska.

(b) Not later than 9 months after the date of the enactment of this Act, the President shall transmit a report to the Congress containing the results of the review under subsection (a)(1), of the findings, options, and recommendations developed under subsection (a)(2).

TITLE II—EXPORT PROMOTION PROGRAMS

REQUIREMENT OF PRIOR AUTHORIZATION

SEC. 201. (a) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out any export promotion program may be obligated or expended only if—

(1) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of this Act; or

(2) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

(b) To the extent that legislation enacted after the making of an appropriation to carry out any export promotion program authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this action.

(d) For purposes of this title, the term "export promotion program" means any activity of the Department of Commerce designed to stimulate or assist United States businesses in marketing their goods and services abroad competitively with businesses from other countries, including but not limited to—

(1) trade development (except for the trade adjustment assistance program) and dissemination of foreign marketing opportunities and other marketing information to United States producers of goods and services, including the expansion of foreign markets for United States textiles and apparel and any other United States procedure;

(2) the development of regional and multilateral economic policies which enhance United States trade and investment interests, and the provision of marketing services with respect to foreign countries and regions;

(3) the exhibition of United States goods in other countries; and

(4) the operations of the United States Commercial Service and the Foreign Commercial Service, or any successor agency.

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. There is authorized to be appropriated for each of the fiscal years 1985 and 1986 to the Department of Commerce to carry out export promotion programs $113,273,000.

BARTER ARRANGEMENTS

SEC. 203. (a) The Secretary of Agriculture shall, not later than 90 days after the date of the enactment of this Act, submit to the Congress a report on the status of Federal programs relating to the barter or exchange of commodities owned by the Commodity Credit Corporation for materials and products produced in foreign countries. Such report shall include details of any changes necessary in existing law to allow the Department of Agriculture to implement fully any barter program.

(b) Notwithstanding any other provision of law, the President is authorized—

(1) to barter stocks of agricultural commodities acquired by the Government for petroleum and petroleum products, and for other materials vital to the national interest, which are produced abroad, in situations in which sales would otherwise not occur; and

(2) to purchase petroleum and petroleum products, and other materials vital to the national interest, which are produced abroad and acquired by persons in the United States through barter for agricultural commodities produced in and exported from the United States through normal commercial trade channels.

(c) The President shall take steps to ensure that any barter described in subsections (a) and (b)(1) and any purchases authorized by subsection (b)(2) safeguard existing export markets for agricultural commodities operating on conventional business terms from displacement by barters described in subsections (a), (b)(1), and (b)(2). In addition, the President shall ensure that any such barter is consistent with the international obligations of the United States, including the General Agreement on Tariffs and Trade.

TITLE III—SOUTH AFRICA

SHORT TITLE

SEC. 301. This title may be cited as the "United States Policy Toward South Africa Act of 1984".

Subtitle 1—Sullivan Fair Employment Principles, Endorsement and Implementation of Fair Employment Principles

SEC. 311. It is the policy of the United States that any United States person who—

(1) has a branch or office in South Africa, or

(2) controls a corporation, partnership, or other enterprise in South Africa,

in which more than 20 people are employed should take the necessary steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, the opposition of the United States to apartheid is reaffirmed by actions including, but not limited to, implementation of those principles relating to employment practices set forth in section 312 of this Act.

STATEMENT OF PRINCIPLES

SEC. 312. (a) The principles referred to in section 311 of this Act are as follows:

(1) Desegregating the races in each employment facility, including—

(A) removing all race designation signs;

(B) desegregating all eating; rest, and work facilities; and

(C) terminating all regulations which are based on racial discrimination.

(2) Providing equal employment for all employees without regard to race or ethnic origin, including—

(A) assuring that any health, accident, or death benefit plans that are established are nondiscriminatory and open to all employees without regard to race or ethnic origin; and

(B)(i) implementing equal and nondiscriminatory terms and conditions of employment for all employees, and (ii) conditions of employment for all employees, and (iii) abolishing job reservations, job fragmentation, apprenticeship restrictions for blacks and other nonwhites, and differential employment criteria, which discriminate on the basis of race or ethnic origin.

(3) Assuring that the pay system is equitably applied to all employees without regard to race or ethnic origin, including—

(A) assuring that any wage and salary structure that is implemented is applied equally to a employees without regard to race or ethnic origin;

(B) eliminating any distinctions between hourly and salaried job classifications on the basis of race or ethnic origin; and

(C) eliminating any inequities in seniority and ingrade benefits which are based on race or ethnic origin.

(4) Establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families.

(5) Increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs, including—

(A) developing training programs that will prepare substantial numbers of blacks and other nonwhites for such jobs as soon as possible, including—

(i) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of employees, including establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; and

(ii) creating on-the-job training programs and facilities to assist employees to advance to higher paying jobs requiring greater skills;

(B) establishing procedures to assess, identify, and actively recruit employees with potential for further advancement;

(C) identifying blacks and other nonwhites with high management potential and enrolling them in accelerated management programs; and

(D) establishing timetables to carry out this paragraph.

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing,

transportation, schooling, recreation, and health, including—

(A) providing assistance to black and other nonwhite employees for housing, health care, transportation, and recreation either through the provision of facilities or services or providing financial assistance to employees for such purposes, including the expansion or creation of in-house medical facilities or other medical programs to improve medical care for black and other nonwhite employees and their dependents; and

(B) participating in the development of programs that address the educational needs of employees, their dependents, and the local community.

(7) Implementing fair labor practices, including—

(A) recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity;

(B) refraining from—

(i) interfering with, restraining, or coercing employees in the exercise of their rights of self-organization under this paragraph,

(ii) dominating or interfering with the formation or administration of any labor organization, or sponsoring, controlling, or contributing financial or other assistance to it; except that an employer may permit employees to confer with the employer during working hours without loss of time or pay,

(iii) encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other condition of employment,

(iv) discharging or otherwise disciplining or discriminating against any employee who has exercised any rights of self-organization under this paragraph, and

(v) refusing to bargain collectively with any organization freely chosen by employees under this paragraph; and

(C)(i) allowing employees to exercise rights of self-organization, including solicitation of fellow employees during nonworking hours, (ii) allowing distribution and posting of union literature by employees during nonworking hours in nonworking areas, and (iii) allowing reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times where there are no other available channels which will enable the labor organization to communicate with employees through reasonable efforts.

(b) The Secretary may issue guidelines and criteria to assist persons in implementing the principles set forth in subsection (a) of this section.

ADVISORY COMMITTEE

Sec. 313. (a) The Secretary shall establish an Advisory Committee (1) to advise the Secretary with respect to the implementation of those principles set forth in section 312(a), and (2) to review periodically the reports submitted pursuant to section 314(a) and, where necessary, to supplement the information contained in such reports. The Advisory Committee shall be composed of at least 12 members appointed by the Secretary from among persons in the United States and South Africa representing trade unions committed to nondiscriminatory policies, representatives of business (including the American Chamber of Commerce in South Africa), and the academic community, and from among community and church leaders, including those in South Africa, who have demonstrated a concern for equal rights. In addition to the appointed members of the Advisory Committee, the United States Ambassador to South Africa shall be a member of the Advisory Committee, ex officio. The Committee shall be authorized to meet in the United States Embassy in South Africa or such other location as the Secretary may designate.

(b) Members of the Advisory Committee in South Africa shall be appointed for three-year terms, except that of the members first appointed, four shall be appointed for terms of two years, and four shall be appointed for terms of one year, as designated at the time of their appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(c) The Secretary shall provide the necessary clerical and administrative assistance to the Advisory Committee.

(d) Members of the Advisory Committee shall serve without pay, except that, while away from their homes or regular places of business in the performance of services for the Committee, members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistance, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

IMPLEMENTATION

Sec. 314. (a) The Secretary shall submit an annual report to the Congress describing—

(1) the extent to which each United States person referred to in section 311 of this Act has implemented each of the principles set forth in section 312 of this Act;

(2) the progress each United States person referred to in section 311 of this Act made since the previous annual report in implementing each of those principles;

(3) the actions the Secretary has taken to encourage implementation of those principles, as well as any related actions taken by other departments or agencies of the United States Government; and

(4) any other information relating to the implementation by United States persons of those principles that the Secretary believes is appropriate.

(b) The Secretary shall publish and make generally available to the public each annual report submitted pursuant to subsection (a).

(c) The Secretary may, to such extent or in such amounts as are provided in appropriation Acts, enter into contracts with one or more private organizations to assist the Secretary in preparing the report required by subsection (a).

(d) Each United States person referred to in section 311 of this Act shall submit directly to the Secretary, or through an organization with which the Secretary has a contract under subsection (c)—

(1) a detailed and fully documented annual report on the progress of that person in implementing the principles set forth in section 312 of this Act; and

(2) such other information relating to implementation of the principles set forth in section 312 of this Act as the Secretary shall be regulation require.

The reports and information required by this subsection shall be submitted at such times as the Secretary shall by regulation direct.

(e)(1) The Secretary shall make available to the Advisory Committee established pursuant to section 313, and may make available to the public, information obtained pursuant to subsection (d) that relates to the employment practices of United States persons referred to in section 311 with respect to blacks and other nonwhite employees.

(2) Notwithstanding any other provision of law; the Secretary shall not make available to the Advisory Committee or disclose to the public any information that would harm the competitive position or the proprietary interests; or would reveal trade secrets or confidential commercial or financial information, of any United States person required to submit reports under subsection (d), as defined under regulations of the Secretary.

(f) The Secretary shall undertake all reasonable efforts to verify the information submitted under subsection (d), including the establishment of arrangements with United States persons and entities referred to in section 311 of this Act for onsite monitoring, at least once every two years, of their activities and facilities in South Africa.

(g) The Secretary shall make reasonable and continuing efforts to promote the implementation of this subtitle and any regulations issued to carry out this subtitle.

(h) There are authorized to be appropriated such sums as may be necessary to the Department of State to carry out the provisions of this subtitle. The Secretary may establish an office to carry out such provisions.

(i) Upon the request of any United States person subject to the provisions of this subtitle which is made within 60 days after the publication of the Secretary's report pursuant to subsection (b) of this section, the Secretary shall, afford an opportunity for a hearing, within 90 days after such publication, in which such person may comment on the contents of such report.

REGULATIONS AND EFFECTIVE DATE

Sec. 315. (a) The Secretary shall, not later than 120 days after the date of the enactment of this Act, issue such regulations as are necessary to carry out this subtitle.

(b) Before issuing final regulations pursuant to subsection (a), the Secretary shall publish in the Federal Register the regulations proposed to be issued and shall give interested persons, including the Advisory Committee established pursuant to section 313 of this Act, at least 30 days to submit comments on the proposed regulations. The Secretary shall, in issuing the final regulations, take into account the comments so submitted.

(c) The policy set forth in section 311 of this Act shall become the policy of the United States Government on the date of the enactment of this Act.

(d) The first annual report of the Secretary under section 314 of this Act shall be submitted to the Congress not later than one year after the date on which final regulations issued pursuant to subsection (a) of this section are published. Each subsequent annual report shall be submitted not later than the end of each 1-year period thereafter.

Subtitle 2—Loans

PROHIBITIONS OR LOANS TO THE GOVERNMENT OF SOUTH AFRICA

Sec. 321. (a) No bank organized under the laws of the United States may make any loan directly or through a subsidiary to the Government of South Africa or to any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa, as determined by regulations issued by the Secretary. The prohibition contained in this subsection shall not apply to loans for educational, housing, or health facilities or other projects of significant humanitarian value which are available to all persons on a totally nondiscriminatory basis and which are located in geographic areas accessible to all population groups without any legal or administrative restriction.

(b) The prohibition contained in subsection (a) of this section shall not apply to any loan for which a written agreement is entered into before the date of the enactment of this Act. Except as otherwise required under such a loan agreement, no loan made before October 1, 1984, may be modified, renewed, or extended in any manner which provides for a repayment period that extends beyond one year after the date of the enactment of this Act.

(c) For purposes of this section—

(1) the term "loan" means a loan, credit sale, or the supplying of funds through the acquisition of securities; and

(2) the term "bank" means any depository institution as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), any corporation organized under section 25(a) of the Federal Reserve Act (12 U.S.C. 611 et seq.), any corporation having an agreement or undertaking with the Federal Reserve Board under section 25 of the Federal Reserve Act (12 U.S.C. 601 et seq.), and any bank holding company as defined in section 2(a) of the Bank holding Company Act of 1956 (12 U.S.C. 1841(a)).

ENFORCEMENT; PENALTIES

SEC. 322. (a) The Secretary, in consultation with the Secretary of the Treasury and the Secretary of Commerce, shall take the necessary steps to insure compliance with the provisions of this subtitle, including—

(1) issuing such regulations as the Secretary considers necessary to carry out this subtitle;

(2) establishing mechanisms to monitor compliance with the provisions of this subtitle and any regulations issued pursuant to paragraph (1) of this subsection;

(3) in any case in which the Secretary has reason to believe that a violation of this subtitle has occurred or is about to occur, referring the matter to the Attorney General for appropriate action; and

(4) in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of this subtitle, referring the matter to the Attorney General for appropriate action.

(b) Any person that violates section 321 of this Act shall be fined not more than $1,000,000.

(c)(1) Whenever a person violates section 321 of this Act—

(A) any officer, director, or employee of such person, or any natural person in control of such person, who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such peson who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

WAIVER BY PRESIDENT

SEC. 323. (a) The President may waive the prohibition contained in section 321 of this Act for periods of not more than one year each if, with respect to each such waiver—

(1) the President determines that the Government of South Africa has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in that country and toward an end to discrimination based on race or ethnic origin;

(2) the President submits any such determination, and the basis for the determination, to the Congress; and

(3) the Congress fails to enact a joint resolution disapproving the waiver within 90 days after the receipt of the President's determination.

(b)(1) For purposes of this subsection, the term 'joint resolution' means a joint resolution, the matter after the resolving clause of which is as follows: "That the Congress, having received on a determination of the President under section 323(a) of the United States Policy Toward South Africa Act of 1984 with respect to a waiver of the prohibition contained in section 321 of that Act, does not approve that waiver.", with the date of the receipt of the President's determination inserted in the blank.

(2) On the day on which a determination is submitted to the House of Representatives and the Senate under subsection (a) of this section, a joint resolution with respect to such determination shall be introduced (by request) in the House by the Chairman of the Committee on Foreign Affairs, for himself and the ranking minority members of the committee, or by Members of the House designated by the chairman and ranking minority member; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such a determination is submitted, the joint resolution shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session.

(3) All joint resolutions introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs and all joint resolutions introduced in the Senate shall be referred to the Committee on Banking, Housing, and Urban Affairs.

(4) If the committee of either House to which a joint resolution has been referred has not reported it at the end of 30 days after its introduction, the committee shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter.

(5) A joint resolution under this section shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and passage of joint resolutions under this section, it shall be in order for the Committee on Rules of the House of Representative (notwithstanding the provisions of clause 4(b) of Rule XI of the Rules of the House of Representatives) to present for immediate consideration, on the day reported, a resolution of the House of Representatives providing procedures for the consideration of such a joint resolution under this section similar to the procedures set forth in section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

(6) In the case of a joint resolution described in paragraph (1), if prior to the passage by one House of a joint resolution of that House, that House receives a joint resolution with respect to the same matter from the other House, then—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(7) In the computation of the 90-day period referred to in subsection (a)(3) of this section and the 30-day period referred to in paragraph (4) of this subsection, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.

Subtitle 3—General Provisions

COOPERATION OF OTHER DEPARTMENTS AND AGENCIES

SEC. 334. (a) Each department and agency of the United States shall cooperate with the Secretary in carrying out the provisions of this title, including, upon the request of the Secretary, taking steps to ensure implementation of the provisions of this title and any regulations issued to carry out this title.

(b) The Secretary may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out the Secretary's functions under this title.

DEFINITIONS

SEC. 332. For purposes of this title—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of State;

(3) the term "South Africa" includes the Republic of South Africa; any territory under the administration, legal or illegal, of South Africa; and the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Venda, and Ciske; and

(4) a United States person shall be presumed to control a corporation, partnership, or other enterprise in South Africa if—

(A) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the corporation, partnership, or enterprise;

(B) the United States person beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(E) the United States person has authority to appoint a majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(F) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

APPLICABILITY TO EVASIONS

SEC. 333. Subtitle 2 of this title shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of subtitle 2 of this title or any regulations issued to carry out that subtitle.

CONSTRUCTION OF TITLE; SEVERABILITY

SEC. 334. (a) Nothing in this title shall be construed as constituting any recognition by the United States of the homelands referred to in section 332(3) of this Act.

(b) If any provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of that provision to other persons or circumstances shall be affected thereby.

NUCLEAR EXPORTS

SEC. 401. (a) The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by inserting after section 131 the following new section:

"SEC. 132. RESTRICTIONS ON CERTAIN EXPORTS.—

"a. (1) Notwithstanding any other provision of law—

"(A) no license may be issued under the Export Administration Act of 1979 for the export to a non-nuclear-weapon state for use in a nuclear production or utilization facility of any item or related technical data which, as determined under section 309(c) of the Nuclear Non-Proliferation Act of 1978, could be of significance for nuclear explosive purposes, or which, in the judgment of the Secretary of Commerce, is likely to be diverted for use in such a facility;

"(B) the Nuclear Regulatory Commission shall not issue any license for the export to a non-nuclear-weapon state of a component part, item, or substance which the Commission has determined, under section 109b. of this Act to be especially relevant from the standpoint of export control because of its significance for nuclear explosive purposes;

"(C) the Secretary of Energy shall not approve the retransfer to a non-nuclear-weapon state of any such component part, item, or substance; and

"(D) the Secretary of Energy shall not, under section 57b. of this Act, authorize any person to engage, directly or indirectly, in the production of special nuclear material in a non-nuclear weapon state;

unless (i) such state maintains International Atomic Energy Agency safeguards on all its peaceful nuclear activities, and (ii)(I) such export, retransfer, or production is under the terms of an agreement for cooperation arranged pursuant to section 123 of this Act or (II) such state has entered into nuclear cooperation with the United States pursuant to an agreement for peaceful nuclear cooperation. For purposes of this subsection, 'non-nuclear weapon state' is a non-nuclear weapon state within the meaning of the Treaty on the Non-Proliferation of Nuclear Weapons.

"(2) The restrictions contained in clause (ii) of paragraph (1) shall apply only to a country which is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons or the Treaty for the Prohibition of Nuclear Weapons in Latin America, or which the President determines is in a region of particular volatility or sensitivity.

"b. Nothing in this section shall preclude—

"(1) an export, retransfer, or activity generally licensed or generally authorized by the Nuclear Regulatory Commission, the Department of Commerce, or the Department of Energy;

"(2) assistance (A) for the purpose of developing or applying International Atomic Energy Agency safeguards, or United States safeguards as set forth in an agreement for cooperation arranged pursuant to section 123 of this Act, (B) for programs of the International Atomic Energy Agency which are generally available to its member states, (C) for reducing the use of highly enriched uranium in research or test reactors, or (D) for other technical programs for the purposes of reducing proliferation risks, such as programs to extend the life of reactor fuel and activities to which section 223 of the Nuclear Waste Policy Act of 1982 applies; or

"(3) assistance which is necessary for humanitarian reasons to protect the public health and safety.

"c. The restrictions contained in subsection a.(1)(D) shall not apply to activities involving radiation protection and health physics; decontamination; waste management; and other assistance for the safe operation of a facility which is under International Atomic Energy Agency safeguards or United States safeguards. The exception contained in the preceding sentence shall apply only in instances where the Secretary of State, in concurring with the determination by the Secretary of Energy pursuant to section 57 b. of this Act, determines that approval of such activities or assistance of such activities or assists would further United States nonproliferation objectives with regard to the recipient country. The Department of Energy shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of all authorizations issued pursuant to under this subsection.

"d. The prohibitions contained in subsection a. shall not apply to a particular export, retransfer, or activity or group of exports, retransfers, or activities if the President determines that to apply the prohibitions thereto would be seriously prejudicial to the achievement of United States nonproliferation objectives or would otherwise jeopardize the common defense and security and if, at least 60 days before the export, retransfer, or activity or initial export, retransfer, or activity is carried out, the President submits that determination, together with the reasons for that determination, to the Congress.

"e. With respect to any authorization described in subsection a.(1)(D) which is made after August 1, 1983, the restrictions set forth in that subparagraph shall apply to any contract executed under that authorization after October 1, 1984.".

(b) The table of contents of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 131 the following new item:

"SEC. 132. RESTRICTIONS ON CERTAIN EXPORTS.".

AGREEMENTS FOR COOPERATION

SEC. 402. (a) Section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) is amended—

(1) by inserting "the consistency of the text of the agreement for cooperation with all the requirements of this Act," after "Assessment Statement regarding" in subsection a.;

(2) by inserting "after the submission of the text of the proposed Agreement for Cooperation together with the accompanying non-classified nuclear proliferation assessment to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House, and after consultation with such Committees for a period of not less than 30 days of continuous session (as defined in section 130 g. of this Act) concerning the consistency of the terms of the proposed agreement with all the requirements of this Act" before "the President" in subsection b.; and

(3) by inserting "During the sixty-day period the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations shall each hold hearings on the proposed agreements and submit a report to their respective bodies recommending whether it should be approved or disapproved" before the sentence which begins "Any such proposed agreement" in subsection d.

AGREEMENTS FOR COOPERATION

SEC. . (a) Subsection d. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)) is amended—

(1) by striking out "adopts a concurrent resolution" and inserting in lieu thereof "adopts, and there is enacted, a joint resolution";

(2) by striking out the period at the end of the first proviso and inserting in lieu thereof ": *Provided further*, That an agreement for cooperation exempted by the President pursuant to subsection a. from any requirement contained in that subsection shall not become effective unless the Congress adopts, and there is enacted, a joint resolution stating that the Congress does favor such agreement."; and

(3) by striking out "130 of this Act for the consideration of Presidential submissions" and inserting in lieu thereof "130i. of this Act".

(b) Section 130a. of the Atomic Energy Act of 1954 (42 U.S.C. 2159(a)) is amended—

(1) in the first sentence—

(A) by striking out "123d.,"; and

(B) by striking out ", and in addition, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91c., 144b., or 144c., the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate,"; and

(2) in the proviso, by striking out "and if, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91c., 144b., or 144c. of this Act, the other relevant committee of that House has reported such a resolution, such committee shall be deemed discharged from further consideration of that resolution".

(c) Section 130 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following:

"i. (1) For purposes of this subsection, the term 'joint resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the Congress (does or does not) favor the proposed agreement for cooperation transmitted to the Congress by the President on ————' with the date of the transmission of the proposed agreement for cooperation inserted in the blank, and the affirmative or negative phrase within the parenthetical appropriately selected.

"(2) On the day on which a proposed agreement for cooperation is submitted to the House of Representatives and the Senate under section 123d., a joint resolution with respect to such agreement for cooperation shall be introduced (by request) in the House by the chairman of the Committee on Foreign Affairs, for himself and the ranking minority member of the Committee, or by Members of the House designated by the chairman and ranking minority member; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement for cooperation is submitted, the joint resolution shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session.

"(3) All joint resolutions introduced in the House of Representatives shall be referred to the appropriate committee or committees and all joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations and any other appropriate committee.

"(4) If the committee of either House to which a joint resolution has been referred has not reported it at the end of 45 days after its introduction, the committee shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter; except that, in the case of a joint resolution which has been referred to more than one committee, if before the end of that 45-day period one such committee has reported the joint resolution, any other committee, if before the end of that 45-day period one such committee has reported the joint resolution, any other committee to which the joint resolution was referred shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter.

"(5) A joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and passage of joint resolutions under this subsection, it shall be in order for the Committee on Rules of the House of Representatives (notwithstanding the provisions of clause 4(b) of Rule XI of the Rules of the House of Representatives) to present for immediate consideration, on the day reported, a resolution of the House of Representatives providing procedures for the consideration of a joint resolution under this subsection similar to the procedures set forth in section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

"(6) In the cae of a joint reoslution described in paragraph (1), if prior to the passage by one House of a joint resolution of that Houe, that House receives a joint resolution with respect to the same matter from the othe House, then—

"(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(B) the vote on final passage shall be on the joint resolution of the other House.".

(d) The amendments made by this section shall apply to any agreement for cooperation which is entered into after the date of the enactment of this Act.

AMENDMENT NO. 7119

Mr. HEINZ. Mr. President, I move that the Senate concur in the House amendment with an amendment that is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ] proposes an amendment numbered 7119.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title I add the following new Sections:

SEC. 130. Section 10(g) of the Act is amended to read as follows:

"(g) SPECIAL PROCEDURES FOR SECRETARY OF DEFENSE.—(1) The Secretary of Defense is authorized to review proposed exports to any controlled country, whether by single or multiple license, of those goods or technology within such types and categories of goods or technology as the Secretary of Defense, in consultation with the Secretary, may determine.

"(2)(A) The Secretary of Defense is further authorized to review, with the concurrence of the Secretary, and at the discretion of the President, proposed exports, whether by single or multiple license, of any goods or technology subject to export controls under section 5 of this Act from such types or categories determined pursuant to subparagraph (B) if the goods or technology are to be exported to a country where there is a risk, on the basis of reliable evidence, that the goods or technology will be diverted to controlled countries. The President may place such limitations and conditions on this authority as he considers appropriate.

"(B) The types and categories of goods or technology referred to in subparagraph (A) and the list of countries referred to in subpargraph (A) to which such goods or technology might be exported shall be those types and categories and countries which the Secretary of Defense proposes to the Secretary and to which the Secretary agrees. If the Secretary of Defense and the Secretary are unable to agree on such types and categories or countries, the matter shall be referred to the President for resolution.

"(C) The provisions of subparagraph (A) and (B) of this paragraph shall not apply to—

"(i) exports of goods or technology to any country participating in the group known as the Coordinating Committee, except for exports to a particular country from which the Secretary and the Secretary of Defense, in consultation with the Secretary of State, conclude, on the basis of reliable evidence, that there is a significant risk of diversion of the goods or technology to controlled countries notwithstanding the participation of that country in the Coordinating Committee;

"(ii) exports of any good or technology which is at such a level of performance characteristics that the export of that good or technology, under the agreement of the Coordinating Committee,requires only notification of participating governments of the Committee, unless the Secretary determines, pursuant to section 5(f) of this Act, that the good or technology is not available in sufficient quantity and comparable quality to controlled countries from sources outside the United States so as to render export controls on the good or technology ineffective in achieving their purpose; or

"(iii) exports of goods or technology to any distributor or end user on the list established by the Secretary pursuant to paragraph (6) of this subsection.

If the Secretary and the Secretary of Defense are unable to agree under clause (i) of this subparagraph, the matter shall be referred to the President for resolution.

"(3)(A) whenever a license or other authority is requested for the export—

"(i) to any controlled country of any goods or technology within the types or categories determined under paragraph (1); or

"(ii) to any country determined pursuant to paragraph (2)(B) of any goods or technology within the types or categories determined pursuant to paragraph (2)(B);

the Secretary shall notify the Secretary of Defense of such request, and if the request is referred to the Secretary of Defense pursuant to paragraph (1) or (2), the Secretary may not issue any license or other authority pursuant to such request—

"(I) before the expiration of the period within which the President may disapprove such export if the Secretary of Defense recommends to the President, pursuant to subparagraph (B)(I) of this paragraph, that the President disapprove the request for the export of goods or technology and the Secretary of Defense notifies the Secretary of such recommendation; or

"(II) in any other case, before the expiration of the period within which the Secretary of Defense may review such request unless, before the expiration of such period, the Secretary of Defense recommends to the Secretary that the export be approved.

"(B) The Secretary of Defense shall carefully consider any notification submitted by the Secretary pursuant to subparagraph (A) of this paragraph and—

"(i) within the time periods permitted by subsection (e) of this section for exports described in subsection (o) of this section, or

"(ii) for exports not described in subsection (o) of this section, not later than 30 days after notification of the request.

the Secretary of Defense shall—

"(I) recommend to the President that he disapprove any request for the export of the goods or technology involved to the particular country if the Secretary of Defense determines that the export of such goods or technology will make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of a controlled country;

"(II) notify the Secretary that he would recommend approval subject to specified conditions; or

"(III) recommend to the Secretary that the export of goods or technology be approved.

If the President notifies the Secretary, within 30 days after receiving a recommendation from the Secretary of Defense, that he disapproves such export, no license or other authority may be issued for the export of such goods or technology to such country.

"(4) The Secretary shall approve or disapprove a license application, and issue or deny a license, in accordance with the provisions of this subsection and in accordance with the time periods and procedures otherwise set forth in this section.

"(5) Whenever the President exercises his authority under this subsection to modify or overrule a recommendation made by the Secretary of Defense or exercises his authority to modify or overrule any recommendation made by the Secretary of Defense under subsection (c) or (d) of section 5 of this Act with respect to the list of goods and technologies controlled for national security purposes, the President shall promptly transmit to the Congress a statement indicating his decision, together with the recommendation of the Secretary of Defense.

"(6) The Secretary, with the concurrence of the Secretary of Defense and in consultation with the Commissioner of Customs, shall, for purposes of paragraph (2)(C)(iii) of this subsection, establish and publish in the Federal Register, not later than 6 months after the date of the enactment of the Export Administration Amendments Act of 1984, a list of reliable end users and distributors. The Secretary, with the concurrence of the Secretary of Defense, and in consultation with the Commissioner of Customs, shall periodically update the list. The Secretary shall establish a procedure for allowing end users and distributors to be added to the list, in accordance with the provisions of this paragraph, by application of United States exporters.".

SEC. 131. (a) Section 203(a)(1) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)(1)) is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by inserting "and" at the end of subparagraph (b); and

(3) by inserting after subparagraph (b) the following new subparagraph:

"(C) impose controls on exports of goods or technology;".

(b) Section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)) is amended—

(1) by striking out "Whoever" and inserting in lieu thereof "(1) Except as provided in paragraphs (2), (3), (4), and (5), whoever"; and

(2) by adding at the end thereof the following:

"(2) Whoever knowingly violates or conspires or attempts to violate any export control imposed under section 203(a)(1)(C) of this Act shall be subject to the penalties set forth in section 11(a) of the Export Administration Act of 1979 for violations under that section.

"(3) Whoever possesses any goods or technology—

"(A) with the intent to export such goods or technology in violation of an export control imposed under section 203(a)(1)(C) of this Act; or

"(B) knowing or having reason to believe that the goods or technology would be so exported;

shall be subject to the penalties set forth in section 11(a) of the Export Administration Act of 1979 for violations under that section.

"(4) Whoever willfully violates or conspires or attempts to violate any export control imposed with respect to a foreign country under section 203(a)(1)(C) of this Act, with knowledge that the exports involved will be used for the benefit of, or that the intended destination of the exports involved is, that foreign country, shall be subject to the penalties set forth in section 11(b)(1) of the Export Administration Act of 1979 for violations under that section.

"(5) Any person who takes any action with the intent to evade the provisions of any export control imposed under section 203(a)(1)(C) of this Act shall be subject to the penalties set forth in section 11(b)(1) of the Export Administration Act of 1979 for violations under that section.".

(c) Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended by adding at the end thereof the following new subsection:

"(c) The provisions of sections 551, 553 through 559, and 701 through 706 of title 5, United States Code, shall not apply to the exercise of the authority granted by subsection (a)(1)(C) of this section, including the declaration of national emergency pursuant to which export controls under that subsection are imposed.".

Mr. HEINZ. Mr. President, we have before the Senate what we who have been Senate conferees believe to be the best and most reasonable solution to the problem of dealing with the export of U.S. technology, a solution that we believe facilitates the needs of our exporters and properly takes every reasonable safeguard to prevent that technology from falling into the hands of the Soviet Union and its allies.

Before I go any further, let me say that Senator GARN, the chairman of our committee, has been a superb chairman and has given tremendous time and attention to this matter. It has also been an issue of enormous difficulty for us all, in part because the provisions that the Senate and in many cases the House have agreed upon have facilitated, indeed precipitated, a turf fight within the administration. That turf fight has made it unnecessarily difficult in this Senator's judgment for the conferees to reach total agreement.

I should like to explain the parliamentary situation to my colleagues.

We have received from the House a very flawed House message. The House message has in it some meritorious provisions. It has in it a provision banning U.S. banks from making bank loans to the South African Government, a provision that I offered in House-Senate conference, and which was adopted. However, that provision was premised on the Hosue agreeing to the Senate position stipulating the appropriate role for the Department of Defense in reviewing export license applications to western nations where there was a substantial risk of diversion.

The House also sent us back a bill that did not contain the original agreed-upon provision on contract sanctity, a provision adopted by the Senate to protect American exporters against the overuse of executie branch authority to break contracts previously entered into for foreign policy purposes.

Therefore, what I am proposing and what the Senate has before it is an amendment to the House-passed message that will restore a so-called 10-G provision on Defense Department license review and will restore the contract sanctity provision.

What I think we have, in sum, is a very good piece of legislation sitting at the desk. I say it is good because if we can ever get around to enacting it, it reduces the licensing burden on our exporters, especially for shipment to Cocom nations. For such exports we have deregulated all low terminology, below AEN, items. For all other items to Cocom nations, we have a 15-day licensing provision, with only one 15-day extension permitted. We have strong foreign availability requirements where the burden, for once, is put on the administration, not on the exporter.

We have improved licensing procedures on technology, in particular, through the Comprehensive Operations License.

Not only have we put contract sanctity back in, but also, for the benefit of farmers, we have protected agriculture, not only under the foreign policy control contract sanctity language, but we also have prevented the breaking of agricultural contracts even in short supply situations. We have also precluded the use of national security controls of agriculture.

We also have new procedures to avoid irrational or shortsighted imposition of foreign policy controls.

With respect to South Africa, we have put into place a voluntary set of Sullivan principles in a way that I believe is satisfactory to the administration.

It should be said, however, that there are parts of this bill that the administration does not like. They do not like the so-called 10-G provision, of which Senator GARN is the author, and he should take great pride in it. It is a good provision. It is a modest provision which, under my amendment, gives the President permissive authority to set up categories of goods and technologies in countries within which DOD would be able to request to review export license applications.

It needs to be pointed out that it also permits the President to modify either procedure or categories at his discretion. It also should be pointed out that he can only include Cocom countries in that provisions if the Department of Commerce agrees affirmatively that there is risk of diversion. The administration apparently does not like this provision.

They also do not like what we have done to improve enforcement authority. They do not like, I am told, one part of the provision on South African bank loans. I am told that they do not like some of the provisions on contract sanctity—either for agriculture or for other exporters. But I have no doubt that if we sent this bill to the administration, notwithstanding all their dislikes, the President would sign it.

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I yield this time to my friend and colleague from Utah, Senator GARN.

Mr. GARN. I thank my distinguished colleague from Pennsylvania.

Mr. President, let me say at the outset that I am very disappointed, in the closing days of this session, that two major pieces of legislation remain which have been approved by the Senate of the United States, which has done its work very carefully, over a 2-year period.

The first is a bank bill on which the House was not even willing to talk about its provisions, simply slammed the door and would not even talk about going to conference.

The second is the Export Administration Act, which was carefully worked out by Senator HEINZ and me over the last 2 years. At least, they went to conference with us 6 months ago, and for 6 months we have been in conference every week, except while we were out of session during the Republican and Democratic Conventions.

Never before have I been in a conference as frustrating, where one body was so unwilling to yield.

Senator HEINZ and I have made compromise after compromise after compromise, thinking at various times that we had informal agreements; yet, the House of Representatives never was able to come through and perform on any of the tentative agreements they had made.

In the last conference session, we essentially had it boiled down after all the disagreements. The bill was essentially intact except for 10-G, to which Senator HEINZ has referred, the so-called Defense Department additional authorities, and the so-called South Africa provisions.

We made the House an offer that the 10-G provisions would stay in and that we would make some modifications in the South Africa provisions but still teeth with respect to prohibiting bank loans to the Government of South Africa. We expected that that would be accepted. We were assured that it would be. It was not.

Everybody in that conference, and I think every lobbyist who has worked on any side of this bill, knows how strongly I have felt about section 10-G.

I felt, after all this work that, overall, the bill was good enough, that it should pass, and that we ought not start this process over again next year.

Senator HEINZ and I offered another compromise which was passed in this body and sent to the House which removed 10-G, took out my last remaining major provision. With respect to a provision for which you have fought for 2 years, you say OK in order to get a bill which will be accepted.

I want to make clear that I was willing to go either way: either both provisions in, the modified South Africa and 10-G—or both provisions out. I do not think you can be any more fair than that.

What message did the House send back to us? They sent back a message that left out 10-G and put their position back in. If they had sent it back with both in or both out, fine; we would have a bill. But they took their provision and rejected ours.

So, unfortunately, there is going to be no bill this year. We will start over again, and I hope the House of Representatives learns something from this exercise, about being willing to give and take in order to achieve a compromise.

So that everybody knows what the situation is, the amendment of Senator HEINZ has to do with what I talked about—to go back to an original offer we made: 10-G back in and the bank loan provision back in. I support that amendment, but I have to announce that this late in the session there is no possibility of getting to a vote on that, because we have people on both sides—some who oppose 10-G and some who oppose the bank loan provisions, and with the opposition to both, it is now impossible

To be candid about it, we would love to send this dead cat back once more to the House of Representatives, lay it on their doorstep, and see what additional mischief they could perform in their unwillingness to compromise; but our colleagues will not allow us to do that. That is the situation.

Mr. President, in spite of the patience, hard work, persistence, and overall best efforts of Members of the Senate Banking Committee and others in this body, we will end this Congress with no amendments to the Export Administration Act and no extension of the law, which expired on March 30 of this year.

The record is clear. The Senate has done its part. We have tried one method after another, for over 2 years, to bring about improvements in the act, improvements looked for and supported by the business community, agriculture, and those concerned with national security aspects of the legislation.

Mr. President, the Senate adopted on March 1, 1984, an excellent bill. It was a strong bill. There are two ways that you can compromise, and the bill passed by the Senate was a product of compromise. One way that you can compromise is to seek the lowest common denominator. That is what I would generally call a weak compromise. The other way that you can compromise is to balance strong provisions in one area against strong provisions in another. That was how compromise was achieved on the Senate bill, S. 979.

Mr. President, we had several elements of the bill that would take major strides to improving national security controls. We also had elements that were clear and unequivocal improvements from the standpoint of export interests. The contract sanctity provision of the bill is just one example of that.

We went into conference with the House with our strong bill, a bill that had passed on the Senate floor with the support of business, agriculture, and the administration.

When we began this process, 18 of my colleagues and I introduced a bill that would have solved the most important chronic problems involved in controlling sensitive exports to our potential adversaries. In fashioning the bill that passed the Senate we made many compromises; we agreed to support provisions that we did not like, but which we felt were adequately balanced by other elements. And so we went into conference with that compromise measure that was a good bill, but far from where myself and others in this body thought we should be.

I want to take a moment to congratulate all of my colleagues who served in the conference representing this body. Each one of them devoted long hours to this conference. Everyone was extremely cooperative and willing to produce good legislation and make accommodations wherever appropriate. The highest standards of hard work and good faith were personified by the Senate conferees, Senators HEINZ, TOWER, PROXMIRE, and CRANSTON.

But unfortunately, Mr. President, we faced exactly the opposite when we began dealing with the conferees representing the other body. I do not object to hard bargaining. I do not object to making concessions. That should be and was expected. What I object to, and what I did not expect, was the apparent disregard by the conferees on the House side for nearly every compromise that was worked out.

Frankly, Mr. President, I was astonished to see House conferees repudiate agreements that they had instructed their staff to arrange. On every occasion, the Senate conferees stood behind every agreement. Unfortunately for this legislation, there were few occasions where the House conferees stood behind compromises that we had agreed to with them in good faith. Their attitude was one of "Thank you very much for your concession, but we do not remember making any concessions on our own; if you would like us to do so, you will need to concede more." That was simply not acceptable, and it forced this conference process to drag on for 6 months.

Mr. President, on several occasions the Senate went more than half way, 90 percent of the way. And yet, we were unable to reach agreement.

We tried to help the House conferees out with their political problems that they perceived. We tried one strategy after another to help them and to agree to a bill. This body only yesterday passed a second bill that was a good faith attempt to reach a resolution. Time after time we told the House where we could and would not go. Senator Heinz and myself gave up provisions of the bill that were the most important to us in order to achieve legislation. We agreed to a compromise with the House conference leadership on national security issues. That compromise included a West-West license review role for the Defense Department, one of my top priorities. The House turned around and said we like the concessions you gave, but you have to give up the Defense Department review provision. This was after they had agreed to accept the provision previously. This at last became an immovable stumbling block. We could not accept their proposals to politicize private American business in South Africa.

But we still wanted legislation. We offered to compromise. I was willing to drop entirely the Defense Department review provision. Senator Heinz, who worked tirelessly for the Senate contract sanctity provision, agreed to modify that provision to bring it closer to the Senate bill. We even offered to accept some of the South Africa language, but the Senate could not accept controls on private bank loans. We were willing to concede on two provisions that were of high importance to us and go half way on the provision of high importance to the House. We expected, justly expected, that the House, in the interests of legislation, would recede from a provision of importance to them.

Mr. President, I am sure that my colleagues know the efforts we went to pass that bill yesterday. Do you know what the House has done? They took that bill, that represented yet further major concessions by the Senate, and they said, "thank you very much for your concessions; now if you can just give us one more item—which we know you have said that you cannot accept—and we will have a bill, otherwise you will be the ones who have killed this bill."

They put back into the bill the prohibitions on private bank loans. So now they have sent us over a bill that is worse than any of the options that have been before us. It lacks two provisions of high importance to us and gives us one that we cannot accept. I cannot agree to this half bargain.

Who would buy a car from a salesman who said, "Look, I'll take out two high priced options and charge you more for it?"

Mr. President, this legislation is dead, or will be as soon as we hear the gavel go down on this Congress. But I want everyone to know where it was mortally wounded, and I know who did the stabbing, and no one should be looking at the Senate or at any Member of it. For we have gone the extra miles. We have made concessions. We have tried so many times to breath life back into this legislation. We have honored our agreements. I have nothing but praise for the Members of the Senate and the work that they have done to improve our export control system. They have done their part. We will be back again next year, each of us much wiser.

SENATOR HEINZ—OUR HARD-WORKING AND EFFECTIVE COLLEAGUE

Mr. President, yesterday I spoke about the important export administration legislation, but today I would like to say a few words about a legislator. It is unlikely that we would have come as close as we did to agreeing to legislation improving the Export Administration Act of 1979 were it not for the efforts of the senior Senator from Pennsylvania, John Heinz. No one in this body or the other has put as much time or intellectual energy into this legislation as has Senator Heinz. And when I speak of time, Mr. President, I refer both to time spent with intense legislative effort as well as the often less productive and more tedious time spent in actual conference sessions. That makes the House's rejection of the Senate's best offer all the more unfortunate. There are few times when Senators deserve praise even though their efforts have not succeeded. This is one of them.

Senator Heinz gained and was entirely worthy of his colleagues' trust and admiration as this legislation went through its various stages of consideration. I think that it is a measure of that trust that Senator Heinz was frequently left at conference sessions with proxies from Members on both sides of the aisle, with the instructions to vote them against each other. I don't know how often it occurs in a conference where one Senator is present and there is a vote of 3 to 2, but Senator Heinz in many cases has been the entire conference for the Senate side when pressing matters kept other Members away, and he completely and accurately represented the interests of all of the Members.

Mr. President, I could go on at some length enumerating the legislative qualities which Senator Heinz possesses. Most of my colleagues have served with him on other committees, or dealt with him on other legislation so they are well aware of his judgment, of his critical acumen, and of his integrity. Sometimes it is better to say fewer words, to avoid leaving something out that should be added in describing the fine efforts of our colleagues.

I would conclude by saying that crafting the Export Administration Act amendments has been an enormously difficult task. But my colleagues and I benefited greatly from Senator Heinz' skilled leadership. Our Nation's ability to protect its technological lead over its potential adversaries, to preserve the strength and economic viability of some of our most productive and innovative high technology companies, and the question of our President's prerogatives and ability to pursue foreign policy and national security goals, all have come together as part of the debate over the act's renewal. The fact that this tangled net of export control issues has come so very close to reconciliation in the Export Administration Act Amendments of 1984 is in large part attributable to Senator Heinz' judgment and tenacity.

At no time since I have been in the Senate have I had the opportunity to work more closely as a team with another Senator than with Senator Heinz. He and I have worked on this legislation for 2 years. We had these agreements initially, worked them out, worked out a compromise, and conferred virtually every day, without exception.

He deserves an inordinate amount of credit for his patience. Representative Bonker was the chairman of the House subcommittee; Senator Heinz was the chairman of our subcommittee that deals with this area. Senator Heinz had more patience than I did with the House.

He was willing to sit through all of those session. I dropped in and out once in a while, but conferred with him every day.

But the essence of the statement that I made for the Record about Senator Heinz' performance on this particular issue——

Mr. HEINZ. Mr. President, if the Senator is not careful I will rise on a point of personal privilege, but I thank him.

Mr. GARN. But simply this bill would not even have approached this point where we almost got it through in a major legislative achievement without his patience and without his expertise in dealing with the House of Representatives.

It is not his fault that this bill will not become law this year. It lies at the doorstep of the House of Representatives.

Mr. HEINZ. Mr. President, will the Senator, without losing his right to the floor, yield?

Mr. GARN. I am happy to yield to the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I just wish to subscribe to everything that the Senator from Utah has said, particularly as to the frustration of dealing with the House of Representatives on this issue.

Senator Garn made exactly the offer that he has just described to this body, either leave the bank loan prohibition in and 10(g) in or take both out.

The House of Representatives decided that they would try to have their cake and eat it, too.

What came back here was half a loaf for us, namely, no 10(g) and the bank loan provision.

Senator GARN is right to suggest that the House of Representatives has not dealt with us in a way we would hopefully expect two deliberative bodies to treat each other. It has been an exercise in frustration, and I share his frustration.

I want it understood that it probably goes without saying that we would like to see the House of Representatives take what we have at the desk and pass it. That would represent what we think is good judgment in the form of legislation which I have described.

But I frankly suspect we are never going to get it off the floor.

I would certainly like to see the House of Representatives have to vote up or down on what we have there.

I thank my colleague for yielding.

I only add that he has been a superb supportive chairman, and I am deeply grateful to him.

Mr. GARN. I thank the Senator from Pennsylvania.

Mr. TOWER. Mr. President, following the breakup of the conference committee on the Export Administration Act reauthorization, the Senate yesterday passed H.R. 4230, an EAA reauthorization which contains a "compromise" on title III relating to South Africa which I find to be unacceptable. It is not a compromise at all, but a capitulation to those who seek progress by punishing precisely those American companies operating in South Africa who have been the most effective agents of positive social change in that country.

This measure is internally inconsistent. It correctly asserts that American companies in South Africa should adopt certain standards of conduct patterned after the Sullivan principles, and leaves that decision as a voluntary one, as it is currently. The companies are, however, obliged to report on a yearly basis to the Secretary of State, who must submit a report to Congress. The "compromise," moreover, offers the prospect of Presidential sanctions and penalties against those companies which for one reason or another, not adequately defined in the legislation, do not immediately comply with the principles. This edges the voluntary nature of the measure into the realm of the compulsory, in my view.

This approach is ill advised and counterproductive. American companies operating in South Africa have played an essential role in improving the working and living standards of their nonwhite employees. American companies are viewed as the cutting edge of progress and change in that society.

A recent poll of black workers in South Africa revealed that while a majority of them harbored great anger toward their Government's racial policies, the vast majority welcomed American industry and opposed disinvestment by American firms.

This bill will shift what is now a privately funded, voluntary and successful endeavor to a publicly funded, mandated one requiring an extensive bureaucracy to enforce. In my view, it will result in disinvestment by American companies, and erode the tremendous progress that has been made by our companies in improving racial relations.

This is a new regulation for U.S. firms which would require the Department of State and the U.S. diplomatic mission in South Africa to divert a tremendous amount of resources to monitoring labor practices in South Africa. The Department has neither the resources nor expertise to engage in such monitoring of labor practices, and the task is particulary ill suited for an agency charged with the administration of foreign affairs.

Moreover, this year it is South Africa. What country will it be next year? Does this Congress really want to set foot on a slippery slope which will make it easier for the Government to interfere with U.S. business operations in whatever country happens to be on the bad guy list at the time? This measure sets a negative precedent for U.S. business operations worldwide.

I would like to mention that the bill contains a provision reinstituting controls on U.S. exports to South Africa from the Carter era, which were eliminated in the early years of this administration. Such controls proved onerous to administer and contributed to a reduction in the share of South African markets of American companies, who were seen in general as less dependable trade partners.

Finally, title III is antithetical to our policy of constructive engagement. It sends a negative signal to South Africa at a time when their cooperation is vital in regional peace efforts. It is just one more example of congressional interference in the foreign policy arena that will undercut efforts of the President to protect U.S. interests overseas; 535 Congressmen with different philosophies, interests, and objectives in mind cannot forge a coherent, unified foreign policy for the United States. The shifting coalitions of Congress which are often effective in the shaping of domestic policy are not well suited to the conduct of external relations.

It is my understanding that the House of Representatives has passed the Senate version of H.R. 4230, with an amendment that adds to title III a prohibition on further bank loans to the South African Government or its agencies. I plan to vote against H.R. 4230 as passed by the House and would respectfully urge my colleagues to fully consider the negative effects of title III on our foreign policy prior to voting.

TITLE III OF THE EXPORT ADMINISTRATION ACT

Mr. HATCH. Mr. President, I wish to go on record as stating that I am very concerned about the language of this amendment pertaining to U.S. companies who do business in South Africa. Now I know that a great deal of work has gone into drafting this language, and I understand the Labor Policy Association has stated that the present language does not conflict with American labor law. However, I have learned from Mr. Sal Marzullo, who is the head of the Consortium of Sullivan Signatory Cos., that many members of the American business community are extremely unhappy with the present language.

Now I fully support the Sullivan principles and I believe that these principles have helped to bring about positive changes for South African blacks. However, I believe the Sullivan principles have helped to achieve these positive results because they are voluntary. My concern is that the language in title III would in effect make compliance with a set of principles mandatory and that this would be counterproductive to the overall goal of helping South African blacks. I am especially concerned that this matter is being considered today without allowing me or my colleagues enough time to study all of the ramifications of the present language.

Mr. President, last February I made a lengthy RECORD statement on this issue and I would now like to insert a portion of that statement for the benefit of my colleagues.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT FROM FEBRUARY STATEMENTS

Mr. President, it is important to note that up until the present time, without codifying the Sullivan Principles or even more stringent measures in U.S. law, dramatic changes have taken place in South African labor relations. U.S. companies have played a major role in encouraging these changes.

In 1977 the South African government appointed a Commission of Inquiry into Labor Legislation, known as the Wiehahn Commission. The purpose of the Commission was to study existing labor legislation and to make recommendations for reforms. It is important to note that the commission was the first multiracial government body in South Africa with representatives from all four officially recognized population groups. The twelve person Commission included one Black, one Coloured (or mixed race individual) and one Indian commissioner.

Mr. President, in May 1979 the Wiehahn Commission released its first report, while its second, third and fourth reports were published in 1980. The major recommendations of the commission included: full freedom of association to all workers irrespective of race; provisional registration for new trade unions; enlarging the definition of political activities of trade unions; financial inspection for unions, employers' associations, industrial councils, works committees and works councils; admission of registered trade unions to industrial councils; abolishing job reservation; establishing a system of minority protection and fair employment legislation; and opening apprenticeships to all races in all areas.

Today the South African embassy proudly reports that "all reference to race, color and sex has been removed from each and every piece of legislation administered by the Department of Manpower." This means that black workers have been legally granted the right to protection against unfair labor practices.

Black trade unions now enjoy the same rights as their white, Indian, and mixed race counterparts to organize, to register, to bargain, and to strike. For a trade union in South Africa to be granted the right to register is no small matter. Until recently only registered trade unions were allowed to participate in industrial councils, which are the organizations for collective bargaining. Although some black trade unions have refused to register as a means of protest, unregistered unions are now recognized by employers and government as legitimate bargaining agents. The fact that black unions feel confident enough to challenge the labor relations system of South Africa is in itself encouraging.

Even more encouraging, there has been a recent upsurge in membership of black workers into multiracial and nonracial unions.

South African employers are no longer required to obtain a permit to hire a black worker. Ben Roberts, a professor of industrial relations at the London School of Economics, notes that this has had "a tremendous impact" on the South African labor force because for the first time blacks are moving into skilled work.

Admittedly, South Africa has a very long way to go to reach the desired objective of equal rights for all—not just on paper but in practice as well. However, let us not overlook what progress has been made: Just four years ago black trade unions were illegal, unrecognized, and had no bargaining status whatsoever. Now they are viable, growing strong, and becoming increasingly sophisticated. I believe these bread-and-butter changes in the workplace are providing the foundation for fundamental political and social changes in the future.

Mr. President, it seems to me that there are two relevant questions here today: (1) examining the record to date, without codifying the Sullivan principles in U.S. law, what efforts have U.S. businesses made to abolish the totally reprehensible and unacceptable system of apartheid? And (2) what effect would Title III have on the process of bringing about further improvements in South African labor relations and peaceful change in South African race relations in general?

In answer to the first question I have raised concerning U.S. business contributions to improving working and living conditions of South African blacks, I must say that U.S. businesses have an extremely impressive record. It is my understanding that since 1977 U.S. firms have spent over 75 million dollars in South Africa in the field of housing, education, training, supervisory/management development, black entrepreneurship, health and fair labor employment practices.

Specific initiatives by U.S. businesses include the establishment of PACE Commercial College by the American Chamber of Commerce in South Africa. PACE educates blacks in Soweto, the black township outside Johannesburg, for careers in business.

The $6 million school includes 28 classrooms, an assembly hall, a library, a kitchen, a canteen, a gymnasium and a wide variety of sports facilities. According to the American Chamber of Commerce in South Africa, PACE is the first school in Soweto to have a fully equipped theatre, the first to introduce physical education into the curriculum, the first to have a computer-based teaching system, and the first to serve a balanced midday meal to all pupils and staff from its own kitchens. Tuition for students to attend PACE comes from donations from some 200 companies, trusts and individuals. About half of these are South African and about half are American, according to the Chamber of Commerce.

Mr. President, another innovative project funded by U.S. business is the "Build a Better Society" program known as "BABS" funded in part by Mobil Corporation. The objective of BABS is to promote grassroots resident action among the people of South Africa in order to improve the quality of life, to develop leadership for community problem-solving and to further the concept of equality by bringing about structural change. In June 1982 BABS completed a $1.3 million housing project outside of Capetown consisting of 50 housing units and a community center. This $1.3 million project was entirely funded by Mobil.

Mr. President, it is my understanding that another U.S. company, General Motors, spends roughly $4 million a year on training and social programs for blacks, including the "Adopt-A-School" program which provides facilities, support for teachers, libraries, and audio-visual aids to schools. According to the 7th Annual Sullivan Report, American companies have "adopted" over 200 schools, providing a wide range of support including cash assistance for renovations and expansions as well as other programs. Reverend Sullivan has stated that during the last reporting year signatory companies spent over $7 million to help educate non-employees and these companies have deposited more than $2.5 million in black-owned banks.

I believe the key to the success of these efforts to improve blacks' living and working conditions is the spirit of volunteerism at work.

Reverend Sullivan himself has stated that during the last reporting year signatory companies have done more than ever before to reach the objectives set, even though the requirements become more demanding each year.

When the Sullivan Principles were first promulgated in 1977 there were 12 corporate signatories. Today there are 120 signatories, according to the Seventh Annual Sullivan Report. Most of the companies that have not signed the Sullivan Code are small, employing from one to fifty employees. H.R. 3231 would exempt from compliance firms with less than 20 employees because it is recognized that it is impractical and too expensive for many small companies to comply. For example, they cannot afford to subsidize education and housing programs. It is important to note that 25 small business units have voluntarily signed the Code, according to the Department of State. As Frank Wisner, Senior Deputy Assistant Secretary for African Affairs, has stated, "An unintended result of this legislation is that firms which have adhered voluntarily would be exempt from doing so under the proposed legislation. This is a prime example of why a voluntary approach is preferable to mandatory legislation." U.S. companies that have signed the Sullivan Principles have worked to bring about fundamental change in South African labor relations and in the political process as well. Sullivan signatories have lobbied for changes in discriminatory legislation, increased the proportion of black workers in supervisory positions, providing common medical, pension and insurance plans to all employees, instituted large-scale training programs for black workers, increased average black employee wages faster than for white employees, and supported public interest law firms which defend legal rights for black South Africans. U.S. businesses have also made an impact in the political arena. For example, in 1982 the South African government put forth an onerous piece of legislation entitled the "Orderly Movement and Settlement of Black Persons" law. The purpose of this measure was to control the movement of blacks to and from urban areas. The U.S. Chamber of Commerce strongly and directly criticized this reprehensible piece of legislation and it has been shelved.

Mr. President, I share the Administration's strong endorsement of the Sullivan Principles as a useful tool to encourage reform in South Africa—provided that the Sullivan Code or any similar measures remain voluntary. It is clear that the present arrangement of a set of voluntary principles is working. U.S. businesses are having an impact. As President Reagan likes to say, "If it isn't broken, don't fix it."

I believe that Title III is an attempt to politicize and bureaucratize a voluntary program that has been extremely successful. If the U.S. Congress steps in and mandates stringent requirements it would have a devastating effect. Indeed, it may well backfire and harm the very ones we are trying to help—South African blacks. American companies and affiliates only have so much money, manpower, and resources to devote to their South African enterprises. The question is do we want them to devote their resources to building schools and housing projects and initiating training programs for blacks or shall we mandate that they devote their resources to additional layers of bureaucratic procedure? It is my understanding that under the proposed legislation the State Department would be charged with oversight responsibilities. Mr. President, the State Department is not a regulatory agency! I can just imagine the avalanche of paper that would be generated by this useless, counter-productive exercise.

If more restrictions were placed on U.S. companies in South Africa, they might very well close up their shops in Johannesburg and Pretoria and move elsewhere. Of course, again, this would be extremely detrimental to blacks who are counting on the continued, voluntary efforts of U.S. business people to improve their working and living conditions. Mr. President, I am sure that my colleagues would be interested in the perspective of a black South African leader on this matter. The Honorable Gatsha Buthelezi, the leader of the Zulu people, has said:

> "Some . . . in America have got the whole issue upside down. They seem to think it is

immoral for American companies to invest here but irresistably profitable. The truth is the opposite. It is morally imperative that American firms remain active here. . . My people want you and need you here, just as we need the Whites and the Whites need us . . . foreign investment creates jobs."

Mr. President, if Title III becomes law, it could very well backfire and drive U.S. businesses out of South Africa. I believe this would be a travesty. American companies doing business in South Africa provide jobs for 120,000 blacks in that country. What will happen to these 120,000 blacks and to the rest of the black population who benefit from the "spillover effect" of U.S. business presence in South Africa if a number of these businesses leave that country?

Another negative result of this measure might well be to strengthen the hand of South African conservatives who do not favor changing the status quo. As I wrote in the Christian Science Monitor last November, "When debating those who favor change, (South African) hardliners can point to lack of encouragement from the U.S. as a reason not to move forward in the area of human rights." Carl Gershman, former Counselor to the U.S. Permanent Representative to the United Nations, shares my point of view. In his testimony before the U.N. Committee on Racism and Racial Discrimination, Mr. Gershman stated that:

"The important question is how we can encourage the process of peaceful, democratic change in South Africa. The view that the only effective approach is increased international pressure and support for sanctions overlooks the internal factors that compel change and could, like a self-fulfilling prophesy, help bring about an Armageddon."

Samuel P. Huntington of Harvard's Center for International Relations has pointed out that "Reforms which appear to be granted under pressure" will strengthen the ultra-conservative parties against the government, "lead to more extreme demands from more groups, and provoke a counter-revoluntionary backlash."

Mr. President, U.S. companies have made a tremendous positive impact on South Africa. Through their voluntary efforts they have been an effective catalyst for bringing about peaceful social change. Ultimately, however, it is the South African government that must legislate within its own borders. The government of South Africa has a very long, long, long way to go to abolish the reprehensible practices of apartheid. As I stated earlier, the question is how can the United States best help South African blacks?

The Sullivan Principles are a useful set of guidelines for U.S. businessmen to follow on a voluntary basis. We should not bureaucratize and politicize this process, thereby unintentionally hurting South African blacks—the very ones we want to help in the first place. I believe that it would be a tragedy for us to abdicate our moral responsibility in South Africa by unwittingly driving U.S. businesses out of that strategically-important country. Title III of H.R. 3231 should not be adopted.

Incidentially, both the Washington Post and the New York Times agree with me. I would like to end my remarks by quoting from a Washington Post editorial of October 29, 1983. The Post writes:

"Some of the American companies operating [in South Africa] try to follow the Sullivan Code voluntarily. South Africa would be a better place if they all did. But to enact it into a law that applies in one not very friendly foreign country raises questions to which nobody in the House has any very plausible answers. Who's going to monitor compliance? What happens when the Sullivan code conflicts with South African law?

. . . The trouble with unenforceable political gestures is that they divert effort from the kinds of slow and unspectacular work that might actually make a difference."

Mr. President, I couldn't agree more. I ask unanimous consent that this editorial be printed in the RECORD in its entirety.

[From the Washington Post, Oct. 29, 1983]

SANCTIONS AGAINST SOUTH AFRICA

Moral indignation is a noble passion, and there is no country whose racial practices attract it so powerfully as South Africa's. But translating it into foreign policy legislation is full of pitfalls, and never more than when it's being done on the floor of the House of Representatives.

The House voted Thursday to prohibit any new American investment in South Africa. The author of that amendment, Rep. William H. Gray, says it means no investment by any company not already there—but that companies now there can expand. Does Mr. Gray really mean to protect the companies now there from any further American competition? Did the House realize it was creating, at least among American companies, a kind of franchise for those now in South Africa? Evidently not.

This language was pasted into the bill to extend the Export Administration Act, which now contains several other similarly well-intentioned provisions. One would apply the Sullivan code to American companies in South Africa, and give the U.S. government the legal authority to enforce it. Legal authority is one thing; practical means are another. The Sullivan principles apply a simple and clear rule of justice to labor relations in a society that has turned racial discrimination into an obsession. Some of the American companies operating there try to follow the Sullivan code voluntarily. South Africa would be a better place if they all did.

But to enact it into a law that applies only in one not very friendly foreign country raises questions to which nobody in the House has any very plausible answers. Who's going to monitor compliance? What happens when the Sullivan code conflicts with South African law?

Congress has repeatedly tried in recent years to impose American legal standards abroad. The South Africa amendments are hardly the most important example of the extraterritorial impulse in the Export Administration Act extension. It has been bogged down all year in the aftermath of the Reagan administration's failed attempts to force the Western Europeans to back out of their gas pipeline project with the Soviet Union. Since this kind of sanction has been notably unsuccessful in the past as a means of changing other countries' policies, there is an unreal quality to the debate. But it goes on with undiminished vehemence.

As for the South Africa amendments, it's possible to argue that even if unenforceable they won't do any harm. So why not pass them? The trouble with unenforceable political gestures is that they divert effort from the kinds of slow and unspectacular work that might actually make a difference.

EXPORT ADMINISTRATION ACT

Mr. BYRD. Mr. President, yesterday the Senate passed a renewal of the Export Administration Act. This legislation represents over 2 years of negotiation and careful compromise. Senator GARN and Senator PROXMIRE succeeded in drafting a bill that had the support of business and labor, of the defense and intelligence communities, and of virtually every interested party. This was no small task, and I commend them for their determined efforts.

What is at stake? Nothing less than the legislative foundation of export control and promotion policy in the United States. In a year in which the American trade deficit could exceed $130 billion, the Senate passed a renewal of the Export Administration Act with many improvements that could help American industries and American workers in their struggle to compete in a changing world market. Just as important, it would go a long way toward addressing inadequacies in present law that have permitted dangerous and unlawful transfers of high technology goods to the Soviet Union and their East European surrogates. I was pleased that my amendment, requiring consultation with the Defense Department on regulations, contributed to that objective. It was a compromise that had the support of a broad range of labor and business interests in the United States.

Earlier today, the House passed the Senate bill, adding language that would prohibit bank loans to the Government of South Africa. Otherwise, the House bill is very similar to the Senate language. Compromises on the differences were being discussed among Senators and their staffs, and an understanding was near.

Then the word went out: The White House began to call Republican Senators with the message that the bill was complicated, dealt with many difficult issues, and would be vetoed. So, in the face of the largest trade deficit in history, the administration arranged to have this bill killed.

Where does this leave us? First, we have lost 2 years of hard work and honest compromise by all the interested parties. Second, we have lost the benefit of a much improved trade policy that would have assisted American firms in their effort to return this country to dominance in the world economy. And, third, this wipes out many new and important safeguards to assue that high technology equipment will not end up in the hands of our adversaries.

We now face the real prospect of going out of session with no new act, and no extension of existing law. This will leave the whole of our export control program subject to court challenge. In all likelihood, the Commerce Department will be unable to prosecute cases under the antiboycott authority, so we will be unable to stop companies from engaging in Arab-led boycotts of Israel.

All of these results flow directly from the political decision that this important bill is too hot to handle in an election year. Apparently there was little or no thought given to the fact that a total breakdown of enforcement authority of our export laws might also be a liability.

Mr. BAKER. Madam President, I am advised that the minority leader is perhaps on his way to the Chamber and will send a message to the floor before long. I might announce that it is the intention of the leadership on this side now to leave this message, to leave this bill and to try to go to another measure. There are three or four other things that we need to do.

But before I take that action I wish to consult with the minority leader and at the moment I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR HOWARD BAKER

Mr. LEAHY. Madam President, I have spoken at different times about different people on the floor of the Senate, and while I know I may embarrass the distinguished majority leader, I would like to take a couple of moments to speak about him.

I have known of the career certainly of the distinguished majority leader prior to my own service in the Senate. I first saw him as a member of an audience, as then a prosecutor watching part of the Watergate hearings. I first met the distinguished senior Senator from Tennessee in the Lake of the Ozarks in Missouri.

I assume that again because I was sort of a starry-eyed prosecutor meeting this famous person for the first time that he would not remember, but I find that he does indeed remember that meeting.

The National District Attorneys Association was meeting at the Lake of the Ozarks. He was asked to come out to speak. We originally had invited President Gerald Ford, who was going to speak. Shortly before that meeting the Vice President suddenly became the President, and we said we wanted someone at least of that stature. President Ford said, "I will send you someone far better than the Vice President; I will send you HOWARD BAKER."

And Senator BAKER came to the Lake of the Ozarks. We met at that time because I had some involvement with the events there.

I told Senator BAKER at that time that he was one of my heroes in Washington. I also said in a letter I sent to him shortly after he announced he was going to retire from the Senate that I came to the Senate with only a handful of heroes here and not all are still in that same handful. One who was a hero to me when I came to the Senate in January 1975 was HOWARD BAKER; one who remains a hero to me today is HOWARD BAKER.

I know of no person who epitomizes more of what I think a U.S. Senator should be, the ability to stand strongly for his principles, stand strongly for his party but also at the same time to make sure that the U.S. Senate works as the conscience of the Nation. We should be the conscience of the Nation. We were intended to be the conscience of the Nation and periodically we are. But I think many of the times we show ourselves as a conscience of the Nation is because HOWARD BAKER has made it possible for us to do so.

I have seen him put aside his own personal political fortunes time and time again to make sure that the Senate does what is right and that the Senate allows those varying voices to be heard, to allow voices that may well disagree with him to be heard but to make sure that all sides, conservative, liberal, Republican, and Democratic are heard and that ultimately the Senate can vote and hopefully occasionally itself as the conscience of the Nation.

Mr. President, the Senate will be diminished by the loss of HOWARD BAKER but at the same time the Senate has been improved and certainly will be improved for all time by his service as majority leader.

Each of us, again Republican and Democrat, who have had a chance to serve with him have been enhanced by that service and improved by that service. I for one am gratified that I had a chance to serve with a man who was a hero to me before I came to the U.S. Senate, remained a hero to me while I was here, and always will be.

TRIBUTE TO SENATOR BAKER

Mr. METZENBAUM. Madam President, I, too, would like to rise in the closing hours to salute the majority leader. I have had the privilege of working with him during his last 4 years in that capacity.

It is only fair to say that there has been more than one occasion when he would have had the right to become impatient or to become irritable or irascible when I or some other Member of this body was attempting to maintain his or her position. But with no exception, I have never seen the majority leader to be unfair or indicate his unwillingness to listen to the other side. He has always tried to be even-handed, and he has been levelheaded.

I think it is fair to say that there are 99 Members of this body, Republican and Democrat alike, who have total respect for the majority leader.

I for one have no reservation in saying that I am indeed sorry to see him leave. I feel that he has provided a tempering hand, a leveling hand, many times, when the issues might have become more bitter or more acrimonious, and he has always attempted to calm the waters and see to it that each and every one of us has had his or her say.

He has been a true statesman, he has been a gentleman in every sense of the word, and I believe he has been a very excellent leader of this body.

I might say parenthetically that I had occasion to say that publicly just a few hours ago when one of the national networks inquired.

I am sorry to see Senator BAKER retire from this body. He will be missed. He will leave big shoes to be filled. I am one who puts myself in the position of being one of his admirers, and one who respects him greatly.

I join your other colleagues in wishing you well in whatever your endeavors.

CONGRESSIONAL RESEARCH SERVICE REPORT ENTITLED U.S./SOVIET STRATEGIC NUCLEAR FORCES: POTENTIAL TRENDS WITH OR WITHOUT SALT

Mr. CHAFEE. Madam President, the Congressional Research Service has recently prepared a report on one of the most important issues we will face in the coming year. This report is entitled "U.S./Soviet Strategic Nuclear Forces: Potential Trends with or without SALT."

This report outlines the possible scenarios which could develop over the next decade in the strategic arsenals of the two powers depending on whether the constraints on nuclear forces imposed by the Strategic Arms Limitation Treaties remain in force. It develops four alternate cases, with different assumptions about the levels of resources devoted by the two sides to their strategic nuclear forces, to illustrate the range of possible force structures which could be developed.

I believe this report arrives at an opportune time. At some point during the coming year the United States and the Soviet Union must decide whether to continue the policy of not undercutting the existing arms agreements between the two sides. Alternatively, either of the two countries could decide to break out of the agreements. This report helps to illuminate the consequences of such decisions.

The administration is scheduled to report to the Congress on this subject before the middle of 1985. I believe this report will contribute to the administration's effort in this regard.

Madam President, I ask unanimous consent that the executive summary of the Congressional Research Service report be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

THE ISSUE

Current U.S. policy is to not undercut SALT agreements if the Soviet Union reciprocates. The Soviets have a similar policy. At issue for the United States is whether to continue this policy. It is an issue of immediate concern: first, the Soviets might break out of the SALT regime at any time; second, the United States plans to begin sea trials on the seventh Trident submarine in 1985 that will exeed one of the SALT II ceilings unless other forces are dismantled.

PURPOSE

This paper looks at what might happen to deployment levels of U.S. and Soviet strategic forces with and without SALT constraints. These data do not, in themselves, provide adequate grounds for assessing all aspects of our security. They do, however, suggest useful insights on a number of important issues:

Growth in force levels: How rapidly would numbers of warheads and numbers of delivery systems grow under different assumptions?

Force modernization: To what extent would the growth be the product of new production versus retaining existing systems?

Strategic stability: To what extent would incentives to launch a preemptive nuclear attack be increased or decreased under different circumstances?

Timing of a Breakout: When could the United States and the Soviet Union break out of SALT constraints if they chose to do so?

ANALYTICAL STRATEGY

To see some possible effects of having or not having SALT constraints, this paper estimates what U.S. and Soviet strategic forces will look like over the next decade—to 1994. One force projection (called Case One) assumes that the superpowers continue their no-undercut policy for SALT. Three other projections assume both sides ignore all SALT constraints. Case Two assumes the same amount of force modernization as Case One but does not retire older weapons to comply with SALT. Cases Three and Four represent a more intense arms competition. Case Three adds aggressive modernization to Case Two. Case Four adds extensive construction of new ICBM silos to Case Three and maintains very high production rates through 1994.

RESULTS

Force Growth

Table 1 shows U.S. and Soviet force levels (measured in numbers of warheads) for the four force projections. It compares these levels with current forces (as of the end of 1983). Figures 1 and 2 on the next page plot the same projections graphically over twelve years.

[Figures 1, 2, and 3 not reproducible for RECORD]

TABLE 1.—PROJECTED GROWTH IN UNITED STATES/SOVIET STRATEGIC NUCLEAR WARHEAD INVENTORIES

	SALT constraints		No SALT constraints		
	Base (1983)	Case 1 (1994)	Case 2 (1994)	Case 3 (1994)	Case 4 (1994)
U.S. warheads	10,700	13,756	15,702	19,570	26,194
Percent increase over base year		29	47	83	145
Soviet warheads	9,771	14,214	16,232	20,694	27,798
Percent increase over base year		45	66	112	184

Some observations concerning these force levels are:

Both sides have the capacity to expand their forces greatly if SALT constraints are abandoned (e.g., Case Four without SALT constraints has about twice as many warheads as the SALT-constrained Case One).

Some growth in force above SALT constraints can occur without accelerated modernization. Just failing to retire older systems as new ones come in is sufficient to break SALT constraints (e.g., Case Two gains about 2,000 warheads over Case One for both the U.S. and Soviets by delaying retirements of older systems).

Without SALT constraints, each side has a wide latitude of choices for managing its force size relative to that of its opponent. Each side could try to match the other side. Each side could also try to forge ahead in number of warheads or choose to deploy forces smaller than the other side.

Force growth above SALT constraints (Case One) levels would cost more, especially if growth came from force modernization (Cases Three and Four).

Some force growth (several thousand warheads) is possible, even if the "no-undercut" policy for SALT is followed by both the United States and the Soviets.

Force Modernization

Figure 3 shows a breakdown between old and new delivery vehicles under SALT-constrained and no-SALT force projections for the United States and the Soviet Union. This figure suggests that substantial and presumably expensive modernization will take place for both sides, even if SALT is not undercut.

Strategic Stability

The Scowcroft Commission's report says that strategic stability exists when neither strategic power has incentives to launch a preemptive nuclear attack (either to improve its situation or avoid losing its strategic weapons from an attack by the other side).

Table 2 shows that U.S. and Soviet forces projected with and without SALT constraints have many elements (SLBMs, bombers, mobile ICBMs) widely thought to be able to survive an opponent's preemptive attack. If these forces indeed survive, they could be able to produce substantial damage against both military and civilian targets in retaliatory strikes. One view is that this potential damage in retaliation could be sufficient to deter preemptive attacks and thus promote stability. Under this notion, stability would seem to be about the same with or without SALT constraints. With or without SALT, both sides could have thousands of warheads capable of surviving a preemptive attack.

TABLE 2.—UNITED STATES/SOVIET DEPLOYED SURVIVABLE WARHEADS: THAT IS, WARHEADS ON MOBILE LAUNCHERS (MOBILE ICBM'S, SLBM'S, AND BOMBERS)

	SALT constraints		No SALT constraints		
	Base (1983)	Case 1 (1994)	Case 2 (1994)	Case 3 (1994)	Case 4 (1994)
United States	8,560	11,086	13,542	17,190	20,894
Soviet Union	3,246	6,634	7,210	9,420	12,046

Another notion of stability centers on ICBMs housed in silos. Most believe that these silos will be vulnerable to attack in the 1990s by an opponent's ICBMs and new, very accurate SLBMs. A concern for stability is that this ICBM vulnerability may tempt one side to launch its ICBMs preemptively.

Table 3 depicts data related to ICBM vulnerability for forces with or without SALT constraints. It shows how many ballistic missile warheads on average could be targeted against opposing silos. A common rule of thumb is that it takes two warheads to destroy a silo. (The extra warhead is a hedge against reliability and accuracy problems, etc.) Thus, numbers in Table 3 that are 2 or more suggest one side's ability to destroy the other side's ICBM force based in silos.

Table 3 shows that in 1994 all cases exceed the two warheads per silo threshold. By this rule, both sides' ICBM forces would be vulnerable to preemptive attack, with or without SALT constraints. Thus, for those who associate ICBM vulnerability with instability, the force projections presented show potential problems for stability, with or without SALT constraints.

TABLE 3.—COMPARISON OF UNITED STATES AND SOVIET RATIOS OF SILO-KILLING BALLISTIC MISSILE WARHEADS TO OPPOSING ICBM SILOS

	SALT constraints		No SALT constraints		
	Base (1983)	Case 1 (1994)	Case 2 (1994)	Case 3 (1994)	Case 4 (1994)
United States	0.64	3.70	2.96	4.23	3.45
Soviet Union	5.04	7.41	8.08	10.81	12.28

Timing of a Breakout

An important policy question is when should the United States decide whether to continue its policy of not undercutting SALT. The timing of this decision could be affected by when either side could break SALT constraints if it chose to.

Table 4 shows when forces might exceed a variety of SALT limits for the different force projections. Some of the constraints can be exceeded in 1985. Thus, the policy decision on whether or not to undercut or to break out of SALT constraints is an immediate one.

TABLE 4.—ESTIMATED CALENDAR YEAR DURING WHICH THE UNITED STATES OR THE SOVIET UNION COULD BREACH SALT LIMITS

SALT limit	Case 2	Case 3	Case 4
SALT II limit of 820 launchers of MIRV'd ICBM's:			
United States			1993
Soviet Union	1985	1985	1985
SALT II limit of 1,200 launchers of MIRV'd ICBM's and SLBM's:			
United States	1985	1985	1985
Soviet Union	1987	1987	1985
SALT II aggregate limit of 1,320 launchers of MIRV'd ICBM's and SLBM's, and ALCM-carrying heavy bombers:			
United States	1986	1986	1986

TABLE 4.—ESTIMATED CALENDAR YEAR DURING WHICH THE UNITED STATES OR THE SOVIET UNION COULD BREACH SALT LIMITS—Continued

SALT limit	Case 2	Case 3	Case 4
Soviet Union	1988	1988	1986
SALT I limit on modern SLBM launchers (United States, 710; U.S.S.R., 950):			
United States	1988	1988	1988
Soviet Union	1989	1989	1989
SALT I limit on modern ballistic missile submarines (United States, 44; U.S.S.R., 62):			
United States	1992	1991	1991
Soviet Union	1991	1990	1990

SENATOR HOWARD BAKER

Mr. PELL. Madam President, I wish to add my own words to those of others who say how much we will miss the majority leader. He has been fair and sensible and, most important of all for we the 99 sheep of his flock, he has been compassionate. I hope whoever is the majority leader following him can have the same attributes of compassion and fairness and good sense. I know that we will miss him very much indeed.

CONFERENCE REPORT EXTENDING AND REAUTHORIZING THE RESOURCE CONSERVATION AND RECOVERY ACT

Mr. DOMENICI. Madam President, last Friday the Senate approved the conference report extending and reauthorizing the Resource Conservation and Recovery Act. The bill will make important and needed improvements in the way we treat, store, and dispose of hazardous waste in the United States. I am proud to say that I supported this bill when it was reported from the Committee on Environment and Public Works, of which I am a member, and that I supported the conference report.

The Senate members of the conference committee did an excellent job of combining the best features of our bill with those of the House counterpart, while avoiding the pitfalls of weakening amendments. That is especially true with regard to one specific provision of the conference report which, had it been handled differently, could have had the ironic result that hazardous nuclear wastes might be disposed of in a way which is less safe than we would want. But some confusion has arisen over this provision in the bill and Senator BINGAMAN and I woud like to clarify with my colleagues who served on the conference committee exactly how this provision in the bill would work in practice.

The specific provision to which I am referring is new section 3004(b), added by section 201. Could the Senator from Rhode Island describe this provision and its history.

Mr. CHAFEE. Yes.

Section 3004(b) deals, in part, with the disposal of bulk liquid hazardous wastes in salt domes and beds and underground caves and mines. It is drawn from a provision which was contained in the House bill. We had nothing directly comparable to this subsection in the bill which passed the Senate.

Mr. DOMENICI. But as I understand it, the provision in the conference report is different from the House bill, is that correct?

Mr. CHAFEE. Yes. The bill which passed the House would have flatly prohibited the disposal of liquid hazardous wastes in salt beds or domes, as well as underground caves and mines. The provision in the conference report contains a moratorium, but it may be temporary in nature.

Mr. DOMENICI. In other words, the disposal of liquid hazardous wastes in salt domes and beds is still possible at some future time.

Mr. CHAFEE. Yes. If the Administrator of the Environmental Protection Agency determines, after notice and an opportunity for hearing in the affected areas, that placement of the waste would be protective of human health and environment, and if the Administrator establishes performance and permitting standards for such facilities, then the Agency can issue a disposal permit.

Mr. DOMENICI. I understand that. But the provision also contains a specific exemption for the Department of Energy waste isolation pilot project, which is located in my State of New Mexico. We supported the conference report because of our understanding that the wastes at WIPP will be disposed of under the same standard, which is protection of human health and the environment. We are now receiving some questions as to whether our understanding is correct. I would like an assurance that I was correct. Frankly, I could not and would not support any provision which would say that wastes disposed of in, for example, Louisiana would be subject to one standard, but that those disposed of in New Mexico would be subject to something less. Can you assure me that is not the effect of your language?

Mr. CHAFEE. That is absolutely not the effect of our language.

Mr. DOMENICI. Then what role does the WIPP language play, and what standards will apply to the WIPP facility?

Mr. CHAFEE. As the Senator knows, WIPP will receive not only radioactive wastes, but also hazardous wastes of other characteristics mixed with radioactive wastes. Wastes such as these may be subject to regulation under subtitle C of the Solid Waste Disposal Act. If no special provisions were made for WIPP, the effect of new section 3004(b) might be to disrupt the congressionally authorized development of WIPP. That facility is designed with engineered multiple barriers isolating the waste placed in it from the environment. These controls provide protection greater than that under the current land disposal standards of RCRA, and probably greater than those imposed by the new minimum technological standards required by this bill.

WIPP has gone through an exhaustive process of analysis, and with the licensing and regulation to which it is currently subject, will have been determined to be protective of human health and the environment as definitely and through as thorough a process as by section 3004(b). Put simply, the new requirements of section 3004(b) are not needed for WIPP.

Mr. RANDOLPH. Yes, that is corrent. As both the Senator from New Mexico and the Senator from Rhode Island know, I take a special pride in the legislation which we are discussing, because I helped write much of the basic law. And, as the Senators also know, I was privileged to serve on the conference committee. The House language might have shut the waste isolation pilot project down.

The purpose of WIPP is to demonstrate safer ways to dispose of hazardous nuclear wastes. But those wastes will be going into salt formations. An outright prohibition of hazardous waste diposal in salt formations would have closed the door on our attempts to find safer ways of handling and disposing of nuclear wastes, and even a moratorium could disrupt what we have been trying to accomplish with WIPP. This could lead to the continuation of the current unsatisfactory waste management practices on nuclear wastes and mixed wastes which WIPP is intended to replace. And that is why we chose to specifically deal with WIPP.

Mr. CHAFEE. It is important that one other point be made. The law will still allow disposal of liquid hazardous wastes in salt formations under the conditions I have mentioned, just as salt formation disposal will be allowed at WIPP. We were comfortable mentioning WIPP specifically because the kinds of requirements we were specifically imposing under section 201 are already an intrinsic part of the WIPP program, both procedural and technical requirements.

Mr. DOMENICI. So our understanding is correct. Regardless of whether waste is disposed of at WIPP or some other salt formation in some other State, the standard is the same; that is protection of human health and environment.

Mr. CHAFEE. Exactly. And as the Senator well knows, anything less would be unacceptable public policy.

Mr. DOMENICI. It certainly would be unacceptable to this Senator and that is what I wanted to clarify. I thank the Senator and also my good friend and colleague Senator RANDOLPH.

Mr. BINGAMAN. I want to thank Senators RANDOLPH and CHAFEE for clarifying a very important point as I see it. And that is that there will not be any special DOE-designed standard unique to WIPP. WIPP will equal or exceed the standards applicable to all other waste repositories in the United States.

BUSINESS DEVELOPMENT COMPANIES

Mr. CHAFEE. Madam President, I would have liked to have been able to offer for consideration today a bill which I previously introduced as S. 1380. However, in view of the lateness of the hour, I have decided not to do so. This bill was passed by the Senate in 1982 as part of H.R. 4717. However it was dropped in conference on the bill because the House had not held hearings on the corresponding House bill.

The House Committee on Ways and Means has now held hearings on the bill, and I think there is an excellent chance for passage in the next Congress. The hearings in Ways and Means were held on October 3, 1984, and the Treasury Department testified in support of the identical House bill, H.R. 2686.

In substance, my bill is designed to fully implement a piece of legislation which the Congress passed in 1980—the Small Business Investment Incentive Act of 1980 (P.L. 96-477). This legislation allows certain venture capital companies, which had previously been required to register under the Investment Company Act of 1940, to register instead as a business development company [BDC]. Registration as a business development company imposes less burdensome regulatory requirements that the registration under the 1940 act.

Unfortunately, some companies are not taking advantage of the new registration as a BDC because if they do they will lose the beneficial tax treatment they have as a registered investment company [RIC]. RIC's enjoy conduit tax treatment under section 851 of the Internal Revenue Code, and thus avoid the double taxation of their earnings.

This bill would allow business development companies [BDC's], which would otherwise qualify as registered investment companies, to retain their beneficial tax treatment. The Treasury Department supports this legislation, and the Senate previously passed the legislation in 1982. It would entail a revenue loss of less than $50 million a year.

The Treasury Department in its testimony before the House Committee on Ways and Means on October 3, 1984, suggested three changes in the original bill which I agree should be made, and I intend to make these changes before introducing the bill again in the next Congress.

SENATOR HOWARD BAKER

Mr. HEINZ. Madam President, I think today is not only likely to be our last day in this session of Congress, but I suggest that it is a sad day for a body which has known on some occasions great sadness, at least to me. This moment is also a memorable one in a Chamber filled also with memorable moments.

This is the last day that the U.S. Senate will sit in session under the guiding hand of our majority leader, HOWARD BAKER. Though not as old as the Senate itself, the office of the majority leader is very rich with both age and tradition and throughout the decades the position of majority leader has been filled with this body's most respected Members. The leaders of leaders all were the most admired men of their day. And among that distinguished group, HOWARD BAKER stands out in my judgment as a particularly great occupant of his office. HOWARD BAKER is not a great majority leader because he has as indeed he does the gift of persuasion and compromise. HOWARD BAKER is not a great majority leader because his intellect is the Senate's sharpest although it well may be. HOWARD BAKER is not even a great majority leader because of the wisdom of his policies or the fairness of his ways or the good temper that he always exhibits, although wisdom and fairness and good temper are his hallmarks.

HOWARD is a great majority leader because he has always striven to bring out what is best in this body, the U.S. Senate itself. As an institution, the U.S. Senate has seen days both bad and good. Mediocrity is no total stranger to this Hall. Yet, despite our ups and downs HOWARD BAKER has consistently worked to lead its membership, our membership to ever higher planes of service and publicmindedness.

We are all proud of referring to the Senate as the "world's greatest deliberative body." If indeed we are, Mr. President, it is only because of the kind of determination and dedication and, yes, leadership, epitomized by men like HOWARD BAKER. Above all, HOWARD has constantly sought to improve the reputation and standing of the Senate as the highest and best arbiter of the people's business.

In sum, he has put the well-being of the Senate ahead of his own or any other considerations.

He may rest assured that in doing so he has strengthened this institution and the constitutional democracy in which the Senate plays so unique and indispensable a role.

So, Madam President, in these final moments of HOWARD BAKER'S final Congress, I suggest we are all too conscious of the loss the Senate is about to bear. No doubt other majority leaders will follow but somehow notwithstanding how great their abilities may be, none will quite measure up to this great man. We will find a substitute for him but none will ever replace him.

Thank you, Madam President.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

EXPRESSIONS OF APPRECIATION

Mr. METZENBAUM. Madam President, this body operates sometimes extremely well, sometimes with difficulty. But we could not operate at all were it not for the kind of assistance we get day in and day out from the staff assistants who go so far out of their way to protect the concerns, and the problems of each individual Senator that I think they are entitled to our everlasting gratitude. If they know a Senator is going to be late coming to a vote, they will do everything possible to protect his position or her position.

And if they know that a Senator has a concern about a particular piece of legislation, they will make every effort to see to it that that position is protected on the floor until the senator reaches the floor. Sometimes I am myself amazed at the breadth of their interest and knowledge, and how they are able to keep track of all of us who have so many different balls bouncing in the air at any one particular time.

I want to rise as we close down the session to indicate my grateful appreciation to Pat Griffith, and to Abby Saffold, Charles Kenney, and Marty Paone, Patrick Hynes who work the floor so diligently and so effectively for those of us on this side of the aisle.

In the cloakroom, when there is some need to reach us somewhere or someone is looking for us, we can call upon Tom Gonzalez, Joe Hart, Bill Norton, or Bob Bean. And with no exception they treat every Senator alike. And they concern themselves about seeing to it that every Senator gets his or her message.

I would be remiss in my responsibilities if I did not say that although they do not speak for those of us on this side of the aisle, I have never failed to find Bill Hildenbrand, Howard Greene, Liz Baldwin, and John Tuck on the other side of the aisle always willing to be fair, frank, and courteous.

So, I, as one Senator, want to say to all of those who work the floor on both sides of the aisle, we are very,

very grateful to you. Thanks for doing a great job.

TRIBUTE TO SENATOR PAUL E. TSONGAS

Mr. RANDOLPH. Madam President, we are coming, of course, slowly, to the final hours of the 98th Congress. Many of our colleagues, will remember one of our very dear friends as I remember him now, PAUL TSONGAS. He has had a very distinguished career. He has served in the Congress of the United States for 10 years. Certainly the people of the Commonwealth of Massachusetts have realized that since 1975 in his presence in this body, why, he has certainly given not only credibility to himself but has translated the thoughts—the hopes—the commitments—of the people of the State he has represented.

I have known few individuals who have come and served here who had a more steadfast heart. He is a man with convictions. I have watched his intellectual curiosity. He has made, I believe, and you will agree I am sure, an imprint on our issues of public policy at one point or another, and he has done it because he believes very much in what he has been involved in during his service in this body.

His life has been replete with service. I use the word "service" advisedly. He was a Peace Corps volunteer. I remember those days when the Peace Corps came into being. I recall on the night before there was a group going out to Kathmandu. That is a long way from Washington, DC. And I had the opportunity to speak to the group at George Washington University. They were leaving the next morning for Nepal. A tall gangling farm boy from Iowa, after I had talked with them, said:

> I wonder why I am leaving a good home, a good farm, a good community, and going all the way to Nepal to Katmandu with the Peace Corps.

And I said:

> You are going because you believe that it is right for you to go, and you are going because you want to help people that need help.

I remember there were tears in his eyes. I had the opportunity to receive many letters from this young man while he was in the Peace Corps, and eventually he returned to this country not from the State of West Virginia, but just another individual whose life I have not touched so much, but he touched my life at that time with the realism of his service in a faraway land.

I mention this because PAUL TSONGAS was a Peace Corps volunteer and he served in the impoverished areas of Ethiopia, and the West Indies. Those were the years of the turbulent early 1960's. The governmental career of PAUL began with his service as a deputy assistant attorney general. He has represented the citizens of Lowell, initially, as a city counselor, then he had a period of time as county commissioner.

He was then elected to the House of Representatives serving in the Fifth District of Massachusetts.

In his Senate work PAUL has had a continuing concern. All of us who knew him felt it. He was thinking in terms of preserving, insofar as possible, a realistic approach to maintaining, not destroying, the resources of a shrinking world.

As a member of the Foreign Relations Committee, he has been very effective and has put his experience in the Third World to a good use. His penetrating desire to know what was happening there has helped his colleagues—he certainly helped me—in understanding the problems and needs of people in faraway places with the strange sounding names.

The tenure of his office here, of course, cannot be estimated because there is the spirit of the man which will remain. In all of his work, busy and fulfilling work, he has understood that in the Senate of the United States there is a need sometimes to go off to the left or off to the right, not down just the main stream. He thinks of the problems of the park areas in our country. He thinks of the strength and value of our natural resources. He thinks, yes, of the need to continue in this country a certain amount of acreage which is given over to wilderness uses.

I remember him working with Scoop Jackson, MARK HATFIELD, and others to bring about the Alaskan lands legislation. It was a success because of his leadership.

PAUL TSONGAS joins others of us who are going away from the Senate now. I think I speak for the membership. I know that we all wish for PAUL good health and happiness. He, of course, will have a true measure of success for that which he believes in always. That is to work toward the attainment of goals.

Yes, he will return to his family. There is his wife Nicola, and his children, Ashley, Katina, and Molly.

We pause for these few minutes in recognition of not so much his going away, but of his going forward always for that which is worthwhile.

S. DILLON RIPLEY

Mr. MATHIAS. Madam President, during the last two decades, the world has seen great changes. The population has grown dramatically, the economy has expanded and institutions have had to be enlarged to accommodate new pressures and new demands. As a result, growth has been forced and has often been achieved only at the expense of quality. The pursuit of excellence has been abandoned in the race for size.

One place that this has not happened is the Smithsonian Institution. The reason that the standard of excellence has been maintained at the Smithsonian is S. Dillon Ripley.

Dillon Ripley as the secretary of the Smithsonian for 20 years, the years of change. As the Smithsonian grew physically to receive new treasures and the new crowds who came to see them, it would have been easy to sacrifice the fine edge of quality that has distinguished it. But Dillon Ripley not only resisted that temptation but actually demanded and attained new levels of excellence. The Smithsonian became not only a more interesting place with attractions for more people, but a place with a finer reputation and greater influence in the academic world. The very atmosphere in its halls conveys the feeling that it is not a forbidden place, but that it is a temple of knowledge which it is a privilege to enter. The privilege is extended to all who seek admittance, but it is an elevating experience.

Dillon Ripley has not found it easy to maintain the standard. There is always a need to trim budgets. There are always critics who think that programs can be slashed. He was branded an "elitist." He was accused of "empire building." But in his calm, serene way, Dillon Ripley persisted and the Smithsonian flourished.

In the long run, it is clear that Dillon Ripley understood what King Solomon had in mind when he wrote in Proverbs: "Where there is no vision, the people perish * * *."

Mrs. Mathias and I are grateful to Dillon Ripley for the remarkable legacy he has left the Nation after two decades at the Smithsonian and we wish him joy in the years ahead.

SENATE RULES AND PROCEDURES CHANGES

Mr. MATHIAS. Madam President, there have been a number of Members of the Senate who have been expressing concern at the pace at which the Senate has been operating in the closing weeks of this session. Many Members of the Senate have felt that this situation has arisen because the rules of the Senate have become archaic and outmoded. A number of individual Senators have offered specific suggestions as to ways to amend the rules, to make new rules, or alter the procedures of the Senate.

I take this opportunity to say that the Committee on Rules and Administration has not ignored these expressions of concern on the part of Senators. In fact, we have shared them. As Senators know, there is presently a committee that has been appointed by the joint leadership under the chairmanship of the Senator from Indiana [Mr. Quayle] which is looking at the committee structure. That committee will report to the Committee on Rules and Administration in December.

When the Senate reconvenes in January, in all likelihood, the Committee on Rules and Administration will be holding hearings on the Quayle report. We shall also, at that time, have before us the individual recommendations of Senators and we shall still have before us the very excellent report which was submitted to the Senate by Abraham Ribicoff, the former distinguished Senator from Connecticut, and James Pearson, the former distinguished Senator from Kansas.

At this time, Madam President, I submit an outline of the recommendations made by the Pearson-Ribicoff Senate study group to refresh the recollection of Senators as to that important study and to assure Senators that there will be an opportunity in the Committee on Rules and Administration to review the rules early in the next session.

I ask unanimous consent to have printed the outline I referred to.

There being no objection, the outline was ordered to be printed in the Record, as follows:

Senate Study Group

AN OUTLINE OF RECOMMENDATIONS

I. Senate Leadership Issues

A. Through agreement by both bodies to a concurrent resolution, establish an annual agenda of major legislative issues, in coordination with the House leadership, for each Congressional session. Require a premium vote (an absolute three-fifths majority) to change the agenda. Televise Senate debate on these major issues.

B. Provide for a permanent Presiding Officer of the Senate who shall establish the presence of a quorum for purposes of legislative and executive business of the Senate. Require the Presiding Officer to enforce strictly rules regarding quorums and votes, and, with full support of the party caucuses, impose restraints on the exercise of each individual Senator's rights regarding: (1) record votes; (2) quorum calls; and, in addition, (3) abolish the practice of individual holds on the consideration of matters before the Senate.

C. Maintain a week in advance schedule for those weeks the Senate is in session. Allow these weekly schedules to be modified on motion by the leadership. Require premium votes to change the weekly schedule.

D. Do not bring up new Senate bills on the same subject more than once during the same session (or, require a premium vote decided without debate to do such).

Add to Rule V of the Standing Rules the following provision: When a bill or amendment has been passed, or has been rejected, no bill or amendment of the same substance shall be considered during that same session on objection by any member unless proposed by the Majority and Minority Leaders or on motion without debate by a two-thirds majority vote.

E. Use recess periods during a daily session for the purpose of caucusing by the Majority and Minority Leaders in resolving differences during debate on legislative and executive matters.

F. Reestablish the old procedure for the disposition of measures on the call of the calendar. This would require no change to the Rules.

G. Restore the old practice of the Leaders' requesting unanimous consent for the absence of any Senators on official business or for other reasons. (All other Senators would be deemed in or around the Capitol and such presence could be established as a measure of diligence.)

H. Adopt new procedures for each daily session of the Senate. These new practices would restore previous Senate traditions and would include: 1. The Senate shall fix a time certain for its legislative and executive sessions. Each session shall be for one calendar day, during which time the Senate may recess for brief periods at the request of the Majority and Minority Leaders. At the beginning of each session, the Presiding Officer shall determine the presence of a quorum. If no quorum is present within thirty minutes of the time fixed for the session, the Presiding Officer shall adjourn the Senate to the next day's session, as set by previous order or Rule. (Differing quorums may be established for different types of sessions, but final action on any proposed legislation or executive business must be taken by quorums of full membership. The Presiding Officer shall strictly enforce rules regarding the presence of a quorum.) 2. Once the Presiding Officer has established the presence of a quorum, the session shall begin with the deliverance by the Chaplain of the customary prayer. 3. After recognition of the Majority and Minority Leaders, the Senate shall immediately proceed to the day's business, the call of the consent calendar, or other matters so established by motion, without debate, of the Majority and Minority Leaders. 4. Speeches or remarks not related to the day's session shall be delivered only at the end of that day's business, if time remains for such extraneous matters.

I. No speech shall be read in its entirety; rather, Senators shall speak extemporaneously using notes to refresh their memories, except for those matters of a complex or technical nature, or matters containing executive or judicial policy statements or proclamations, which may be read in their entirety.

II. Floor Procedure and Practice

A. Debate:

1. Require debate to be relevant at all times during the discussion of legislation and executive business. The Pastore rule, requiring debate to be germane, has been ignored.

2. Amount of debate: (a) too much on all of the following: motion to proceed to consideration (limit motions on legislative matters to one hour of debate); consideration of measure itself (leave as is); after cloture is invoked (tighten the existing time limits in Rule XXII); (b) not enough on amendments when time limits have expired as in the case of reconciliation measures (amendments called up and no time for debate), as well as when operating under unanimous consent agreements for time limits and amendments can be called up with no time for debate. Abolish the reconciliation process, and require that amendments not be acted on unless time is provided for debate.

B. Amending process:

1. Require germaneness of amendments after a certain amount of debate by a premium vote. (The goal should be a germaneness requirement for not less than the last half of time for debate.)

2. Require a statement of purpose on the face of the amendment as to: (a) statute being amended; (b) agency or program affected; (c) subject matter of amendment. Do this by standing order.

3. Require that amendments, except for one-paragraph minor amendments no longer than ten lines, be printed a day in advance (or permit by a premium vote.)

4. Require that modifications of amendments be made available to all Senators prior to the start of a vote.

5. Do not consider any contested amendments on controversial subjects more than once during a session (or, require a premium vote decided without debate to do such).

C. Amend Rule XVI to correct abuses in the use of germaneness when a point of order is raised against an amendment as being legislation on a general appropriations bill.

D. After passage of a measure, require within five days a committee chairman's resume of differences between committee reported bill and the bill as passed by the Senate.

III. Senate Committees

A. Their actions should be in accordance with the Senate agenda and their committee jurisdictions (which does not prohibit hearings on any matters within committee jurisdictions).

B. Use subcommittees only for investigations and hearings; do not establish standing subcommittees or any separate staff groups for legislative purposes.

C. Make Congressional budgeting a simplified two-year process.

D. Consolidate standing, select, and special committees of the Senate. Further limit the number of committee assignments for each Senator.

E. Amend the Senate Standing Rules with the following provision: Any bill or resolution proposing Senate procedures different from the existing or established procedures, after having been reported by any other Senate committee, shall not be eligible for Senate consideration until that measure has been referred to the Committee on Rules and Administration for a period not in excess of sixty days for its review and report to the Senate with possible proposed amendments in such a measure dealing with Senate procedure.

Mr. MATHIAS. Madam President, I should like to yield at this point to the distinguished Senator from Kentucky, who is the ranking minority member of the Committee on Rules and Administration.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Madam President, I associate myself with the position just taken by my distinguished colleague, Senator Mathias of Maryland. I, too, believe, as we prepare to adjourn the 98th Congress—we are really only a week behind schedule, and I underscore only—that we are all quite weary and frustrated by the inability of the Senate to get its work done in this session of Congress. As a result, there has been a good deal of discussion about making some changes in the Senate, both in the committee system and in the rules that govern floor procedures.

It may very well be that changes are necessary and I expect the Senate Rules Committee to give serious consideration to this issue in the next Congress. The Temporary Select Committee to study the Senate committee system, chaired by the distinguished Senator from Indiana, Senator QUAYLE, has been looking at ways to reform the committee system to improve the functioning of the Senate. We have heard from a number of Senators who have offered a variety of thoughtful suggestions, many of which go beyond the issue of committee operations and encompass the procedures and practices of the Senate in general.

Over the last 2 weeks, Congress has passed three temporary spending resolutions, has indirectly caused a good part of the Government to shut down for a half day, and has spent many days in late night/early morning sessions. Indeed, this is not the first time that the Senate has gotten itself into a quagmire over yearend legislation, and it probably will not be the last time. No matter what type of changes are made in the rules and committee structure of the Senate, it can be expected the Senate will again be tied up in a legislation logjam because, clearly, not all of our problems this year or any year are caused by the Senate rules. The delay in considering appropriations bills this year was in some part caused by an administration unyielding in its position with respect to defense spending and appropriations in general. Our problems were in part caused by a crowded legislative agenda in a session of Congress that met, at least during 1984, for a relatively few days. I think that we can also point the finger at our budget process which has resulted in Congress devoting an undue amount of time and effort to the budget issues. I believe that a 2-year budget process, which I and the able Senator from Indiana and other Senators have proposed, would be an important improvement in Senate procedures.

Beyond those considerations, however, we should realize that the Senate is a political institution and no matter what reforms are made, I expect we will always have some delays and tieups in the workings of the Senate. I know many Senators believe, and I think that the original architects of the Senate rules intended, that is the way the Senate should work. It is not designed to be an efficient institution, but rather a representative institution that gives power to individual Senators and minority coalitions so that different regions of the country, different constituencies may be adequately represented. We should not lightly propose to make fundamental changes in the Senate committee system, rules, and procedures without taking into account the history of the Senate as an institution and its unique role in representing the people of the Republic in a way different from the House of Representatives which has always had a more structured system.

Having said all that, having noted that we should move with caution in the area of amending the Senate rules to avoid unintended results, I would also like to say that I believe there is a need to consider changes in Senate rules and I expect that the Senate Rules Committee will give serious consideration to these issues next year.

Over the last 2 years, at least three study groups have been organized to consider changes in Senate practices and procedures. Following delays in the 1982 lameduck session, the Senate formed an ad hoc task force to recommend rules changes. In 1982, by way of Senate resolution, a study group on Senate Practices and Procedures—the Pearson/Ribicoff Study Group—was formed to make a study of the practices and procedures of the Senate. Now a Temporary Select Committee to study the Senate committee system is meeting to consider ways to improve the operations of the Senate committee system. All of these groups have recommended—and the Temporary Select Committee is now considering—and the Temporary Select Committee is now considering—changes in three particular areas which I believe should be the basis of our consideration next year of Senate rules changes. Those areas include limitations on debate of motion to proceed, reductions in the time limitation on post cloture debate and stricter germaneness requirements on general appropriations bills.

Madam President, these are the areas—along with a biennial budget process—where I would like to see us concentrate our efforts next year; not to impose fundamental change on our system of rules and procedures, but to create incremental modifications that facilitate consideration of important issues while preserving the unique deliberative process in the Senate.

We must exercise caution when we make changes in Senate rules and be aware of possible unintended consequences particularly with respect to the power and perogatives of this institution vis-a-vis the House of Representatives and vis-a-vis the executive branch.

I have introduced Senate resolutions on this subject in the past. I do not do so today, but instead wish to announce my intention to push for consideration of these matters in the next Congress. I encourage my colleagues to begin to think about some of these issues so that we may get an early start next year.

Mr. MATHIAS. Madam President, I thank the Senator from Kentucky for his observation. I observe that whatever decisions may be reached in the Committee on Rules and Administration will be better and more practical and contain more commonsense because of the participation of the Senator from Kentucky.

Mr. RANDOLPH. Would the Senator from Maryland yield to me for just a moment before he leaves the subject matter he is discussing?

Mr. MATHIAS. If I am permitted to do so, I am happy to do so.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. I thank the Chair.

Madam President, I am intensely interested by what has been said by the Senator from Maryland and Kentucky. Certainly, the membership generally does believe that we can improve not the dignity—that is not what we are interested in—but the decorum and the discipline of the Senate of the United States while transmitting our thoughts and carrying forward the business of the Federal Government from the standpoint of this legislation body.

I remember the special committee we had many years ago. It was chaired by the then very capable Senator from Iowa, Harold Hughes.

We see him from time to time now. Only recently he said, "Are you doing anything about the changing of the rules?"

Of course, he made a good report. Members appeared before him but not much of substance happened. I would not want to step out of the role of trying always to move slowly and carefully, but I remember 2 years ago I had the opportunity to present a modification, let us say, of the rules. I called it an effort on my part to attempt to bring order to the Pandamonium that often exists in this body during rollcall votes.

This is deliberative body, or at least we have told our constituency that it is. When we vote I suggest again that we vote from our desks. I believe that those guests, the American citizenry, who occupy the galleries would like to hear us answer to the call of our names from our desks, regardless of whether we are voting for or against something in which they believe.

I have tried rather slowly and yet contantly to have the opportunity before I leave the body to have a vote on that again. I hope we can do it. I am not going to press for it. If it cannot be fit into the schedule, I shall certainly understand. Not in the form or the role of a critic but I suggest to all of us, regardless of party, regardless of the matters that come before us and the sometimes vigor and even vehemence with which we express ourselves, how much better it would be when the actual roll is called that a Senator be at his desk when he votes on measures important to the American people.

Will my colleague, who is certainly involved in these sorts of subjects, respond to what I am now saying as to the one suggestion that I have proposed in an amendment which was considered 2 years ago and on which I failed by six votes?

Mr. MATHIAS. I can assure the Senator from West Virginia that I agree with him totally. I think order in the Senate would be preserved if Senators did in fact vote from their individual desks. I support the concept that he has propounded so vigorously for so long in the Senate. I hope the rules can be made to reflect that position, and if in fact we are able to adopt such a rule I would propose it be known forever as Randolph's rule.

THE REAGAN-MONDALE DEBATE

Mr. RIEGLE. Madam President, I am troubled about an item I have just taken off the newswire. This is from the AP newswire.

The Senator from Nevada, Senator Laxalt, the President's campaign manager, or, I guess, chairman, is quoted on the ticker with reference to the debate which was held recently between Walter Mondale and Ronald Reagan.

Senator Laxalt is quoted this way. He said that, "The President was brutalized by a briefing process that did not make any sense."

He later said in his comments, "The man," meaning the President, "was smothered with numbers."

Well, I am really struck by the notion that we have a President who apparently is so little in charge of himself that he is brutalized by anybody, let alone somebody on his own staff, that he is unable to keep himself from being smothered by numbers, whether it be by people outside the Government but most certainly by people on his own personal staff.

It raises a very serious question. I am sure it was not the intention of the chairman of the President's campaign to raise the question further about the ability of the President himself to manage the Office, but he has done precisely that.

It raises the question of who, in fact, does run the White House. If there are people there who are brutalizing the President, in the words of Senator Laxalt, who are they? Who are these people who can apparently manipulate the President through the briefing process, who apparently have the power to tell him what to do? Is the President so incapable of deciding for himself what kind of briefing process is appropriate so he is not brutalized or smothered by numbers?

I think these are important questions because by the very comments it makes it clear that the President apparently is not able to make these decisions for himself. So he goes into some kind of a strange briefing process, as described here by his campaign manager. I think we need to know who these people are who have taken advantage of the President, apparently people on his own staff who had a hand in preparing for this debate.

I am wondering who the people are who write the information on the 3 by 5 cards which are handed to the President to read.

Does he have no mind of his own?

It is inconceivable to me that a President of this country could, in fact, be brutalized by his own staff, as so described by his campaign manager, a man I like and respect as a Member of this body.

It raises the question of whether this is just what it seems; namely, an old-time movie actor who sits on the stage and is told what to do. If he is given the wrong signals and he does not do very well, then it is a national embarrassment and everybody wonders about it.

We are seeing that happening. We are seeing it in the Wall Street Journal in a lead story and now from other news media across the country, certainly one is not unsympathetic to the President himself.

These are very damaging admissions by Senator Laxalt, who is the President's chief spokesman, his campaign chairman. I think he carries that title. He is thought to be one of his closest personal advisers.

The notion that the President could be brutalized in the briefing process by his own staff is a stunning admission, apparently, of an incapability to make these decisions for himself.

It makes me wonder, Madam President, about that meeting with Gromyko the other day. I wondered about it at the time I read about it, because at the time, the staff was in on the meeting except for a very short period—I think it was either 5 or 7 minutes—that the President was allowed to be alone with Gromyko. It seemed strange to me at the time that it should be such a very short period of time. I wondered whether the President might not want to meet with Gromyko alone for an hour or an hour and a half or maybe 2 hours or maybe for a half-day or 2 days. But it sounds to me like—and this admission today makes it clear—the President's handlers, and that is what they are, worry about the notion of leaving the President alone with somebody like Gromyko for more than 5 or 7 minutes.

That worries me as well because this country is not well served by that kind of situation. I want a President who is not going to be brutalized by his staff. I want a President who is not going to be smothered by numbers and facts and briefing preparation and apparently is not able to discern what is happening to himself. I want somebody who calls the signals, who is not there being manipulated by somebody else who calls the signals.

That is what is going on here and it is very distressing to me because we have all kinds of problems that need dealing with in this country. We certainly have them in my State. The unemployment is still 11.5 percent. We have now in our State, one of many with severe unemployment, unemployment about 10 percent now for 57 consecutive months.

It is not surprising that we are not seeing more of a cutting edge on the policy from this administration and from this President on unemployment and these other issues if, in fact, he is having such difficulty here in the work relationship, the intimate day-to-day working relationship, with his own staff people.

Madam President, I think his campaign chairman has done the country a favor by stating these things right out there where the public can hear them and see them. They are very damaging admissions, very damaging admissions.

I do not think the people of this country, if they think about it very long, want a President who can be brutalized by his staff or can be smothered by anybody. They want somebody who is stronger than that, who is more up to speed than that, who has a tougher and more direct grip on things than that, and is not somebody who is managed by a group of handlers, whether he is being sent into a debate or sent into any other meeting.

I yield the floor, Madam President.

(The following occurred later:)

Mr. SYMMS. Mr. President, on another subject, and I will be very brief on this. I was on the floor when the distinguished Senator, my friend from Michigan, made some comments regarding statements that Senator Laxalt, made earlier today.

I ask unanimous consent that these remarks be at the appropriate place in the Record which would follow the remarks of the Senator from Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I know the hour is late, Senators are tired, and we have been here for a long time. People are anxious to return to their States and campaign for their candidates and elect them to office.

I think that the comments of my good friend from Michigan would only confirm to this Senator that there is one law in this country that we should enforce that we do not enforce. The Congress of the United States should adjourn sine die on the 30th of June every year. At least if we cannot do it every year, we should do it on the even numbered years, so we do not get so partisan on the floor of the Senate.

I do think I would be remiss not to say to my friend, who asked the question about who writes the 3 by 5 cards that Ronald Reagan speaks from. Most of the time the President writes his remarks himself.

I had the privilege of traveling with Governor Reagan in 1976 when he was a Presidential contender for the Republican nomination. I was quite surprised to find out that he not only wrote all of his own speeches, but he actually wrote most of the 5-minute radio shows that he gained a great deal of notoriety around the country for his own style that only he is best at delivering.

I think the question is clearly to be answered: President Reagan is in charge at the White House. He is in charge of the country. He has given this country a new sense of direction, not only in economic recovery, but in a sense of self-pride in the United States that we have not had in a long time. I could name many, many things—the crime in the country has gone down. We are not only respected by our allies around the world but we are respected by our adversaries, as well. And that is a much improved situation over previous years.

I would have to say that President Reagan, as President, is undoubtedly one of the most powerful and thoughtful leaders this country has had in many, many years. He has turned this country around from the depths of despair and discouragement and given the people renewed hope and commitment. He is truly the leader of the free world and I think that will be reaffirmed on November 6. In regard to the so-called debate we saw last week on television between the distinguished former Vice President and the current President of the United States, there probably has been times when both of them have had better shows. I thought the outcome was best stated by the chairman of the Finance Committee. He said, "The two things that came out of it was Ronald Reagan won't cut your social security and Walter Mondale will raise your taxes." Other than that, there was not too much of real substance discusssed.

Nevertheless, that is politics. We are in the political season. We are less than a month from the election.

I appreciate my friend from Michigan and his partisan fervor. We discussed many of these issues back and forth on the Budget Committee, on which we serve. But I think he is certainly misstating the case if he in any way has the misunderstanding to think President Reagan does not have the depth and understanding of the issues that are taking place in this country. And for him to come to the floor and make a reference to the fact that somehow the President, because maybe he did not have his best performance in his career and his best show in the debate as some might have thought, that somehow the President does not have complete command of what he is doing and where he is taking the country. The American people know; they sense it; and they feel it. This President does have a true sense of direction where he is trying to take this country. He is trying not to allow Federal Government to solve every problem coming down the pike. He would like to leave more money in the hands of the taxpayer. That is what the President of the United States is all about. Let the American people make these decisions for themselves. That is really what the issue is in the election this fall.

I would say to my good friend, I do not know what was on the wire service or in what context it was made. I would venture to say that the wire report the Senator from Michigan quotes from probably only told a third or half or even less of what Senator LAXALT said. I do not know what he said. I was not there. But I would wager you a sack of Idaho potatoes that he said much more than something about the staff overbriefing the President. There is another side of the story, and I think the record would be remiss if it did not show an answer to the comments that I think were entirely partisan.

Mr. RIEGLE. Will the Senator yield?

Mr. SYMMS. I am happy to yield.

Mr. RIEGLE. I thank the Senator.

I want to just say this to him and then ask a question. Senator LAXALT did, in fact, say—and I saw it on the evening news tonight on television and it was in the same vein. He said it in quite a heated manner. He was obviously very irritated with the White House staff. He said directly that the President had been brutalized by the briefing process; that the President had been smothered with numbers—these are direct quotes—and that they had to allow—"they" presumably the White House staff people—had to allow Reagan to be Reagan.

And I do not understand who it is that is controlling this man. I mean, why cannot Reagan be Reagan by himself? I do not understand who it is that is in charge down there that brutalized him, smothered him with numbers, that will not let him be himself. Who are these people?

Mr. SYMMS. I would be happy to answer the question. What the Senator is saying, by his quoting those remarks is that PAUL LAXALT said something. Ronald Reagan did not say it.

If you go back through the recent political history of President Reagan, you will find that every so often there gets to be a little bog in the way things are going, and then all those people who are critics of Reagan say he is slipping. All I can say is you better look out, because it happened in Iowa, in 1980. Ronald Reagan lost there. Everybody was saying, "Let Reagan be Reagan; do this and do that."

What happened was he went to New Hampshire and cleaned house and he has been cleaning house ever since. With respect to cleaning house, I mean being successful in his ability to communicate his position and the direction the country should go for the American people.

I would say to my friend that the President's are going to be a little blip on the course of history of our distinguished President. Our President will, in fact, continue to guide the way for this country, to give us the hope, the optimism for the future, and to continue to push for the restoration of our economic recovery, the modernization of our strategic and tactical defenses, and the restoration of self-confidence in the American people to solve their own problems, and not always come to Washington to try to find a solution to those problems.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not have any intention of permitting my few remarks to interfere with this very important debate, but I have been waiting for a long, long time to talk a little bit about the Senators that are leaving and I would like to do that.

If the Senator could do what he has to do in a couple of minutes, I will yield to him.

Mr. RIEGLE. Mr. President, the Senator is very gracious. I will only take less than a minute.

The question I posed to the Senator from Idaho was, "Who are these people that are overpowering the President in the White House that Senator LAXALT has referred to?" I think we need to know who the "they" are that are basically somehow exercising this kind of control over the President and causing him to either malfunction or be different than he wants to be. And the question was not answered. Maybe we could get into it later.

Mr. SYMMS. Mr. President, I would just say, if the Senator would yield to me.

Mr. RIEGLE. Mr. President, I promised I would finish and then yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, would the Senator like to respond?

Mr. SYMMS. The nature of the question confirms my original statement that the Congress should adjourn prior to the Fourth of July, at least on every other year that ends in an even number, so we do not have these trivial discussions on the floor of the Senate that are really not befitting of this body.

Mr. DOMENICI. That would be fine with everybody here. I think that is a great suggestion.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER addressed the Chair.

The **PRESIDING OFFICER.** The majority leader is recognized.

Mr. BAKER. Madam President, there is a matter which appears to be cleared on both sides that we can take up and deal with at this time. It is H.R. 2568. Could I inquire of the minority leader if he is prepared for the Senate to proceed to the consideration of that item? May I say, if we do so, it would also be my intention to ask unanimous consent that the pending measure, which is the House message on H.R. 4230, be returned to its place on the calendar.

Mr. BYRD. Madam President, I certainly am in accord with the program that the distinguished majority leader has outlined. I assume he intends to go to H.R. 2568 by unanimous consent?

Mr. BAKER. Yes, Madam President. I also ask unanimous consent that no amendments be in order.

Madam President, I now ask unanimous consent that the Senate return to its place on the calendar the message from the House on H.R. 4230, and I ask unanimous consent the Senate now proceed to the consideration of H.R. 2568; that no amendments be in order to that bill, and that no motions be in order except a motion to reconsider on which there would be no debate or a motion to table a motion to reconsider.

Madam President, I also ask unanimous consent that no point of order will lie against this bill.

The **PRESIDING OFFICER.** Hearing no objection, it is so ordered.

GROSS INCOME EXCLUSION FOR EDUCATIONAL ASSISTANCE PROGRAMS

The **PRESIDING OFFICER.** The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 2568) to amend the Internal Revenue Code of 1954 to extend for 2 years the exclusion from gross income with respect to educational assistance programs, and for other purposes.

The Senate proceeded to consider the bill.

PRIOR LAW

Mr. DOLE. Madam President, prior to December 31, 1983, amounts paid or expenses incurred by an employer for educational assistance provided to an employee under a written plan that met certain requirements were excludable from the employee's gross income for income and employment tax purposes. The tax exclusion applied without regard to whether the amounts are provided to an employee also qualified as an employee business expense.

REASONS FOR TAX EXCLUSION

The reason Congress originally enacted the tax exclusion for educational assistance provided to employees by an employer was to provide educational opportunities for lower paid employees. Generally, highly paid employees generally can take advantage of the employee business expense deduction for employer provided educational assistance. Since lower paid employees generally go to school to change careers instead of advancing their current careers, the employee business expense deduction would not be available to them for employer provided educational assistance. The tax exclusion placed lower paid employees in parity with higher paid employees with respect to amounts paid or expenses incurred by an employer for educational assistance.

EXPLANATION OF H.R. 2568

H.R. 2568 extends the tax exclusion for employee educational assistance for 2 years, through 1985, subject to an overall annual limit of $5,000 of excludable educational assistance per employee. The bill also requires an employee with an educational assistance program to provide an annual information return on the plan to the Internal Revenue Service, and requires the Treasury Department to provide the Committee on Finance and the Committee on Ways and Means with a study on the effect of the tax exclusion. The other requirements of prior law, such as a written plan and the nondiscrimination rules will continue to apply to educational assistance plans.

Since the prior law tax exclusion for employer provided educational assistance expired on December 31, 1983, H.R. 2568 waives penalties and interest for failures to withhold during 1984. Therefore, the tax exclusion in H.R. 2568 applies to 1984 and 1985.

REPORTING REQUIREMENTS

When Congress enacted the educational assistance exclusion in 1978, it was intended to be temporary in order to provide Congress with an opportunity to evaluate the exclusion. The absence of any reporting requirements in the 1978 legislation has made it difficult to obtain information concerning the operation of these programs.

H.R. 2568 requires any employer maintaining an educational assistance plan to file an information return with respect to the program. The bill also provides the Secretary with authority to require employers to file an additonal return for any year in addition to the information return.

These information returns and reporting requirements will provide Congress with the necessary information in order to conduct a comprehensive evaluation of the effects of excluding these benefits from the income, FICA and FUTA taxes. Certainly these are ways we could limit this program and better effectuate its intended purposes. Hopefully, the Treasury study will provide us with the necessary information to make these decisions prior to the end of 1985.

GRADUATE STUDENTS EMPLOYED BY EDUCATIONAL INSTITUTIONS

Under current law, qualified tuition reductions for graduate students who are employees of the educational institution and who perform teaching or research activities for the educational institution are excludable from the graduate student's gross income. The Deficit Reduction Act of 1984 would require graduate students to include tuition reductions in income.

H.R. 2568 will extend the education assistance exclusion to include tuition reductions to graduate students who are employees of the educational institution and who perform teaching or research activities for the educational institution.

Madam President, I ask my colleagues to join me in passing H.R. 2568. Many employers have expressed interest in the legislation in order to clear up the uncertainty surrounding their current educational assistance programs. I believe quick action is needed by this body on this important legislation.

Mr. PACKWOOD. Madam President, I also encourage adoption of this bill. It will simply extend for 2 years the tax-free benefits for educational benefits provided by employers for their employees.

Mr. SYMMS. Madam President, I should like to voice my strong support for the restoration of the tax-exempt status of employer-provided educational assistance. I believe that this bill deserves the support of my colleagues if our Nation is to maintain the flexibility to adapt to changing economic demands and to remain a global leader in technology.

We all realize that there may be reform of the Tax Code next year, however, encouraging both employers and employees to participate in education and training programs will create a better-trained, more knowledgeable work force that will certainly increase national productivity and generate higher taxes in the long run. Employer-provided educational benefits represent a worthwhile investment in our most valuable resource—our working men and women. I cannot imagine this Congress supporting any measure that would inhibit the pursuits of our constituents to improve and expand their personal situations.

Clearly, we are in an era where employees should be encouraged to continually educate themselves to adapt to the changing economy. I firmly believe that by reinstating the status of these benefits, individuals will learn more, earn more, pay more taxes and become a more valuable member of our society.

Mr. MOYNIHAN. Madam President, I rise today in support of H.R. 2568, a bill to extend for 2 years the employee educational assistance provisions of the Internal Revenue Code of 1954. H.R. 2568, which is similar in spirit to S. 249, was passed by the House of Representatives on October 2, 1984. As a cosponsor of S. 249, the Employee Educational Assistance Extension Act, I support Senate passage of H.R. 2568.

For many years now, section 127 of the Internal Revenue Code of 1954 has enabled businesses to provide educational assistance to their employees, without the employees incurring a tax liability for the value of that assistance. Unfortunately, the employee educational assistance provisions of section 127 expired on December 31, 1983.

H.R. 2568 extends the employee educational assistance provisions of section 127 for a period of 2 years and mandates a Treasury Department study of this program, so we in Congress may evaluate the effectiveness of this important program. H.R. 2568 also makes clear that universities may provide educational assistance benefits for their graduate teaching and research assistants. In addition, the bill would waive the penalties and interest charges that otherwise might be due as a result of some employers' failures to withhold taxes on educational assistance benefits they are providing to their employees, this year, after section 127's expiration on December 31, 1983.

In 1978, Congress opened the classroom door to thousands of American workers by adding section 127 of the Tax Code, and thereby providing tax incentives for employers to pay for the further education of their employees—regardless of whether or not that education was, as under prior law, narrowly defined as job-related. Section 127 has provided new opportunities for the advancement of women and minority workers, improved America's competitiveness, and contributed to the general enlightenment of the American public by encouraging employers to provide tax-free educational fringe benefits to their employees.

Over 7 million employees have been able to further their education and improve their job skills as a result of the employee educational assistance provisions of the Tax Code. Because these provisions expired in December 1983, employer-provided educational assistance, such as the payment of tuition, is no longer considered excludable from an employee's income, unless the employee takes courses that are directly related to his job.

Congress broadened the employee educational assistance incentives in 1978 because the prior requirement, that only assistance for job-related courses could be excluded from employee income, precluded many nonmanagement workers from taking courses necessary for advancing their own careers. Before 1978, a firm could provide tax-free tuition for executives to improve their management skills or to clerks and secretaries to improve their shorthand skills, but, essentially, little more. Many low level employees, who could not otherwise afford to take courses that might enable them to move into the professional managerial ranks, could not receive tax-free employer-provided assistance to do so.

That all changed in 1978 under the expanded section 127 of the Tax Code, and American workers—many of them women and minority workers—have benefited measurably. The American Telephone Co., for example, reports that 85 percent of its nonmanagement employees, who earned degrees through AT&T's tuition assistance program have moved into management positions.

The employee educational assistance provisions of the Tax Code also have been responsible for retraining many thousands of America's industrial workers. If we are to compete with our trading partners, American industry must retool and update its manufacturing technology. This process leaves many unskilled workers ill-prepared for increasingly complex jobs. Section 127 of the Tax Code has helped many of these workers to adapt to new technology by learning new skills. In the end, this saves American jobs. Section 127, then, has been an invaluable hedge against unemployment and, at the same time, has helped American business train American workers to compete with foreign labor.

Employee educational assistance is also vital to our efforts to improve America's educational system. Just 1 year ago, the President's Commission on Excellence in Education declared that the Nation is "at risk" due to a nationwide decline in educational standards. One answer, the Commission suggested, was to expand resources to improve the quality of teaching at all levels. The employee educational assistance incentive is important in this effort, as it enables school systems and universities to offer teachers new opportunities for intellectual growth. Section 127 has enabled many underpaid teachers to take courses they otherwise would be unable to afford and then bring what they learn to their students and colleagues.

Educational assistance benefits also are an important tool to help educational institutions attract quality teachers. A school district or college which cannot provide their teachers higher salaries may, still, be able to offer tax-free tuition assistance. The National Education Association estimates that almost 60 percent of all school districts in my home State of New York offer educational assistance benefits to their teachers. In addition, the distinguished former Congressman John Brademas, now president of New York University, has informed me that some 70 percent of NYU graduate and teaching assistants have received some sort of tuition assistance under section 127—assistance which will no longer be available to attract talented scholars unless Congress extends section 127.

Madam President, the educational assistance benefits provided under section 127 of the Tax Code not only contribute to American commerce, they also are vital for an informed and enlightened American public. Thomas Jefferson, as ever, was right to observe that American liberty depends on an educated electorate. In 1816, Jefferson warned, "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

Educational opportunity has been a national priority since Jefferson's days. Section 127 of the Tax Code has provided women and minorities in particular a chance to learn and advance which earlier they often could not afford. Section 127 has helped improve the quality of American managers and teachers and assisted countless American workers to secure the skills they need in this new age of high technology. And this, Madam President, provides our Nation with a better informed citizenry.

Madam President, I therefore urge my colleagues to approve this 2-year extension of the employee educational assistance provisions of the Tax Code.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SOCIAL SECURITY ACT AMENDMENTS OF 1984

Mr. BAKER. Madam President, I ask unanimous consent that the Senate now turn to the consideration of H.R. 5386.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5386) to amend part A of title XVIII of the Social Security Act, and so forth.

The **PRESIDING OFFICER**. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 7120

Mr. **BAKER**. Madam President, I send an amendment to the desk on behalf of the distinguished Senator from Kansas [Mr. DOLE] and ask for its immediate consideration.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. DOLE, proposes an amendment numbered 7120.

Mr. **BAKER**. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new sections:

PUBLIC PENSION OFFSET PROVISIONS

SEC. . (a)(1) Section 337(b) of the Social Security Amendments of 1983 is amended by striking out "to individuals who initially become eligible" and all that follows and inserting in lieu thereof "for months after June 1983.".

(2) The amendments made by this subsection shall apply to benefits payable under title II of the Social Security Act for months beginning after the month of enactment of this Act.

(b)(1) Section 334(g)(1)(A) of the Social Security Amendments of 1977 is amended—

(A) by inserting "(i)" after "(A)"; and

(B) by inserting before the semicolon at the end thereof the following: ", or (ii) who would have been eligible for such a monthly periodic benefit (within the meaning of paragraph (2)) before the close of such 60-month period, except for a requirement which postponed eligiblity (as so defined) for such monthly periodic benefit until the month following the month in which all other requirements were met".

(2) Section 334(h)(1) of such Amendments (as amended by section 7 of Public Law 97-455) is amended—

(A) by inserting "(A)" after "(1)"; and

(B) by inserting before the semicolon at the end thereof the following: "; or (B) who would have been eligible for such a monthly periodic benefit (within the meaning of subsection (g)(2)) before the close of June 1983, except for a requirement which postponed eligibility (as so defined) for such monthly periodic benefit until the month following the month in which all other requirements were met".

(3) The amendments made by this subsection shall apply with respect to benefits payable under title II of the Social Security Act for months beginning after the month of enactment of this Act.

TECHNICAL AMENDMENTS

SEC. . (a)(1) Section 2307(a)(1) of the Deficit Reduction Act of 1984 is amended by striking out "1842(b)(7)(A)" and inserting in lieu thereof "1842(b)(7)".

(2) Section 2326(a) of the Deficit Reduction Act of 1984 is amended by striking out "1816(a)(1)" and inserting in lieu thereof "1816(a)".

(3) Section 2354(b)(1) of the Deficit Reduction Act of 1984 is amended by striking out "last sentence of section 1814(a) and the last sentence of section 1835(a)" and inserting in lieu thereof "the third sentence of section 1814(a) and the fourth sentence of section 1835(a)".

(4) Section 2354(b)(23) of the Deficit Reduction Act of 1984 is amended by striking out "1861(v)(1)(E)(ii)" and inserting in lieu thereof "1861(v)(1)(E)".

(5) Section 2354(c)(3)(B)(i) of the Deficit Reduction Act of 1984 is amended by inserting "under" before "section".

(6) Section 2363(b) of the Deficit Reduction Act of 1984 is amended by striking out "1908" and inserting in lieu thereof "1903 (g)".

(7) Section 2373(b) of the Perfect Reduction Act of 1984 is amended by striking out paragraph (6).

(b)(1) Section 1814(k)(2) of the Social Security Act, as added by section 2321(a)(2) of the deficit Reduction Act of 1984, is amended—

(A) by inserting after "public home health agency" the following: ", or by another home health agency which demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this paragraph),", and

(B) by inserting "80 percent of" before "the amount".

(2) Section 1833(a)(2)(A) of the Social Security Act is amended by inserting after "public provider of services" the following: ", or by another provider which demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this provision),".

(3) Section 1833(h)(5)(C) of the Social Security Act, as amended by section 2303(d) of the Deficit Reduction Act of 1984, is amended by inserting a comma after "1842(b)(6)(B)".

(4) Section 1839(f)(2)(A) of the Social Security Act, as added by section 2302(b) of the Deficit Reduction Act of 1984, is amended—

(A) by striking out "for that January after the deduction" and inserting in lieu thereof "for that December after the deduction"; and

(B) by striking out "for that November" and inserting in lieu thereof "for that December".

(5) Section 1842(b)(7)(A) of the Social Security Act, as amended by section 2307 of the Deficit Reduction Act of 1984, is amended—

(A) in clause (ii), by striking out "the amount of the payment exceeds the reasonable charge for the services (with the customary charge determined consistent with subparagraph (B))" and inserting in lieu thereof "the payment is based upon a reasonable charge for the services in excess of the customary charge as determined in accordance with subparagraph (B)"; and

(B) by striking out the last sentence thereof.

(6) Section 1842(b)(7)(B) of such Act, as amended by section 2307 of the Deficit Reduction Act of 1984, is amended by adding at the end thereof the following new clause:

"(iii) If all the teaching physicians in a hospital agree to have payment made for all of their physicians' services under this part furnished to patients in such hospital on the basis of an assignment described in paragraph (3)(B)(ii) or under the procedure described in section 1870(f)(1), the customary charge for such services shall be equal to 90 percent of the prevailing charges paid for similar services in the same locality.".

(7) Section 1861(r)(3) of the Social Security Act, as amended by section 2341 of the Deficit Reduction Act of 1984, is amended by striking out "under subsections (k) and (m) and sections 1814(a) and 1835" and inserting in lieu thereof "under subsections (k), (m), and (p)(1) of this section and sections 1814(a), 1832(a)(2)(F)(ii), and 1835".

(8) Paragraph (11) of section 1881(b) of the Social Security Act, added by section 2323(c) of the Deficit Reduction Act of 1984, is amended by aligning its left margin flush so as to align its left margin with that of paragraph (10).

(9) Section 1886(d)(5)(C)(i) of the Social Security Act, as amended by section 2311(a) of the Deficit Reduction Act of 1984, is amended by striking out "30 days after the date of the enactment of this Act" and inserting in lieu thereof "August 17, 1984".

(10) Section 1902(a)(26) of the Social Security Act, as amended by section 2368(b) of the Deficit Reduction Act of 1984, is amended by indenting subparagraph (C) two additional ems to the right so as to align its left margin with the left margin of subparagraph (A) of that section.

(c) The amendments made by this section shall be effective as if they had been originally included in the Deficit Reduction Act of 1984.

Mr. **DOLE**. Madam President, the amendment which the Senator from Kansas offers contains a number of purely technical corrections and one provision brought to our attention by the distinguished senior Senator from Florida, Senator CHILES. The Chiles provision corrects a situation where individuals eligible for a Government pension before July 1983, who do not meet one of the exceptions in the law, currently have their Social Security spouse or surviving spouse benefit reducted by 100 percent of their Government pensions. This offset is higher than the two-thirds offset provided for beneficiaries eligible for a Govenment pension after June 1983. This amendment simply makes the treatment equitable.

Also included in the amendment is a provision that would counter a change made in the civil service retirement system which made certain individuals ineligible for the exceptions to the Social Security offset provisions because of the date of which they are determined to have actually become eligible for a pension.

This latter provision has little or no cost. The first provision would result in a cost of $10 million per year.

The remainder of the amendment is strictly technical in nature.

The first four provisions correct cross references made in the drafting of the Deficit Reduction Act of 1984.

The fifth provision deletes a word which appeared twice.

The sixth provision corrects a cross reference.

The seventh provision deletes an amendment which was made to a provision which was written in whole.

The eighth provision makes consistent treatment as a public agency, home health agencies and durable medical equipment furnished as a home health service, under parts A and B of medicare.

The ninth provision corrects a punctuation error.

The 10th item corrects an error made in the drafting of the hold harmless for the part B premium deduction by inserting reference to the correct month, in addition to a provision which corrects the teaching physician amendment included in the Deficit Reduction Act of 1984 by clarifying that the payment to teaching physicians in a hospital, agreeing to take assignment, should equal 80 percent of the reasonable charge which is set by law at 90 percent of the prevailing rate in the community.

The next provision makes a correction in punctuation. The 13th and 15th provisions make corrections in the margins of the Deficit Reduction Act provisions.

The 14th provision corrects a reference in the Social Security Act which wrongly said "30 days after enactment of this Act"—that is, Social Security Act—rather than 30 days after the Deficit Reduction Act.

The final provision is simply an effective date.

Clearly Madam President, these technical amendments are noncontroversial and result in no cost. The Senator from Kansas urges his colleagues to agree to these technical amendments in addition to the Social Security pension offset provision.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 7120) was agreed to.

AMENDMENT NO. 7121

Mr. **BAKER**. Madam President, I have another amendment on behalf of the distinguished Senator from Iowa [Mr. JEPSEN], which I send to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER] for Mr. JEPSEN, proposes an amendment numbered 7121.

Mr. **BAKER**. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section

FOSTER CARE PROVISIONS

SEC. . (a) Section 474(b) of the Social Security Act is amended—

(1) in paragraphs (1), (2)(B), and (4)(B), by striking out "1981 through 1984" and inserting in lieu thereof "1981 through 1985";

(2) in paragraph (2)(A)—

(A) by striking out "and" at the end of clause (iii),

(B) by striking out the period at the end of clause (iv) and inserting in lieu thereof "; and", and

(C) by adding after clause (iv) the following new clause:

"(v) with respect to fiscal year 1985, only if the amount appropriated under section 420 for such fiscal year is equal to $266,000,000."; and

(3) in paragraph (5)(A)—

(A) by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1985", and

(B) by striking out "fiscal year 1984" in clause (ii) and inserting in lieu thereof "each of fiscal years 1984 and 1985".

(b) Section 474(c) of such Act is amended in paragraphs (1) and (2) by striking out "1981 through 1984" and inserting in lieu thereof "1981 through 1985".

(c)(1) Section 102(a)(1) of the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) is amended by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1985".

(2) Section 102(c) of such Act is amended by striking out "October 1, 1984" each place it appears and inserting in lieu thereof "October 1, 1985".

Mr. **JEPSEN**. Madam President, in 1980, Congress passed the Adoption Assistance and Child Welfare Act of 1980. My amendment would provide for a simple 1 year extension of certain provisions of this act which expired on September 30, 1984.

Specifically, my amendment would:

First, extend the authorization of Federal matching funds for foster care protections for children who have been voluntarily removed from their home if such removal is pursuant to a voluntary placement agreement.

Second, extend the ceiling on expenditures for this program for 1 year.

Third, extend the State option to use foster care assistance funds for child welfare services.

For the benefit of my colleagues who may not be familiar with this program, let me take a minute to explain what it is we are reauthorizing.

Children are our most precious resource, Mr. President, and this law recognizes that fact and seeks to protect and nurture this resource. But more importantly, it recognizes that the family is the area where that protection and nurturing can best take place.

Very often when we have gone back and examined Federal programs to guage their impact on families, we have found that the way the law is written creates a distorted set of incentives. I think the law prior to the passage of the Adoption Assistance, Child Welfare Act amendment was a case in point.

Many times, families that recognized that they had problems, were forced to go to court and get the court to order the breakup of the family so that foster care assistance could be made available. This program gives the family the opportunity to voluntarily place a child or children in the foster care program and still retain eligibility.

Madam President, during fiscal year 1983, slightly more than 2,000 children were placed in the foster care program under voluntary placement. In my home State of Iowa, 67 children were able to use this option. Some of the reasons children were placed in foster care were:

Child disability or handicap; validated report of child abuse; parental illness or disability; family financial hardship; parental substance abuse.

Failure to extend the authorization for this program would be a grave disservice to the thousands of families that have found this to be a useful way of trying to get the family over an often temporary traumatic situation or event.

Madam President, one of the goals I have pursued ever since I was first elected to the Senate has been to seek ways to improve the quality of life for all children and ensure that the Government does not interfere with the rights of families. I think this program is a natural extension of my concerns in these areas and that is why I so strongly support its reauthorization.

The Federal Government should not be in the position of forcing families to go to court in order to receive a little help. This is not only traumatic for the family but it is a waste of financial resources.

I think this program is extremely worthwhile and certainly deserving of the strong support of my colleagues in the Senate. I have been assured that this 1-year extension is supported by the President and similar legislation has already been passed by the House.

It is my hope and expectation that during the next year, the Department of Health and Human Services will continue its close examination of this important program and report back to Congress on any needed changes in its operation. I look forward to working with the Department on improving and strengthening the Adoption Assistance, Child Welfare Act of 1980.

Mr. **BAKER**. Madam President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **BAKER**. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **DOLE**. Madam President, I rise in support of the amendment offered by my distinguished colleague from

Iowa [Mr. JEPSEN], which would provide for a simple 1-year extension of three provisions of the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272). This amendment is identical to S. 2928, a bill I introduced on August 9. The provisions which expired on September 30, 1984, are:

First, the conditional ceiling on Federal financial participation in State expenditures for foster care;

Second, the provision under which State may use for child welfare services Federal funds made available to it under the conditional ceiling that are not needed for foster care maintenance payments; and

Third, the provision that authorizes Federal financial participation in State foster care maintenance payments for certain children voluntarily placed in foster care.

As I mentioned, these provisions were added to the Social Security Act by the Adoption Assistance and Child Welfare Act of 1980, which reformed and revitalized the already existing program of Federal support for State foster care activities, and added a new program to aid States in providing adoption assistance.

The Secretary of the Department of Health and Human Services issued a report on June 11, 1984, detailing the support provided by the Adoption Assistance and Child Welfare Act to reinforce activities of the States that began prior to or in anticipation of the passage of the legislation. The report also described the ways in which the legislation has helped the States to maintain their momentum in implementing changes designed to ensure good child welfare practices.

The Department is carefully reviewing the Federal program and intends to propose legislative improvements early in the next Congress. The 1-year extension of expiring provisions contained in the amendment under consideration should provide ample time for HHS to complete its review and for Congress to act on any new legislation which may be proposed.

Similar legislation was passed by the House of Representatives earlier this week. I am aware of no opposition to this amendment, and I commend my colleague for his interest in this important program.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 7121) was agreed to.

Mr. DOLE. Madam President, H.R. 5386 would establish the routine home care payment rate at $153.17 per day for services furnished during the 12-month period beginning October 1, 1984.

In addition, the Secretary would be required to review, not less than annually, and, as appropriate, adjust the payment rate for routine home care and for other services included in hospice care based on the costs that are reasonable and related to the costs of furnishing such care and services. The Secretary would be required to report to the Congress October 1 of each year on such review and on the adequacy of the rates in ensuring particular pation by an adequate number of hospice programs.

The provisions of the bill are effective October 1, 1984. The Congressional Budget Office has estimated that the bill will result in additional health insurance trust fund expenditures of no more than $1 million in fiscal year 1985.

Madam President, the hospice benefit under medicare became effective November 1, 1983. Since then only 119 hospice programs nationwide have been certified and approved as medicare hospice providers. That is not to say that some elements of hospice care are not available to medicare beneficiaries. But it is a clear indication that existing hospices are not interested in seeking certification as medicare providers.

As you may know, based on legislation I introduced in 1981 (S. 1958), the Tax Equity and Fiscal Responsibility Act of 1982 [TEFRA] was used to create the hospice care benefit for medicare beneficiaries.

Enactment of the hospice provision was possible because many believe, as I do, that it is less costly to care for a patient at home, foregoing expensive hospital treatment. But more importantly, hospice care is more humanitarian. Rather than being in an institution alone much of the time, hospice care will allow an individual to remain at home, surrounded by family and friends.

We had purposely delayed implementation of the hospice benefit until November of that year, 1983. The delay was intended to allow the administration an opportunity to reflect the results of a number of hospice demonstrations in its proposed regulations. Today we find that we are still facing problems with implementation. As I have said there are only 119 hospices certified under the program. Clearly this is not enough if we are ready to make this benefit available to those medicare beneficiaries who need it. Something would appear to be amiss and I, like others, am anxious to correct it.

Madam President, congressional support for hospice has not waned. In fact, as recently as September 12, 1984 the Congress passed a resolution designating November as "National Hospice Month," to recognize the contributions made by those involved in providing hospice services and the advancement of the movement itself. Because of this continuing commitment to the program, we are particularly concerned with what appears to be a very hesitant response from the hospice industry.

We knew when the benefit was first enacted that changes might be necessary. The amendment which was included in the 1984 Deficit Reduction Act, providing some relief to the rural hospices, is an example of this philosophy. Some additional changes may still be necessary.

It is my understanding that the most frequently mentioned area of concern is the payment level for home care. As many of you know, the Department of Health and Human Services established a prospective payment system for hospice care based on the very little data then available. Payment rates of $46.25 for routine home care, $358.67 for continuous home care, $55.33 for inpatient respite care and $271 for general inpatient care were established for each day a patient was in the hospice program.

Because the benefit sunsets in 2 years, we are anxious to learn as much as we can during this period of time. It is only in this fashion that we can hope to truly evaluate the success of the program in meeting the needs of those who choose the hospice option. There has been a great deal of debate over the appropriateness of the home care rate. Much of the controversy is related to what the average length of stay will be for patients and for under the new benefit. The hospice industry believes the length of stay will prove to be substantially shorter than was experienced under the demonstration program, the experience upon which the rate was based. Should this prove to be the case, then the final published rate would likely be insufficient.

Because we have very limited information upon which this decision can be based, the Senator from Kansas believes an increase, to the originally published rate, is appropriate at this time. The Secretary will have ample opportunity to review additional, more relevant data, than the demonstration project, in the months ahead should changes be necessary next October.

Madam President, I am as anxious as I am sure we all are to see this benefit made available. I am just as anxious to make sure that every effort is made to have as many hospice programs as possible participate during the 3-year term of present benefit. I would hope our approval of this bill spurs that participation, for as you know the successes and the problems experienced by hospices during this trial period will be critically important when we consider whether or not to make the benefit a permanent part of medicare.

Mr. ROTH. Madam President, I rise to support this vital hospice bill. This bill increases the routine home care rate for medicare reimbursement from $46.25 to $53.17 a day. We all hope that this modest increase will greatly increase the number of hospices participating in the medicare program.

The hospice benefit under medicare was established in 1982, and is designed to provide comprehensive hospice care to the terminally ill. Hospice care which allows the patient to stay at home, is more compassionate for the patients and, overall, costs medicare less than repeated hospital stays. The hospice benefit should save medicare money, not cost medicare. But we cannot save any money if nobody can take advantage of the service.

Part of the reason we have to take this action today is because there has been a delay in the collection of cost data from participating hospices. We have been informed that one of the reasons that only 119 of the 1,200 hospices have signed up for medicare is that the routine rate is too low, and that hospices cannot afford to offer medicare services.

Madam President, I ask unanimous consent to have printed in the RECORD a letter I wrote to Secretary Heckler regarding the collection of cost data.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 1, 1984.

Hon. MARGARET M. HECKLER,
Department of Health and Human Services,
Washington, DC.

DEAR MARGARET: I wrote you on September 11, asking for information on the cost reporting system for hospice services under Medicare, and asked that the information be shared at the Finance Committee hearing on April 17.

Dr. Carolyne Davis, the Administrator of the Health Care Financing Administration, indicated at the hearing that the cost report form would be distributed to participating hospices by the end of the year and that it would take 1-2 years to collect and analyze the cost data.

The time frame Dr. Davis outlined at the hearing is unacceptable. I can see no reason for it to take 1-2 years to analyze cost reporting data for 108 hospices. I am not sure I even understand why it has taken as long as it has to develop the reporting forms, but I accept Dr. Davis' assurances that the work will be completed before January 1, 1985.

I strongly believe there should be a preliminary analysis of costs incurred by hospices by June 30, 1985. That data allows a six month period for the analysis with additional time available if the department is able to get the forms approved and distributed before the end of the year.

I make this request because I am very concerned about the few number of hospices who have signed up for Medicare and because I am afraid that we are wasting money. If hospice eligible beneficiaries are being treated in hospitals rather than by hospices and at home, then Medicare is spending unnecessary funds to support the more expensive hospital care. I want to ensure that hospice service under Medicare is as widely available as possible.

Thank you for your help.

Sincerely,

WILLIAM V. ROTH, Jr.,
U.S. Senate.

Mr. DURENBERGER. Madam President, this Senator has chaired two Finance Committee Health Subcommittee hearings on the implementation of the hospice benefit which support this legislation to increase the payment rate for routine home care under the medicare hospice benefit. During last month's hearing on hospice a number of conflicting opinions were expressed and issues raised with respect to the hospice benefit. The inadequacy of the payment rates was most often cited as a reason for the limited number of hospices that have sought and been granted certification as medicare hospice providers. However, there is some doubt whether the current payment rates are the primary reason for the limited participation we have experienced to date. The 119 hospices that have been certified as hospice providers are an indication that for some hospices the rates are adequate enough to entice participation. For others, however, that does not seem to be the case.

Until the department has collected and analyzed cost and utilization data with respect to the new benefit we will be unable to address the payment issue with any certainty. Until then I support this increase in the routine rate to the level initially proposed by the Secretary, $53.17 per day.

As we learned in the Health Subcommittee hearing of last month, there is some question as to whether the average length of stay for hospice patients under the medicare benefit is or will be comparable to that of the patients who participated in the demonstration project on which the Secretary based the current rate. For now, we simply do not have enough information on which to decide whether similarities or differences in length in stay between both patient populations warrant a higher or lower rate. We will learn more about this as we gain experience under the medicare benefit. Until then we need to deal with what is perceived as a barrier to wider participation, the low daily rate.

Madam President, I do not support this increase in the belief that it is the correct solution. The final word on this issue has yet to be spoken but for now I believe the proposed increase is an acceptable solution until we revisit this issue when better and more complete cost and utilization data are available.

Mr. HEINZ. Madam President, I am pleased to join the distinguished chairman and my colleagues on the Senate Finance Committee, in support of legislation to strengthen medicare's new hospice benefit. The adjustment of the routine home care rate that we are considering today will allow more hospices to open their doors to eligible medicare beneficiaries.

As one of the authors of the original hospice legislation, I firmly believe that this new hospice benefit represents, for the terminally ill, a compassionate and cost-effective alternate to acute hospital care.

A few weeks ago, the Senate Finance Health Subcommittee held a hearing to review and assess the implementation of medicare's hospice benefit. At the hearing, the committee learned from the Department of Health and Human Services that less than 10 percent of all hospices in this country have been certified by medicare. Since the program was implemented in 1983, a mere 1,000 medicare beneficiaries have received the hospice benefit. Mr. President, when the Senate voted for this benefit in 1982, it was estimated that the program would serve as many as 31,000 people during its first year of operation. It is clear that far fewer eligible medicare beneficiaries have access to hospice care than the Congress intended.

One of the principal concerns raised by hospice administrators in my home State of Pennsylvania, and in other States, is reimbursement. Specifically, I have been told that the rate paid by medicare for routine home care is too low, consequently, the great majority of hospices in Pennsylvania are electing to stay out of the program. At the recent Senate finance hearing, we learned that hospice providers all across the country are reluctant to join the program to serve the medicare population—because they fear going broke.

Earlier this week, our colleagues in the House of Representatives moved expeditiously to solve this reimbursement problem by increasing the rate paid for routine home care. On Monday, October 1, 1984, the House passed H.R. 5386, a bill sponsored by Representatives GRADISON and PANETTA, to increase the rate paid by medicare from $46.25 to $53.17. With this increase, hospices will be more adequately reimbursed for the care provided to medicare patients.

The Senate must now move quickly to keep the Hospice Program afloat. This bill will restore medicare payments to the amounts originally proposed by the Health Care Financing Administration—the same rate adopted by the House of Representatives in H.R. 5386. Our timely action on this bill will send a strong message to hospice providers nationwide that the Congress intends to make this program work. This amendment will ensure that thousands of terminally ill medicare beneficiaries will now have access to this most appropriate form of care which, for many, will offer immeasurable relief for their pain and anguish.

Madam President, I would like to take this opportunity to commend the chairman of the Senate Finance Committee for his sustained commitment

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to the medicare hospice benefit. This bill will help to ensure fair implementation and reimbursement of the hospice benefit—well before the 1986 sunset date.

I urge my colleagues to join us in support of this bill.

Mr. DOMENICI. Madam President, I am proud to support the passage of H.R. 5386, the hospice care amendment, which, in part, addresses a serious problem within the hospice program. As a cosponsor of the amendment that authorized the hospice program and an amendment to raise the cap on hospice reimbursement, I remain committed to giving hospices a chance.

Unfortunately, initial funding levels for home care set by the administration are far too low. Initial data indicated a home care rate of $53.17 per day was appropriate, but the administration set the rate at $46.25.

As a result, only 119 of the 1,500 agencies that provide hospice services, have been certified for medicare participation. Many States still lack certified hospices. Even those agencies that are certified face difficult financial problems because of the inadequate rate.

Madam President, I want to share with my colleagues part of a letter from Ms. Kathleen Hart, who directs a medicare-certified hospice in Albuquerque, NM. Ms. Hart wrote that through her hospice,

> Patients and their families were able to receive the majority of care in their home environments and at much less cost to medicare or private insurors that would have been the case had hospice not been available. Our concern now, is that without adjustment to the medicare home care rate we and other hospices could be forced to close our doors. . . .

I therefore support Chairman Dole's proposal to fix the home care rate at $53.17. This level, which has negligible budget impact, will assure that sufficient hospices are certified to allow access to all beneficiaries.

Madam President, again I congratulate Chairman Dole for his prompt response to this problem. His leadership on hospice has been critical in the evolution of this new and more humane way to care for the terminally ill.

Mrs. HAWKINS. Madam President, I rise in support of the provision to extend the authorizations for foster care assistance child welfare resource centers. The need for the enactment of this legislation is urgent and I urge my Senate colleagues to act expeditiously and pass this House measure.

By providing a 1-year authorization for the continuation of a network of child welfare regional resource centers, we are insuring that this important network of experts, usually based at a university, can continue to provide state-of-the-art information and technical assistance to the various child welfare programs in the States. The resource centers in the Southeast have established black child adoption units based on a model developed by the University of Tennessee. These regional resource centers play an important role in the implementation of the provisions of the 1980 child welfare legislation and they should be continued.

The legislation also extends for 1 year, the authorization of two important provisions of the Adoption Assistance and Child Welfare Amendments of 1980. The first would permit the States to claim matching funds for children placed in foster care under a voluntary placement agreement between the child welfare agency and the child's parents. The other provision would extend the authority for States to transfer funds allocated to them for foster care to use for child welfare services. The intent of these provisions is to encourage States to lessen the dependence on foster care as a means of protecting children and move toward using the Federal funds for family reunification or adoption services.

Madam President, I would like to extend my appreciation to Senator Dole, chairman of the Senate Finance Committee, for his willingness to permit the Senate to consider these provisions. He played a major role in the development of the 1980 amendments to the Adoption Assistance and Child Welfare Act and I am sure that under his leadership the Senate Finance Committee will continue to seek improvements in these programs.

Mr. CHILES. Madam President, I support H.R. 5386, a bill to increase the medicare hospice home care rate from $46.25 to $53.17.

When we first passed the medicare hospice benefit 2 years ago, we had great expectations for the success of the program. It would allow medicare beneficiaries to fully participate in the relatively new development, in this country anyway, of hospice care. We knew when we passed the bill that it was a wise move, that many medicare beneficiaries would prefer to spend their last days in their own homes rather than in a hospital, and that it would be a change that potentially could save the medicare program money.

The new benefit has been available for a year now. But I am very disappointed that less than 10 percent of the hospice programs in the country have yet been certified for medicare patients. Only about 120 programs are now certified, and the administration tells us that even by the end of the next year we might have no more than 200 participating hospice programs. This means that very few medicare beneficiaries are actually going to have a hospice benefit available to them.

Unfortunately, one of the major reasons for this low participation is the reluctance of hospice programs themselves to become certified. They say they cannot afford to participate in medicare because the payments are way too low, particularly the home care rate. This bill would correct that situation by setting the rate at the level first recommended by the Health Care Financing Administration when they initially proposed the certification regulations.

We had some assurances then that the rate proposed, though not lucrative, was sufficient to encourage the development of hospice care for medicare beneficiaries. That is what we wanted to do. But before the final regulations were published, without much convincing data to base a decision on, the rate was lowered to $46.25.

I think the experience since then—or the lack of experience—is convincing enough to tell us that something is wrong. We need to at least honor our commitment to give hospice a chance, to make it really work. I hope we can quickly pass this bill.

Mr. BENTSEN. Mr. President, I am pleased to join with a broad bipartisan coalition of my colleagues in support of H.R. 5386, which increases the rate of medicare reimbursement for hospice home care from the current level of $46.25 per day to $53.17, and establishes a requirement that the rate be adjusted annually to reflect actual costs providing such care. I commend the distinguished chairman of the Finance Committee and his exceptional deputy staff director, Sheila Burke, for their assistance in working with us to adjust these rates and thereby permit more hospices to serve medicare patients.

As my colleagues may recall, reimbursement for hospice care is a relatively new medicare benefit which the Congress added to the Tax Equity and Fiscal Responsbility Act of 1982, over the strenuous objections of the administration. At that time, the Congressional Budget Office estimated that even if only a small number of medicare beneficiaries chose hospice over conventional inpatient hospital care, millions of dollars in savings would accrue to the trust funds. More importantly, however, by making hospice services available through the medicare program, beneficiaries would be assured access to quality health care at home in those final days of a terminal illness when it is especially important for families to be together.

Unfortunately, despite strong congressional support for hospice programs, the administration set the rates of reimbursement for home care so low that providers are unable to recover their costs. For some hospices, primarily those located in urban areas where the number of cases is large, it has been possible to charge private patients more and thereby subsidize services utilized by medicare patients. In small communities and rural areas, however, such "cost-shifting" is much more difficult. The result has been that only about 10 percent of the 1,500 hospices around the country have requested medicare certification, and fewer than 1,300 elderly persons have been able to obtain hospice care. In my own State of Texas, where there are 47 hospices, only 5 have requested medicare certification. This record contrasts sharply with projections made by the Office of Management and Budget whose spokesmen told Congress that in 1984, 31,000 medicare patients would use this benefit.

While I would have preferred that the Department of Health and Human Services set appropriate rates of reimbursement without congressional intervention, it is clear from testimony presented the Finance Committee Subcommittee on Health on September 17, that the administration has no plans to rectify this problem in the near future. Therefore, I urge my colleagues to join with me in support of the pending measure. To do anything less is to continue to deny the most vulnerable elderly Americans a cost-effective benefit to which they are justly entitled.

Mr. PRYOR. Madam President, I would like to take this opportunity to congratulate the Senator from Kansas, the distinguished chairman of the Finance Committee, for the extensive work that he and his staff have done to bring the issue of the hospice medicare benefit level to a favorable conclusion. As the Senator knows, this is an issue in which I have had a great deal of interest.

I wonder if, at this time, I might engage the distinguished chairman of the Finance Committee in a brief colloquy concerning an issue of medicaid eligibility.

Section 2373(c)(1) of the Deficit Reduction Act of 1984 imposes a moratorium on any compliance, disallowance, penalty, or other regulatory action by the Secretary of Health and Human Services against any State for violations or alleged violations of a requirement to use SSI income and resource standards in determining medicaid eligibility for so-called medically needy persons.

As reflected in the report of the conferees on the Deficit Reduction Act, a strict adherence to SSI standards for medicaid purposes could have unintended adverse consequences. As an example, the conferees cited the Department's position that application of SSI rules to the medically needy would prevent aged persons in nursing homes from receiving medical assistance during the month of admission unless admission takes place on the first day of the month.

The terms of the moratorium relate to the medically needy category of recipients. But I believe a similar problem persists with respect to another category of medicaid eligibles.

A significant number of aged persons who enter nursing homes in Arkansas and some 20 other States obtain medicaid eligibility neither as SSI recipients nor as medically needy eligibles, but through the optional special income category provided by section 1902(a)(10)(A)(ii)(V) of the Social Security Act.

DHHS rules presently impose a full calendar month institutional stay requirement on this group of people. This rule imposes a hardship on individuals and their families at a time of serious financial and physical exhaustion.

It is my feeling that this situation could be easily rectified by requiring a 30-day institutional stay prior to medicaid reimbursement for services, rather than the current calendar month. The individuals who have brought this situation to my attention have informed me that HHS is currently considering this type of change and that it is not a controversial proposal.

I had considered offering an amendment to correct this unfortunate anomaly. Given the tenuous parliamentary situation facing us at this late hour of the session, I will not offer the amendment, but I would appreciate any thoughts the Senator from Kansas might offer as to how we might work toward a more reasonable policy for the special income group.

Mr. DOLE. I am sympathetic to the issue raised by the Senator from Arkansas. As part of the Deficit Reduction Act, we require the Secretary to report to the Congress next year with respect to the appropriateness and impact on the States and recipients of applying standards and methodologies utilized in cash assistance programs to those medicaid recipients who do not receive cash assistance, and any recommendations for changes in such requirements.

In addition, I would say to the Senator from Arkansas that DHHS has under consideration a change in the rule that he referred to which imposes a full calendar month minimum stay requirement for individuals in institutions under the special income level. It would be my hope that the Secretary would issue a more flexible rule as quickly as possible.

Mr. PRYOR. I thank the Senator from Kansas. It is my hope, as well, that officials at the Department will do their utmost to expedite their efforts regarding this departmental rule so that further legislative remedies would not be necessary in the next Congress.

Mr. CHILES. Madam President, Senator DOLE has graciously agreed to include as part of a package of amendments to the hospice bill, H.R. 5386, an amendment I have proposed. My amendment would correct some minor problems with one provision of the Social Security Act. This provision concerns the receipt of Social Security spousal, or surviving spouse, benefits by individuals who are also receiving an annuity based on their own Government employment, not covered by Social Security.

As a result of the Social Security Act Amendments of 1983, any Social Security spousal or surviving spouse benefits of an individual who is first eligible to retire from noncovered public employment after June 30, 1983, are offset by two-thirds of the amount of his, or her, public pension. Under laws enacted prior to the Social Security Act Amendments of 1983, individuals who first became eligible to retire from noncovered public employment before June 30, 1983, who did not meet certain exceptions were subject to having their Social Security spouse, or surviving spouse, entitlement offset by 100 percent of the amount of their public pension. These earlier laws were enacted in response to the Supreme Court decision in Califano versus Goldfarb. This decision ruled as unconstitutional, a law existing at that time, which denied eligibility for spousal, and surviving spouse, benefits to men who could not meet a "one-half support test" but did not deny eligibility to women who were unable to meet such a test.

My amendment will limit the amount of the offset to be taken against spousal or surviving spouse benefits to two-thirds of the amount of the individual's public pension, for individuals who first became eligible to retire prior to June 30, 1983. Individuals who were first eligible to retire before that date but who are now exempt from any offset would continue to be completely exempt. The effect of my amendment would be to provide identical treatment for individuals who were first eligible to retire prior to June 30, 1983, but who were not excepted from the offset, and individuals who were first eligible to retire after June 30, 1983.

A second portion of my amendment relates to eligibility for some of the exceptions from the offset provision. Eligibility for these exceptions is based, in part, on when an individual was first eligible to retire from his or her public employment position. The exact statutory language references the date when an individual was first eligible to receive a retirement annuity payment, however, rather than the date he or she was first eligible to retire. The Omnibus Budget Reconciliation Act of 1982 provided that Federal civil service retirees would not begin receiving a retirement annuity until the first full month after the date they were eligible to retire (some other public employees are subject to similar constraints). As a result, some individuals who retire in the last possible month which qualifies them for one of the exceptions from the 100-percent pension offset, found that they did not, in fact, qualify for the exception because their first annuity check was not payable until the following month. My amendment allows individuals to be eligible for these exceptions if they were first eligible to retire in the requisite month, even if they did not begin receiving the annuity until 1 month later.

More specifically, the second portion of my amendment provides a complete exception to the offset for:

First, any women who failed to meet the "one-half support test" but who, by virtue of being first eligible to retire in November 1982, would have otherwise qualified for the exception.

Second, any men or women who did meet the "one-half support test" who first became eligible to retire in June 1983.

The amendment protects entitlements to the two-thirds offset for all men and women who did not meet the "one-half support test," who first became eligible to retire in June 1983, and whose first annuity check was not payable until July 1983.

All of the provisions of my amendment shall apply only to Social Security benefits payable for months beginning after the date of the amendment's enactment. My amendment would not have any substantial impact on the Federal budget.

Mr. MOYNIHAN. Mr. President, I am pleased to support the legislation before us which contains a provision extending for 1 year the Adoption Assistance and Child Welfare Act, Public Law 96-272. This extension will permit this effective and compassionate law to continue for 1 more year, and will enable the Congress, and the Finance Committee in particular, additional time to evaluate the program and formulate legislation to reauthorize it.

On June 17, 1980, the Adoption Assistance and Child Welfare Act was signed into law by President Jimmy Carter, following nearly 3 years of consideration by Congress. This act was designed to reform this country's child welfare system by providing fiscal incentives for States to redirect their child welfare services from institutional care to services to help families stay together as well as providing services to reunify families that have been separated. Public Law 96-272 also mandated procedural reforms such as the development of case plans, case reviews including a dispositional hearing after a child is in care 18 months, and inventories of children in foster care, and established a subsidized adoption program for children with special needs—mental, physical, or emotional handicaps.

Quite simply, this law restructured Federal policy by providing States with the incentives to move away from a system that encouraged the use of foster care—expensive both financially and socially—to a system that encourages stability and permanency for children, through adoption.

And it has worked. The Department of Health and Human Services reports that States are increasing the use of Federal adoption subsidies through title IV-E Adopton Assistance—up from an average of 289 children per month in three States in 1981 to an estimated 8,000 children in 45 States in fiscal year 1984. Eight of nine States in a recent HHS study reported significant savings for subsidized adoptions as a replacement for foster care, with the average annual savings at $886 per child. Secretary of HHS Margaret M. Heckler recently reported that:

> There has been a decrease in the number of children in foster care, from more than 500,000 in 1977 to 243,000 in 1982;
>
> The duration of placement of children in foster care decreased from an average of 47 months in 1977 to an average of 35 months in December 1982;
>
> There has been a 50 percent decline in the number of foster care children available for adoption, from 102,000 in 1977 to 50,000 in 1982;
>
> The average number of children per month for whom Title IV-E Adoption Assistance funds were claimed has increased from 289 in 1981 to 2,672 in 1983; the number of States claiming title IV-E Adoption Assistance funds has also grown from three states in 1981 to 40 states in 1983.

I was pleased that Secretary Heckler pledged, in her June 1984 report to Congress, that the Department intends to "build upon rather than change, the basic structures implemented by Public Law 96-272." I remind my colleagues that the administration has not always held this view. But 1 year after Public Law 96-272 was enacted, the administration tried to fold this program, along with several other human service programs, into the Social Services block grant, and proposed cutting the funds for this block grant by 25 percent. Though this proposal was defeated by the Congress, the very next year the administration tried again. In its fiscal year 1983 budget, the administration proposed to consolidate these child welfare programs, cut their total funding by 18 percent, and distribute these funds to the States for child welfare in a child welfare block grant. Again, the Congress defeated this proposal, which would have, in effect, destroyed the structure and effectiveness of the Foster Care and Adoption Assistance Act.

I look forward to considering proposals to improve and strengthen this program in the next Congress. Having served on the Finance Committee as chairman of the Subcommittee on Social Security and Income Maintenance when this measure was first considered, I have a deep interest in this important social policy.

I would also like to note my strong regret that the Senate will not consider the Social Security Income Equitable Improvement and Reform Amendments of 1984, S. 2569, legislation I introduced on April 12, 1984. The House of Representatives, led by Congressmen HAROLD FORD and PETE STARK, unanimously passed many of the provisions in S. 2569 on October 1. This bill, H.R. 6266 has been received by the Senate.

This legislation contains 18 specific provisions to improve the rules and administrative procedures of the SSI program. For example, it would modify certain procedures which discourage normal gift giving between friends and families. Under current rules, for example, an SSI recipient taken to lunch or given train tickets to visit her family will find the value of such gifts deducted from her monthly SSI check. If the value of such a gift puts the SSI recipient over the assets limit, she could forfeit her eligibility for any future SSI benefits. In short, this bill represents a thorough and prudent package designed to enhance the efficiency and the effectiveness of SSI. The measure is an inexpensive way of making life less difficult for the nearly 4 million Americans who rely on SSI.

I intend to introduce a measure similar to S. 2569 next January. It is my hope that when the 99th Congress convenes in January, the Finance Committee will schedule hearings on the SSI program and on the provisions of the SSI Equitable Improvement and Reform Amendments.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BYRON G. ROGERS FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. BAKER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1236.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

The bill (H.R. 4700) to designate the Federal Building and United States Courthouse at 1961 Stout Street, Denver, Colorado, as the "Byron G. Rogers Federal Building and United States Courthouse".

AMENDMENT NO. 7122

(Purpose: To designate the Lowndeville Recreation Area as the "Jim Rampey Recreation Area")

Mr. BAKER. Madam President, I send an amendment to the desk on behalf of the distinguished Senator from South Carolina [Mr. THURMOND].

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. THURMOND, proposes an amendment numbered 7122.

Mr. BAKER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add a new section:

SEC. . The Lowndesville Recreation Area, located within the Richard B. Russell Dam and Lake project, South Carolina and Georgia, shall hereafter be known and designated as the "Jim Rampey Recreation Area". Any reference in any law, map, regulation, document, record, or other paper of the United States to such recreation area shall be deemed to be a reference to such area as the "Jim Rampey Recreation Area."

Mr. THURMOND. Madam President, the amendment which I have authored, along with my distinguished colleague from South Carolina, Senator HOLLINGS, will redesignate the Lowndesville Recreation Area within the Richard B. Russell Dam and Lake project as the Jim Rampey Recreation Area. This amendment simply effects a name change and there is no significant expenditure associated with it.

The Richard B. Russell Dam and Lake project is a major hydroelectric undertaking on the Savannah River between South Carolina and Georgia. During the planning and construction phases, the subject Recreation Area was simply referred to as the Lowndesville Recreation Area, although this area was never within the limits of the Township of Lowndesville.

It is fitting and entirely appropriate, that this area be named after the late Jim Rampey, the man who owned and farmed this land for many years. This renaming has the endorsement of the South Carolina Department of Parks, Recreation and Tourism, the Clarks Hill-Russell Development Authority, the Abbeville County Council, the Lowndesville Town Council and State Representative Michael S. Gulledge. The Senate has previously adopted this amendment, but it was dropped in conference with the House. I have discussed this amendment with the managers, and I also understand it is acceptable to the leadership of the authorizing committee.

Madam President, I urge the adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 7122) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OBJECTION TO CONSIDERATION OF H.R. 6112, SMALL BUSINESS UNEMPLOYMENT ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6112.

The PRESIDING OFFICER (Mr. GORTON). Is there objection?

Mr. BYRD. Mr. President, reserving the right to object——

Mr. SASSER. Mr. President, a point of inquiry.

Does the majority leader seek to offer an amendment to this bill?

Mr. BAKER. Yes; H.R. 6112 is the Small Business Unemployment Tax Act. It is my understanding that Senator HUMPHREY will offer—or I will offer on his behalf—an amendment to this bill.

Mr. SASSER. Is this also known as the Illinois unemployment compensation bill?

Mr. BAKER. Yes.

Mr. SASSER. Then, I object.

The PRESIDING OFFICER. Objection is heard.

ADDITIONAL ASSISTANT SECRETARIES FOR DEPARTMENT OF THE TREASURY

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5832, which is at the desk.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5832) to authorize two additional Assistant Secretaries for the Department of the Treasury.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BYRD. There is no objection.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CRIMINAL FINE ENFORCEMENT ACT OF 1984

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1080.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5846) to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes.

AMENDMENT NO. 7123

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of Senator THURMOND.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. THURMOND, proposes as amendment numbered 7123.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(1) Beginning on page 2, delete line 11 through line 2 on page 3, and insert in lieu thereof the following:

"(2) A judgment imposing the payment of a fine or penalty shall, upon the filing of notice of lien in the manner in which a notice of tax lien would be filed under section 6323(f) of the Internal Revenue Code of 1954, be a lien in favor of the United States upon all property and rights of property belonging to the defendant, except with respect to properties or transactions specified in subsections (b), (c) or (d) of section 6323 of the Internal Revenue Code of 1954 for which a notice of tax lien properly filed on the same date would not be valid and except with respect to property that would be exempt from levy for taxes under section 6334(a) of the Code. Such lien shall be valid against any subsequent purchaser, holder of a security interest, mechanic's lienor or judgment creditor. A writ of execution may be issued with respect to any property or rights to property subject to such lien.

"(3) Such lien is valid against property referred to in paragraph (2) of this subsection if, but for such paragraph, applicable law would permit enforcement of the lien.

"(4) The effect of any execution, whether by attachment, garnishment, levy or other means, on salary, wages or other income payable to or receivable by a defendant shall be continuous from the date such execution is first made until the liability for the fine or penalty to which the execution relates is satisfied, the liability ceases to exist or becomes unenforceable, or the execution is released. Salaries, wages and other income shall be exempt from execution only to the extent of the exemptions from levy for taxes provided in Section 6334(d) of the Internal Revenue Code of 1954.

"(5) For the purposes of any State or local law providing for the filing of a notice of a tax lien, a notice of lien for a judgment imposing the payment of a fine or penalty shall be considered a notice of lien for taxes payable to the United States. If such notice is not accepted for filing, the registration, recording, docketing, or indexing, of the judgment imposing payment of a fine or penalty in accordance with section 1962 of title 28, United States Code shall be considered for all purposes as the filling prescribed by this subsection."

(2) On page 9, lines 19 and 21, delete "$1,000,000" and substitute "$500,000".

On page 9, line 23, delete "$250,000" and substitute "$100,000".

On page 9, insert "(1)" after "(c)" on line 24 and add after line 3 on page 10, the following:

"(2) Except as otherwise expressly provided, the aggregate of fines that a court may impose on a defendant at the same time for different offenses that arise from a common scheme or plan, and that do not cause separable or distinguishable kinds of harm or damage, is twice the amount imposable for the most serious offense.".

(3) On page 11 line 21, after "made by" insert "sections 2 through 9 of".

(4) At the end of the bill add the following new sections:

SEC. 11. (a) Rule 12.2 of the Federal Rules of Criminal Procedure is amended—

(1) by striking out "to a mental examination by a psychiatrist or other expert designated for this purpose in the order of the court" in subdivision (c) and inserting in lieu thereof "to an examination pursuant to 18 U.S.C. 4242"; and

(2) by striking out "mental condition" in subdivision (d) and inserting in lieu thereof "quilt".

(b) Section 404(b) and section 404(d) of chapter IV of title II of the Joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes", H.J. Res. 648, 98th Congress, are repealed.

(c) The amendments and repeals made by subsections (a) and (b) of this section shall apply on and after the enactment of the Joint Resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes", H.J. Res. 648, 98th Congress.

SEC. 12. (a)(1) Title 18, United States Code, is amended by striking out chapter 228.

(2) Section 3651 of title 18, United States Code, is amended by striking out the following paragraph:

"If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.".

(3) Section 3651 of title 18, United States Code, as amended by paragraph (2) of this subsection, is further amended by striking out the last paragraph and inserting in lieu thereof the following:

"The defendant's liability of any fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.".

(4) The second paragraph of section 3655 of title 18, United States Code, is amended to read as follows:

"He shall keep informed concerning the conduct and condition of each probationer under his supervision and shall report thereon the the court placing such person on probation.".

(5) The first sentence of section 4209(a) of title 18, United States Code, is amended by striking out "and, in a case" and all that follows through the end of the sentence and inserting in lieu thereof a period.

(6) Section 4214(b)(1) of title 18, United States Code, is amended by striking out "or a failure to pay a fine in default within thirty days after notification that it is in default" each place it appears.

(7)(A) Chapter 227 of title 18, United States Code, is amended by inserting after section 3564 the following:

"§ 3565. Collection and payment of fines and penalties

"In all criminal cases in which judgment or sentence is rendered, imposing the payment of a fine or penalty, whether alone or with any other kind of punishment, such judgment, so far as the fine or penalty is concerned, may be enforced by execution against the property of the defendant in like manner as judgments in civil cases. Where the judgment directs imprisonment until the fine or penalty imposed is paid, the issue of execution on the judgment shall not discharge the defendant from imprisonment until the amount of the judgment is paid.".

(B) The table of sections for chapter 22 of title 18, United States Code, is amended by striking out the item relating to section 3565 and inserting in lieu thereof the following:

"3565. Collection and payment of fines and penalties.".

(8) Section 3569 of title 18, United States Code is amended—

(A) by inserting "(a)" before "when a" at the beginning of the first paragraph; and

(B) by adding at the end the following:

"(b) Any such indigent prisoner in a Federal Institution may, in the first instance, make his application to the warden of such institution, who shall have all the powers of a United States magistrate in such matters, and upon proper showing in support of the application shall administer the oath required by subsection (a) of this section, discharge the prisoner, and file his certificate to that effect in the records of the institution.

"Any such indigent prisoner, to whom the warden shall fall or refuse to administer the oath may apply to the nearest magistrate for the relief authorized by this section and the magistrate shall proceed de novo to hear and determine the matter.".

(9) Section 238(i) of chapter II of title II of the Joint Resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes", H.J. Res. 648, 98th Congress, is repealed.

(b) The amendments and the repeal made by subsection (a) of this section shall apply on and after the enactment of the Joint Resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes", H.J. Res. 648, 98th Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 7123) was agreed to.

● Mr. PERCY. Mr. President, this is a landmark month in my efforts, spanning several years, to improve the crime-fighting ability of the police, prosecutors, and the Federal courts. Last week, the Congress passed my "Motor Vehicle Theft Law Enforcement Act," a new law which will make it much more difficult for organized crime to make huge criminal profits in the auto theft business. Today, we are enacting the "Criminal Fine Enforcement Act"—a law which, properly applied, can take the profit right out of crime of all types.

This new law sharply increases the criminal fines which can be assessed for all categories of fines. The maximum fine level for misdemeanors is now commonly $1,000. This new law raises it to $100,000. The maximum fine level for felonies is now $10,000, in most cases. This new law raises the maximum to $250,000 for individuals, $500,000 for corporations. Judges will be allowed to impose fine sentences even higher than this—up to twice the size of a defendant's criminal gain, or twice the size of a victim's loss.

Drug runners, racketeers, and other criminals should take note. Prosecutors and judges now have the tools they need to strip away all their criminal profits, and then some.

But these higher fine amounts will only deter crime if we can convince criminals that fines this large will not only be imposed—they will also be collected. This new law has equally important provisions in this regard. I have spent a great deal of time over the past few years looking at various debt collection efforts throughout the Federal Government. I have seen many disturbing situations where clearly collectible dollars were not being returned to the American taxpayer. We have worked hard to improve these situations, with excellent results. Our efforts have brought billions of dollars—above and beyond what we otherwise would have collected—to the Federal Treasury.

But the collection of criminal fines goes beyond mere fiscal responsibility. Five of every six fines are levied on criminals who do not go to prison. Half the time, they are not even placed on probation. In many cases, when these fines are not paid, criminals go unpunished. It is as simple—and as outrageous—as that.

While some criminals may have good reasons why they cannot pay their fines in full, and we must always give fair consideration to a defendant's own circumstances, the plain fact is that most of these fines are levied as punishment for highly profitable crimes—such as drug offenses, fraud, income tax evasion, and antitrust violations. These are hardly the types of offenses where you would expect a criminal to be indigent.

In practices, judges set these fines with an individual's circumstances in mind, and they are collectable. But, in recent years, about half of these fines have gone uncollected. It is clear that we have simply not treated these fines with the same seriousness as prison sentences. If we don't let criminals walk away from prison simply because it is inconvenient for them to be there, then neither should we make it easy for criminals to walk away from these fines. If they find that they can, they will—and they'll just go on committing crimes, for a big profit.

This new law will put a stop to this, in many ways. First, it establishes a criminal offense for willful nonpayment of a criminal fine. We all know that when a criminal escapes from prison, the escape itself is an offense. But currently, when a criminal escapes a fine—no matter how willfully or flagrantly—no offense has been committed. No more. This new law makes criminal default a crime punishable by imprisonment, increased fine amounts, or both.

Second, the new law takes away the economic incentive for avoiding fine payment as long as possible by providing for interest and penalties on unpaid fines. The new interest is high—18 percent per year—and the new penalties are steep—a flat 25 percent extra charge for fines past due. All fines will be due at once, unless a definite payment schedule is established at the time of sentencing. This schedule is limited to 5 years, to avoid repeating the mistakes of past cases I have seen. Some criminals were allowed to make payments so small it would have taken them several centuries to repay all their fines.

Third, the law makes it much more difficult for criminals to conceal or siphon away their assets to avoid paying fines. It does this in many ways. It closes a huge loophole which has given convicted criminals time to dispose of assets while an appeal is pending. It makes payment of a fine a condition of successful completion of probation or parole. Also, the new law enables the Government to place IRS-type liens on properties owned by criminals who owe fines.

The goal is to collect fines, and I fully expect the Justice Department to begin at once to establish the administrative procedures to do exactly that. I trust we will not see any long delays in issuing regulations, or internal squabbles about who is supposed to do exactly what. We have seen our fine collection rate fall sharply over the past 15 years, and it is important that we seize upon this moment to change that. Other nations in the world achieve 90 percent or better compliance with criminal fine sentences, and there is no reason why we should settle for any less. We would like to see that—a 90 percent rate—be the goal for the 1985 calendar year, once this new law is in place.

In fact, the Justice Department should have a 100-percent case closure rate—that is, every single criminal fine should either be collected, or, if uncollected, should result in some final resolution. That resolution could be civil or criminal action, or—in cases of true hardship—such ameliorative action as the Department and the courts deem appropriate. But these cases should not be allowed to drag on, and on, and on, as they have in the past. That is not fair to taxpayers, it is not fair to crime victims, and it breeds disrespect for the law.

Legitimate hardship cases can and must be addressed fairly under the terms of this statute and existing law. But I urge U.S. attorneys and courts to be wary of claims of hardship made by those convicted of drug trafficking and other offenses involving lucrative criminal enterprise. The fact that a convicted criminal has no assets in his or her name does not necessarily mean hardship exists. Those assets may be squirreled away someplace, in an unknown account, perhaps in a relative's name. The overriding objective of Justice Department and court personnel, in reviewing cases of hardship, must be to ensure that crime does not pay.

Similarly, when large fines are imposed for offenses, according to the new standards set by this act, U.S. attorneys and courts should keep in mind that the purpose of these fines is not just to recoup criminal gains, but also to deter other would-be violators. No matter how large fines may be, they will seldom be as severe a punishment as incarceration—especially for white-collar criminals.

Then, when a fine is imposed, diligence must be exercised by U.S. attorneys and judges to ensure that a convicted criminal's assets are not squandered or concealed during an appeals process. This statute requires that stringent provisions be applied during appeal, except for "exceptional cricumstances." These exceptions should be made very seldom—and then only when it is clear that an appellant cannot and will not abuse the appeals process by taking action to evade his obligation to pay the fine, if his appeal is unsuccessful.

Once a fine stands, it must be collected, and promptly. The law allows for installment payments, with interest, but U.S. attorneys and judges should ask that as many fines as possible be paid immediately. The purpose of allowing installment payments was not to enable convicted criminals to avoid liquidating assets to pay their fines. Its purpose was to enable courts to include, as part of the fine amount imposed, some payment obligation from wages and salaries expected over the installment period. As a general matter, the presumption should be that a fine would be paid immediately, unless circumstances dictate otherwise—and, again only when it is clear that a convicted criminal will not use the installment period to evade his ultimate obligation to pay the fine.

Probation and parole officers should use the provisions of this act to ensure that fines are paid. To date, they have been perhaps the weekest links in the fine collection process. When a parole application is made, the incarcerated individual's fine repayment record should be a factor considered by the parole board. Of course, it is not the purpose of this statute to deny parole to an individual who, by virtue of being in prison, has not been able to earn the money necessary to pay his fine. But it is our purpose to deny parole to an individual who could be reasonably believed to be able to pay his fine, but refuses to do so.

When an individual refuses to pay a fine, I encourage the use of the existing contempt remedy and the civil and criminal remedies established by this act. The lien provisions will be helpful. The new crime of criminal default will, I expect, be imposed infrequently, but U.S. attorneys should not be hesitant to prosecute cases of this kind. An affirmate defense is provided for criminal default. I encourage courts to define "necessities" in a reasonable but austere manner. It should mean minimum standards of food, clothing, housing, medical care, and the like. It should not mean maintaining a current, or desired, or middle-class standard of living. Presecutors and judges must remember that these are individuals who committed serious crimes, who were assessed fines as punishment for those crimes—often in lieu of incarceration, a more severe punishment—and the payment of those fines was not necessarity intended to be easy, or come without hardship.

Finally, we would like to see considerable improvements in the communication between the courts and the Justice Department on the subject of criminal fines. Between now and December 31 of this year, I expect there will have to be some redefinition of roles. I hope this can be done quickly and costructively, with a spirit of cooperation on all sides.

I would like to thank the Department of Justice, the Administrative Office of the U.S. Courts, and the Office of Management and Budget, all of whom have provided important assistance in working out the details of the legislative provisions. The administration fully supports this bill, and there is no question President Reagan will sign it soon.

We look forward to working closely with the Department of Justice as it fully and swiftly implements the spirit, intent and letter of this landmark piece of legislation.

The enactment of this law has been a bipartisan effort, and I would like to commend several of my colleagues for their help. Senator D'AMATO and Senator LAXALT have been particularly supportive, along with over 30 Senate cosponsors. My appreciation also goes to the distinguished colleague, seatmate, and friend, the President pro tempore of the U.S. Senate, and the chairman of the Judiciary Committee, Hon. STROM THURMOND—and his fine staff—for expediting passage of this bill. In the House, Congresswoman LYNN MARTIN, who so ably represents northern Illinois, has been in the forefront of the effort to pass this legislation. Congressmen CONYERS and BOUCHER have been extremely helpful, too. This is a problem—and a solution—which transcends ideology and party labels, and I am very pleased that our work has resulted in what—in more ways than one—is a fine law.

When victims of crime see criminals going unpunished, they are outraged, and they should be. When taxpayers see criminal fines going unpaid, especially when big criminal profits are involved, they are outraged, too. With this new law, our U.S. attorneys and our Federal courts have the tools they need to take the profit out of crime.

In the past, crime paid, but criminals did not. From now on, criminals will pay, but crime will not.●

The PRESIDING OFFICER. The bill is open to further amendment. If there by no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. BAKER. Mr. President, I now have a list of items that are cleared on this side for action by unanimous consent on the calendar of general orders for today. Let me identify them for the minority leader and perhaps in order to conserve time, we might consider these matters en bloc.

They are: Calendar Order Nos. 1235, 1237, 1238, 1239, 1240, 1241, 1303, and 1347.

Could I inquire of the minority leader if he would be prepared to entertain favorably a unanimous-consent request that these items be considered en bloc?

Mr. BYRD. Mr. President, I am happy to respond in the affirmative.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOLDEN-COLLUM MEMORIAL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 4354) to designate the Federal Building and U.S. Courthouse in Ocala, FL, as the "Golden-Collum Memorial Federal Building and United States Courthouse", was considered, ordered to a third reading, read the third time, and passed.

FOLEY FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 4717) to designate the United States Courthouse in Las Vegas, NV, as the "Foley Federal Building and United States Courthouse", was considered.

Mr. LAXALT. Mr. President, this legislation to redesignate the Las Vegas Federal Building as the "Foley Federal Building" honors a Nevada family that has distinguished itself in our State for four generations. From 1906, when Thomas Foley first established his law office in Goldfield, to the present day, when his tradition is carried on by his grandchildren and greatgrandchildren, Foleys have devoted a combined 300 years to the practice of law in Nevada. Their ranks have included private practitioners and public prosecutors, a State judge and a Federal judge. I can think of nothing more fitting than that the Federal building be named in recognition of the Foley family's outstanding service to the State of Nevada.

The bill was ordered to a third reading, was read the third time and passed.

CLEMENTE RUIZ NAZARIO COURTHOUSE

The bill (H.R. 5323) to designate the U.S. Courthouse Building in Hato Rey, PR, as the "Clemente Ruiz Nazario Courthouse", was considered, ordered to a third reading, read the third time, and passed.

ALEXANDER PIRNIE FEDERAL BUILDING

The bill (H.R. 5402) to designate the U.S. Post Office and Courthouse in Utica, NY, as the "Alexander Pirnie Federal Building", was considered, ordered to a third reading, read the third time, and passed.

JOE L. EVINS FEDERAL BUILDING

The bill (H.R. 5747) to designate the Federal Building in Oak Ridge, TN, as the "Joe L. Evins Federal Building", was considered, ordered to a third reading, read the third time, and passed.

DEWEY J. SHORT TABLE ROCK LAKE VISITORS CENTER

The bill (H.R. 6000) to designate the Table Rock Lake Visitors Center Building in the vicinity of Branson, MO, as the "Dewey J. Short Table Rock Lake Visitors Center," was considered, ordered to a third reading, read the third time, and passed.

ACT FOR THE PREVENTION AND PUNISHMENT OF THE CRIME OF HOSTAGE TAKING

The bill (S. 2624) to implement the International Convention Against the Taking of Hostages, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Act for the Prevention and Punishment of the Crime of Hostage-Taking".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress hereby finds that—

(a) the International Convention Against the Taking of Hostages (adopted by the United Nations, December 17, 1979), requires all States parties to it to prohibit the offense of hostage-taking as defined in the Convention;

(b) hostage-taking affects domestic tranquility, interstate and foreign commerce, and foreign relations, endangers national security, and is an offense against the law of nations;

(c) the purpose of this title is to fully implement the International Convention Against the Taking of Hostages.

SEC. 3. (a) Section 1201 of title 18, United States Code, is amended—

(1) by deleting in subsection (a)(3) the words "section 101(36) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(36))" and inserting in lieu thereof "section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(38))";

(2) by deleting "or" at the end of subsection (a)(3);

(3) by deleting the comma at the end of subsection (a)(4) and inserting "; or" in lieu thereof;

(4) by adding a new subsection (a)(5) after subsection (a)(4) as follows:

"(5) a threat is made to kill, injure, or to continue to detain the person in order to compel a third party to do or abstain from doing any act as an explicit or implicit condition for the release of the person,";

(5) by amending subsection (d) to read as follows:

"(d) Whoever attempts to violate subsection (a)(4) or subsection (a)(5) shall be punished by imprisonment for not more than twenty years.";

(6) by amending subsection (e) to read as follows:

"(e) If the victim of an offense under subsection (a) is an internationally protected person, or if a threat is made to kill, injure, or to continue to detain the victim in order to compel a third party to do or abstain from doing any act as an explicit or implicit condition for the release of the victim, the United States may exercise jurisdiction over the offense if the offense was committed within the United States; the alleged offender is a national of the United States; the victim or purported victim was a national of the United States; or the offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the term 'United States' includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C 1301(38)) and the term 'national of the United States' has the meaning given to it in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22).";

(7) by amending subsection (f) to read as follows:

"(f) In the course of enforcment of subsection (a)(4) or subsection (a)(5), and any other sections prohibiting a conspiracy or attempt to violate subsection (a)(4) or subsection (a)(5), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, Marine Corps, and Air Force, any statute, rule, or regulation to the contrary notwithstanding."; and

(8) by inserting a new subsection (g) to read as follows:

"(g) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, commonwealth, territory or possession of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibilities for prosecuting acts that may be violations of this section and that are violations of State and local law, nor shall anything in subsection (a)(5) of this section be construed as authorizing the United States to exercise jurisdiction over an offense occurring in the United States in which the alleged offender is the parent, child, spouse, brother or sister of any victim or in which the alleged offender and any victim live in the same household and are related by blood or marriage.".

(b)(1) The heading of section 1201 of title 18, United States Code, is amended to read as follows:

"§ 1201. Kidnaping and hostage-taking".

(2) The analysis for chapter 55 of title 18, United States Code, is amended by deleting the item relating to section 1201 and inserting in lieu thereof the following new item:

"1201. Kidnaping and hostage-taking.".

EFFECTIVE DATE

SEC. 4. Sections 2 and 3 of this Act shall become effective only when the International Convention Against the Taking of Hostages has come into force and the United States has become a party to it.

UPDATING THE AUTHORITY OF THE U.S. SECRET SERVICE

The bill (H.R. 5189) to amend section 3056 of title 18, United States Code, to update the authority of the U.S. Secret Service, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the several items were passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INCREASE IN THE AMOUNT OF A CLAIM AGAINST THE UNITED STATES THAT MAY BE PAID ADMINISTRATIVELY

Mr. BAKER. Mr. President, next I ask the Chair to lay before the Senate Calendar No. 1320.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 597) to amend sections 2733, 2734, and 2736 of title 10, United States Code and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider H.R. 597.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 597) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COST-OF-LIVING INCREASES

Mr. BAKER. Mr. President, next there is a House bill at the desk, that is to say, H.R. 6299, and I ask the Chair now to lay before the Senate that measure.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6299) to ensure the payment in 1985 of cost of living increases under the OASDI program in title II of the Social Security Act, and to provide for a study of certain changes which might be made in the provisions authorizing cost of living adjustments under that program.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider H.R. 6299.

1-YEAR WAIVER OF 3-PERCENT COLA TRIGGER FOR SOCIAL SECURITY

Mr. DOLE. Mr. President, I rise in support of H.R. 6299, a bill to waive the 3-percent threshold for the Social Security cost-of-living adjustment [COLA] scheduled for January 1985. This bill is similar to the amendment passed by the Senate on July 26 as part of H.R. 1428. Additionally, H.R. 6299 requires the Social Security Administration's actuaries to conduct a study of the COLA provisions and the long-term effect of simply eliminating the trigger altogether or reducing it to 1 percent.

As my colleagues know, according to figures released on September 21, the rate of inflation jumped so substantially during the month of August that it is extremely unlikely—virtually impossible—for the COLA to fall below the 3-percent trigger. The Consumer Price Index used for the Social Security COLA—the CPI for wage earners and clerical workers—rose at an annual rate of 11.5 percent in August. For the COLA to be less than 3 percent, prices would actually have to drop this month and by a substantial amount. Even a rate of zero inflation next month would still allow for a 3.3-percent COLA to be paid in January.

Given the above information, it is reasonable to ask why we should act on this legislation. Primarily, I would say to my colleagues, we should act now to allay fears of senior citizens who are rightly concerned about the future of the January COLA. It seems to me to be entirely correct that the Congress take this action to lay those fears to rest. Additionally, should prices actually decline and the rate of inflation drop so that a COLA would not be paid, this information would not be available to us until the end of October, when, hopefully, we will have adjourned.

Mr. President, the Senate amendment waiving the 3-percent trigger passed by a vote of 87 to 3. The similar House bill passed that body by a vote of 417 to 4. The administration clearly supports this one-time waiver, as indicated by the President's remarks at his press conference of July 24. I urge my colleagues to approve H.R. 6299 so that it can be sent the President for his signature.

Mr. MOYNIHAN. Mr. President, I rise today to urge passage of H.R. 6299, a bill to ensure payment in 1985 of the cost-of-living increases for beneficiaries of Social Security and SSI.

Let me say, at the outset, this bill may not be necessary. Based on the economic data for August, we now do expect that the Consumer Price Index [CPI] will increase by more than the 3 percent, ensuring a timely COLA. Clearly, we did not anticipate such when the Senate first took action on this matter in late July. Yet, passage of this bill is not an unnecessary act, we are not certain that the CPI will rise by at least 3 percent, and our action today will reassure senior citizens that their COLA next January is guaranteed.

Let me take a moment to explain the circumstances that led to this legislation. It appeared in late July that for the first time since Congress set in place automatic cost-of-living adjustments in 1975, the Consumer Price Index might well rise less than 3 percent. If this increase were to fall short of 3 percent, nearly 40 million Social Security and Supplemental Income beneficiaries would not receive any adjustment in their benefits next year to reflect their increased living costs.

The marked slowing of inflation of late is, in most respects, a welcome and happy event. But for aged and disabled Americans, lower inflation can be a mixed blessing. It may mean only modestly higher prices for the goods and services elderly and disabled citizens must purchase, but barring some change in the law, their ability to purchase these goods and services also would be reduced, albeit modestly.

Under provisions of the 1972 Social Security Amendments, whenever the rise in the Consumer Price Index exceeds 3 percent, as measured from the third quarter of 1 year to the third quarter of the next, Social Security benefits are adjusted accordingly, beginning with benefit checks received the following January. The benefit increase based on the CPI change from the third quarter of 1983 to the third quarter of 1984 would appear in checks received in the first week of January 1985—that is, the payment for December. Under current law, if the CPI does not increase by at least 3 percent during any 1 year, the COLA is delayed and calculated in the third quarter of the following year, to cover the 2 previous years. If the CPI increases less than 3 percent between the third quarter in 1983 and the third quarter of this year, therefore, the COLA calculation would be made in late 1985. Assuming that the cumulative increase in the CPI exceeds 3 percent between the third quarter 1983 and the third quarter 1985, the benefit adjustment would be effective for the checks received the first week in January 1986. These adjustments to benefits, then, are made when the CPI increase does exceed 3 percent. Sooner or later, benefits are adjusted to take account of all increases in the CPI.

On July 24, 1984, President Reagan announced that while the available data indicated that the CPI would rise less than 3 percent, he intended to propose to Congress a cost-of-living adjustment for January 1985 commensurate with whatever the CPI increase had actually been. On July 26, I introduced legislation with Senator ROBERT DOLE, the chairman of the Senate Finance Committee, to eliminate the 3-percent threshold for this January's COLA and the same day the Senate approved the proposal by a vote of 87 to 3. On October 2 the House of Representatives also passed a 1-year COLA guarantee by a vote of 417 to 4.

If the proposal is enacted and the CPI increase were to be just under 3 percent, single Americans on Social Security, who today receive average monthly benefits of $442 would receive an additional $12 each month, beginning next January. A married couple on Social Security, who now receives average monthly benefits of $700, would look forward to an additional $20 each month, consistent with rising prices in 1984. The most impoverished of our aged—those receiving SSI benefits—would receive an average additional benefit of $9 a month from the COLA.

These sums—an extra $9 or $12 or $20 per month—may not seem to be worth much to some of us. But for blind and disabled Americans and millions of retirees who don't have much, it means the ability to maintain the buying power of their current modest incomes. Some 40 million Americans—including 4 million Supplemental Security Income recipients, 1.2 million railroad retirees, and 750,000 veteran pensioners, in addition to regular Social Security recipients, would be affected next January. A COLA of just under 3 percent will keep almost a half million of them, elderly or disabled, from dropping below the poverty line.

If benefits are adjusted next January, based on roughly a 2.8-percent CPI increase, the COLA would cost about $5 billion. That cost, however, would be offset, in part, by a corresponding increase in the wage base. Such is the case, automatically, with every COLA. I would note that only about 8 percent of the Nation's wage earners, the 8 percent with the highest earnings, would be affected by this increase in the wage base. The net cost of this action in 1985, then, would be about $3.3 billion.

The Social Security trust funds would seem to be in a position to provide this increase in January 1985. On January 15, 1983, the National Commission on Social Security Reform agreed to a set of recommendations to place the Social Security System on a firm financial footing. I served as a member of that Commission, with WILLIAM ARCHER and BARBER CONABLE of this distinguished panel. The Commission's recommendations became law 3 months later, and our early hopes about their efficacy would seem vindicated. On April 5 of this year, the trustees of the Social Security trust funds—Treasury Secretary Donald T. Regan, Labor Secretary Raymond J. Donovan, and Health and Human Services Secretary Margaret M. Heckler—reported that benefits to be provided "under these programs can be paid well into the next century."

The 1984 Trustees Report issued this happy judgment with the assumption that in January 1985, benefits would increase 4.7 percent—that being the projected rise in the CPI as of last April. That increase would have cost the Social Security System $8.3 billion in additional benefit payments in 1985. If benefits are adjusted next January based on the 2.8-percent CPI increase we now anticipate, the costs to the OASDI funds will be roughly $3.3 billion less than the figure incorporated in the trust fund projectons. Let me mention another encouraging development. The OASDI trust funds are in even sounder condition today that the trustees' report last April had estimated. That report forecast a trust fund balance of $37 billion at the end of 1985. According to Social Security actuaries, the military adjustment payment to the trust funds will exceed the trustees' expectations by some $2.4 billion. Moreover, the current economic recovery is increasing revenues for the funds at a faster rate than expected. The net result of all these developments is that at the end of 1985, the trust fund surplus now is expected to be closer to $45 billion, than to the $37 billion forecast last April.

H.R. 6299 also contains a provision not included in the Senate bill—a provision to study the impact of eliminating the 3-percent trigger. I would have preferred at this time simply to eliminate the trigger, but perhaps in the course of such a study, SSA will identify other technical flaws in the section of the law covering cost of living adjustments.

Permit me to explain. Following the Senate's deliberations on the proposal to provide the COLA next January, we became aware of a flaw in the 1972 law that could be corrected by eliminating the 3-percent threshold for COLA's. Representative CONABLE was first aware of this flaw, and introduced H.R. 6019 to correct it.

In 1972, when Congress established the automatic cost-of-living adjustment, the Social Security Administration suggested a 3-percent threshold to avoid the burden of reprogramming the computers and hand calculations for small CPI increases. The costs, it was said, simply outweighed the benefits. Congress agreed to the minimum threshold increase in the CPI before benefits were adjusted, but provided for a catch-up in whatever subsequent year the cumulative price rise had exceeded 3 percent.

Now we see the problems with this approach. People first eligible in a year in which a catch-up cost-of-living adjustment had been granted would receive a double adjustment—one for the year in which they had retired and another for the previous year or years before they retired. This double adjustment would continue for the rest of their lives, and their survivors' lives as well. That is, if the COLA due in January 1985 is delayed until January 1986, anyone retiring in 1985 would receive a benefit adjustment in January of 1986 based, in part, on a period of time before he or she had retired. This overadjustment would permanently raise their benefits.

Eliminating this overadjustment would roughly offset, over the long term, the costs of providing a COLA each January. It now is clear, in fact, that eliminating the 3-percent threshold will have no significant long-range costs. This is the view of Robert J. Myers, for 23 years Chief Actuary of the Social Security Administration. Former Commissioner of the Social Security Administration Robert M. Ball and the Office of the SSA Actuary have said that eliminating the 3-percent threshold so as to provide a COLA each January will have a negligible long-term cost. Negligible, I understand is the technically correct term to describe costs of less than 0.01 percent of the payroll. I would note that, thanks to successive generations of computer development since 1975, the burden of reprogramming the system's computers for a modest COLA is no longer a great one.

All this is a bit technical, but the central fact is simple. The present arrangements would overpay some recipients, for example those retiring in a year following one—or more—for which the COLA had been proposed while depriving others of one or more year's COLA. The equitable solution, especially with the much-improved computer system, is to provide a cost-of-living adjustment each year prices rise.

I urge approval of this proposal to reassure our elderly and disabled citizens that they will receive a cost-of-living increase in January and to take a step to correct the flaw in the cost-of-living section of the law.

Mr. HEINZ. Mr. President, I strongly support H.R. 6299, a bill to ensure that Social Security and SSI beneficiaries receive a cost-of-living adjustment [COLA] in January 1985. This legislation waives the provision of the Social Security Act that would prohibit a COLA increase in 1985 if the increase in the 1984 Consumer Price Index [CPI] does not reach the 3-percent level.

In 1972, Congress mandated that Social Security and SSI beneficiaries should receive a yearly COLA, directly tied to increases in the CPI. This decision reflected a concern that the periodic ad hoc increases of the 1960's often overcompensated for inflation, and that everyone would benefit from predictable, standard COLA increases provided automatically, rather then through political grandstanding.

One obscure and technical aspect of the 1972 legislation was a provision to postpone the payment of a COLA increase in any year the CPI increase does not reach 3 percent. This was stipulated for purely administrative reasons—at the time, the Social Security Administration's computer system was very primitive and any COLA increase consumed a great deal of administrative resources to execute. Due to improvements in SSA's computer capability, this is no longer the case, and there is no real justification for the 3-percent threshold.

Though the 3-percent threshold has been in the law since 1972, persistent high inflation has always ensured a timely COLA. Other than Social Security experts, very few people were even aware of the existence of the 3-percent threshold until recently, and if it were activated, I am sure many senior citizens would assume that Congress had denied them their benefits, and that many beneficiaries would suffer from an enormous amount of unneeded anxiety over a purely technical provision.

On August 8, 1984, Senator MOYNIHAN and I introduced S. 2923, legislation to permanently eliminate the 3-percent threshold. While we have not been able to enact S. 2923 this year, I am certain the idea of permanently eliminating the trigger will be taken up in the next session of Congress. I the meantime, I think the least we can do is guarantee the 1985 COLA.

Mr. President, last year Congress passed comprehensive legislation to ensure the long-term solvency of the Social Security trust funds. This legislation has restored financial stability to the system largely as a result of sacrifices made by Social Security beneficiaries, including a 6-month delay in the 1984 COLA. With these sacrifices in mind, I think it is essential that we ensure that Social Security beneficiaries receive a COLA increase this coming January.

Mr. President, if I could add briefly for the record, in the interval in the time the Senate passed the resolution and it came back from the House of Representatives, the problem that there would not be a cost-of-living announced adjustment in 1985 has vanished. There will be, because there will be a CPI increase above 3 percent.

But in the course of this, we have learned that there is a technical problem in the 1977 legislation that can lead to considerable inequities as between persons who retired in 1 year when there was a rate below 3 percent and those who retired in a subsequent year. These are things of real consequence that need to be addressed.

This legislation provides that the actuaries study the matter, and hopefully we can address it in the next Congress.

I thank all those who have been involved and thank the majority leader and minority leader for bringing it to the floor.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 6299) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MOYNIHAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THREE-YEAR EXTENSION IN THE AUTHORITY TO PAY CASH AWARDS TO FEDERAL EMPLOYEES

Mr. BAKER. Mr. President, another measure at the desk is H.R. 5646, and I ask that the Chair lay that measure before the Senate.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 5646) to provide for a three-year extension in the authority to pay cash awards to Federal employees for certain cost savings disclosures, to clarify the authority to provide cash awards to members of the Armed Forces for such disclosures, to require a cost-benefit analysis of a Government program of furnishing workday care for dependents of Federal employees, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 7124

Mr. BAKER. Mr. President, on behalf of the distinguished Senator from Iowa, Mr. GRASSLEY, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER] on behalf of Mr. GRASSLEY, proposes an amendment numbered 7124.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of the above, insert the following:

That the Congress finds and affirms that—

(1) the Code of Ethics for Government Service charges that any person in government service should expose corruption wherever discovered;

(2) reprisals against employees who report incidents of fraud, waste and mismanagement is prohibited by law;

(3) the Constitution protects the rights of all citizens; and

(4) every person has a right to seek remedies to protect their individual rights.

SEC. 2. Title V is amended by inserting at the end of section 1208 the following new section:

SEC. 1209. JUDICIAL REVIEW.

a. The Special Counsel may obtain judicial review of a final order or decision rendered by the Board in actions brought pursuant to Sec. 1206 and 1207 of this title. Employees affected by an agency action subject to the Special Counsel complaint and who are aggrieved by the final decision may file a petition to intervene as a matter of right and will be considered a party to the proceeding. In corrective actions, the agency responsible for the matter giving rise to the Special Counsel complaint before the Board shall be the named respondent. In disciplinary actions, the respondent employees named in the Special Counsel complaint before the Board shall be named respondent in the judicial proceeding.

b. Petitions brought pursuant to this subpart shall be filed with the District Court and the right of a trial de novo and appellant review shall be preserved.

c. The Special Counsel shall file a petition for enforcement of subpoena and protective orers with the District Court pursuant to investigative and prosecutorial authority granted to the Special Counsel in accordance with this title.

SEC. 3. Section 1209 is retitled as new Section 1210.

Mr. BAKER. Mr. President, if the Chair will bear with me for just a moment.

Mr. President, the Grassley amendment is the pending question?

The PRESIDING OFFICER. The Grassley amendment is the pending question.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 7124) was agreed to.

AMENDMENT NO. 7125

(Purpose: To reestablish the authority of the Office of Personnel Management to authorize exceptions to certain restrictions relating to employment of retired members of the uniform services)

Mr. BAKER. Mr. President, on behalf of the distinguished Senator from Alaska [Mr. STEVENS] I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER] on behalf of Mr. STEVENS proposes an amendment numbered 7125.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 3, below line 16, insert the followig new section.

SEC. 4. The first sentence of section 5532(e) of title 5, United States Code, is amended by striking out "after the effective date of the Civil Service Reform Act of 1978" and inserting in lieu thereof "beginning October 1, 1984,".

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on the amendment numbered 7125 offered by the majority leader on behalf of Senator STEVENS.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 7125) was agreed to.

AMENDMENT NO. 7126

Mr. BAKER. Mr. President, on behalf of Senator STEVENS, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER], on behalf of Mr. STEVENS, proposes an amendment numbered 7126.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the appropriate place in the bill insert the following: "That the New York International and Bulk Mail Center at Jersey City, New Jersey, shall be known and designated as the 'New Jersey International and Bulk Mail Center'. Any reference in any law, map, regulation, document, or other paper of the United States to such building shall be held to be a reference to the New Jersey International and Bulk Mail Center.".

SEC. 2. "That the United States Postal Service shall cause to be erected alongside the street on its property leading into the employee parking lot at the New York International and Bulk Mail Center at Jersey City, New Jersey, a suitable sign bearing the inscription 'Michael McDermott Place', to dedicate that portion of the street in memory of former postal employee Michael McDermott.".

SEC. 3. "The above two sections shall take effect six months after the date of enactment of this Act.".

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 7126) was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 5446) was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LOCAL GOVERNMENT ANTITRUST ACT—CONFERENCE REPORT

Mr. BAKER. Mr. President, I submit a report of the committee of conference on H.R. 6027 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistance legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6027) to clarify the application of the Federal antitrust laws to the official conduct of local governments, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, October 10, 1984.)

Mr. THURMOND. Mr. President, it gives me great pleasure to rise in support of the conference report to H.R. 6027, the Local Government Antitrust Act. This legislation brings much-needed order and certainty to our Federal antitrust laws as they apply to local governments. Needless to say, local governments throughout the country have lived in the shadow of the Supreme Court's 1982 Boulder decision, and it is time that the Congress answers at least one major question that Boulder raised: Whether both local governments and nongovernmental parties acting at the direction of local governments, should be liable for treble damages.

Mr. President, this legislation makes the determination that under no circumstances can local governments be sued for damages; as long as nongovernmental parties engage in "official action directed by a local government, or official or employee thereof acting in an official capacity," damages cannot be assessed against them as well. Injunctive relief under section 16 of the Clayton Act, however, can still be obtained against both local governments and nongovernmental parties.

Mr. President, this legislation strikes an appropriate balance. While taxpayers will not have to pay treble damage awards, injunctive relief will still be available to halt and prevent antitrust violations.

Mr. President, I want to thank my colleagues for their support and assistance on H.R. 6027. Many Senators and members of their staffs have expressed great interest in this legislation. The Committee on the Judiciary worked diligently on this bill. I would particularly like to thank the Senate conferees, the distinguished Senator from Utah [Mr. HATCH] and the distinguished Senator from Ohio [Mr. METZENBAUM] for their exceptional work and cooperation.

I also wish to express my appreciation to the junior Senator from New Hampshire [Mr. RUDMAN], a former attorney general of his State and very knowledgeable in antitrust matters, who rendered great service on this legislation. This legislation is truly a bipartisan effort, and I am grateful for their support. I would also like to thank the Senate conferees' staffs on this matter, Steve Markman (Senator HATCH), Steve Ross (Senator METZENBAUM), and my counsel, Steve Cannon.

Mr. President, H.R. 6027 is truly beneficial legislation, without question it is in the public interest, and I therefore urge adoption of the conference report.

Mr. HOLLINGS. Mr. President, I rise in support of the conference report. I have to take note of the fact that included in this conference report is a repeal of the law that we enacted here and just signed by the President on August 30 of this year dealing with the Federal Trade Commission.

On June 28 of this year, the matter of the Federal Trade Commission's authority for injunctive procedures and other actions against the municipalities and local governments of America was fully debated. Previously, over on the House side, they voted overwhelmingly to forbid the Federal Trade Commission to move into this particular field. They have been in existence for over 70 years and have never ventured into trying to run the cities of America. Following the FTC's initial incursion into the cities, the House included an amendment on the Commerce, Justice, State appropriations bill to restrict the FTC's activities. We in the Senate took this matter up at that particular time and had a conference in which there was a strong position on the part of the House and a split decision on the part of the Senate with respect to the authority of the Federal Trade Commission.

As I pointed out in the debate on June 28, and again at the conference, the Federal Trade Commission really was behind in its regular work after a 70-year venture into false and deceptive advertising, and unfair trade practices. They had been admonished in and by a letter by Chairman DINGELL and Mr. FLORIO on the House side.

However, when the House thereupon passed its bill relative to relieving the cities of the treble damages, it languished over on the Senate side, and all of those being thanked now were the ones using their positions of pressure to state that they were not going to agree to any bill unless they had their particular way.

I understand the positions of Senators. They are very powerful individuals. And at this particular point, during the closing hours, I have now worked myself into that same position of power where I could stand and resist this conference report, and the change of the antitrust laws, and to have my way with respect to my belief with respect to the Federal Trade Commission's authority over local governments in America. But there is a time to use the power and a time to understand exactly what is the goal.

The goal here is to relieve the cities of America from Federal intrusion. We started this particular administration in 1981 with a Federalism Commission. I happened to have served at the appointment of President Reagan on the Federalism Commission, and I met many times with the distinguished senior Senator from Nevada, Senator LAXALT, who was the chairman of that group. Senator LAXALT, who is incidentally the chairman of the Subcommittee on State, Justice, Commerce, and agreed with my position and along with the others on this who serve on the Commerce Committee that has the jurisdictional authority over the Federal Trade Commission. Our thrust in the Federalism Commission was to get the Government off the backs of the people, off the local governments, and the entities, get rid of the regulations and certainly not impose a national nanny on the city councils of America.

We are about to reimpose that in this conference report. I realize that the goal is more nearly to relieve the cities of the treble damage threat.

I know if I was a city father and I was being conscientiously trying to do my job which requires the regulation of the economy, which requires regulations from time to time on the transportation facilities, whether it be public transport or private taxi service, regulating from time to time the zoning regulations, rent control, all of these matters could very easily become the subject of what you might call antitrust.

If you had passed a rent control and, therefore, that was restraint of trade in rent as respecting reality in that particular municipality. Therefore we would have those going to get a treble damage verdict against the city fathers. That is an adulteration, a distortion of the intent of the Federal Trade Commission and certainly our federalism system of Government.

I thought until recently some of the leaders who have led on this Federal Trade Commission matter, and this intrusion by the national nanny—certainly in contradiction to their beliefs that the best government was that nearest to the people might wake up to what they are actually doing to federation. However, what they are saying in this conference report is that the best government is the one furthest away from the people, the one here in Washington. The Federal Trade Commission has no accountability and is not elected by anyone. And now we are going to reimpose in this conference report that particular authority and responsibility.

We will have another day. I want to see, as I said earlier is, not to have a chance to use my powers as an individual Senator and threaten filibuster, We are not going to hold up all business like all the lawyer Senators around here have been doing for their particular case, because there are some 300 suits around, there has been some verdicts had, there have been some jury trials, and there have been some attempts to try to reverse the jury trials, the verdicts held, and the procedures already had. I resist and resent any kind of retroactivity. I resent, frankly, the thrust of many of those who have held up this particular measure on threats for 2 months in the Judiciary Committee.

The House bill passed in early August, but it was only here in late September when we in the Appropriations Committee put the treble damage rider on the continuing resolution that we finally moved the Judiciary Committee to action. Now that they have moved to action, they have moved beyond their jurisdiction. They know the name of the game. I do not know whether they want to call it chicken or whatever it is and see who wins out.

My reason for supporting the conference report is to let the cities win out. I think the cities certainly ought to be protected here from treble damages. I am convinced in no short time—some time next year, perhaps, when we bring this matter up again with respect to the Federal Trade Commission—that the will of the Congress will work its way to relieve the local governments from these kind of pressures and this kind of distortion on the part of antitrust procedure of the Federal Trade Commission on local government in America.

I appreciate the chairman of the House Judiciary Committee, Mr. Rodino, trying to keep his word, which he genuinely did. We discussed this matter at the time we had the rider on the appropriations bill on the continuing resolution. He stated at that time that the Federal Trade Commission was not in their jurisdiction and they would leave it off. He attempted to do that on the House side. Some of the Illinois lawyer Representatives got into the case. While he could get a majority vote, he could not get the two-thirds vote required to send the bill back without a conference.

Then my understanding is they were faced with certain demands from this side of the Capitol that "We are either going to have it my way or we are not going to have any bill at all." Under that premise, we would not have the treble damage protection for the cities of America.

I am glad to have not only cosponsored the original bill but taken a significant part to make sure that it was shook out of the Judiciary Committee where it languished for over 2 months, and that we now have a measure we can pass on the floor in the closing hours this evening. But that in no wise joins me into the repealer of the Federal Trade Commission prohibition that we passed here in August. We will come back, have another day, and see what we can do to get the National Congress to attend to its affairs, the national affairs in this country, to leave the local entities—that incidentally are paying their bills. They are not in all-night sessions trying to get a debt limit extended. They have balanced budgets. The States are doing the same thing. The counties are doing the same thing in America. It is strikingly strange that here the National Congress, that cannot handle its own affairs, wants to take a Federal bureau and superimpose it upon local government in America.

I think when the colleagues sober up and understand what they are doing, they will be joining with me at that particular time as they did last August when it became law.

I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, during the consideration of the continuing resolution the Senate included a provision relating to the antitrust question which I opposed at that time. But I am happy that we finally are bringing it here, and at least disposing of this issue in the proper fashion through a regular authorization bill. But nevertheless, Mr. President, I oppose this bill in its present form.

I find myself in the same position as the Senator from South Carolina who just spoke. I am sympathetic to the concerns the cities, localities, and municipalities have with treble damage suits that is allowed by current law. I recognize that in order to encourage quality people to serve in local government, protections from these excessive awards may be necessary.

Protections, however, Mr. President, must also be provided to individuals and companies who find themselves discriminated against and stymied by local bureaucracies. I do not believe this legislation adequately provides those protections. So I hope that even if this legislation passes, we can at least recognize there are additional areas of concern. I think there are other Senators who have concerns when local bureaucracies or local entities of government become very dictatorial, block out competition, and in fact deny the opportunities to privatize many of the local services. Especially when people would like to provide those services.

My first concern is the law's application to pending cases. This law would require that the defendant establish the inequitability of not applying subsection 2(b) to a pending case.

The courts would take into consideration the availability of alternative relief under the Clayton Act.

Because of this, a plaintiff who was challenging planning and zoning laws, for example, would be forced to sell the affected property. Given such circumstances, such a plaintiff would no longer have injunctive relief available. Monetary damages would be the only possible relief, and it is my understanding that it is the intent of this bill not to apply this law retroactively in such cases.

Second, this legislation places the cities on the same basis as the States for purposes of the antitrust laws.

My third concern is that this bill will inevitably lead courts into the quagmire of artificial distinctions between governmental and nongovernmental functions.

Fourth, this legislation could result in an extremely narrow or nonexistent application of the antitrust laws to proprietary activities by local governmental units.

To prevent abuses similar to those alleged in Lafayette, and other cases still pending, this legislation should state that municipal governmental units in the performance of proprietary activities will remain subject to the antitrust laws to some extent. This bill does not include this assurance.

If recovery of monetary damages from cities is eliminated, municipalities could require that those customers receiving water and sewage service from the city also buy electricity from the city with little concern for the consequences of such a trying arrangement. This would allow them to service customers who might normally buy from invester-owned utilities. Allowing only actions for injunctive relief could also permit municipalities to set discriminatory prices giving them a competitive advantage over regulated electric utilities.

I just think this is a very bad precedent and I hope we will be able to revisit this in the next Congress.

As has occurred in the past, cities might also: First, refuse to grant access to city facilities necessary to furnish electric service: second, refuse to permit placement of equipment necessary to furnish electricity; or third, refuse to grant franchises for distribution.

It cannot be denied that granting local governments carte blanche authority to pass ordinances that restrict competition without concern for State government decisions on the issues involved would undercut the fundamental principle of federalism that allows States—not subdivisions of States—to enjoy sovereignty under our Constitution.

This legislation leaves little recourse to a firm who has had its customers stolen by a municipal utility. It allows for neither court costs nor attorney's fees to be retrieved by the firm.

I look forward to working with Senator Rudman, Senator Thurmond, and Senator Hollings, who have worked so hard on this legislation and readdress these questions. As one Member of this body, I am not happy with the legislation. I do know there are other Senators who have worked long and hard on this and who are more knowledgeable in some of these areas than this Senator. However, I do think that we have an area that we should not ignore and we should reexamine them in the future.

Mr. President, I ask unanimous consent that a memorandum concerning this matter be printed at this point in the Record.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

Re Fifth Amendment and Tucker Act Issues in Federal Antitrust Municipality Exemption Proposals

In response to the Supreme Court's controversial decision in Community Communications Company v. City of Boulder, 455 U.S. 40 (1982), ruling that state action immunity could be extended to a local government only if its action were in furtherance of a "clearly articulated and affirmatively expressed" state policy, and concerned about the potential antitrust exposure facing local governments, Congress has initiated measures to protect local governments from the antitrust laws. A House bill (H.R. 6027) entitled the "Local Government Antitrust Act of 1984" exempting local governments from the damages provisions of the Clayton Act was passed on August 8 by a vote of 414 to 5. A comparable Senate bill (S. 1578) (same title as House bill) sponsored by Senator Thurmond, was reported favorably out of the Senate Judiciary Committee on June 15. Senate Appropriations Committee Amendment number 34 to H.J. Res. 648, Continuing Appropriations, 1985, provides for a municipal exemption from antitrust damage remedies.

The amendment could have the effect of stripping plaintiffs of their remedies (including treble damages) in pending antitrust suits against municipalities and other governmental units. The only relief available would be some sort of injunctive relief.

The amendment would also have the effect of cutting off liability in cases where antitrust violations have been committed and damages incurred but claims have not yet been filed and could apply to those (such as the Grayslake, Illinois case) in which judgments have already been rendered but appeals are being taken. Therefore, all claimants with causes of action that have accrued could be affected by the bill.

The Tucker Act, 28 U.S.C. § 1491, provides in pertinent part that "The United States Claims Court shall have jurisdiction to render judgment upon any claim against the United States grounded either upon the Constitution, or any act of Congress or any regulation of an Executive department, or upon any express or implicit contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort." The Tucker Act, then, provides Claims Court jurisdiction for suits against the United States grounded upon the Fifth Amendment of the Constitution.

If the amendment were found to effect a taking of property, without just compensation, a claimant suing a municipality under the antitrust laws would not be able to receive compensation for damages from the municipality itself, but anything that he could not receive from the municipality he would be entitled to receive from the United States.

Whether the proposed antitrust bill would effect a taking of property without just compensation is a difficult issue, but there is a very good likelihood that courts would find in the affirmative.

The best recent authority for the proposition that these antitrust bills would effect a taking of property, where a cause of action in antitrust law has already accrued, is *In re Aircrash in Bali, Indonesia on April 22, 1974*, 684 F.2d 1301 (9th Cir. 1982). In that case, the Ninth Circuit Court of Appeals held, that plaintiffs' wrongful death claims under California law, which could possibly be cut off by a Warsaw Convention limitation, are "property." "Plaintiffs have a right under California law to recover damages caused by the wrongful death of their decedents. There is no question that claims for compensation are property interests that cannot be taken for public use without compensation. *Ware v. Hylton*, 3 U.S. (3 Dall.) 199, 245 (1796); *Grey v. United States*, 21 Ct. Cl. 340, 392-93 (1886). *See also, Regional Rail Reorganization Act Cases*, 419 U.S. 102, 124-25 (1974); *Cities Service Company v. McGrath*, 342 U.S. 330, 335-36 (1952). We can see no reason why these plaintiffs' claims are any different, for Fifth Amendment purposes, from the claims of various creditors against the government of Iran, *see Dames & Moore*, 453 U.S. at 689." *Id.* at 1312 (citations omitted). *See also, Hartford Fire Insurance Company v. Lawrence, Dykes, Goodenberger, Bower and Clancy*, F. 2d —— (1984). In that case, the court held that "a litigant has no vested property right in a cause of action until it accrues," implying clearly that a litigant has a vested property right in a cause of action that *has* accrued.

Courts have echoed over the years the principle enunciated in *Munn v. Illinois*, 94 U.S. 113, 134 (1877), that "[a] person has no property, no vested interest, in any rule of the common law." *See, e.g., Second Employers' Liability Cases*, 223 U.S. 1, 50 (1912); *Duke Power Co. v. Carolina Env. Study Gp.*, 438 U.S. 59, 88 (1978). At first glance this seems to contradict the holding in *In re Aircrash in Bali*. But the *Bali* court successfully distinguished that principle in the following footnote:

> The Supreme Court, in a footnote to Duke Power, observed that "[a] person has no property, no vested interest, in any rule of the common law." 438 U.S. at 88 n. 32 (quoting *Second Employers' Liability Cases*). The cases cited for this proposition, with one exception, dealt with statutes creating, not extinguishing, liability. *Silver v. Silver*, 280 U.S. 117 (1929), the one exception, dealt with an automobile guest statute, which barred liability. In that case, however, the due process question was not raised, and the statement quoted is pure dictum.
>
> Furthermore, we are not dealing here with a change in a rule of the common law. Plaintiffs are not complaining of a change in law, but of limitation of an independently existing right under state law. By the same token, plaintiffs in *Dames & Moore* and *Duke Power* held or would hold claims created by the operation of state law. The Constitution does not create property rights; it merely forbids the extinguishment of those rights. The source of property rights is necessarily common law or statute, usually state statute. This is precisely the type of property to which the Fifth Amendment is addressed, as the Supreme Court implicitly recognized in *Duke Power*, 438 U.S. at 94 n.39.

Id. at 1312 (citations omitted). More specifically, the reason why the principle that a person has no property in any rule of the common law would not apply to a cause of action that is already accrued, is that there is a distinction between interest in a rule of law and interest in a claim *under* a rule of law. The cases that invoke the *Munn v. Illinois* principle are ones in which claimants are complaining that a change in the law has deprived them of a cause of action that *would have been available* under the common law or some previously-existing statute; they are not ones in which a cause of action has *already accrued. See, e.g., Silver v. Silver, supra.*

THE APPLICABILITY OF MUNICIPAL ANTITRUST LEGISLATION TO PENDING CASES

Mr. BAUCUS. After months of debate and negotiation, the Congress has finally passed a bill to relieve local governments of the possibility of monetary damages for antitrust violations. I am pleased that we have finally acted on this issue because I believe the bill will provide needed protection to taxpayers' pocketbooks and public treasuries.

One of the most controversial subjects that arose during consideration of this legislation was the application of the new law to cases pending on the date of enactment. In addressing this problem, the bill specifically requires the defendants in such cases to establish that it would be inequitable not to apply the section on monetary damages in their specific instance. The bill goes on to specify two areas for judicial consideration on the question of equity: the stage of the litigation and the availability of alternative relief under the Clayton Act.

In my view, the consideration of alternative relief would be particularly important in cases involving planning and zoning laws, especially if the plaintiff has been forced to sell the affected property. In such a case, injunctive relief would obviously provide no remedy, and monetary damages might very well be the only effective way of addressing the problem. It was the intent of those of us who deliberated on the issue of pending case coverage that the judge in these circumstances should give serious and specific consideration to the inability of the plaintiff to obtain redress through means other than a monetary award.

Mr. President, the issue of the applicability of new laws to pending cases has always been one of great interest to me. In my view, the resolution of that issue in this bill is a fair one, although I personally favor the establishment of bright lines to avoid the need for further litigation.

In closing, I would simply like to commend all those Senators who worked so hard to find a solution to the problem of municipal antitrust liability. In particular, I would like to commend the efforts of Senator THURMOND, who, as usual, was the epitome of reasonableness and accommodation.

ANTITRUST ACT

Mr. MOYNIHAN. Mr. President, I rise today to urge my colleagues to support passage of the conference report on H.R. 6027, the Local Government Antitrust Act of 1984.

In two separate cases over the last 6 years, *City of Lafayette, La.* v. *Louisiana Power and Light Co.* 435 U.S. 389 (1978) and *Community Communications Co., Inc.* v. *City of Boulder* 455

U.S. 40 (1982), the Supreme Court has held that local governments are not automatically immune from antitrust suits filed under the Clayton and Sherman Antitrust Acts. As a result of these decisions, more than 100 lawsuits seeking damages from local governments have been filed under the Clayton Act. These lawsuits have challenged such routine actions of local government as selecting a firm to collect trash or determining which concern will receive the concession for a city's parking lot. Some businesses that have not received contracts or concessions have filed suit against local governments, claiming that antitrust violations have occurred. This situation is most serious; many local officials fear that their governments will be sued if they make decisions concerning the selection of a qualified firm to collect garbage or to perform any other vital service. Damages awarded in these cases could pose a significant financial burden on local taxpayers, causing understandable trepidation among many local officials.

In contrast, for more than 50 years, the States have been immune from such lawsuits and from such damage awards. In *Parker* v. *Brown* 317 U.S. 341 (1943), the Supreme Court found that acts of State governments are beyond the reach of the antitrust laws.

Mr. President, H.R. 6017 would simply provide immunity to local governments from damage awards sought under the provisions of the Clayton Act, permitting them to provide essential services unfettered by the fear that they will be sued for damages. At the same time, however, the conference report on H.R. 6017 preserves the rights of aggrieved parties to seek injunctive relief against local governments.

On the whole, Mr. President, this legislation balances the need of local governments to provide essential services—without the fear of lawsuits—and the right of aggrieved parties to seek injunctive relief against cities. This is a responsible and important measure, and I urge its speedy passage.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. I rise in support of the conference report on H.R. 6027, the Local Government Antitrust Act of 1984.

This conference report did not come about easily. There were extended negotiations. At times it appeared that there would be no Local Government Antitrust Act of 1984. But by reason of the efforts of the distinguished chairman of the Judiciary Committee, Senator THURMOND, with the assistance given us by the Junior Senator from New Hampshire, Senator RUDMAN, and the able assistance of staff members, my own staff member, Steve Ross; Senator THURMOND's staff aide, Steve Cannon, and Tom Polgar from Senator RUDMAN's office, we have a bill that will give the cities the protection that they claim they need.

I am frank to admit that I had some reservations as to whether or not they should be provided this kind of exemption from the antitrust laws with respect to monetary damages. If they violate the law, if they combine in restraint of trade, if they preclude competition, it seems to me you can make a strong argument that an injured party ought to be able to have its day in court. On the other hand, the cities have made the argument that the cost of defending those cases are significant, that they could not afford the judgments which were being sought against them, and that in many instances their actions were not intended to preclude competition. So, as a consequence, we worked out an arrangement. The arrangement provides for injunctive relief against the cities and not for monetary damages.

The bill has some further provisions with respect to those acting in concert with the cities or acting under their direction. The bill's language speaks for itself in that respect.

This bill gives substantial protection to our Nation's cities and counties. They will not be subject to ruinous monetary damages arising out of actions held to be antitrust violations.

At the same time, the act ensures that the national policy of free competition will be preserved, for cities and counties will be subject to injunctive relief by private parties injured by anticompetitive actions, and by both Federal antitrust enforcement agencies, the Department of Justice, and the Federal Trade Commission.

I have heard comments made on the floor about the fact that this repeals a restriction that was provided in an appropriations bill of the FTC's jurisdiction in connection with matters against the cities.

Well, I do not think you have to make a very persuasive case on the floor of this Senate to conclude that if the FTC is to be denied jurisdiction with respect to any category of cases, the denial of that jurisdiction appropriately should take place in the authorizing committees. It does not belong in an appropriations bill and does not belong in a continuing resolution, and it does not belong as an amendment to the debt ceiling. But, as a matter of fact, it was included in an appropriation bill. This conference report, as well as the action of the Senate heretofore, repeals that restriction that relates to the FTC's jurisdiction in the appropriations bill.

I think the conferees did that which they should do because I cannot say strongly enough that, A, the FTC ought to have jurisdiction, but, B, if it is to be denied jurisdiction, it ought to come about after full hearings have been held in the appropriate committees.

I want to make one thing crystal clear for the record about a central aspect of this conference report.

We found ourselves hung up on the whole question of what happens to pending cases.

A number of Senators felt quite strongly that a plaintiff who has won a jury verdict should not have that verdict taken away by intervening legislation—others disagreed.

The Senate language, which was accepted by the conferees, reflects hard-fought, difficult negotiations among Senators.

At the conference, the House suggested that additional factors, such as the financial impact on a city, be included. They suggested other factors be included. These suggestions were rejected by the Senate conferees.

I want to say as loudly and as clearly as it is possible to say, as one of those who was intimately involved in these negotiations, that this Senator cannot change what the conferees agreed upon. No other Senator can change what the conferees agreed upon. No statement made upon the House floor can change what the conferees agreed upon. House Members who came to the conference and who made certain proposals and who were rejected in connection with those proposals have now spoken on the floor of the House, attempting to add some new interpretation.

None of those House Members and none of us in the Senate have the authority, have the strength, have the legal right to change the legal effect of what the conferees concluded in their language, nor can we change the statement of the managers. Only the statement of the managers accurately reflects the congressional intent in this area, and there is no way of changing that.

Any other statements, whether mine or anyone else's, merely reflect the personal views of the individual Member who happens to be speaking on the floor of the House or the Senate at that particular moment.

Mr. President, I again want to reiterate that on several occasions during this session I have had the privilege of working with the chairman of the Judiciary Committee. There is no secret about the fact that the chairman of the Judiciary Committee and this Senator often have a very divergent points of view with respect to the issues involved.

I think this is the third separate occasion on which we have been able to reconcile those views. It is an indication to me that the Senator from South Carolina brings to this body his years of experience and his knowledge and his capacity for compromise, consideration, and concern.

It has been a real privilege to the Senator from Ohio to work with the Senator from South Carolina in bringing about the result that we have before us this evening.

Mr. HOLLINGS. Mr. President, one little addendum to complete the record at this point.

S. 1578, the formative Senate bill to protect the city fathers from treble damages, was introduced in June 1983. It was not until we in the Committee on Appropriations, as a result of a rider put on over on the House side in June 1984, and reported the Commerce, Justice, State appropriations bill with that rider, that finally, S. 1578 came out of the Judiciary Committee. These Judiciary Committee members who are in sort of executive sessions with themselves now come in publicly praising themselves for all their great deeds. We had to drag them kicking and screaming into the room of fairness and fair treatment for the city fathers of America.

When the distinguished Senator says a restriction does not belong on an appropriations bill, I must point out that the formative legislation on treble damages in S. 1578 was put on the appropriations bill by the Judiciary Committee members in June of this particular year. Furthermore, it was not until we had approved the immunity from damages on to the continuing resolution in the Appropriations Committee that they finally got together for their great give and take and to finally do something for the cities of America.

I do not think they deserve the "good government award." I think they would get about a "D," or barely passing.

They could have gotten and "A" if they had gone ahead in full force and relieved the cities for the Federal Trade Commission—this national nanny Federal bureau that they want to put over all the local governments. They have found that the FTC knows so much about what to do about local affairs or regulating the local economy, licensing the various businesses on Main Street, zoning ordinances, rent control provisions, transportation facilities—all the jobs being done by the local officials in an accountable mode. If they do it wrong, they are there, the local press and media can get hold of them and the electorate can vote on their actions.

Try to get your hand on this Federal Trade Commission. The authorities over on the House side, as I said, the distinguished chairman, Representative DINGELL and Mr. FLORIO, sent them a letter telling them to get on with their jobs. Where were they when the mergers of all big oil companies had been taking place all year long? Where is the accounting on that.

Where were they when the largest automobile manufacturer in the world and third largest automobile manufacturer in the world started merging? Show me where that is accounted for.

You can go down the list with respect to unfair trade practices. But now, they sit around here worrying about the cities.

I was dismayed to find the chairman of the Federal Trade Commission, at 3 o'clock in the morning last week, standing out in the hall like some peon lobbying to get himself some more authority; all night long misleading the Senators with categorical statements.

I oppose the opening statement of the junior Senator from New Hampshire in proposing the repeal of section 510 last week. The reason I oppose it is the Senator from New Hampshire said, "Mr. President, I rise to help the cities of America." How are you going to help them by putting a Federal bureau over them? I do not know where he gets his idea of good government or help from.

So there it is. That is how they were misleading the chairman of the Judiciary Committee. My distinguished senior colleague stands up and says, "The White House and the administration favor this." I believe if you could get to Ronald Reagan and tell him what is going on, he would not stutter and stumble on this one.

He would not have to be coached on this one. He would not have to have a summary statement on this one.

He would be in total disbelief that his leader, the chairman of the Judiciary Committee, the great champion in 1948 for local self-government—he actually formed the Dixiecrat Party because he was trying to get away from the national nanny—now comes with all this praise and says, "Whoopee, we have done a good job. We are going to superimpose a Federal bureau over the local governments of America because the Reagan administration favors this" and tells colleagues to vote that way. The chairman of appropriations subcommittee stands in the well and misleads our colleagues saying: "I am standing here because this is what the cities want."

Of course, they are sleeping there on the sofas at 3 in the morning. I put the letter from the cities and mayors in the RECORD, but they are not going to come in and read the letters in the middle of the night. We shall find another day when they will awaken in this National Congress and find out really how to help local self-government rather than superimpose the Federal bureaucrats on the city officials.

Mr. THURMOND. Mr. President, I thank the able Senator from Ohio for his kind remarks. He and I have worked together on a number of measures this year. On the bankruptcy bill he rendered us very fine service. I appointed him, with two others, to negotiate with the Democrats on that. I am very pleased that we came out with a fine bankruptcy bill.

On the research and development bill, he also rendered us splendid service. Now, on this bill, he has again cooperated and we have come out with what I think is an excellent bill that will protect the cities and will retain to the States the power to grant immunity in antitrust matters to any city in the State they want to.

Mr. President, I have no further remarks. I hope that the Senate will pass the conference report.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE REMARKABLE JOAN KROC

Mr. CRANSTON. Mr. President, the San Diego Padres are making history—and so is their wise and wonderful owner, Joan Kroc, the widow of Ray C. Kroc.

A woman who is both beautiful and brilliant, Joan has contributed in a remarkable way to the success of her team. She invoked a feeling of family among the Padres that extended far beyond her daughter, Linda, and her husband, Ballard Smith, team president. The team togetherness she created had much to do with the winning ways of the Padres—along, of course, with the great managing by Dick Williams and the superb playing by established stars like Steve Garvey and unknowns like Kurt Bevacqua.

Joan Kroc has more on her mind than baseball. She is beginning to make a mark on many of the great needs and issues of our time—like the task of avoiding the catastrophe of a nuclear war.

An article in yesterday's San Diego Tribune describes this remarkable woman. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the San Diego Tribune, Oct. 10, 1984]

JOAN KROC'S OUT OF SHADOW AND FORGING HER OWN IMAGE

(By Robert Blair Kaiser)

After the death in January of Padre owner Ray Kroc, his widow could have taken the money and run. A woman can do a lot with $525 million, which is what Forbes magazine says Joan Kroc is worth.

She could buy an island home in the Caribbean or—what the heck?—an entire island. And a chalet in Switzerland. And, and, and . . . .

But Joan Kroc chose to stick around San Diego and get involved.

As a result, the Padres have emerged as a new force in baseball and she has blossomed as a refreshing new presence in the life of a city that seems to need a new presence right now.

Her influence will soon extend across the nation, too. At the end of the year, her production of a movie version of the Broadway hit "Mass Appeal," starring Jack Lemmon, will premiere in New York and Los Angeles. And she promises new initiatives in the fight to abolish nuclear arms.

Some can't help comparing Joan Kroc to another L.A. widow. In 1979, Georgia Rosenbloom took over the Los Angeles Rams, then forced out her stepson and eventually fired almost everyone in sight because she thought she knew something about football.

In 1984, Kroc said she didn't know anything about baseball, then proceeded to provide some subtle people skills to help the Padres win the pennant and, yes, bring this burg, oft forgotten by the nation's media, all the attendant pride and passion that comes with the World Series.

Says Lee Grissom, president of the Greater San Diego Chamber of Commerce: "The Padres are only one example of Joan's leadership. She helped this community weather the San Ysidro disaster. She's contributing now to the arts as well as medical research. More than any single person, she's caught the spirit of San Diego, the compassion, the will to make it better."

In fact, Kroc has contributed $150,000 this year for Special Olympics youngsters to run in the Olympics Torch Relay, $100,000 to the San Diego Zoo, $50,000 each to the Child Abuse Prevention Foundation and the Big Sister League, and $25,000 each to the San Diego Symphony, the Youth Symphony, the San Diego Opera, the Community Light Opera, the Old Globe Theatre, and the San Diego Repertory Theater.

Grissom reminds you that it was Joan Kroc who contributed the first $100,000 to the San Ysidro Family Survivors' Fund.

You ask Kroc why she did it. It wasn't simply a matter of public relations for McDonald's. Given her rationale in a recent interview, she might have done so if the killing ground had been a Burger King: "The amount of money didn't matter. If I had had $20,000, I would have given $500. I wanted to do something that would have an impact. I wanted to set up a conduit to help people get through their rage and feelings of helplessness. People felt like there was no tomorrow.

"They needed the freedom to express themselves—in some way. That's why I insisted on using the words 'family' and 'survivors,' certainly not the word 'massacre.' I wanted to turn this into something positive."

She succeeded. Given her lead, the McDonald's Corp. came through with $1 million (she said yesterday she had implored management at McDonald's in Chicago for a mere $25,000) and hundreds of others (including Jimmy Connors and Ivan Lendl) contributed enough to create a fund totaling almost $1.5 million.

But even before San Ysidro, Joan Kroc was starting to step out on her own and in her own special way, even if that meant being a little bit ahead of her time. It was she who stimulated the Padres into setting up baseball's first organized program to deal with alcohol and drug abuse and she who asked for a meeting with then-commissioner of baseball Bowie Kuhn and other baseball leaders to urge they do something in both leagues that would follow the Padres' model.

"The point of these programs," she said, "is not to punish people who are having problems, but to help them." It is an approach now being emulated by corporations across the land.

This gentle approach, she said recently, may be part of a new style, "not feminist, but feminine, a philosophy largely overlooked by our government. I would like to see people just have a little more charity of heart. I think (Democratic presidential candidate Walter) Mondale said it well in the debate: 'We can't be mean-spirited.' "

Just how she will carry on her campaign to help make gentle the life of the world remains to be seen. One thing is clear to her: Kroc sees the Padres' new national eminence as something of a providential opportunity for her to get more involved in a new cause, the abolition of nuclear arms.

The time, she says, is now. But she isn't thinking "like members of the Moral Majority who are saying we are on the brink of Armageddon. If this is the hour, then that takes all the fight out of us and there's no hope. I have a problem with the prophets of gloom, the soothsayers. Sure, nuclear bombs kill people. But people are the ones who press the buttons."

Asked recently by a member of the Reagan campaign to serve on a blue-ribbon re-election committee of 20 U.S. corporate leaders, she said, "I'm not even voting for Ronald Reagan, much less serving on one of his committees. I wouldn't vote for anyone who's against a nuclear freeze."

Adding to that thought this week, she said, "We need to be strong, but we don't need overkill. I think we ought to talk peace rather than peacekeepers, which is to say 'missiles.' I like the slogan I read the other day: 'We can't hug our kids with nuclear arms.' "

Kroc hugs four grandchildren regularly, the four daughters of Ballard and Linda Smith, and says one of her keenest pleasures is giving one or another of them who has stayed the night a ride home on her motor scooter.

In an interview Monday, Linda Smith, Kroc's only child (by her first marriage), said her mother has always been against the arms race. "Now that the community recognizes her, she feels she could make some impact."

Even in a Navy town, in a town filled with retired admirals? "Yes," said Smith. "My mother's ready for that. She's a gentle lady. But she's tough."

Said Joan Kroc: "My strength comes from my not being beholden to any group or any political party. When I speak, I hope people will listen—to my arguments. I think people believe in the power of reason, not in the power of power. And I think people are readier to listen to a woman.

"Up to now, I've had to fight for the respect that men get automatically. But things are changing. If we are patient and strong, we believe we have power."

Smith talked about her mother's "blossoming," which seemed to begin after Ray Kroc's death in January. She took over as board chairman of the Padres but made no sweeping changes. She didn't condemn; she confirmed.

"I don't know a damn thing about baseball," she said in an interview this week. "But I do know about people. People do better with praise. You praise them when you can."

Her praise last winter started with Ballard Smith, a full-time serious team president. It went on to General Manager Jack McKeon, who had re-fashioned the ballclub so thoroughly that two players remain from the team he began with four years ago, and to Manager Dick Williams, whose records in Oakland and Montreal have proven he knows as much about leadership on the diamond as anyone.

Emphasizing the positive, Kroc paid her first-ever visit to the Padres clubhouse in July at the beginning of season's second half, when San Diego was sitting five games in front of the pack in the National League's Western Division. Williams had warned his men Kroc was coming at 6 p.m. "Be dressed," he said.

She found them "in all manner of disarray"—a subtle insolence, perhaps, a silent rebuke of someone who didn't exactly belong there.

Graig Nettles and Rich Gossage, ex-Yankees who has sat through some cyclonic visits to the New York clubhouse by owner George Steinbrenner, have admitted they didn't know what to expect. And they couldn't quite believe what Kroc said.

Nettles recalls, "She told us that even if we didn't win another game all year, she would still be the happiest lady in the world because of what we'd already done."

Nettles and Gossage were aghast.

So was Ballard Smith. "Oh my God, Mom," he said, "don't ever do that again."

That may have been a turning point in the season. The Padres didn't do their usual end-of-the season dance: fiddle, fumble, stumble and fall. Instead, they let the much-hated Dodgers do that and ended up 12 games in front to win the National League West.

When their magic number was zero, the players gathered at Gossage's home to celebrate. And then they did a significant thing: They delegated the Goose to pick up the phone and call Kroc. "The guys are all here," he said. "Would you like to come over?"

Would she? Joan was "surprised and delighted." In a conversation yesterday, she said, "I wondered whether they really wanted me there, whether it wasn't just a matter of inviting the chief executive officer to your party and hoping he'd have one drink and go home."

No way, José. Though fighting alcohol abuse is one of Kroc's compelling causes (she contributes millions to her own CORK Foundation for precisely this), she said she wanted the team to know the difference between abuse and use.

"It would have been terrible," she said, "not to celebrate, and with champagne, too."

Gossage loosened the cork, and Kroc popped it, then tipped the bottle back and took a big swig.

Terry Kennedy, catcher and team leader, took one look at his owner drinking champagne out of the bottle and yelled, "She's one of us. She's history."

Belonging now in a new way, the players had to baptize her—in the Gossage pool. In Kroc went, clothes and all, and a few more times after that.

No, Kroc said later, she couldn't imagine the Yankees throwing Steinbrenner into a swimming pool.

"Maybe," she added, "with bricks on both feet."

Nor could she imagine Steinbrenner doing what she did last Wednesday night—flying back from Chicago on the Padres' chartered jet. She made it clear to the team, which had suffered two humiliating losses in Chicago, that she knew they would get the job done in San Diego.

As everyone knows, everyone who was alive on the planet on Sunday, they did.

"I'm as competitive as the next person," said Kroc. "But I don't think it's good to put too much pressure on people."

Yesterday morning, she was up at 3 a.m. for an appearance at 4:20 on ABC's "Good Morning America," then back to her home in La Jolla, where she firmed up travel arrangements for friends from Hollywood—Danny and Rosemary Thomas and Jack Lemmon—who would join her in her box for game one of the glorious World Series in San Diego.

"Mass Appeal?" she says. "It's in the can. It will be released in December to qualify for an Academy Award nomination. Which everyone assures me will happen. If it does, I don't know how I can handle it: a World Series and an Academy nomination back-to-back?"

TRIBUTE TO SENATOR BAKER

Mr. RANDOLPH. Mr. President, often at this hour in the evening, the galleries have been filled with constituents and citizens as debate moves forward on many important issues. There is tonight a rather quiet atmosphere in the Senate. I am happy for that setting, as I speak of the majority leader of the Senate, Howard Baker.

Earlier, during today's session, I have expressed words of deserved praise to my colleague, Paul Tsongas, who sits at my left. Paul, for reasons of health, is leaving the Senate of the United States at the end of this 98th Congress.

I have spoken also of the chairman of the Committee on Armed Services, John Tower. We cross the aisle back and forth. We have our differences. But there is no divisiveness that has spoiled the setting of a legislative opportunity to cope with the challenges that the men and women of this body have day after day, and often into the night.

Now I am approaching a rather brief but very genuine tribute to the majority leader of this body, Howard Baker, of Tennessee. Mr. President, it has been my privilege, my joy, for 18 years to be associated in the Senate with our dedicated majority leader. On many occasions, we have had our objectives go along the same route, paralleling one another. We have worked together in the development of policies in which we have been ardent advocates.

I think that we have, on many, many occasions, worked toward the same hoped-for good ends on matters that were of importance not only to the Senate and the House but to the undergirding of a strong America.

I had been a Member in this body for 8 years, when in 1966 Howard Baker came to the Senate. I knew Howard Baker, of course, before he came here. There was a thread of association with him which I shall not develop fully here tonight. But during the time that I served in the House of Representatives, a period of 14 years, I worked carefully with the father-in-law of Howard Baker. I shall never forget Everett McKinley Dirksen. Certainly I should never forget him because we were sworn in on the same day as Members of the House of Representatives. That was on March 9, 1933. And now I speak of Howard Baker, his son-in-law, and I speak also of the fact that I have served with other members of Senator Baker's family. I could talk of his father, his mother. Both of Howard Baker's parents served in the Congress of the United States.

Senator Baker has certainly brought to this body an intellectual capacity equal to the challenge of working with Members as we develop legislative goals. His career as a legislator, of course, we could discuss on and on. We could discuss measures in detail; we could see him pacing up and down the middle aisle; we could see him sitting on one of these desks as he often did with one leg on the floor and the other dangling a foot above the well of the House.

We could see him talking with men and women in this body. But I speak not of this. I speak of him as a man who understands the very best in the concept of an America, an America which is good, an America with all of its faults, which is the nation on this Earth that gives the greatest hope of some day bringing understanding and peace to all the peoples of the world. And so I speak now of his vision, of his ability to grasp those issues, going beyond the immediate moment. He has given to the Nation, to our people, the realization—as we study Howard Baker—that he has outstanding qualifications which fit him for the work he has cheerfully carried forward as the majority leader in the Senate.

Yes, he has now had 18 years in the Senate and Howard Baker has worked closely with me, closely with other Members regardless of party affiliation.

I, of course, welcomed him when he came to the Committee on Environment and Public Works.

At this moment I interject to say how pleasant it was sometimes to stop for a moment, even in the hurly-burly of the Senate, with John Sherman Cooper, on one of the sofas on the Republican side of the Chamber and visit with our colleagues. Senator Cooper was a gallant Member of the Senate for such a long time. And it was in this tradition of John Sherman Cooper and others that Howard Baker came into the service of our committee. As the ranking minority member of the committee, before assuming his broader duties as the Senate Republican leader, he worked quietly, yet effectively, sometimes speaking out, holding his hand like this as he expressed himself. He was an important member of our committee—influential, of course, and contributing to much of the work that we believed was necessary for successful legislation, a benefit to the people of the United States of America. Senator Baker and I and others cooperated on developing legislation which helped the economy of the Appalachian region. We worked on programs to reduce pollution and improve the quality of water for people and the quality of our air.

Yes, Howard Baker was from Tennessee and he had the heritage of a son of the mountains. They have mountains in Tennessee, just as we have mountains in West Virginia. But whether he was from the lowlands or the highlands he had a sensitivity of spirit which was brought into the 13-State region called Appalachia from New York State to Mississippi. There were many occasions when we worked on programs that were not recognized so much by the press and the public but quietly, earnestly he went around doing the job.

Yes, the Nation at large certainly became aware of Howard Baker in a rather acute time in the history of this country when we had the inquiry into Watergate. In 1973, he was the vice chairman of the Senate Watergate Committee. He was of the feeling in that job there were responsibilities that he must assume and extend his ability and fairness and the strength of his character. He remained in those days a man of the committee, but in a sense he was a man of the people of America because they came to respect him and to know that he was even-handed in the handling of those matters.

Certainly the Republican Party in this body as well as the Democratic Party has felt a certain kinship with Howard Baker. The Members that sit on that side of the Chamber have understood that they were very fortunate—and I shall not speak for them—to have him as their leader during this turbulent period in the history of a shrinking world.

I remember when he assumed that responsibility in 1981. Time sometimes moves slowly. Some might think that he has been longer in that job. But this has been a time in the history of the Senate when he gave a temperament and an experience that has helped us during a period of sometimes very rapid transition.

The confidence of the members of his party is a confidence that is expressed also by those of us on this side of the aisle. We think of not just the policy which he exemplifies but the sensitivity that he has in working with all of us. We think of his programs, his management of Senate business in cooperation with the able minority leader, ROBERT BYRD, of West Virginia, two men working together, often with different approaches, but always affable one to the other and expressing not a divisiveness, but an ability to work for the Senate and for the country. And so we who have been his colleagues express the feeling that Senator BAKER's work was not for himself, not for the members of this party, but for worthwhile legislative and public policies to help the people of this Nation. HOWARD BAKER has embodied the principles I think of the Founding Fathers as they created this Republic more than two centuries ago. The concepts of HOWARD BAKER, the advocacies of HOWARD BAKER are, in my estimation, worthwhile and constructive.

He has been a defender of the very best in the heritage of the United States. I could call him a man that could go from one century to another, a man who knows and brings to us the realities of a world in which there must be a continuing effort to seek agreement among many interests and nations.

Yes, the qualities of HOWARD BAKER, I have spoken of them; the achievements of HOWARD BAKER, I have outlined them. But there is consciousness in my closing words about Senator BAKER that I want to be understood not just for the printed record but for this voice that can be heard standing at this desk in his behalf.

He has always been conscientious. The world needs a conscience like that possessed by HOWARD BAKER. Although changing positions sometimes as he worked his way through legislation, he has always had the objectivity which was necessary to bring forth good legislation which could, as I have said, help, not just Tennessee, not just West Virginia, not just some other State, but the Nation as a whole.

Yes, there are friends that we never forget; there are friends that even though we shall not see them often in the coming years as we part our ways in this Senate, we shall not forget. HOWARD BAKER is such a person; gentleman, scholar, advocate of that which is good for America. And this Senator speaking tonight is only echoing thoughts which 99 of us would express in different ways. HOWARD BAKER is a man, a manly man, a fine citizen, one whom we shall revere when we have left this Chamber.

Mr. President, I have spoken of three of the Senators who voluntarily leave the Senate of which they are a part, PAUL TSONGAS, JOHN TOWER, and now HOWARD BAKER.

It would be appropriate perhaps that I take my seat and then a little later speak personally. But I shall continue in a personal way during this time.

Mr. President, I have worked on this Hill over a time span of 51 years. I have served with 283 individual Senators during the time that I have been in this body.

I have come to appreciate them, to understand them, and to respect them.

Tonight, I think also of the fourth Member who will be leaving—the three I mentioned and now myself. Tonight ends the session. If there is no lameduck gathering after the election, this would be the last time that we would be here in the Senate Chamber itself.

January 2 of next year will be the day on which I will end these years on Capitol Hill, a historic hill and one that has meant much to me because of the challenge of the work to be done.

I was 14 years, of course, in the House, an intervening 11 years in private industry, and then returning to the Congress for 26 years in the Senate. During these years, I have cast 10,750 votes.

It is not a pleasantry for me. It is a truism when I say there is not a Member of the Congress of the United States who could carry out his or her duties without the assistance of dedicated, knowledgeable, loyal, staff members. I have had such staff persons in both the House and the Senate, in my office and committee activities.

There is not a reluctance to speak of those who work with us, but we often forget to express our appreciation to them. But this is a time for me to speak about those who have helped me during my career here on Capitol Hill.

So I am doing that tonight, not because I must do it but because I want to do it. And in doing it I hope I express the thoughts of the membership of the Senate.

I serve, of course, on the Committee on Environment and Public Works. I was its chairman for 14½ years. I serve also on the Committee on Labor and Human Resources. That has been a committee where we have had the opportunity to work for people who often could not really help themselves, the handicapped and other people who needed our assistance. I have been a member of the Veterans' Affairs Committee in the Senate and before we had a standing committee I served on the Subcommittee on Veterans' Affairs. I served as the chairman of that subcommittee for some 20 months before it became standing committee.

And now, Mr. President, I know that I have talked perhaps in a rambling fashion. But I have just expressed the way I feel as I come to this juncture in my life.

I continue to say—even though there is not a Chamber filled with my colleagues to hear it—that there is not a single Member of this body, Democrat or Republican, with whom I have not had a good working relationship during these 26 years in the Senate.

Mr. President, I do not retire on January 2. I have laughingly said that when I leave the Senate I will not retire; I will simply change jobs. I am not sure what my jobs will be, but I could perhaps lightly say I will be available for any offers.

But I express over and over again what a great experience it has been for a young man from the hill country in West Virginia, born on Main Street. I looked always at the hills around me. I remember those times when I tried to have my parents realize that, if I could climb that hill near my home and then climb the water tower and then had a long pole, I could touch the sky. And so whether we touch the sky or whether we touch the people, let us all realize that this country of yours and mine has someone above even all of us.

I sought to hear the voice of God, and I climbed the topmost steeple, but God declared, "Go down again; I dwell among the people."

To dwell among people, to work with people, to hope with people, this has been for me a great, great, never to be forgotten experience.

(Mr. TRIBLE assumed the Chair.)

Mr. SYMMS. Mr. President, our beloved colleague, Senator RANDOLPH, has just given the Senate what I consider a very wonderful talk, on the eve of his leaving this body. I dearly appreciate Senator RANDOLPH and have loved knowing him in the Senate and working with him. I was hoping that today we would have been able to pass highway legislation as a tribute to our great, distinguished friend from West Virginia.

Senator RANDOLPH, in my opinion, is one of the most decent and delightful men I have had the privilege of knowing in my 12 years in Congress. He has been fighting for the things he believes in. He has always been the happy warrior, and he never fails to be considerate and courteous to all those who either are with him or against him on any issue.

Just this morning, when we were in a meeting with the members of the Public Works Committee in Senator STAFFORD's office, we were talking about the differences with the other body with respect to highway legislation. Senator RANDOLPH came back to point out how important it was for the people in West Virginia that highway legislation pass today, not only so that the money could be appropriated to the 50 States, but also so that the people in his State of West Virginia, who badly need the highway funds, could get those funds and keep the highway program moving.

At no time in his service in the Senate has he gotten away from the fact that he represents not only national interests but also the needs of the people in his beloved State of West Virginia. I certainly am happy to work with Senator RANDOLPH on the Public Works Committee and in the Senate.

I had the privilege earlier this year to travel to Pittsburgh with Senator RANDOLPH. I looked up a few things about him before we went up for the wonderful evening we had with two or three of our colleagues, to speak to a group in Pittsburgh.

I found out that Senator RANDOLPH was elected to Congress 5 years before I was born. he has never shown any sign of losing his enthusiasm or his optimism. I have heard him say many times during our problems on the committee, "These problems are wonderful, because that gives us an opportunity to solve them."

I think that is probably one of the reasons why you are only 82 years young, Senator RANDOLPH. He is 82 years young. He is a young man.

I think it might be fitting that the distinguished Senator from West Virginia, perhaps next year, should go out and work to help resolve the differences between our colleagues on the other side of the Hill and those of this side of the Hill, so that we can get the highway legislation through Congress. That would be an appropriate and fitting employment opportunity. I hope some of those people who have an interest in that might seek his services next year.

When JENNINGS first ran for Congress in 1930—this is a true story, and he confirmed this to me—he was campaigning in the apple orchards one day, at picking time. He walked around the orchards all day, shaking hands with the workers and asking them to support him in his election for Congress.

One of the workers said: "We're sure glad to meet you, but we think you should realize that you're across the State line and are campaigning in Virginia, not West Virginia."

Senator RANDOLPH was not even fazed, because he knew that those apple pickers had friends on the other side of the border, so he said, "Tell all your friends in West Virginia."

Columnist George Will, in a recent column, in discussing highway legislation, referred to JENNINGS RANDOLPH as "an affable slab of a man who looks like a piece of stone hedge that walked away."

The interesting thing I found out, in doing historical research on our dear friend, was that what George Will probably did not know that JENNINGS RANDOLPH at one time was a pole-vaulter, a high jumper, played basketball and tennis and football; he was a college professor, an athletic director, a newspaper editor, and an airline executive.

In his long and distinguished career in Congress, Senator RANDOLPH will always be remembered for the fact that he was a thinker and a dreamer and a doer in many important fields. JENNINGS RANDOLPH pioneered important legislation with respect to highways, the handicapped, and many other things.

One thing near and dear to our hearts in the West is that we do have the Interstate and Defense Highway System, which has been so helpful for the United States, to tie the country together, not only commercially, but for many other aspects as well.

In 1937, young Congressman RANDOLPH first introduced the Transcontinental Act. This eventually became the National Highway Act, some 20 years later.

He has been a leader in the field of synthetic fuels production. Long before we had an energy crisis or any thought of being short of energy, he was talking about things we should be doing to get this country on a self-sufficient basis in that respect.

I attended a breakfast one morning at which he had people who had lost their eyesight, and other handicapped people. He has been thoughful and helpful and considerate of these people, as well.

Perhaps one of the best tributes paid to Senator RANDOLPH was by our distinguished majority leader, Senator HOWARD BAKER. We had a party in the Texas room, I believe, for Senator RANDOLPH's birthday. Senator BAKER said at that party that the reason he was retiring from the group was this: "Many people have wondered why I decided to join JENNINGS in retirement from the Senate. The reason is quite simple. I can't imagine and don't want to be in a Congress that doesn't include JENNINGS RANDOLPH."

Those are the words of our distinguished majority leader, Senator HOWARD BAKER.

I could go on and on, Mr. President, but I shall not do so, only to bid a farewell to my dear friend from West Virginia. I am sure I will see a lot of him next year, because I will need his support. The pressure will be on more than ever to get this highway legislation through, and we will look forward to his help to get that job done.

SENATOR PAUL TSONGAS

Mr. DOMENICI. Mr. President, as I indicated, I have a few remarks that I want to make about some of the friends I have made in the Senate and met and worked with that are leaving us.

I would like to start with the most junior of them, Senator PAUL TSONGAS. He is leaving us and, I guess as a father of eight children that came here 12 years ago with a family that had to move up from New Mexico, my youngest were 5-year-old twins, I say goodby to him tonight, PAUL TSONGAS, but I admit that I feel some envy for the distinguished Senator from Massachusetts because while he does not have as many children as I, I think maybe I would say I have some envy for him as a family man because he has had many opportunities to share the reasons that motivated him to leave, and while there may be a few, obviously the distinguished junior Senator from Massachusetts is going to go home to reclaim one of the things that I neglect and that many of us neglect here in our job in the Senate. The Senate does this to us. From time to time, we ought to acknowledge it and admit it, and say we are going to try to do better. He is going to be able to be a family man, to spend more time with his wife and children, and not on the hit-or-miss, haphazard schedule that we are on.

I know I am not alone in envying Senator TSONGAS' new lifestyle beginning in 1985. Most of the Senators I know tell me that the one thing they regret giving up for elected office is the time they would otherwise have at home. Certainly we would all rather be sitting around the dinner table in our own dining rooms in the evenings, not down here in our offices, sneaking time out for a sandwich between meetings, or appearing at a fundraiser and phoning apologies to our wives for last-minute schedule changes. It is no fun for our families either, and I think we all owe them a "thank you" for the seemingly endless patience they muster.

PAUL TSONGAS is doing what most of us say we are going to do at some point in our terms—though few of us can ever quite get as far as he has. He is going back to private life with his head held high, with a sound record in the Senate, and with admirers on both sides of this Senate who hate to see him go, but do not for a minute question his reasons for leaving.

I cannot help but think that next year when we are here working through a late-night session, when all factions in some seemingly critical debate are squared off against each other with dim chances for compromise. I cannot help thinking what I will stop for a moment and remember PAUL TSONGAS and even then envy his good judgment. He has affirmed what we hold most precious here in America, the important tradition of family values and home life.

Abe Lincoln, writing to a friend back in 1842, noted the magnitude of his own new "family" with his piercing gift for understatement. He wrote, "Nothing new here, except my marrying, which to me is a matter of profound wonder."

My own wife and children are to me a matter of profound wonder, as I

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know they are to Senator TSONGAS, and I tip my hat to him for recognizing that. Senator TSONGAS embodies the phrase that Charles Dickens wrote, "In love of home, the love of country has its rise."

He leaves after 6 years with his head high. While he and I might not agree on a number of issues, I have the greatest respect for him. He left his mark.

SENATOR JOHN TOWER

Mr. DOMENICI. Mr. President, I would like to talk for just a minute about Senator TOWER. When I came to the Senate, JOHN TOWER was already a seasoned veteran. We were in the distinct minority. And, I guess, to be honest with you, it took a change in the Senate's majority for me really to get to know JOHN TOWER. I would call him just a couple of things that stand out. He is a patriot. I do not think there is any questions about it.

If the United States was vulnerable 6 or 8 years ago with reference to their defense preparedness and their attitude about the dangerous world we lived in, and I think history will reveal that, then obviously JOHN TOWER was a patriot. It has been said that in the beginning of a change the patriot is a scarce man, brave, scorned, and ridiculed. But when his course succeeds, the timid join him, for then it costs nothing to be a patriot.

I think it is obvious around here that JOHN TOWER understands the significance of military preparedness, the balance of power in the world, and he understands how important a free United States of America is to freedom in the world, to individuals, and to the recognition of individual integrity and freedom. And I think he will go down as a true patriot.

That is more or less my observation with reference to his basic idea, impact, and impression on this institution called the Senate. But I personally want to thank him for a couple of other things.

Frankly, I think when you have to run the Government as we have had to in the majority, you recognize, admire, and respect loyalty and consistency. And JOHN TOWER as a member of the majority has voted many times with the majority on issues that he felt differently than the working majority. Since we have been in the majority, I know if HOWARD BAKER were here, he would say that he could count on JOHN TOWER.

I tell you in everything I have done with him in the defense budget, and to all of those things that have been terribly important to this Senate, I find JOHN TOWER to be loyal, consistent, and responsible.

I say goodbye to him hoping that he will remain involved in government in one way or another, that he will share his vision with many Americans, and if he has a chance to serve in any other capacity with the President in the executive branch or otherwise, I hope he will elect to say yes. He will do a good job. He has been a good Senator. And he will be missed.

SENATOR JENNINGS RANDOLPH

Mr. DOMENICI. With reference to my wonderful friend, Senator JENNINGS RANDOLPH. You know, we have a lot of new Senators here. On my side, maybe 20 of them came, Senator RANDOLPH, and made this side a majority. So many of them do not remember as this Senator remembers when the only committee he was assigned, when there were 38 Republicans, was your Committee on Public Works. I remember it vividly. Not only was that my only majority committee, but for the RECORD and for those who understand the business of the Senate, you will remember my good friend, Senator RANDOLPH, that my senior Senator, who was from your side of the aisle, was on that committee. So not only was I the junior-most member with you as our chairman, but on my main committee, I had my senior Senator from the opposite party. I say that because there are probably 30 Senators that never have experienced anything like that. They came here and they were instantly part of the majority on my side. About 20 were instantly part of the majority serving on 3 committees, within 3 or 4 weeks assigned to subcommittees which they chaired. So they would not appreciate the genuine feeling of respect that I have for you.

Many beautiful things have been said about you. I would only say that for a brandnew Senator on the minority side, I will never forget your fairness. I will never forget the fact that you treated me as a Senator even though I was brand new and there were only 7 or 8 of us, and you had 13 or 14 on your side. Because of that, I learned how to be a Senator. You could have for 3 or 4 years of my Senate life made it such that I would have been a nonparticipant. I have served on committees where that happens. But I enjoyed those minority years with you as chairman and we did some rather good things.

We did a Clean Air Act, and believe it or not, as the second most senior member, there are some parts of that bill that are mine—no question about it. If you would have been truly one of those that said let us be partisan about everything, I would not have had a chance to share and participate in the legislative process in the committee.

I know many other things have been said, but I want to make sure that everybody understands that my respect, admiration, and love for you stems basically from that first impression. You are eminently fair and on important matters you are nonpartisan. And I thank you for that. Whatever success I have had in this body started in your committee.

Obviously, there are many other things you have taught me and many other things I have learned from you. I cannot take time to go through them. But you are a living history. And when we come here, our education about history sort of stops. We get so busy very few of us find time to read. We pick up here and there a little bit of what went on before us, and we are engulfed by so much that we have to do today and tomorrow that we can hardly get completed, and we do not learn about our institution, the U.S. Senate and the Congress. We do not know about even 35 years ago how it was. We do not understand about the depression and legislating during it. We do not understand what the first hundred days of F.D.R. were in the midst of a recession. I want to thank you for that.

In your spare time on the committee, you taught us about history. You told us about that, not from a book, but from a mind, a body, and a soul that was here. And I thank you for it.

The other day we had a very long Environment and Public Works Committee hearing. Before we got on to the business we had 45 minutes, maybe an hour, to pay tribute to you, my good friend, the senior Senator from West Virginia. And I think many people looked up there and said, Why are all those Senators staying here?

I was there. We were not conducting business. We were trying to get Superfund out, if you will recall.

We did not get it done that day. But that 45 minutes to an hour, when we talked with you and then you talked with us, and told us about your life here in the Senate, that 45 minutes to an hour ranked very high on the list of the best time I have spent in the U.S. Senate in any of its committees. That is because of you. I thank you for that.

I wish you well. I hate to say goodbye. I hope I will see more of you and I hope you will join us from time to time and share with us, whether it is in committee, the Senate prayer breakfast, or if we have to come up to West Virginia to see you. I know you are not going to be a lobbyist, as you told us. I am proud of you for that. But I hope we get to see you; I hope you get to see us; I hope you get to share with us.

TRIBUTE TO SENATOR HOWARD BAKER

Mr. DOMENICI. Now, Mr. President, my last remarks are truly difficult because I want to say goodbye to HOWARD BAKER.

Mr. President, I really am not going to do justice to how I feel because my words really cannot catch up with my mind and my spirit as I talk about my good friend, HOWARD BAKER. I would be remiss, however, if I did not spread on this RECORD a couple of things that I remember about how he got to be minority leader. I take a great deal of pride in the fact that when HOWARD BAKER ran for minority leader and he won by one vote I was one of his two so-called campaign managers. I was out trying to see if we had enough votes.

I remember walking into his office on the morning 2 days before the election by the U.S. Senate Republican Members, the minority, and sharing with him my concern because HOWARD BAKER was not yet publicly committed. That morning there were five new Senators who were going to join this side of the aisle. They were interviewing the candidates. We had a new Senator from New Mexico and he was there. I remember telling HOWARD as I walked into his Senate office in the Dirksen building, "What are you doing here? You ought to be over there."

He did not know the meeting was going on. How lucky I was and how lucky we are because then and there he decided to go over and talk to those five new Senators and made it public that he was running.

A few days later he won. I was privileged to nominate him that day for minority leader, and I was very thrilled when I found out that three of the five that he went to talk to that morning voted for him. He won by 1 vote.

Well, the rest is kind of history. The next time he ran, the Republicans on this side elected him without opposition. Two years later he was elected our majority leader without opposition.

So many beautiful things have been said about him that I will not do justice to how I feel, but I want to say that while I am only 52 and have been in public life 16 years, 12 here and 4 as mayor of our largest city in New Mexico, I have met a lot of people. I have worked with a lot of politicians, a lot of individuals from every walk of life, from every kind of life. I am not the least bit reluctant to say to the Senate, of my friend HOWARD BAKER, that never in my life have I associated with a person that I admire more, that I respect more. Never have I associated with anyone that I believe has qualities of leadership that are as significant as his.

I think maybe in the last 4 years on this side of the aisle I have been privileged to spend as much time and maybe more than anybody else with him in his office, in meetings, in conferences, at the White House. One time we met for 4 successive days, 2½ hours each, with the President on budget matters.

I can say that HOWARD BAKER learned what he had to learn about every kind of subject we had from the complexities of the Budget Act to every kind of legislation from Superfund to the Clean Air Act, to the appropriations bills, and everything in between. He learned it quickly and he grasped the very significance and the essence of what we were trying to do and what we had to do. Because of him we have had a successful 4 years. We changed the country dramatically. We passed legislation changing fiscal policy. This Senate was on the cutting edge each and every time.

I say in closing, I hope you are not finished, HOWARD, I hope you remain involved and, as some have said and I join with them, if it is your desire to get involved nationally in running for other offices, including the Presidency, I hope you do.

I do not know if the State of Tennessee has ever had anyone like you, HOWARD, representing them in the Halls of Congress or in their governorships, but I can tell them this: If they have had anything to even equal the distinguished Senator from Tennessee, HOWARD BAKER, then they indeed have a magnificent State that has produced some tremendous people because he is one among many. From what I can tell, he is one among many if you looked at many States.

So I compliment the State of Tennessee for sending him here and keeping him here. I say thanks to him for all he has done for me.

He is the epitome of patience, of consideration, of intelligence. I say goodbye only in the sense that he will not be here to help us, he will not be here to meet with us, to make sure we get things done, to settle our differences, to keep the pressure off, to find just the right time to say the right things so nothing gets out of hand.

To my good friend HOWARD BAKER, thanks for being one of the most distinguished Americans in our 200-year history. In behalf of one Senator, thanks for being a great leader of the U.S. Senate.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

WATER LEGISLATION

H.R. 3162, H.R. 3163, H.R. 3164, H.R. 3165, H.R. 3166, H.R. 3167, AND H.R. 5817

Mr. BUMPERS. Mr. President, I urge the Senate to act before adjournment on several bills that the House of Representatives passed yesterday that would name five locks and dams, one dam, and one reservoir, all in Arkansas, after distinguished Arkansans. These measures are supported unanimously by the Arkansas congressional delegation, and I do not believe that there is any objection anywhere to these measures.

H.R. 3162 would name dam No. 2 on the Arkansas River in Arkansas after former Congressman Wilbur D. Mills. Everyone knows of Congressman Mills' distinguished legislative career. He was a vigorous supporter of sound water resources development and worked long and hard for the Arkansas River project. He served 16 terms in the House of Representatives, most of which as chairman of the House Ways and Means Committee.

Lock and dam No. 3 on the Arkansas Waterway would be named "Joe Hardin Lock and Dam" under the provisions of H.R. 3163. Joe Hardin, another distinguished Arkansan, was an active member of the Arkansas Basin Association from its initiation, and was a vigorous supporter of the Arkansas River Waterway system. The enactment of this bill would be a great tribute to the long and tireless efforts of Joe Hardin.

H.R. 3164 would name lock and dam No. 13 on the Arkansas Waterway after former Congressman James W. Trimble. Congressman Trimble was a distinguished Member of Congress for 11 years and a good personal friend. He made major efforts to secure funding for the Arkansas River Waterway system project. This lock and dam would be named the "James W. Trimble Lock and Dam."

Lock and dam No. 9 on the Arkansas Waterway would be named the "Arthur Ormond Lock and Dam" under the terms of H.R. 3165, which also passed the House yesterday. This distinguished Arkansan served as president of the Arkansas Basin Association and as a member of the five-State Arkansas Interbasin Committee. In recognition of Mr. Ormond's tireless efforts on behalf of water resources development, he has been awarded the Department of the Army's highest civilian award.

Winthrop Rockefeller served as Governor of the State of Arkansas from 1867 through 1970. Although we were political adversaries, I greatly respected his work as Governor and the record is clear that he was a very strong supporter of water resources development in Arkansas. It would be a fitting tribute to name the reservoir created by dam No. 9 on the Arkansas Waterway as the "Winthrop Rockefeller Reservoir," and H.R. 3166 would do just that.

H.R. 3167 would name lock and dam No. 4 on the Arkansas Waterway after Emmett Sanders, former mayor of the city of Pine Bluff, AR, and a long-time member of the Arkansas Basin Association. Mr. Sanders as well has been given the Department of the Army's highest civilian award for his water resources development efforts.

The Calion Lock and Dam on the Ouachita River would be renamed the "H.K. Thatcher Lock and Dam" under the provisions of H.R. 5817, which also passed the House yesterday. For 30 years H.K. Thatcher served in a very distinguished manner as the executive vice president of the Ouachita River Valley Association. His term spanned from 1950 to 1980, a very critical and important period for the development of a sensible navigation system for the Ouachita River. His name was synonymous with water resource development.

Mr. President, I commend these bills to my colleagues. I certainly hope that the Senate will pass these deserving measures before adjournment. They have my full support.

THE CONTINUING RESOLUTION—HOUSE JOINT RESOLUTION 648

Mr. BUMPERS. Mr. President, I want to say first of all that the continuing resolution that we just passed this afternoon was a keen disappointment to me for parochial reasons.

Last evening it became apparent that the President was going to veto that bill if it contained a number of new water starts or water projects, which were already in the bill. Then there was a great deal of antagonistic feeling on the committee to the effect that if the President was going to veto new water starts, then let us just strip all water projects and all Corps of Engineers language out of the bill. So it was done.

There was a good deal of sentiment that the President was very anxious to veto the bill to prove to the American people that he really is trying to do something about runaway spending, and that he would veto the bill if there was the slightest chance that he could do it without suffering any political fallout.

You know, water projects are often referred to in the press as those projects that are favorites among Members of Congress.

Well, they are favorites of Members of Congress, but it is not always just to prove to the people back home what a stalwart you are in the Congress and how hard you are working for your people.

For example, one of the things that went down in the continuing resolution last night was a project that we call "8 Mile Creek" in my State. It would have protected the city of Paragould, AR—a fine, industrialized city of about 10,000 or 12,000 people—and would have cost $8 million. The last flood Paragould had just a few years ago cost $5 million—just one flood.

The people of Paragould do not have any money, and never will have the money, to fund that project. The only way that project will ever be built is if the Federal Government puts up the lion's share of the money. That is one of the things that was stripped out of the bill last night.

A couple of other things were stripped: The Corps of Engineers has refused to spend $2.5 million for the Felsenthal project that has long since been appropriated. My amendment would not have required any more money, not 1 dime. It would simply have required the corps to keep a commitment to build recreational facilities and access points to the Felsenthal Dam area in south Arkansas. No additional money was involved.

Another proposal of mine the Senate adopted unanimously twice would keep the Corps of Engineers from selling 860 acres of land on Bull Shoals Lake, the last undeveloped land around one of the most beautiful lakes in Arkansas. This, too, would not have cost 1 dime.

Helena Harbor in Phillips County, AR—50 percent black, Phillips County. That is where Helena, the oldest city west of the Mississippi, is. Helena and west Helena as well. During my years as Governor, I always tried to help with the industrial development of that community because economic opportunity is difficult there. So we wanted to build a harbor on the Mississippi River to help promote industrialization. That went down last night, too.

It is a real paradox, is it not, that the President was over in Baltimore on Tuesday talking about the Baltimore Harbor project. There is nothing more dear to the people of Baltimore and the people of Maryland than that Baltimore Harbor project which we have heard so much about. And the President was saying he is firmly committed to it and at the same time, he was saying, "If you pass this bill which has Baltimore Harbor funds in it, I will veto it."

(Mr. BOSCHWITZ assumed the chair.)

Mr. BUMPERS. So, Mr. President, I am deeply disappointed that the language and money for these important projects were eliminated from the continuing resolution.

STAR WARS

Mr. BUMPERS. Mr. President, the continuing resolution contains $1.4 billion for what we call the "Star Wars" portion of the defense budget. I have spoken at length the last 2 weeks on that subject, so I am not going to get into the technical parts of it. I am simply going to say that I hope the Members of Congress will show a great deal more sensitivity to the insanity of putting weapons in space than we have in the past.

Did you know, Mr. President, that this Star Wars concept, on which we are embarking, will cost $25 billion just for research over the next 4 years and is estimated to finally cost about $1 trillion? That is almost as much as the national debt, Mr. President—$1 trillion just on an antiballistic missile system. That is as much for one antiballistic missile system as the entire national debt was the day Ronald Reagan took office.

Do you know, Mr. President, what is involved in that project? In order to build this antiballistic missile system, using laser beams or particle beams, we shall have to build 60 percent as much additional electrical generating capacity just for that system as now exists in the entire United States.

Apparently, that does not shock enough people, Mr. President. The assumption is, of course, that the Soviet Union will sit idly by while we build this trillion-dollar antiballistic missile system and do nothing. But Mr. President, we are putting a lot of money into just trying to figure out how to penetrate the very primitive antiballistic missile system the Soviet Union has. And I promise you, the Soviet Union right now is planning how they are going to defeat this system we have begun funding.

I know that the Soviet Government will not sit idly by and do nothing between now and the time the system is deployed, and the best estimate of even the most ardent proponents of the Star Wars concept is that it will be 90 percent effective. If you have an airplane that is 90 percent effective against all other airplanes, that is a very good percentage. But if you have 10,000 Soviet warheads coming into the United States and that system is 90 percent effective, 1,000 warheads are going to land on the United States, and that "ain't" very effective.

You know, Mr. President, for the Star Wars system to work, we are going to have to kill Soviet missiles during what we call the boost phase, the first phase of the shot. The boost phase usually lasts about 5 minutes, so you have to act during the first 5 minutes. No. 1, of course, the Soviets can cut down the boost phase to 90 seconds, so the President may have only 90 seconds to determine whether the planet is going to be blown away or not.

How do our NATO allies feel about this? Just today, I heard comments coming from the Pentagon about how the Soviets are deploying SS-20 missiles at a faster clip than we had anticipated. They now have perhaps over 500 SS-20's. So our NATO allies must be asking, if we are going to build this antiballistic missile system, are we going to use it to defend them against the SS-20? Or will we only use it to defend ourselves?

That is a very legitimate question. Another little chink in the NATO alliance.

Mr. President, those are just a few rambling thoughts about Star Wars, simply to say that I intend to do everything I can to promote negotiations and exchanges between the United States and the Soviet Union with a view toward not embarking on this insane escalation of the arms race, these unbelievable prodigious costs in the arms race. The question you have to ask yourself is this: is it better to try to negotiate a treaty to keep space free of all weaponry, or do we really think that after we spend a trillion dollars on this system and the Soviet Union spends a trillion dollars on their system, the world will be safer or less safe?

The answer is so apparent.

Mr. President, did the ranking member of the Committee on Foreign Relations wish to comment?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I merely want to congratulate the Senator from Arkansas on his speech. I find myself concurring with his thoughts and wonder where this madness will lead. I wish him well and thank him for the eloquent way he delivers his message.

Mr. BUMPERS. I thank the Senator from Rhode Island.

TRIBUTE TO SENATOR TSONGAS

Mr. BUMPERS. Mr. President, I am not going to wax eloquent for a long time about my friends, PAUL TSONGAS and JENNINGS RANDOLPH. HOWARD BAKER told me today that he does not like to stay on the floor when people are paying these tributes to him; it sort of reminds him of attending his own funeral. I understand that. But I want to say three or four things about PAUL TSONGAS.

He came here in 1978 and most of the things that can be said about PAUL have already been said. I do not know that my perspective on him is that much different, or that I have anything especially unique to say about him.

He is like me. He probably got here more because of his wife than because of his own talents. But this would be an appropriate place to say that I think Niki Tsongas is one of the truly superior people I have ever known in my life—a very sensitive woman, devoted mother, caring woman, and a great wife to PAUL TSONGAS.

Niki has been involved with my wife in a peace movement. I know and every thoughtful person knows that the peace activists in this country are not as active as they once were. You cannot expect people to be sitting on the edge of their chair all day and all night, 24 hours a day, simply because they believe in their more reflective moments that this planet can be blown away at any given second, and so the enthusiasm for arms control and the apprehensions about what I think is an insane arms race have diminished somewhat. It seems to me that it is going to have to take on a new dimension if it is going to revive itself and generate the kind of enthusiasm it has had in the past. I personally think that we can never let the issue of the nuclear arms race be placed on the backburner, not for a minute. The reason I do not is because I am concerned about my children, and PAUL and Niki Tsongas believe as they do because they are concerned about their children.

My first brush with PAUL TSONGAS was through the intervention of the senior Senator from Massachusetts [Mr. KENNEDY]. I was chairing a Subcommittee on National Parks, a subcommittee of the Energy Committee. One day we were marking up bills, and we came across a bill which dealt with the restoration of Lowell, MA.

Now, I had heard of Lowell, MA, as a great textile center, but when I saw $36 million being authorized for the reconstruction of that city, I said, "Just a minute." And so I held that bill up that day. That afternoon, Senator KENNEDY visited with me and explained to me that this had been almost a lifetime labor on the part of PAUL TSONGAS, who was then a House Member whom I did not know. Senator KENNEDY asked me as a personal favor if I would see him. I said yes, I would be delighted to see him. And so he came to my office with maps, and charts, and information. He gave me a really fine capsulated presentation of what was involved.

By the time he finished, I was not only impressed with the thoroughness of his presentation, but I was impressed even more with his determination and dedication to our natural heritage as it was reflected in this project in Lowell, MA.

And so I took my objections away. That project has not been finished yet, I do not believe, but is well underway. It is a project in which all Americans can take great pride when it is finished.

PAUL is considered by a lot of people around here as a maverick. He is considered to be a maverick because he says what he thinks, and he acts on what he thinks.

It just so happens that I agree with most of the things that he thinks and on which he acts. He acted on the belief that the Peace Corps was a concept which was not only in keeping with our Judeo-Christian tradition, but also in keeping with the best interests of this country, and so he served in the Peace Corps.

I have served on the Energy Committee with him. I have found him to be thoughtful, thorough, precise, determined, and sensitive—all of those qualities that we like to find wrapped up in one person in public service.

If PAUL does not leave any other legacy, and he leaves many, he certainly leaves the legacy of the Alaskan lands bill. I am almost afraid to say it, but I believe we had over 100 markup sessions on the Alaskan lands bill and, to my knowledge, PAUL TSONGAS attended all of them. It took the patience of Job to sit through those markup sessions day after day, hour after hour, and yet it was a labor of love with PAUL TSONGAS.

Some people were unhappy with that bill as it came out, but I was not one of them. I will be indebted to him for the rest of my life, and I hope my children will be, too—for the determination and patience he showed during those markups. That bill really has PAUL TSONGAS' stamp on it.

So, Mr. President, as I said, I do not want to be long. But I went up to Boston the other night to speak at a tribute to PAUL, and on the plane on the way up there he said, "Now, don't say all those nice things about me, just talk about the economy." And on the way home he said, "You really took me at my word, didn't you?"

I do not want to abuse his sensitivity by being maudlin about it, but we will all miss PAUL. I hope our paths will cross again often and we all wish him Godspeed, good health, and prosperity and, above all, peace.

Mr. TSONGAS. Will the Senator yield?

Mr. BUMPERS. I yield.

Mr. TSONGAS. I should like to say that part of the reason I engaged in that labor of love with the Alaskan lands bill is because the Senator would not show up at the hearings. If he had come more often——

Mr. BUMPERS. This is the PAUL TSONGAS I have been talking about.

Mr. TSONGAS [continuing]. This Senator would have had more time to do all the other things I came to the Senate to do.

But I would like to respond by expressing my great respect, admiration, and affection for the Senator's wife. And since she saw fit to marry the Senator and stay with him all these years, then I would by reflection say the same thing about the Senator.

Mr. BUMPERS. The Senator will be happy to know that that started——

Mr. TSONGAS. That will teach the Senator to do what he has just been doing for the last 5 minutes. But I do appreciate it, and the Senator knows my affection for him—I think.

Mr. BUMPERS. I thank the Senator. When I first started running for Governor, with 1 percent name recognition, as the campaign wore on and I began to develop a little more name recognition and credibility, the people began to wonder about my wife because it looked as though I might be a contender. And I would say, "Well, among people who know us both, they all like Betty much better." And after I had been Governor for a few months, people would come to the Governor's mansion and say, "You know, you are right, Governor; we do like her better." That is still true among people who know us both. They all prefer Betty. I appreciate the Senator's kind comments and will transmit them to her.

SENATOR JENNINGS RANDOLPH

Mr. BUMPERS. Now, Mr. President, let me take a few moments to pay tribute to the incomparable JENNINGS RANDOLPH. JENNINGS RANDOLPH is a thinker and a doer and a patriot; he has been for more years than most people in this body have been alive.

JENNINGS RANDOLPH impressed me when I first came to the Senate because we were in the midst of an energy crisis, and he went around, as many Senators will remember, with a thermometer in his pocket complaining about the temperature all over these buildings on the Hill. He said, "We cannot be serious about energy conservation when the temperature in this room is 76 degrees." And he whipped that thermometer out hundreds of times the first few years I was here. But what I did not realize at the time—we considered it unique, and we expected it of JENNINGS—but what most of us did not know at the time is that JENNINGS had been interested in energy conservation before most of us were even born.

If you go to his office, you will find all that memorabilia that showed that he promoted the conversion of coal to aviation gas, or what we used to call as a child coal oil, before most of us were born. And you know, Mr. President, the interesting thing is, he was saying back in the 1940's—maybe before that, in the 1930's—that coal was going to be the prime energy source for this country long after oil was gone and the sooner we started to recognize that, we would be better off. I daresay there were a few people in this country, as you go back and read history, who were that visionary but not anybody in the U.S. Congress.

So, carrying his thermometer around, complaining about the temperature and how people were not serious about energy conservation was simply an extension of something he had believed many, many years before it was popular to believe.

The thing I liked about JENNINGS when I first came to the Senate was that he called me by my name. I thought, how interesting. Here is a man who has been in the Senate all these years, and I am just a freshman, and he already knows my name.

We used to have a Governor who is a pretty famous person now. He used to call everybody "chief," and we had very few people named "chief."

Senator RANDOLPH took the time to learn the names and something about all the new Senators, and thereby ingratiated himself with all of us.

I could go back and catalog his legislative accomplishments. I heard of the Randolph-Sheppard bill long before I knew JENNINGS RANDOLPH, and when I came to the Senate I did not associate it with him. After I came to the Senate, I would go home on weekends. We had a little concession stand in the basement of the Federal Building, and it was always operated by blind people. They said: "Will you tell Senator RANDOLPH this. Will you tell Senator RANDOLPH that." Then I realized for the first time that the Randolph-Sheppard bill was JENNINGS RANDOLPH'S bill, which gave blind people in this country opportunities which they never would have had without his sensitivity.

I guess it would be best to summarize and say that it is a lot more important how the people back in our respective States feel about us than it is about how our colleagues here feel about us. But JENNINGS scores 100 percent on both accounts.

At one time, shortly after I came here, JENNINGS asked me to come to West Virginia to speak to a group, and I went. Of all the speeches I have made all over the country, with and for other Senators, I have never seen such an outpouring of genuine affection by people as I saw that night in Charleston, WV, toward JENNINGS.

What was even more important was his response—a genuine caring and sensitivity that he demonstrated toward everybody there that evening. It was truly a thing to behold.

I have watched him here as a champion of the environment. More than anything else, I have watched him as a champion of his people in West Virginia. He literally cries in his heart when he talks about the unemployment rate in West Virginia, because to JENNINGS RANDOLPH that translates into the human misery of his people—his people whom he has served so well for all these years.

So, JENNINGS, we will miss you. We will think of you often. We will hope to see you often. We will all be anxious to hear from you. We wish you Godspeed, good health, and peace.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 1928a-1928d, as amended, appoints the Senator from Tennessee [Mr. SASSER] as a Member of the Senate delegation to the North Atlantic Assembly fall meeting to be held in Brussels, Belgium, November 11 to 16, 1984.

THE UNENDING SESSION

Mr. LEAHY. Mr. President, a couple of days ago I said I wish we would free the Senate 100. I see that still has not happened. I hope it will happen soon because otherwise we are going to see the ropes going out the side and knotted sheets out the window and my distinguished seatmate, Senator RANDOLPH and I were talking earlier about rappeling down the side of the Senate and leaving this place.

I hope we might do it on a somewhat more sedate and easygoing way.

The press corps is feeling much the same way, I am sure. There are rumors of an impending breakout from there, but the police have been alerted. Spotlights are being put in place. There are at least three members of the press corps who are watching old reruns of James Cagney movies and we expect at any moment to hear the dogs bark, the sirens howl, and the floodlights go on and out the window they go.

I do not know what this body would be without them here, however. So I salute them. That is probably all they are going to get today.

TRIBUTE TO PAUL TSONGAS

Mr. LEAHY. Mr. President, on a more serious note, when I first came to the U.S. Senate in that same year my neighboring State of Massachusetts sent from its Fifth District, PAUL TSONGAS, to the House of Representatives. PAUL had served with distinction there first as a Middlesex County commissioner and then as a Lowell city councilor.

I think in doing that they sent one of the most qualified, most sensitive people the House has had, and then subsequently he came to the U.S. Senate, again a move that had to improve this body.

This is a feeling that I think is shared on both sides of the aisle about this man of sensitivity, brilliance, dedication, compassion, concern for his country, for his State, and most of all concern for those who have really no voice in this body.

Senator TSONGAS made a decision a few months ago to go home to Massachusetts, with his wife, Niki, and children Ashley, Katina, and Mollie, because of his concern, one, for his health but also his concern of what the Senate does to those who want to have a family life, a real life, the kind of life that all of us feel entitled to but so few of us actually have.

I, for one, applaud Senator TSONGAS' decision for the reasons he made it. He has done his share. He has done far more for his State and his country than most people ever have a chance to do throughout a long, long lifetime.

Having done this, though, he realizes that his highest duty and his ultimate duty is to his family and thus to himself, recognizes as so many of us sometimes say we recognize but often fail to recognize that that is the highest duty and that is the highest calling.

The other duties that we try to fulfill to country, to State, and to this body, to the Senate, pale if we do not fulfill our first duty to ourselves and our families. and really so many times what is done in this body can be matched based on that commitment. Many times when our commitments to our families have been lacking so have our commitments to our country and State and to the Senate.

I applaud him for his service. I applaud him for his accomplishments during the time that he has been in the House and Senate but, far more importantly, I applaud his decision because of the reasons he made it.

I do not think anyone, Republican or Democrat, doubts that PAUL TSONGAS would have come back to the Senate had he chosen to run again this year. The fact that he chose not to run, though, gives him greater credit because of the reasons.

He is a good friend, he is a good colleague, and he is a good Senator. But most importantly he is a good person who has proved it by his action and, like all others, I wish him Godspeed and the very best.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, once again there are a few items that are on my desk that look like they have been cleared for action in a routine manner. If the minority leader is prepared to do so, I would like to work through them now.

HAND ENROLLMENT OF HOUSE JOINT RESOLUTION 648

Mr. BAKER. Mr. President, the first one is House Concurrent Resolution 375, which is a housekeeping matter. If the minority leader has no objection, I will ask that that matter be laid before the Senate.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 375) providing for the hand-enrollment of House Joint Resolution 648.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 375) was agreed to.

TANDEM TRUCK SAFETY ACT

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2217.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2217) entitled "An Act to provide for exemptions, based on safety concerns, from certain length and width limitations for commercial motor vehicles, and for other purposes", do pass with the following amendment: Strike out all after the enacting clause, and insert:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Tandem Truck Safety Act of 1984".

EXEMPTION FROM LENGTH REQUIREMENTS

SEC. 102. Section 411 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311) is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after making the consultation specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from one or both of such subsections.

"(2) Before making such notification, the Governor shall consult with units of local government within the State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section; and

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination and the results of consultation regarding any alternative route under paragraph (1) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (2) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Secretary shall exempt such segment from one or both of such subsections. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

EXEMPTION FROM WIDTH REQUIREMENTS

SEC. 103. Section 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on such segment.

"(2) Before making such notification, the Governor shall consult with units of local government within the State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the width set forth in subsection (a) of this section;

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Secretary shall exempt such segment from such subsection for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on such segment. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

CONFORMING AMENDMENTS

SEC. 104. (a) Section 411(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(a)) is amended—

(1) by striking out "No" and inserting in lieu thereof "Except as provided in subsection (i) of this section, no";

(2) by inserting "(other than a segment exempted under subsection (i) of this section)" after "Highways"; and

(3) by striking out "Secretary," and inserting in lieu thereof "Secretary of Transportation (hereinafter in this part referred to as the 'Secretary'),".

(b) Section 411(c) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(c)) is amended by inserting "(other than a segment exempted under subsection (i) of this section)" after "Highways".

(c) Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2312) is amended by inserting "(other than any segment thereof which is exempted under section 411(i) or 416(e) of this title)" after "Highway System".

(d) Section 416(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316(a)) is amended—

(1) by striking out "No" and inserting in lieu thereof "Except as provided in subsection (e) of this section, no"; and

(2) by inserting "(other than a segment exempted under subsection (e) of this section)" after "Highways".

(e) Section 416(d) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316(d)) is amended—

(1) by inserting "(other than a segment exempted under subsection (e) of this section)" after "Highways"; and

(2) by striking out ", with traffic lanes designed to be a width of twelve feet or more".

DESIGNATION OF HIGHWAYS SUBJECT TO WIDTH LIMITATION

SEC. 105. Section 416(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316(a)) is amended—

(1) by inserting after "more" the second place it appears the following: ", or any other qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary determines that such designation is consistent with highway safety"; and

(2) by adding at the end of such section the following new sentence: "After the date of the enactment of this sentence, any Federal-aid highway (other than any Interstate highway) which was not designated under this subsection on June 5, 1984, may be designated under this subsection only with the agreement of the Governor of the State in which the highway is located.".

REASONABLE ACCESS

SEC. 106. Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2312) is amended—

(1) by inserting "(a)" after "Sec. 412."; and

(2) by striking out the period at the end thereof and inserting in lieu thereof the following: "and for any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28½ feet and which generally operates as part of a vehicle combination described in section 411(c) of this Act.

"(b) Nothing is this section shall be construed as preventing any State or local government from imposing any reasonable restriction, based on safety considerations, on any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28½ feet and which generally operates as part of a vehicle combination described in section 411(c) of this Act.".

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Motor Carrier Safety Act of 1984".

PURPOSES

SEC. 202. The purposes of this title are to promote the safe operation of commercial motor vehicles, to minimize dangers to the health of operators of commercial motor vehicles and other employees whose employment directly affects motor carrier safety, and to assure increased compliance with traffic laws and with the commercial motor vehicle safety and health rules, regulations, standards, and orders issued pursuant to this Act.

FINDINGS

SEC. 203. The Congress finds that—

(1) it is in the public interest to enhance commercial motor vehicle safety and thereby to reduce highway fatalities, injuries, and property damage;

(2) improved, more uniform commercial motor vehicle safety measures and strengthened enforcement would reduce the number of fatalities and injuries and the level of property damage related to commercial motor vehicle operations;

(3) enhanced protection of the health of commercial motor vehicle operators is in the public interest; and

(4) interested State governments can provide valuable assistance to the Federal Government in assuring that commercial motor vehicle operations are conducted safely and healthfully.

DEFINITIONS

SEC. 204. For purposes of this title, the term—

(1) "commercial motor vehicle" means any self-propelled or towed vehicle used on highways in interstate commerce to transport passengers or property—

(A) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

(B) if such vehicle is designed to transport more that 15 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C App. 1801-1812) and are transported in a quantity requiring placarding under regulations issued by the Secretary under such Act;

(2) "employee" means—

(A) an operator of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

(B) a mechanic;

(C) a freight handler; and

(D) any individual other than an employer; who is employed by an employer and who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any State, or any political subdivision of a State who is acting within the course of such employment;

(3) "employer" means any person engaged in a business affecting interstate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any State, or any political subdivision of a State;

(4) "interstate commerce" means trade, traffic, or transportation in the United States which is between a place in a State and a place outside of such State (including a place outside of the United States) or is between two places in a State through another State or a place outside of the United States;

(5) "intrastate commerce" means any trade, traffic, or transportation in any State which is not described in paragraph (4);

(6) "person" means any individual, partnership, association, corporation, business trust, and any other organized group of individuals;

(7) "regulation" includes any rule, standard, and order;

(8) "Safety Panel" means the Commercial Motor Vehicle Safety Regulatory Review Panel established under section 209 of this Act;

(9) "Secretary" means the Secretary of Transportation;

(10) "State" means a State of the United States and the District of Columbia and, for purposes of sections 206, 207, 208, 210, and 218, includes a political subdivision of a State;

(11) "State law" includes any law enacted or adopted by a political subdivision of a State;

(12) "State regulation" includes any regulation issued by a political subdivision a State; and

(13) "United States" means the 50 States and the District of Columbia.

DUTIES

SEC. 205. Each employer and employee shall comply with regulations pertaining to commercial motor vehicle safety issued by the Secretary under this title which are applicable to his or her own actions and conduct.

FEDERAL REGULATIONS

SEC. 206. (a) Not later than 18 months after the date of the enactment of this Act, the Secretary shall issue regulations pertaining to commercial motor vehicle safety. Such regulation shall establish minimum

Federal safety standards for commercial motor vehicles and shall, at a minimum, ensure that—

(1) commercial motor vehicles are safely maintained, equipped, loaded, and operated;

(2) the responsibilities imposed upon operators of commercial motor vehicles do not impair their ability to operate such vehicles safely;

(3) the physical condition of operators of commerical motor vehicles is adequate to enable them to operate such vehicles safely; and

(4) the operation of commercial motor vehicles does not have deleterious effects on the physical condition of such operators.

(b) The Secretary shall not eliminate or modify any existing motor carrier safety rule pertaining exclusively to the maintenance, equipment, loading or operation (including routing regulations) of vehicles carrying materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) unless and until an equivalent or more stringent regulation has been promulgated under the Hazardous Materials Transportation Act.

(c)(1) All regulations under this section shall be issued in accordance with section 553 of title 5, United States Code (without regard to sections 556 and 557 of such title), except that the time periods specified in this subsection shall apply to the issuance of such regulations.

(2) Before issuing such regulations, the Secretary shall, to the extent practicable and consistent with the purposes of this Act, consider (A) costs and benefits, and (B) State laws and regulations pertaining to commerical motor vehicle safety in order to minimize unnecessary preemption of such State laws and regulations under this Act.

(d) If the Secretary determines that any proceeding initiated to issue any regulation under this section will not be completed within 18 months after the date of the enactment of this Act, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date for any such proceeding. The Secretary shall transmit to the Congress current date regarding the information specified in the preceding sentence at the end of every 60-day period thereafter during which any such proceeding remains incomplete.

(e) If the Secretary does not issue regulations pertaining to commerical motor vehicle safety in accordance with this section, regulations pertaining to commerical motor vehicle safety which the Secretary issued before such date of enactment and in effect on such date of enactment shall, for purposes of this title, be deemed to be regulations issued by the secretary under this section.

(f) After notice and an opportunity for comment, the Secretary may waive, in whole or in part, application of any regulation issued under this section with respect to any person or class of persons if the Secretary determines that such waiver is not contrary to the public interest and is consistent with the safe operation of commerical motor vehicles. Under this subsection, the Secretary shall waive application of the regulations issued under this section with respect to schoolbuses, as defined in section 102(14) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391(14), unless the Secretary determines that making such regulations applicable to such schoolbuses is necessary for public safety taking into account all Federal and State laws applicable to such schoolbuses. Any waiver authorized under this subsection shall be published in the Federal Register, together with the reasons for such waiver.

(g) Any final agency action taken under this section shall be subject to judicial review under chapter 7 of title 5, United States Code.

(h) Section 3102 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Before prescribing or revising any requirement under this section, the Secretary shall consider the costs and benefits of such requirement.".

SUBMISSION OF STATE REGULATIONS FOR REVIEW

Sec. 207. (a) Any State which enacts, adopts, issues, or has in effect any law or regulation pertaining to commercial motor vehicle safety and is interested in having in effect and enforcing such law or regulation after the last day of the 60-month period beginning on the date of the enactment of this Act shall, before the last day of the 6-month period beginning on such date of enactment, submit to the Secretary and the Safety Panel a copy of such law or regulation.

(b) Any State which enacts, adopts, or issues any law or regulation pertaining to commmercial motor vehicle safety after the last day of the 6-month period beginning on the date of the enactment of this Act shall (immediately after such enactment, adoption, or issuance) submit to the Secretary and the Safety Panel a copy of such law or regulation.

(c) Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue initial guidelines to assist the States in compiling and submitting State laws and regulations and other information under this section.

(d) As soon as practicable but not later than such time as the Safety Panel may establish, any State which submits a law or regulation under this section to the Safety Panel—

(1) shall indicate, in writing, to the Safety Panel if such law or regulation—

(A) has the same effect as;

(B) is less stringent than; or

(C) additional to or more stringent than; and regulation issued by the Secretary under section 6; and

(2) shall submit to the Safety Panel such other information as the Safety Panel or the Secretary may require to carry out the objectives of this title.

(e) If any State fails to submit any State law or regulation pertaining to commercial motor vehicle safety in accordance with this section, the Safety Panel shall analyze the laws and regulations of such State and determine which of such State's laws and regulations pertain to commercial motor vehicle safety.

REVIEW AND PREEMPTION OF STATE REGULATIONS

Sec. 208. (a) After the last day of the 60-month period beginning on the date of the enactment of this Act, no State may have in effect or enforce with respect to commercial motor vehicles any State law or regulation pertaining to commercial motor vehicle safety which the Secretary finds under this section may not be in effect and enforced.

(b)(1) Not later than 18 months after the date of the enactment of this Act and annually thereafter, the Safety Panel shall analyze the laws and regulations of each State and determine which of such laws and regulations pertain to commercial motor vehicle safety.

(2) Within 12 months after the date on which the Secretary issues any regulation under section 206 or within 12 months after the date on which a State law or regulation is determined under paragraph (1) to pertain to commercial motor vehicle safety, whichever is later, the Safety Panel—

(A) shall determine if such law or regulation—

(i) has the same effect as;

(ii) is less stringent than; or

(iii) is additional to or more stringent than; the regulation issued by the Secretary under section 206; and

(B) shall determine with respect to any State law or regulation which is determined under subparagraph (A) to be additional to or more stringent than the regulation issued by the Secretary under section 206 if—

(i) there is no safety benefit associated with such State law or regulation;

(ii) such State law or regulation is incompatible with the regulation issued by the Secretary under section 206; or

(iii) enforcement of such State law or regulation would be an undue burden on interstate commerce; and

(C) shall notify the Secretary of the determinations made under this subsection with respect to such State law or regulation.

(c)(1) The Secretary shall review each State law and regulation pertaining to commercial motor vehicle safety. Within 18 months after the date the Secretary is notified by the Safety Panel of a determination regarding a State law or regulation under subsection (b), the Secretary (A) shall conduct a rulemaking proceeding to determine in accordance with the provisions of this subsection whether or not such law or regulation may be in effect and enforced with respect to commercial motor vehicles, and (B) shall issue a final rule in such rulemaking proceeding.

(2) If the Secretary finds that the State law or regulation has the same effect as a regulation issued by the Secretary under section 206, the State law or regulation may be in effect and enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on the date of the enactment of this Act.

(3) If the Secretary finds that the State law or regulation is less stringent than a regulation issued by the Secretary under section 206, the State law or regulation shall not have effect and be enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on the date of the enactment of this Act.

(4) If the Secretary finds that the State law or regulation is additional to or more stringent than a regulation issued by the Secretary under section 206, the State law or regulation may be in effect and enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on the date of the enactment of this Act: except that if the Secretary finds that—

(A) there is no safety benefit associated with such State law or regulation;

(B) such State law or regulation is incompatible with the regulation issued by the Secretary under section 6; or

(C) enforcement of such State law or regulation would be an undue burden on interstate commerce;

such State law or regulation shall not have effect and be enforced with respect to commercial motor vehicles after the last day of such 60-month period.

(5)(A) In making any determination with respect to any State law or regulation under this subsection, the Secretary shall give great weight to the corresponding determination made by the Safety Panel with respect to such State law or regulation under subsection (b).

(B) In determining under paragraph (4) whether or not a law or regulation of a State will unduly burden interstate commerce, the Secretary may consider the effect upon interstate commerce of implementation of such law or regulation along with implementation of all similar laws and regulations of other States.

(d)(1) Any person (including any State) may petition the Secretary for a waiver from a determination of the Secretary that a State law or regulation may not be in effect and enforced under this section. The Secretary shall grant such waiver, as expeditiously as possible, if such person demonstrates to the satisfaction of the Secretary that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles.

(2) The decision to grant or deny a petition for a waiver submitted under this subsection shall only be made after the Secretary has afforded the petitioner an opportunity for a hearing on the record.

(e) The Secretary may consolidate rulemaking proceedings under this section if the Secretary determines that such consolidation will not adversely affect any party to any of such proceedings.

(f) Not later than 10 days after making a determination under subsection (c) that a State law or regulation may not be in effect and enforced, the Secretary shall notify, in writing, such State of such determination.

(g)(1) Not later than 60 days after the Secretary makes a determination under subsection (c) with respect to a State law or regulation or grants or denies a petition for a waiver under subsection (d), any person (including any State) adversely affected by such determination or the grant or denial of such petition may file, with the United States court of appeals for the District of Columbia or for the circuit in which such person resides or has his principal place of business a petition for judicial review of such determination or the grant or denial of such petition.

(2) Upon the filing of a petition under paragraph (1) of this subsection, the court shall have jurisdiction to review in accordance with chapter 7 of title 5, United States Code, such determination or the grant or denial of the petition for such waiver and to grant appropriate relief, including interim relief, as provided in such chapter.

(3) The judgment of the court affirming or setting aside, in whole or in part, any such determination or the grant or denial of the petition for such waiver shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(4) The remedies provided for in this subsectin shall be in addition to and not in lieu of any other remedies provided by law.

(h) The Secretary may extend, for an additional period not to exceed 12 months, the 60-month period referred to in section 207(a) and subsections (a) and (c) of this section.

(i) After the last day of the 48-month period beginning on the date of the enactment of this Act, the Secretary, on his or her own initiative or on petition of any interested person (including any State), may initiate a rulemaking proceeding to review under this section any State law or regulation pertaining to commercial motor vehicle safety.

COMMERCIAL MOTOR VEHICLE SAFETY REGULATORY REVIEW PANEL

SEC. 209. (a) As soon as practicible after the date of enactment of this Act, the Secretary shall establish a panel to analyze and review State laws and regulations under sections 207 and 208 of this Act. The panel established under this section shall be known as the "Commercial Motor Vehicle Safety Regulatory Review Panel".

(b) The Safety Panel shall—

(1) carry out those duties designated to be carried out by the Safety Panel under section 207 and 208 of this Act;

(2) conduct a study—

(A) to evaluate the need, if any, for any additional Federal assistance to the State to enable the States to enforce the regulations issued by the Secretary under section 206; and

(B) to determine other methods of furthering the objectives of this title; and

(3) make recommendations to the Secretary based on the result of such study.

(c) The Safety Panel shall be composed of 15 members as follows:

(1) The Secretary or his or her delegate.

(2) Seven individuals appointed by the Secretary from among persons who represent the interests of States and political subdivisions thereof and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

(3) Seven individuals appointed by the Secretary from among persons who represent the interests of business, consumer, labor, and safety groups and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

The Secretary shall select the individuals to be appointed under this subsection on the basis of their knowledge, expertise, or experience regarding commercial motor vehicle safety. Half of such appointments shall be made from names submitted by the Committee on Commerce, Science, and Transportation of the Senate, and the other half of such appointments, from names submitted by the Committee on Public Works and Transportation of the House of Representatives. Each of such committees shall submit to the Secretary the names of twenty individuals qualified to serve on the Safety Panel.

(d)(1) A vacancy in the Safety Panel shall not affect its powers but shall be filled in the manner in which the original appointment was make.

(2) Eight members of the Safety Panel shall constitute a quorum, but the council may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

(3) The Chairman of the Safety Panel shall be the Secretary.

(4) The Safety Panel shall meet at the call of the Chairman or a majority of its members.

(5) Members of the Safety Panel shall be appointed for a term of seven years.

(6) Members of the Safety Panel shall serve without pay, except that they shall receive per diem and travel expenses in accordance with section 5703 of title 5, United States Code.

(e) Upon request of the Safety Panel, the Secretary shall detail such of the personnel of the Department of Transportation to the Safety Panel as may be necessary to assist the Safety Panel in carrying out its duties under this title.

(f) Upon request of the Safety Panel, the Secretary shall provide such office space, supplies, equipment, and other support services to the Safety Panel and its staff as may be necessary for the Safety Panel to carry out its duties under this title.

(g) The Safety Panel or any member authorized by the Safety Panel may, for the purpose of carrying out the duties of the Safety Panel under this title, hold such hearings, sit and act at such time and places, take such testimony, and take such other actions as the Safety Panel or such member may deem advisable to carry out the duties of the Safety Panel under this title. Any member of the Safety Panel may administer oaths or affirmations to witnesses appearing before the Safety Panel or before such member.

(h) Subject to such rules as the Safety Panel may prescribe, the Chairman of the Safety Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

INSPECTION

SEC. 210. (a) Upon the instruction of a duly authorized State or Federal enforcement official, each commercial motor vehicle shall be required to pass an inspection of all safety equipment required under part 393 of subchapter B of chapter III of title 49, Code of Federal Regulations.

(b) The Secretary shall, by rule, establish Federal standards for inspections of commercial motor vehicles and retention by employers of records of such inspections. Such standards shall provide for annual or more frequent inspections of commercial motor vehicles unless the Secretary finds that another inspection system is as effective as an annual or more frequent inspection system. For purposes of this title, such standards shall be deemed to be regulations issued by the necessary under section 206.

(c) Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking to afford interested parties an opportunity to comment on such part 393 and the inspection and retention procedures established pursuant to subsection (b) of this section. Amendments to the regulations shall be issued and published in the Federal Register not later than one year after such rulemaking is initiated. The amended regulations shall become effective on the date on which they are published in the Federal Register.

(d)(1) Except as provided in paragraph (2) nothing in section 402 of the Surface Transportation Assistance Act of 1982 or section 208 or any other provision of this title shall be construed as—

(A) preventing any State or voluntary group of States from imposing more stringent standards for use in their own periodic roadside inspection programs of commerical motor vehicles;

(B) preventing any State from having in effect and enforcing a program for inspection of commerical motor vehicles which the Secretary determines is as effective as the Federal standards established under subsection (b);

(C) preventing any State from having in effect and enforcing a program for inspection of commerical motor vehicles which meets the requirements for membership in the Commerical Vehicle Safety Alliance as such requirements were in effect on the date of the enactment of this Act; and

(D) requiring any State which has in effect and is enforcing a program described in subparagraph (B) or (C) to enforce any Federal standard established under subsection (b) or to adopt any provision pertaining to inspection of commerical motor vehicles in addition to such program in order to comply with such Federal standards.

(2) If, after notice and an opportunity for a hearing, the Secretary determines that any State which has in effect and is enforcing a program described in paragraph (1)(C) of this subsection is not enforcing such program in a manner which achieves the objectives of this section, and if, after making such determination, the Secretary provides such State with a six month period in which to improve the enforcement of such program to achieve the objectives of this section, the Federal standards established under subsection (b) shall preempt such program with respect to the inspection of commerical motor vehicles in such State and such program shall not be in effect and enforced with respect to such vehicles.

(e) A periodic inspection of a commerical motor vehicle in accordance with the Federal standards established under subsection (b) or in accordance with a program described in subparagraph (B) or (C) of subsection (d)(1) which is in effect and being enforced shall be recognized as adequate in every State for the period of such inspection. The provisions of this subsection shall not be deemed to prohibit a State from making random inspections of commercial motor vehicles.

(f) The Federal standards established under subsection (b) shall have no effect and shall not be enforced with respect to the inspection of commercial motor vehicles in any State which has in effect and is enforcing a program described in subparagraph (B) or (C) of subsection (d)(1) if the Secretary determines that such Federal standards not having effect and being enforced with respect to such inspection is in the public interest and consistent with public safety.

POWERS OF THE SECRETARY

Sec. 211. (a) The Secretary may conduct, directly or indirectly, such studies and such development, demonstration, and training activities as the Secretary considers appropriate to develop regulations authorized to be issued under section 206 of this title, to design and develop improved enforcement procedures and technologies, and to familiarize affected persons with such regulations.

(b) In carrying out the Secretary's functions under this title, the Secretary is authorized to perform such acts (including conducting investigations and inspections; compiling statistics; making reports; issuing subpoenas; requiring production of documents, records, and property; taking depositions; holding hearings; prescribing recordkeeping and reporting requirements; and carrying out and contracting for studies, development, testing, evaluation, and training) as the Secretary determines necessary to carry out the provisions of this title, or regulations issued pursuant to section 402 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2302). The Secretary may delegate to a State which is receiving a grant under such section such functions respecting the enforcement (including investigations) of the provisions of this title and regulations issued under this title as the Secretary determines appropriate to carry out such provisions and regulations.

(c) To carry out the Secretary's inspection and investigation functions under subsection (b) of this section, the Secretary or the Secretary's agent shall, as appropriate, consult with employers and employees and their duly authorized representatives, and shall offer them a right of accompaniment.

DUTY TO INVESTIGATE COMPLAINTS; PROTECTION OF COMPLAINANTS

Sec. 212. (a) The Secretary shall timely investigate any nonfrivolous written complaint alleging that a substantial violation of any regulation issued under this title is occurring or has occurred within the preceding 60 days. The complainant shall be timely notified of findings resulting from such investigation. The Secretary shall not be required to conduct separate investigations of duplicative complaints.

(b) Notwithstanding the provisions of section 552 of title 5, United States Code, the Secretary shall not disclose the identity of complainants unless it is determined that such disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical measure within the Secretary's authority to assure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss as a result of such disclosure.

PENALTIES

Sec. 213. (a) Section 507 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) and (d), and any references thereto, as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) The Attorney General, at the request of the Secretary, may bring an action in an appropriate district court of the United States for equitable relief to redress a violation by any person of a provision of section 3102 of this title or the Motor Carrier Safety Act of 1984, or an order or regulation issued under such section or Act. Such district court shall have jurisdiction to determine any such action and may grant such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.".

(b) Section 521(b) of title 49, United States Code, is amended to read as follows:

"(b)(1) If the Secretary finds that a violation of section 3102 of this title or the Motor Carrier Safety Act of 1984, or a violation of a regulation issued under such section or Act, has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the provision which has been violated. The notice shall fix a reasonable time for abatement of the violation, specify the proposed civil penalty, if any, and suggest actions which might be taken in order to abate the violation. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of the violator's intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

"(2) Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of a recordkeeping requirement issued by the Secretary pursuant to section 3102 of this title or the Motor Carrier Safety Act of 1984 shall be liable to the United States for a civil penalty not to exceed $500 for each offense. Each day of a violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses relating to any single violation shall not exceed $2,500. If the Secretary determines that a serious pattern of safety violations, other than recordkeeping requirements, exists or has occurred, the Secretary may assess a civil penalty not to exceed $1,000 for each offense; except that the maximum fine for each such pattern of safety violations shall not exceed $10,000. If the Secretary determines that a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, the Secretary may assess a civil penalty not to exceed $10,000 for each offense. Notwithstanding any other provision of this section, except for recordkeeping violations, no civil penalty shall be assessed under this section against an employee for a violation unless the Secretary determines that such employee's actions constituted gross negligence or reckless disregard for safety, in which case such employee shall be liable for a civil penalty not to exceed $1,000. The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

"(3) The Secretary may require any violator served with a notice of violation to post a copy of such notice or statement of such notice in such place or places and for such duration as the Secretary may determine appropriate to aid in the enforcement of section 3102 of this title or the Motor Carrier Safety Act of 1984, as the case may be.

"(4) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, before referral to the Attorney General, such civil penalty may be compromised by the Secretary.

"(5)(A) If, upon inspection or investigation, the Secretary determines that a violation of section 3102 of this title or the Motor Carrier Safety Act of 1984 or a regulation issued under such section or Act, or combination of such violations, poses an imminent hazard to safety, the Secretary shall order a vehicle or employee operating such vehicle out of service, or order an employer to cease all or part of the employer's commercial motor vehicle operations. In making any such order, the Secretary shall impose no restriction on any employee or employer beyond that required to abate the hazard. Subsequent to the issuance of the order, opportunity for review shall be provided in accordance with section 554 of title 5, except that such review shall occur not later than 10 days after issuance of such order.

"(B) In this paragraph, 'imminent hazard' means any condition of vehicle, employee, or commercial motor vehicle operations which is likely to result in serious injury or death if not discontinued immediately.

"(6) Any person who knowingly and willfully violates any provision of section 3102 of this title, the Motor Carrier Safety Act of 1984, or a regulation issued under such section or Act shall, upon conviction, be subject for each offense for a fine not to exceed $25,000 or imprisonment for a term not to exceed one year, or both, except that, if such violator is an employee, the violator shall only be subject to penalty if, while operating a commercial motor vehicle, the violator's activities have led or could have led to death or serious injury, in which case the violator shall be liable, upon conviction, for a fine not to exceed $2,500.

"(7) The Secretary shall issue regulations establishing penalty schedules designed to induce timely compliance for persons failing to comply promptly with the requirements set forth in any notices and orders under this subsection.

"(8) Any aggrieved person who, after a hearing, is adversely affected by a final order issued under this section may, within 30 days, petition for review of the order in the United States Court of Appeals in the circuit wherein the violation is alleged to have occurred or where the violator has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit. Review of the order shall be based on a determination of whether the Secretary's findings and conclusions were supported by substantial evidence, or were otherwise not in accordance with law. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure or neglect to do so. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Secretary.

"(9) All penalties and fines collected under this section shall be deposited into the Highway Trust Fund (other than the Mass Transit Account).

"(10) In any action brought under this section, process may be served without regard to the territorial limits of the district of the State in which the action is brought.

"(11) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(12) The provisions of this subsection shall not affect any provision of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) or any regulation promulgated by the Secretary under such Act.

"(13) As used in this subsection, the terms 'commercial motor vehicle', 'employee', 'employer', and 'State' have the meaning such terms have under section 4 of the Motor Carrier Safety Act of 1984.".

(c) Section 526 of title 49, United States Code, is amended—

(1) by inserting after "chapter" the first place it appears the following: ", section 3102 of this title, or the Motor Carrier Safety Act of 1984"; and

(2) by inserting after "chapter" the second and third places it appears the following: "or such section or Act".

(d) The Secretary shall conduct a study of the effectiveness of the civil and criminal penalties established by the amendments made by this section in deterring violations of the commercial motor vehicle safety regulations issued under this title and in effectively prosecuting such violations when they occur. Such study shall examine the effectiveness of penalties in effect before the date of enactment of this Act in comparison to the penalties established by the amendments made by this title. Such study shall also investigate the need for, and make recommendations concerning, increased fine levels for civil and criminal penalties, and the need for additional categories of civil and criminal penalties to deter further, and prosecute effectively, violations of such commercial motor vehicle safety regulations. The Secretary shall submit to Congress a report or the findings of this study, together with legislative recommendations, not later than 2 years after the date of enactment of this Act.

LITIGATION AUTHORITY

SEC. 214. Section 413 of Surface Transportation Assistance Act of 1982 (49 U.S.C. 2313) is amended by striking "The Secretary, or, on" and inserting in lieu thereof "on".

CERTIFICATION OF SAFETY FITNESS

SEC. 215. (a) The Secretary, in cooperation with the Interstate Commerce Commission, shall by rule, after notice and opportunity for comment, establish a procedure to determine the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under sections 10922 and 10923 of title 49, United States Code. Such procedure shall include—

(1) specific initial and continuing requirements to be met by such persons to prove safety fitness;

(2) a means of determining whether such persons meet the safety fitness requirements specified under paragraph (1); and

(3) specific time deadlines for action by the Department of Transportation and the Interstate Commerce Commission in making fitness determinations.

(b) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a copy of the procedure established under subsection (a) of this section.

(c) The rules adopted under this section shall supersede all Federal rules regarding safety fitness and safety rating of motor carriers in effect on the date of enactment of this Act.

(d) Notwithstanding any other provision of law, the Interstate Commerce Commission (1) shall find any applicant for authority to operate as a motor carrier to be unfit if the applicant does not meet the safety fitness requirements established under subsection (a) of this section, and (2) shall deny such application.

HEAVY TRUCK STUDY

SEC. 216. (a) The Secretary shall undertake a comprehensive study of safety characteristics of heavy trucks, the unique problems related to heavy trucks, and the manner in which such trucks are driven. Such study shall include an examination of the handling, braking, stability, and crashworthiness of heavy trucks, and an examination of the programs and needs of enforcement agencies to assure compliance with traffic laws by commercial motor vehicle drivers. In carrying out such study, the Secretary shall consult with truck manufacturers, employee representatives, truck operators, and other interested parties. Not later than September 30, 1986, the Secretary shall submit to the Congress a report on the findings of such study.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to conduct the study required under subsection (3) of this section.

TRUCK OCCUPANT PROTECTION

SEC. 217. (a) The Secretary shall make a full investigation and study of crash protection for truck occupants. Such study shall examine potential and known hazards to truck occupants and means of improving truck-occupant safety. Such study shall also include potential performance standards, if any, to be met by truck manufacturers. In carrying out such study, the Secretary shall consult with truck manufacturers, employee representatives, truck operators, and other interested parties. The Secretary shall submit to Congress a report on the findings of this investigation and study not later than two years after the date of the enactment of this Act.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to undertake the study required by subsection (c) of this section.

STUDY OF SAFETY PERFORMANCE OF COMMERCIAL MOTOR VEHICLES

SEC. 218. (a) The Secretary shall conduct a study of the safety performance of commercial motor vehicles. The study shall examine the effectiveness of individual State regulations governing the operations of such vehicles in promoting safety. Such study shall also investigate the need to subject such operations, in whole or in part, to the commercial motor vehicle safety regulations issued under this title. The Secretary shall submit to Congress a report on the findings of the investigation and study conducted under this subsection not later than two years after the date of the enactment of this Act.

(b) For purposes of this subsection, the term "commercial motor vehicle" means any self-propelled or towed vehicle used on highways in intrastate commerce to transport passengers or property if such vehicle is described in subparagraph (A), (B), or (C) of section 204(1) of this Act.

STUDY OF SAFETY-RELATED DEVICES

SEC. 219. (a) The Secretary shall conduct a study of the effectiveness of existing regulations regarding emergency warning devices required to be carried on buses, trucks, truck-tractors, and motor-driven vehicles which are involved in emergency situations. Such study shall also investigate the potential costs and benefits of requiring passenger automobile operators to carry emergency warning devices, and shall examine the relative benefits of various types of warning devices in enhancing highway safety. The Secretary shall submit to the Congress a report containing the findings of this study not later than 18 months after the date of the enactment of the Act.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to undertake the study required by this section.

SAFETY STUDY; FEDERAL COORDINATION

SEC. 220. (a) The Secretary, in consultation with the Director of the National Institute for Occupational Safety and Health and the Secretary of Labor, shall undertake a study of significant health hazards to which employees engaged in the operation of commercial motor vehicles are exposed, and shall develop such materials and information as are necessary to enable such employees to carry out their employment in a place and manner free from recognized hazards that are causing or are likely to cause death or serious physical harm. The study shall include findings regarding the most appropriate method for regulating and protecting the health of operators of commercial motor vehicles. The findings of such study shall be submitted to the Congress within one year after the date of the enactment of this Act.

(b) The Secretary shall coordinate the activities of Federal agencies to ensure adequate protection of the safety and health of operators of commercial motor vehicles. The Secretary shall attempt to minimize paperwork burdens to assure maximum coordination and to avoid overlap and the imposition of undue burdens on persons subject to regulations under this title.

RELATIONSHIP TO OTHER LAW

SEC. 221. Except as provided in section 206(b), the provisions of this title and the regulations issued under this title shall not affect any provision of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) or any regulation issued by the Secretary under such Act.

AMENDMENT TO THE MOTOR CARRIER ACT OF 1980

SEC. 222. (a) Section 30(b)(3) of the Motor Carrier Act of 1980 (49 U.S.C. 10927 note) is amended—

(1) by striking out "and" at the end of clause (A); and

(2) by striking out the period at the end of such section and inserting in lieu thereof the following: ", and (c) in the case of any farm vehicle transporting any such material or substance in interstate commerce other than in bulk, the Secretary, by regulation, may reduce such amount if the Secretary finds that such reduction will not adversely affect public safety.".

(b) Section 30(g) of such Act is amended by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively, and inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) 'farm vehicle' means any vehicle which (A) is designed or adapted and used exclusively for agricultural purposes, (B) is operated by a motor private carrier (as such term is defined under section 10102 of title 49, United States Code), and (C) is only incidentally operated on highways;".

SPLASH AND SPRAY SUPPRESSANT DEVICES

SEC. 223. Section 414(b) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2314(b)) is amended—

(1) in paragraph (2) by striking out "two years after the date of the enactment of this title," and inserting in lieu thereof "one year after the date on which the standards are established under paragraph (1) of this subsection,"; and

(2) in paragraph (3) by striking out "five years after the date of the enactment of this title," and inserting in lieu thereof "four years after the date on which the standards are established under paragraph (1) of this subsection,".

FOREIGN BUS CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS

SEC. 224. Section 18(d) of the Bus Regulatory Reform Act of 1982 (49 U.S.C. 10927 note) is amended—

(1) by striking out "(d) Financial" and inserting in lieu thereof "(d)(1) Subject to paragraph (2) of this subsection, financial"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Any person domiciled in any contiguous foreign country who provides transportation by motor vehicle to which any of the minimal levels of financial responsibility established under this section apply shall have evidence of such financial responsibility in such motor vehicle at any time such person is providing such transportation.

"(B) The Secretary of Transportation and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is not evidence of financial responsibility required to be in such vehicle by subparagraph (A) of this paragraph.".

EXTENSION OF MORATORIUM ON CERTIFICATION OF FOREIGN MOTOR CARRIERS

SEC. 225. (a) Section 10922(l)(1) of title 49, United States Code, is amended by striking out "two-year" each place it appears and inserting in lieu thereof "four-year".

(b) The second sentence of such section is amended by inserting after "such moratorium" the following: "or impose such a moratorium".

(c) The amendments made by this section shall take effect on September 19, 1984.

CERTIFICATES OF REGISTRATION FOR FOREIGN MOTOR CARRIERS

SEC. 226. (a)(1) Subchapter II of chapter 105 of title 49, United States Code, is amended by adding at the end thereof the following new section:

"§ 10530. Certificates of registration for certain foreign carriers

"(a) In this section—

"(1) 'registrable year' means the six-month period beginning July 1, 1985, and ending December 31, 1985, calendar year 1986, and each calendar year thereafter.

"(2) 'foreign motor carrier' means a motor carrier of property—

"(A) which does not hold a certificate issued under section 10922 of this title or a permit issued under section 10923 of this title; and

"(B)(i) which is domiciled in any contiguous foreign country; or

"(ii) which is owned or controlled by persons of any contiguous foreign country and is not domiciled in the United States.

"(3) 'foreign motor private carrier' means a motor private carrier—

"(A) which is domiciled in any contiguous foreign country; or

"(B) which is owned or controlled by persons of any contiguous foreign country and is not domiciled in the United States.

"(4) 'exempt items' means items described in paragraphs (4), (6), (11), (12), (13), and (15) of section 10526(a) of this subchapter and items transported under paragraph (5) of such section.

"(5) 'interstate transportation' means transportation described in section 10521(a) of this subchapter and transportation in the United States exempt from the jurisdiction of the Commission under section 10526(b)(1) of this subchapter.

"(b)(1) Except as provided in this section, no foreign motor carrier may provide interstate transportation of exempt items in any registrable year unless the Commission has issued to the carrier a certificate of registration under this section authorizing the carrier to provide such transportation in such year.

"(2) Except as provided in this section, no foreign motor private carrier may provide interstate transportation of property (including exempt items) in any registrable year unless the Commission has issued to the carrier a certificate of registration under this section authorizing the carrier to provide such transportation in such year.

"(c) Without regard to subchapter II of chapter 103 of this title and subchapter II of chapter 5 of title 5, the Commission shall issue a certificate of registration to any foreign motor carrier authorizing the carrier to provide interstate transportation of exempt items in any registrable year, and to any foreign motor private carrier authorizing the carrier to provide interstate transportation of property (including exempt items) in any registrable year, if—

"(1) the Commission finds that the carrier is fit, willing, and able—

"(A) to provide the transportation to be authorized by the certificate; and

"(B) to comply with this subtitle and regulations of the Commission; and

"(2) the carrier demonstrates to the satisfaction of the Commission that the carrier has paid (or will pay in a timely manner) all taxes imposed by section 4481 of the Internal Revenue Code of 1954 on any motor vehicle which such carrier operated in the United States in the most recent taxable period (as such term is defined under section 4482(c) of such Code) ending before the first day of such registrable year.

"(d) A foreign motor carrier and a foreign motor private carrier must file an application with the Commission for a certificate of registration under this section to provide interstate transportation. The Commission may approve any part of the application or deny the application. The application must—

"(1) be under oath;

"(2) contain such information as the Commission may require by regulation; and

"(3) be filed with the Commission at such times as the Commission may require by regulation.

"(e) The requirement that foreign motor carriers and foreign motor private carriers issued certificates of registration under this section be fit, willing, and able means—

"(1) safety fitness; and

"(2) proof of minimum financial responsibility—

"(A) under section 30 of the Motor Carrier Act of 1980, in the case of a foreign motor carrier or foreign motor private carrier which provides transportation in the United States of an item referred to in subsection (b)(1) of such section; and

"(B) under the laws of the State or States in which the carrier is operating, in the case of a foreign motor private carrier which provides interstate transportation in the United States of property (other than an item referred to in such subsection).

"(f) Each certificate of registration issued under this section shall specify the transportation to be provided under the certificate.

"(g)(1) Any motor vehicle which is used to provide transportation under a certificate of registration issued under this section shall have a copy of such certificate in such motor vehicle at any time such vehicle is being used to provide such transportation.

"(2) The Commission, the Secretary of Transportation, and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is not a copy of the certificate of registration required to be in such vehicle by paragraph (1) of this subsection.

"(h) When a certificate of registration is issued under this section, the Commission may prescribe such conditions on the transportation to be provided under the certificate as may be necessary to carry out the objectives of this section.

"(i)(1) Subject to paragraph (3) of this subsection, this section shall not apply with respect to any contiguous foreign country with respect to which a moratorium is not in effect under section 10922(l) of this title on the effective date of this section.

"(2) The President of the United States may waive the requirements of this section with respect to any contiguous foreign country if the President determines that such waiver is in the national interest and notifies, in writing, the Congress of such waiver before the date on which such waiver is to take effect. In any case in which the requirements of this section apply with respect to a contiguous foreign country which substantially prohibits grants of authority to persons from the United States to provide transportation by motor vehicle for compensation in such foreign country, such waiver shall not take effect before the 60th day following the date on which the Congress is notified of such waiver.

"(3) The President of the United States may, by order, make the requirements of this section applicable with respect to any contiguous foreign country if—

"(A) the President determines that making such requirements so applicable is in the national interest; and

"(B) the President—

"(i) notifies, in writing, the Congress of the issuance of such order; and

"(ii) has published a copy of such order in the Federal Register;

at least 30 days before such order takes effect.".

(2) The analysis for subchapter II of chapter 105 of title 49, United States Code, is amended by adding at the end thereof the following:

"10530. Certificates of registration for certain foreign carriers."

(b)(1) The first sentence of section 10922(l)(1) of title 49, United States Code, is amended—

(A) by striking out "or any permit" and inserting in lieu thereof "any permit"; and

(B) by inserting after "contract carrier," the following: "or any certificate of registration under section 10530 of this title to any motor carrier of property or motor private carrier.".

(2) Section 10922(l)(2) of such title is amended by inserting "(A)" after "(2)" and by adding at the end thereof the following new subparagraph:

"(B)(i) Subject to the provisions of this subparagraph, during a moratorium imposed under paragraph (1) of this subsection with respect to any contiguous foreign country or political subdivision thereof, the commission may issue certificates of registration under section 10530 of this subtitle to motor carriers of property and motor private carriers domiciled in such country or political subdivision and to motor carriers of property and motor private carriers owned or controlled by persons of such country or political subdivision.

"(ii) Subject to clause (iv) of this subparagraph, if the person to be issued the certificate of registration during the moratorium is a motor carrier of property domiciled in the foreign country or political subdivision or is a motor carrier of property owned or controlled by persons of the foreign country or political subdivision, such certificate may only authorize such carrier to provide transportation of exempt items in a municipality in the United States which is adjacent to the foreign country or political subdivision, in contiguous municipalities in the United States any one of which is adjacent to the foreign country or political subdivision, or in a zone in the United States that is adjacent to, and commercially a part of, the municipality or municipalities.

"(iii) Subject to clause (v) of this subsection, if the person to be issued the certificate of registration during the moratorium is a motor private carrier domiciled in the foreign country or political subdivision or is a motor private carrier owned or controlled by persons of the foreign country or political subdivision, such certificate may only authorize such carrier to provide transportation of property (including exempt items) in a municipality in the United States which is adjacent to the foreign country or political subdivision, in contiguous municipalities in the United States any one of which is adjacent to the foreign country or political subdivision, or in a zone in the United States that is adjacent to, and commercially a part of, the municipality or municipalities.

"(iv) If the person to be issued the certificate of registration during the moratorium is a motor carrier of property domiciled in the foreign country or political subdivision and owned or controlled by persons of the United States, such certificate may only authorize such carrier to provide interstate transportation of exempt items.

"(v) If the person to be issued the certificate of registration during the moratorium is a motor private carrier domiciled in the foreign country or political subdivision and owned or controlled by persons of the United States, such certificate may only authorize such carrier to provide interstate transportation of property (including exempt items).

"(vi) In this subparagraph, the terms 'exempt items' and 'interstate transportation' have the meanings such terms have under section 10530(a) of this title.".

(c)(1) Section 10322(a) of title 49, United States Code, is amended by inserting "10530," after "10525(c),".

(2) The first sentence of section 10927(a)(1) of such title is amended—

(A) by inserting "and a certificate of registration to a motor carrier or motor private carrier under section 10530 of this title" after "10923 of this title";

(B) by striking out "or section 18" and inserting in lieu thereof "section 18"; and

(C) by inserting before the period at the end of such sentence ", or the laws of the State or States in which the carrier is operating, in the case of a motor private carrier".

(3) Section 10927(a)(2) of such title is amended by inserting "and a foreign motor private carrier (as such term is defined under section 10530(a)(3) of this title)" after "A motor carrier".

(4) Section 11701 of such title is amended—

(A) in subsection (a) by inserting after the second sentence the following new sentence: "If the Commission finds that a motor private carrier is violating section 10530 of this subtitle, the Commission shall take appropriate action to compel compliance with such section."; and

(B) by striking out the period at the end of the first sentence in subsection (b) and inserting in lieu thereof "or a motor carrier or motor private carrier providing transportation under a certificate of registration issued under section 10530 of this title.".

(5) Section 11702(a)(4) of such title is amended by inserting before the semicolon at the end thereof the following: "or by a motor carrier or motor private carrier providing transportation under a certificate of registration issued under section 10530 of this title".

(6) Section 11901(g) of such title is amended—

(A) by inserting "or transportation provided under a certificate of registration issued under section 10530 of this title" after "chapter 105 of this title";

(B) by striking out ", or (4)" and inserting in lieu thereof ", (4)"; and

(C) by inserting "or (5) does not comply with section 10530 of this title," before "is liable to".

(7) Section 11914(b) of such title is amended—

(A) by striking out "this title," and inserting in lieu thereof "this title"; and

(B) by inserting after "1966," the following: "on a condition of a certificate of registration issued under section 10530 of this title,".

(d) The amendments made by this section shall take effect May 1, 1985, except that the Interstate Commerce Commission may issue before such date such regulations as may be necessary to carry out the amendments made by this section beginning on such date.

TECHNICAL AMENDMENTS

SEC. 227. (a)(1) Section 11901 of title 49, United States Code, is amended—

(A) in subsection (g) by striking out "(h)" and inserting in lieu thereof "(i)";

(B) by redesignating the subsection beginning "(h)(1) Any person required" and subsections (i), (j), and (k), and any references thereto, as subsections (i), (j), (k), and (l), respectively;

(C) in subsection (j)(1), as redesignated by subparagraph (A), by inserting "of" after "paragraph (3)"; and

(D) in subsection (l)(2), as redesignated by subparagraph (A), by striking out "(i)(1), or (j)" and inserting in lieu thereof "(i), (j)(1), or (k)".

(2) Section 10934(c) of such title is amended by striking out "11901(j)" each place it appears and inserting in lieu thereof "11901(k)".

(3) Section 11348(a) of such title is amended by striking out "(k)(1)" and inserting in lieu thereof "(l)(1)".

(4) Section 2342(5) of title 28, United States Code, is amended by striking out "11901(i)(2)" and inserting in lieu therof "11901(j)(2)".

(b)(1) Chapter 107 of title 49, United States Code, is amended by redesignation the second section 10734, and any references thereto, as section 10735.

(2) The analysis for such chapter is amended by striking out "10734. Household" and inserting in lieu thereof "10735. Household".

(c) Section 10526(a) of title 49, United States Code, is amended by redesignating the second paragraph (14), and any references thereto, as paragraph (15).

EMPLOYEE PROTECTION

SEC. 228. (a) Paragraph (2) of section 401 of the Surface Transportation Assistance Act of 1982 is amended by striking out ", nor does" and all that follows through the semicolon at the end of such paragraph and inserting in lieu thereof a semicolon.

(b) The amendment made by subsection (a) shall * * * on the last day of the two year period beginning on the date of the enactment of this Act.

(c) The Secretary, in consultation with the Secretary of Labor, shall conduct a study to determine whether or not part A of title IV of the Surface Transportation Assistance Act of 1982 should be amended to provide protection to individuals employed by a commercial motor carrier engaged in the transportation of passengers. Not later than twelve months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of such study.

LIMITATION ON AUTHORITY

SEC. 229. (a) Nothing in this title confers authority on the Secretary to (1) establish Federal traffic safety regulations, or (2) preempt State traffic regulations; except that the Secretary may establish or maintain such Federal regulations to the extent that the subject matter of such regulations is, on the date of the enactment of this Act, regulated under parts 390 to 399 of title 49 of the Code of Federal Regulations.

(b) Nothing in this title confers authority on the Secretary to regulate the manufacture of commercial motor vehicles for any purpose, including fuel economy, safety, or emission control.

OVERSIGHT

SEC. 230. The appropriate authorizing committees of the Congress shall conduct periodic oversight hearings on the effects of this title no less often than annually for the first five years following the date of enactment of this Act, to ensure that this Act is being implemented according to congressional intent and the purposes of this title.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

HAZARDOUS MATERIALS TRANSPORTATION ACT AUTHORIZATION

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2706.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2706) entitled "An Act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1985 and 1986, and for other purposes", do pass with the following amendment: Strike out all after the enacting clause, and insert:

That (a) section 109(d) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1808(d)) is amended—

(1) by inserting "(1)" immediately before "The Secretary";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Nothing in this subsection shall be construed to limit the authority of the Secretary to enter into a contract with a private entity for use of a supplemental reporting system and data center operated and maintained by such entity.".

(b)(1) Section 109(e) of such Act (49 U.S.C. App. 1808(e)) is amended by striking out "May 1" and inserting in lieu thereof "June 15".

(2) The amendment made by paragraph (1) shall take effect October 1, 1984.

SEC. 2. Section 115 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1812) is amended to read as follows:

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 115. There is authorized to be appropriated to carry out the provisions of this title not to exceed $7,500,000 for the fiscal year ending September 30, 1985, and $8,000,000 for the fiscal year ending September 30, 1986.".

SEC. 3. The Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) is amended by adding at the end thereof the following new section:

"EVALUATION OF TRAINING PROGRAMS FOR INCIDENT PREVENTION AND RESPONSE

"SEC. 116. (a) EVALUATION.—The Secretary and the Director of the Federal Emergency Management Agency (hereinafter in this section referred to as the 'Director'), in coordination with other Federal, State, and local agencies with responsibilities relating to transportation of hazardous materials (including but not limited to the Environmental Protection Agency, the Department of Energy, and the Nuclear Regulatory Commission), shall each evaluate—

"(1) programs conducted by Federal, State, and local agencies and private organizations which provide training to shippers, carriers, inspectors, and enforcement personnel involved in the transportation of hazardous materials with respect to compliance with an enforcement of rules, regulations, standards, and orders promulgated by the Secretary under the authority of this title;

"(2) programs conducted by Federal, State, and local agencies and private organizations which provide training to agencies or organizations responsible for responding to incidents involving transportation of hazardous materials; and

"(3) planning programs conducted by Federal, State, and local agencies and private organizations for responding to incidents involving transportation of hazardous materials.

"(b) REPORT.—Not later than five months after the date of the enactment of this section, the Secretary and the Director shall each submit an interim report to the Congress on the results of their respective evaluations under subsection (a). Not later than 10 months after the date of the enactment of this section, the Secretary and the Director shall complete such evaluations and submit the results of such evaluations to the Congress. Such reports shall include, but not be limited to—

"(1) a description of existing planning programs for responding to incidents involving transportation of hazardous materials;

"(2) a description of Federal, State, and (to the extent feasible) local training programs for responding to incidents involving transportation of hazardous materials and for compliance with and enforcement of rules, regulations, standards, and orders promulgated by the Secretary under the authority of this title;

"(3) the amounts of funds expended per fiscal year in fiscal years 1980, 1981, 1982, 1983, and 1984 by Federal and State agencies on training programs described in paragraph (2); and

"(4) recommendations concerning methods of funding such training programs, including but not limited to methods which assure long-term funding for such programs.".

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

RELIEF OF JOSEPH KAREL HASEK

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate a matter at the desk, H.R. 6438.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6438) for the relief of Joseph Karel Hasek.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 6438) was read a third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROVIDING FOR THE PRINTING OF ADDITIONAL COPIES OF THE GENERAL EXPLANATION OF THE REVENUE PROVISIONS OF THE DEFICIT REDUCTION ACT OF 1984

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate House Concurrent Resolution 366, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 366) providing for the printing of additional copies of the General Explanation of the Revenue Provisions of the Deficit Reduction Act of 1984.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The **PRESIDING OFFICER.** The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 366) was agreed to.

ORDER THAT 500 ADDITIONAL COPIES OF A STAFF REPORT "WAR IN THE GULF" BE PRINTED

Mr. BAKER. Mr. President, I ask unanimous consent that 500 additional copies of a staff report "War in the Gulf," prepared for the Committee on Foreign Relations, be printed.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

RELIEF OF ADEL SHERVIN

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 149.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 149) entitled "An Act for the relief of Adel Shervin", do pass with the following amendment: Page 2, after line 10 insert:

"Sec. 3. That, section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by deleting the second sentence thereof.".

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendment.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

RELIEF OF JEROME J. HARTMANN AND RITA J. HARTMANN

Mr. BAKER. I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 452, for the relief of Jerome J. Hartmann and Rita J. Hartmann, and I ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 452) for the relief of Jerome J. Hartmann and Rita J. Hartmann.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the bill.

The **PRESIDING OFFICER.** The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 452) was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AWARDS OF EXPENSES OF CERTAIN AGENCY AND COURT PROCEEDINGS

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5479.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Represenatatives:

Resolved, That the House agree to the amendment of the Senate to the amendment of the House to the amendments of the Senate to the bill (H.R. 5479) entitled "An Act to amend section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, with respect to awards of expenses of certain agency and court proceedings, and for other purposes", with the following amendment: In lieu of the matter proposed to be inserted by said amendment, insert:

"That (a) section 504(a)(1) of title 5, United States Code, is amended—

(1) by striking out "as a party to the proceeding", and

(2) by adding at the end thereof the following: "The decision of the adjudicative officer on the application for fees and other expenses shall be the final administrative decision under this section.".

(b) Section 504(a)(2) of title 5, United States Code, is amended by adding at the end thereof the following: "When the United States appeals the underlying merits of an adversary adjudication, no decision on an application for fees and other expenses in connection with that adversary adjudication shall be made under this section until a final and unreviewable decision is rendered by the court on the appeal or until the underlying merits of the case have been finally determined pursuant to the appeal.".

(c) Section 504(b) of title 5, United States Code, is amended—

(1) by amending paragraph (1)(B) to read as follows:

"(B) 'party' means a party, as defined in section 551(3) of this title, who is (i) an individual whose net worth did not exceed $2,000,000 at the time the adversary adjudication was initiated, or (ii) any owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization, the net worth of which did not exceed $7,000,000 at the time the adversary adjudication was initiated, and which had not more than 500 employees at the time the adversary adjudication was initiated; except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) exempt from taxation under section 501(a) of such Code, or a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association;";

(2) in paragraph (1)(C)—

(A) by inserting "(i)" before "an adjudication under";

(B) by inserting before the semicolon at the end thereof the following: ", and (ii) any appeal of a decision made pursuant to section 6 of the contract Disputes Act of 1978 (41 U.S.C. 605) before an agency board of contract appeals as provided in section 8 of that Act (41 U.S.C. 607)"; and

(C) by striking out "and" at the end thereof;

(3) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(E) 'position of the agency' includes the underlying action which led to the adversary adjudication; except that fees and expenses may not be awarded to a party for any portion of the adversary adjudication in which the party has unreasonably protracted the proceedings.".

(d) Section 504(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) If a party or the United States is dissatisfied with a determination of fees and other expenses made under subsection (a), that party or the United States (as the case may be) may, within 30 days after the determination is made, appeal the determination to the court of the United States having jurisdiction to review the merits of the underlying decision of the agency adversary adjudication. The court's determination on all appeals heard under this paragraph shall be based solely on the factual record made before the agency. The court may modify the determination of fees and other expenses only if the court finds that the failure to make an award of fees and other expenses, or the calculation of the amount of the award, was unsupported by substantial evidence.".

(e) Section 504(d) of title 5, United States Code, is amended to read as follows:

"(d) Fees and other expenses awarded under this subsection shall be paid by any agency over which the party prevails from any funds available to the agency by appropriation or otherwise.".

(f) Section 504 of title 5, United States Code, is amended by adding at the end thereof the following:

"(f) If complete payment of the fees and other expenses awarded under this section is not made within 60 days after the final agency action making an award of such fees and other expenses, interest shall be paid on the amount remaining due. Such interest shall be computed at the rate the Secretary of the Treasury establishes for interest payments under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and shall run from the date which is 61 days after the date of such award up to and including the date such payment is posted by certified or registered mail.".

Sec. 2. (a) Section 2412 of title 28, United States Code, is amended—

(1) in subsections (a) and (b) by striking out "or any agency and any official of the United States" each place it appears and inserting in lieu thereof "or any agency or any official of the United States"; and

(2) in subsection (d)(1)(A) by inserting ", including proceedings for judicial review of agency action," after "in tort)".

(b) Section 2412(d)(2) of title 28, United States Code, is amended—

(1) in subparagraph (B)—

(A) in clause (i) by striking out "$1,000,000" and inserting in lieu thereof "$2,000,000; and

(B) by striking out "(ii)" and all that follows through the end of the subparagraph and inserting in lieu thereof the following: "or (ii) any owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization, the net worth of which did not exceed $7,000,000 at the time the civil action was filed, and which had not more than 500 employees at the time the civil action was filed; except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) exempt from taxation under section 501(a) of such Code, or a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association;";

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(D) 'position of the United States' includes the underlying agency action which led to the litigation; except that fees and expenses may not be awarded to a party for any portion of the litigation in which the party has unreasonably protracted the proceedings;

"(E) 'civil action brought by or against the United States' includes an appeal by a party, other than the United States, from a decision of a contracting officer rendered pursuant to a disputes clause in a contract with the Government or pursuant to the Contract Disputes Act of 1978;

"(F) 'court' includes the United States Claims Court;

"(G) 'final judgment' means a judgment that is final and not appealable; and

"(H) 'prevailing party', in the case of eminent domain proceedings, means a party who obtains a final judgment (other than by settlement), exclusive of interest, the amount of which is at least as close to the highest valuation of the property involved that is attested to at trial on behalf of the property owner as it is to the highest valuation of the property involved that is attested to at trial on behalf of the Government.".

(c) Section 2412(d)(4) of title 28, United States Code, is amended to read as follows:

"(4) Fees and other expenses awarded under this subsection to a party shall be paid by any agency over which the party prevails from any funds made available to the agency, by appropriation or otherwise.".

(d) Section 2412 of title 28, United States Code, is amended by adding at the end thereof the following:

"(f) If complete payment of the costs or fees and other expenses awarded under this section is not made within 60 days after the award of such costs or fees and other expenses, interest shall be paid thereafter on the amount remaining due. Such interest shall be computed at the rate the Secretary of the Treasury establishes for interest payments under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and shall run from the date which is 61 days after the date of such award up to and including the date such payment is posted by certified or registered mail.".

SEC. 3. Section 206 of the Equal Access to Justice Act is amended—

(1) by striking out "Nothing" and inserting in lieu thereof "(a) Except as provided in subsection (b), nothing"; and

(2) by adding at the end thereof the following:

"(b) Section 206(b) of the Social Security Act (42 U.S.C. 406(b)(1)) shall not prevent an award of fees and other expenses under section 2412(d) of title 28, United States Code. Section 206(b)(2) of the Social Security Act shall not apply with respect to any such award but only if any fees collected by the claimant's attorney or withheld for such attorney pursuant to such section 206(b) are refunded to the claimant insofar as the fees relate to the same work for which the claimant's attorney is awarded fees under section 2412(df) of title 28, United States Code.".

SEC. 4 Section 203(c) of the Equal Access to Justice Act (Public Law 96-481) is repealed.

SEC. 5. Section 204(c) of the Equal Access to Justice Act is repealed.

SEC. 6. Section 207 of the Equal Access to Justice Act, is repealed.

SEC. 7. Section 208 of the Equal Access to Justice Act is amended by adding at the end thereof the following: "Awards may be made for fees incurred before October 1, 1981, in any such adversary adjudication or civil action.".

SEC. 8. (a) Except as otherwise provided in this section, the amendments made by this Act shall be effective as of October 1, 1984, and shall apply to cases pending on such date.

(b) The amendments made to section 504(b)(1)(C)(ii) of title 5, United States Code, by subsection (c)(2) of the first section of this Act, and the amendments to section 2412(d)(2)(E) of title 28, United States Code, made by section 2(b)(3) of this Act shall apply to any adversary adjudication which was pending on or commenced on or after October 1, 1981, in which applications for fees and expenses were timely filed and were dismissed for lack of jurisdiction.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

CORRECTIONS IN ENROLLMENT OF H.R. 3398

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 372.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the resolution (H. Con. Res. 372) entitled "Concurrent resolution to correct the enrollment of H.R. 3398", with the following amendment: In lieu of the matter inserted by the said amendment, insert:

(4)(A) Immediately after section 250 of the bill (as added by paragraph (1)) insert the following:

SEC. 251. COPYRIGHT PROTECTION OF COMPUTER SOFTWARE.

Since the development of computer software and other information technologies is increasingly important to economic growth and productivity in the United States and other nations;

Since the United States is the world leader in the technological development of computer software and in the production and sale of computer software;

Since the United States has since 1964 considered computer software a work of authorship protected by copyright and this form of intellectual property right protection has served to encourage continuing research, development, and innovation of computer software;

Since copyright protection is afforded computer software by most industrialized nations including Japan, the Netherlands, France, the Federal Republic of Germany, the United Kingdom, South Africa, Hungary, Taiwan, and Australia;

Since Japan is reviewing a proposal to abandon copyright protection of software and to adopt a system that rejects the principle that software is a work of authorship;

Since Japan is reviewing a proposal that also provides broadly for the compulsory licensing of software; and

Since the enactment by Japan of such a proposal could prompt the adoption of similar proposals by other nations currently considering this question, with serious adverse effects on the existing international order for the protection of intellectual property rights: Now, therefore, be it

Declared that is the sense of the Congress that—

(1) copyright protection is an essential form of intellectual property right protection for computer software;

(2) any proposal to abandon copyright protection of software or to provide a new system of legal protection that incorporates compulsory licensing of software would (A) disserve the goal of promoting continuing development and innovation in computer software; (B) undermine the international consensus that computer software is a work of authorship protected by copyright; (C) result in economic harm to the computer software industry of the United States, and also of Japan and of other nations; and (D) contribute to increasing trade tensions among the nations of the world; and

(3) if a nation withdraws copyright protection of software or provides for broad compulsory licensing of software, it would be in the interests of the United States and other nations to seek appropriate relief, including that provided under the Universal Copyright Convention, to ensure the just protection of intellectual property rights and the promotion of free and fair trade.

(B) Amend the table of contents of the bill to reflect the amendment made under subparagraph (A).

(5) In paragraph (3) of section 516A(a) of the Tariff Act of 1930, as proposed to be inserted by paragraph (4) of section 623(a) of the bill, strike out "which is predicated upon the size of either the dumping margin or net subsidy determined to exist" immediately before the period at the end thereof.

(6) In section 505 of the bill, strike out subsection (c) and insert in lieu thereof the following:

(c) Section 504 (19 U.S.C. 2464) is amended by adding at the end thereof the following new subsection:

"(f)(1) If the President determines that the per capita gross national product (calculated on the basis of the best available information, including that of the World Bank) of any beneficiary developing country for any calendar year (hereafter in this subsection referred to as the 'determination year') after 1984, exceeds the applicable limit for the determination year—

"(A) subsection (c)(1)(B) shall be applied for the 2-year period beginning on July 1 of the calendar year succeeding the determination year by substituting '25 percent' for '50 percent', and

"(B) such country shall not be treated as a beneficiary developing country under this title after the close of such 2-year period.

"(2)(A) For purposes of this subsection, the term 'applicable limit' means the sum of —

"(i) $8,500, plus

"(ii) 50 percent of the amount determined under subparagraph (B) for the determination year.

"(B) The amount determined under this subparagraph for the determination year is an amount equal to—

"(i) $8,500, multiplied by

"(ii) the percentage determined by dividing—

"(I) the excess, if any, of the gross national product of the United States (as determined by the Secretary of Commerce) for the determination year over the gross national product of the United States for 1984, by

"(II) the gross national product for 1984.".

Mr. BAKER. Mr President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

Mr. BAKER. Mr. President, that completes the action that I have approved on this side.

The minority leader has handed me now another measure that bears his approval notation, and it is cleared on this side, as well.

ELIMINATION OF RESTRICTIONS RELATING TO TOLLS ON THE RICHMOND-PETERSBURG TURNPIKE

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate H.R. 6441.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6441) to eliminate restrictions with respect to the imposition and collection of tolls on the Richmond-Petersburg Turnpike upon repayment by the Commonwealth of Virginia of certain Federal aid highway funds used on such turnpike.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I first thank the leadership for allowing this matter to come up.

Mr. President, this is a matter that has been acted on by this body on several occasions in its exact form as presented tonight. It is a matter that the Virginia congressional delegation in a bipartisan effort has endeavored for some 2 years to get passed.

This final action is the result of the hard work of my colleagues Congressmen TOM BLILEY and NORM SISISKY and my Senate colleague PAUL TRIBLE.

Mr. President, the Virgina General Assembly in its 1983 session enacted legislation which provided that tolls be kept on the Richmond-Petersburg Turnpike until such time as I-295, between I-64 east of the city of Richmond, and I-95, south of Petersburg, is completed.

The Richmond-Petersburg Turnpike is currently serving in excess of 72,000 vehicles per day, including 16,000 trucks.

Removing the tolls prior to the opening of I-295 will increase traffic in the corridor by as much as 30 percent, thereby overloading the turnpike and creating additional safety problems.

The tolls collected in the interim have been directed to the construction of five critically needed projects in the two metropolitan areas served by the Richmond-Petersburg Turnpike which could not be financed from normal Federal or State highway revenue within the next 15 years.

In order to implement the provisions of the Commonwealth's legislation, it is necessary that the Commonwealth be relieved of certain provisions of an agreement with the Federal Highway Administration in 1971.

The FHWA has determined that the agreement cannot be amended administratively, but that such an amendment must be approved by Congress.

Virginia House Members and I have been informed, by the Virginia secretary of transportation, that every day the Congress does not act on this toll legislation, Virginia road projects are delayed—which costs Virginians money.

It is absolutely critical that we act to pass this legislation now.

This language has passed both Houses of Congress several times.

To be exact, it has passed the Senate twice and the House of Representatives three times.

However, due to the controversies related to highway legislation the past 2 years, it has yet to reach the President's desk.

Mr. President, this is not a special project—it costs the Federal Government no money.

It is merely an administrative relief measure necessary to the management of the highway construction schedule in the Commonwealth of Virginia.

I hope that my colleagues will recognize this provision as being different from a special project and will provide this relief to Virginia.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 6441) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, that concludes the matters that we have cleared on both sides now. There may be others later, but I hope not much later. For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING LT. COL. ROBERT CHILDS

Mr. WARNER. Mr. President, as each working day draws to a close, literally hundreds of military personnel leave their Washington offices to undertake hours of community service.

An outstanding example of the military serving the community is Air Force Lt. Col. Robert Childs.

Bob resides in Springfield, VA with his wife, Jane, and their two children.

On moving into the northern Virginia area, Bob began coaching soccer in the community league.

Today he is the head coach of two highly competitive soccer teams, the Burke Firebirds and the Burke Phoenix.

Each week Bob attends two practices for each of the teams and at least two weekend games.

In addition, coaching requires travel to distant cities for tournaments; indoor soccer in the winter months, frequent coach and parent meetings, and counseling the boys and girls on his teams.

Bob has drawn directly upon his experience in the Air Force in his coaching activities.

During his Air Force service, Bob has served as Commandant of the Non-Commissioned Officer Academy and Leadership School at Kirkland Air Force Base, NM, as Chief of the Leadership and Motivation Branch at HQ, USAF, and currently as Director of Academic Plans and Policy at the National Defense University at Fort McNair.

During his Air Force career, Bob has also coached flag football teams and basketball teams.

Bob has also motivated his teams to understand the importance of scholarship.

On his girls team, for example, are five straight-A students and four girls who are in the Fairfax County Gifted and Talented Program.

Coaching soccer is, or course, not the only way in which military personnel are involved in their communities.

But it does symbolize the commitment of many who serve in the defense of the Nation to also work for the betterment of their local communities.

The substantial gift of time, energy, and dedication to community represents the finest tradition of the American citizen-soldier.

It is very much worth realizing that this tradition is alive and well.

PREPAREDNESS OF OUR MILITARY SERVICES

Mr. WARNER. Mr. President, as we draw near the end of the 98th Congress, I want to take a few moments to set the record straight on the readiness of our Armed Forces, and especially the substantial progress that has been made by this administration during the past 4 years.

During hearings this past year, all of the Service Chiefs who appeared before the Senate Armed Services Committee affirmed the significant improvements that have taken place in quantity and quality of personnel, force modernization, readiness and sustainability of our Armed Forces.

Because of recurring stories in the media which reported negatively on our military preparedness, I wrote a letter to the Chief of each of our military services, asking for his assessment of the warfighting capabilities and preparedness of his respective service.

The responses I received leave no doubt of the increased capabilities and readiness of our military forces. While all the goals may not have been accomplished during the first 4 years of this administration, these letters attest to the substantial progress that has been made.

I ask unanimous consent to have printed in the RECORD the responses I received from the Chief of Naval Operations, Adm. James D. Watkins; the Chief of Staff of the Army, Gen. John A. Wickham, Jr.; the Chief of Staff of the Air Force, Gen. Charles A. Gabriel; and the Commandant of the Marine Corps, Gen. P.X. Kelley.

There being no objection, the responses were ordered to be printed in the RECORD, as follows:

CHIEF OF NAVAL OPERATIONS,
October 9, 1984.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I am responding to your recent letter in which you expressed your concern over recent media articles about readiness, many of which are distorted and factually incorrect criticisms of Navy warfighting capability.

The true story, in fact, is one of dramatic recovery. Measured relative to the situation that existed in 1981, the year which marked the turning point in readiness and sustainability funding, the Navy today has more weapons and more spare parts at sea, and better manning of ships and aircraft squadrons. The readiness indices for ships and aircraft squadrons are up over 30 percent since 1981.

Press reports of Navy weapons shortages are at least partly accurate in that supplies of newer, more sophisticated weapons are most critical. These shortages stem from inadequate funding in the late 70's, but recovery is underway. Three years of improved funding is beginning to take effect. Trends in spare parts are up also as a result of improved funding for both ship and aircraft spares.

I appreciate this opportunity to provide my thoughts on this issue, and am enclosing a brief readiness assessment for your use. If I may be of further assistance, please let me know.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy.

READINESS ASSESSMENT

Numbers reporting personnel combat readiness (C1, C2) since 1981 are up overall, with surface ships up 39 percent, submarines up 35 percent and aircraft squadrons up 115 percent.

Retention across the board is at all time highs.

93 percent of recruits hold high school diplomas.

Petty officer shortfalls of the early 80's have been virtually eliminated.

The Naval Reserve is making solid gains with transition to newest equipments and will reach 132,000 Selected Reservists by 1988.

The 600-ship goal is now in hand and will be reached as planned in 1989.

New ships under contract, both nuclear and conventional, will provide substantial increases in capability: 2 CVN's, 9 AEGIS cruisers, 7 Los Angeles class SSN's, 3 TRIDENT class SSBN's, 6 Oliver Hazard Perry class FFG's, 34 support ships, and reactivation of the third battleship.

Combat readiness up 29 percent for surface ships, 31 percent for SSN's, 34 percent for SSBN's and 43 percent for aircraft squadrons since 1981.

Aircraft procurement is on schedule to match the needs of the 600-ship Navy, including 375 new F-14, F/A-18 and LAMPS III.

Aircraft mission capable rates up 17 percent and full mission capable rates up 50 percent overall and even higher for deployed units since 1981.

Ordnance stocks 10-60 percent higher than in 1981 with long term outlook even brighter.

Spare parts already on order will result in over 50 percent improvement when delivered in FY-86.

U.S. ARMY,
THE CHIEF OF STAFF.

Senator JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I appreciate this opportunity to provide an assessment of the state of the Army. The single page response you requested is enclosed. Also enclosed is a copy of a paper on "Total Army Readiness" which you may find useful.

The Army's warfighting capability has never been better in peacetime. However, much work still remains as we strive to attain an Army of Excellence.

Your continued support would be appreciated by all of us in the Army.

In my opinion the Army today—its people and resources—are the best I've seen in over 34 years of commissioned service.

Thanks, for your continued solid support.

Most sincerly,

JOHN A. WICKHAM, Jr.,
General, United States Army,
Chief of Staff.

ARMY CAPABILITY

The Army today, all components, is more capable than at any time in recent history. This is evidenced by improvements we have made in force structure, readiness, modernization, and sustainment.

For many years force structure planning has focused on developing those forces needed to fight a major war; however, the actual nature of conflict since World War II has been of mid-to-low intensity. The emerging strategic reality is that forces with greater flexibility are required to respond to these kinds of crises while maintaining the capability to deal with the more dangerous NATO contingency. In this respect, the Army is making extensive force structure changes. Principal changes include reshaping the heavy divisions, expanding the light forces, and placing increased reliance on Reserve Component units.

Readiness is the Army's first priority. At the core of the improvements to Army readiness are the people that serve in uniform; the quality of our soldiers has never been better. Building on this solid core, Army programs have resulted in soldiers that are better trained, better equipped, better supported, and better able to mobilize and deploy. Programs most often cited by commanders for providing the biggest readiness gains are: development of the National Training Center, expansion of overseas deployment training, increased use of training devices, increased Full-Time Manning in Reserve Component units, expansion of Prepositioning of Materiel Configured in Unit Sets (POMCUS), and increased fielding of equipment and spare parts.

Extensive actions to modernize equipment have been taken to counter growing Soviet capabilities and provide our soldiers with state-of-the-art equipment. The fielding of new systems such as the M1 Tank, Bradley Fighting Vehicle, Black Hawk Helicopter, Multiple Launch Rocket System, and Pershing II Missile has done much to restore the qualitative edge we want our forces to have over potential adversaries. Our soldiers can now maneuver better, shoot better, communicate better, night fight better, and support better. These systems are also necessary for the employment of new doctrine which was designed to increase our ability to fight outnumbered and win.

Finally, our ability to sustain our forces has been improved significantly through increases in war reserve supplies of equipment, spare parts, ammunition, and other materiel.

The consensus of senior Army leaders is that these improvements have increased the deterrent value of our land forces. As demonstrated by Army's performance in Grenada, we can act quickly and effectively should deterrence fail. Although many challenges still exist, today's Army is capable of responding across the entire spectrum of warfare to protect and preserve our freedom and national heritage.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, October 3, 1984.
Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I appreciate the opportunity to present the Air Force story concerning warfighting capability. As you indicated in your letter of September 12, our efforts to improve the force have been effective; we are in better shape now than we were in 1980. I have attached a fact sheet which shows the extent of readiness improvements not discussed by the media. The trends are favorable and we expect continued improvement.

Our senior commanders echo the same sentiments. In the Pacific, the F-16 squadrons in place and those going to Japan will improve greatly our capability in that part of the world. The European forces are training more realistically (with newer, more capable weapon systems) and have activated two ground launched cruise missile units. The Tactical Air Command forces are better prepared for mobilization anywhere in the world, as are the Air Reserve Forces. Strategic Air Command has improved the bombing accuracy and survivability of the B-52 and increased the accuracy of the MINUTEMAN ICBM system. Fleet improvements, additional spares and incorporation of inflight refueling for all strategic airlift have enhanced greatly our capability.

Thank you for your continuing interest and support. I hope you find this information helpful.

Sincerely,

CHARLES A. GABRIEL,
General, USAF,
Chief of Staff.

AIR FORCE READINESS IMPROVEMENTS, 1980-84

BOTTOMLINES

Personnel in good shape: Enlistees are high caliber;

98 percent are high school graduates and 16 percent have 20 or more semester hours of college;

Two out of three first-termers now reenlist;

Retention rate trends show 78 percent of pilots staying aboard.

The force is more capable:

1,100 new fighters (A-10, F-15, F-16) have been delivered and 7 older fighter bomber and cargo types have been retired;

Net gain is 568 major combat fighter aircraft and an increase in combat fighter units of 11 percent;

83 new electronic combat aircraft delivered that enable us to fight in today's environment;

Accuracy is improved—in 1981, the winner of our annual "shoot out" flew an A-7 and dropped bombs within 29 feet of the bullseye. In 1983, an F-16 won with five-foot bombs;

Reserve Forces now receiving state-of-the-art equipment (2 F-16/10 A-10 Sqs);

Total strategic airlift capability is up 28 percent;

Improvements to KC-135s and addition of KC-10 have increased in-flight refueling capability by 13 percent.

Training improvements for active and ARF units emphasize quality and realism:

Major exercises inceased. In 1980, tactical units, supported by air refueling and airlift, participated in 25 exercises (JCS and wartime fighting location); in 1984, that number grew to 31 and is planned for 35 in 1985;

Aircrew participation in realistic training at Red Flag in Nevada grew from 7000 in 1980 to almost 8000 in 1984. 15,500 sorties were flown by USAF crews in 1980. 20,500 by 1984—an increase of 5000 realistic training sorties;

Electronic warfare simulation capability has been added to four tactical ranges around the world. In addition, two more instrumented training ranges were added to give overseas units better quality training;

Flying time per month is up over 23 percent for fighter crews.

Support has improved:

More wartime sorties can be flown;

Increase in spare parts availabiilty means more sorties sustained for a longer time: for instance, 62 percent more tactical combat sorties can be flown in Europe;

C-5 and C-41 aircraft have shown a two-thirds increase in capability due to fleet moodifications and availability of parts to fly the fleet over more days in wartime;

Worldwide fuel reserves have increased by 19 percent;

The time each aircraft is not flyable awaiting parts has been reduced 14 percent;

More effective sorties can be flown;

We're using the most modern weapons and our aircrews are the most experienced and best trained yet;

67 percent of our fighters are new (A-10, F-15, F-16).

DEPARTMENT OF THE NAVY,
HEADQUARTERS, U.S. MARINE CORPS,
Washington, DC, October 5, 1984.
Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I appreciate this opportunity to comment on the increased capabilities of the Marine Corps. In the areas you have noted, increased quality of our Marines and modernization of our forces, we've realized substantial improvements.

During the past four years, our active duty authorized strength has been increased by 7,600. All recruiting objectives have been achieved, resulting in the infusion of well-educated, highly-motivated young men and women. This year, 95% of our enlistees are high school graduates, up from 78% in 1980; and mental category IV accessions are at 4%. With regard to discipline, the rate of unauthorized absence is less than one-half the 1980 figure, and the desertion rate is down by two-thirds. These improvements are reflected by the Force Commanders who cite specifically the excellent quality of the Marines manning their units. Typical of the feeling in today's Corps, one commander reports that "the superb state of training, morale, and unit leadership" gives his command "a capability significantly above the purely statistical readiness computation."

Concomitant with the improvements in manning, the Marine Corps is engaged in the most intensive modernization program in its history. A new family of infantry weapons provides our infantry battalions with 25% more firepower; the new M198 howitzer has increased the range and lethality of artillery support; and introduction of the light armored vehicle provides commanders with a new, highly-mobile, maneuver capability. Marine aviation squadrons are also being re-equipped. The F/A-18, a dual-mission aircraft, has replaced the aging F-4 in three squadrons; two squadrons are now equipped with the CH-53E, which has the greatest lift capability of any helicopter in the free world; and the second generation STOL/VTOL AV-8B, with increased close air support capability, is now entering service. Additionally, support of our combat units is enhanced by the introduction of a new family of tactical and support vehicles, new communication equipment, and intelligence management, processing and reporting systems.

The bottom line is that, today, the Marine Corps is better manned and equipped than ever before and, as commanders report, "capable of executing assigned missions successfully."

Most respectfully,

P.X. KELLEY,
General, U.S. Marine Corps,
Commandant of the Marine Corps.

BANKRUPTCY AMENDMENTS IN H.R. 5174

Mr. DOLE. Mr. President, I rise to bring to the attention of the Senate an important but technical matter relating to the recent bankruptcy amendments, contained in H.R. 5174 which passed the Congress on June 29 of this year. That bill was enacted into law as Public Law 98-353. The new section 559 of the Bankruptcy Code was designed to assure that the right of a party to liquidate securities obtained in a repurchase transaction would not be stayed or otherwise interfered with by the the courts when the party selling the securities entered bankruptcy. We passed this provision, which becomes effective on Monday, October 8, 1984, because it was essential for the efficient functioning of the markets for U.S. Treasury securities.

However, it now appears that we did not quite accomplish all that we set out to do. Specifically, because commercial banks and thrift institutions are not subject to reorganization under the Bankruptcy Code, section 559 may not, as a technical matter, prevent a court in a receivership proceeding from issuing an order that would prevent the liquidation of the securities that the bank or thrift had sold pursuant to a repurchase agreement. Of course, the policy reflected in section 559 should persuade a court not to issue such a stay. But the possibility that such a stay would be issued could interfere with the efficient functioning of the marketplace.

I plan to introduce legislation to correct this oversight immediately upon the convening of the next Congress. Had the problem been identified earlier, we could have solved it with a simple amendment this year, but it appears that it is too late to do so now. In the interim, the Federal insurance agencies, the FDIC and the FSLIC, can help to alleviate the problem by stating publicly that they would not ordinarily expect to seek a stay of the liquidation rights of a repurchase agreement participant. I have been advised that these agencies are expected to consider this issue very quickly, and I am sure I speak for all of us who participated in the passage of section 559 when I urge the agencies promptly and unequivocally to state that they will not seek stays of the rights of repurchase agreement participants.

THE SAFE DRINKING WATER ACT AMENDMENTS OF 1984

Mr. SYMMS. Mr. President, on September 26 the Committee on Environment and Public Works, by a unanimous voice vote, ordered reported S. 2649, the Safe Drinking Water Act Amendments of 1984. The committee bill is not without flaws. In particular, I am concerned that it could have the effect of weakening the State role in enforcing drinking water standards. Nevertheless, I supported the bill as an acceptable compromise, and I continue to favor its passage and to urge that the bill, as amended by the committee, be taken up and passed by the Senate.

Unfortunately, in respose to the insistent demands of certain Members of the House, we have gotten bogged down in arguments over various suggested amendments to the bill reported by the Environment and Public Works Committee.

Some of these suggested amendments are highly objectionable. One that is particularly troubling is the proposal that the Administrator of EPA be required to promulgate national drinking water regulations for a large number of contaminants unless he can make, and defend in court, a determination "that there is not sufficient evidence to constitute a rational basis to believe that the contaminant may have any adverse effect on the health of persons." This unprecedented requirement would have the effect of reversing the usual legal presumption that exists in favor of scientific judgments by the Administrator. In cases where in the view of the Administrator the scientific evidence as a whole does not justify promulgation of a regulation he might nevertheless be required to do so because of the existence of a minority viewpoint. To justify a decision not to promulgate regulations the Administrator would have to show not only that 9 out of 10 scientists agree with him but also that the opposing view of the 10th scientist is not just unlikely to be correct but is actually an irrational position. This would obviously be an extremely heavy burden and could easily lead to unsound and unwarranted regulations. It should be noted that Administrator Ruckelshaus is strongly opposed to this amendment and regards the issue as being of sufficient importance to justify opposition to any bill containing the amendment. It is also strongly opposed by the National Association of Water Companies and other groups.

Currently EPA has authority, but is not required, to bring a civil action against a public water system that violates a drinking water regulation, and, given the many thousands of minor violations that occur annually, it is clear that EPA must use discretion when deciding whether to bring an action. House members are insisting upon an amendment that would require the bringing of civil action or the issuance of an administrative order in every case of a violation, no matter how inconsequential. Apparently this is intended to allow interest groups to compel EPA to harass public water systems.

Another House amendment provides that review of a drinking water regulation by EPA's Science Board could under no circumstances delay final promulgation of the regulation. It is difficult to see how this provision could do anything other than nullify the role of the SAB. The promulgation of a regulation is necessarily delayed whenever the SAB finds that additional analysis or study needs to be done, or that the scientific basis of a regulation is inadequate. Our recent experience with the Aronow carbon monoxide studies is sufficient to show the vital importance of careful, thorough review of the scientific evidence underlying proposed regulations. Short circuiting the process through the use of arbitrary deadlines is wholly inappropriate.

Also, apparently in response to a highly localized enforcement problem, we are being urged to expand the underground injection program to cover the above ground, open dumping of brine associated with oil and gas production, even though there has not been any showing that a national problem exists and the problem clearly is already covered by the Solid Waste Disposal Act and the Clean Water Act.

Instead, under section 4005 of the Solid Waste Disposal Act the open dumping of brine is prohibited if there is a reasonable probability of adverse effects on health or the environment. Furthermore, according to the decision in *Jones* v. *Inmont Corp.*, 584 F.Supp. 1425 (S.D. Ohio 1984), citizens have a right to sue to enforce the open dumping prohibition.

Finally, we have been told that, unless these unreasonable amendments are incorporated into the Senate bill, it will be unacceptable to the managers of the House bill and the legislation will therefore die.

Frankly, I find it hard to reconcile this position with the alleged desire of Members of the House to pass a bill this year.

The chief sponsor of S. 2649, Senator DURENBERGER, went to great lengths in subcommittee and committee markup to work out a reasonable bill which would achieve the basic purposes of the House bill without including its more extreme features. I have been, and continue to be, ready to join him in urging the Senate to adopt S. 2649, as amended.

It is regrettable that Members of the House, by insisting upon extreme and unreasonable amendments that are peripheral to the central purposes of this legislation, have seen fit to ensure that amendments to the Safe Drinking Water Act will not pass prior to adjournment.

TAX RETURN OF SENATOR CRANSTON

Mr. CRANSTON. Mr. President, today, the last day—I prayerfully hope—of the 98th Congress is also the date of an historic debate between Vice President GEORGE BUSH and Congresswoman GERALDINE FERRARO, the first woman to run for the office of Vice President of the United States as the nominee of a major political party.

There are basic differences between the two, as tonight's debate will, I believe, illustrate.

But one thing they have in common: disclosure of their income tax returns were made issues in the current campaign.

One can argue about whether they have been dealt with fairly on this issue. I, myself, think not.

Nonetheless, their travail should serve as a salutary reminder to all of us that financial disclosure by public officials is legitimately a matter of public concern.

Especially around election time.

Inasmuch as I will be running for reelection to the U.S. Senate in 1986, there is no point in my waiting till next year or the year after to make public my income tax return.

I am doing so immediately.

Below is all the information on my Form 1040 for the tax year 1983:

I ask unanimous consent that the Form 1040 be printed in the RECORD.

There being no objection, the Form 1040 was ordered to be printed in the RECORD, as follows:

FORM 1040, U.S. INDIVIDUAL TAX RETURN 1983

Your first name and initial (if joint return, also give spouse's name and initial: Alan and Norma Cranston.

Present home address (Number and street, including apartment number, or rural route): 2024 Camden Avenue.

City, town or post office, State, and ZIP code: Los Angeles, CA 90025.

Filing Status: Married filing joint return (even if only one had income).

Exemptions: Yourself, spouse; 65 or over. Enter number of boxes checked on 6a and b: 3. Enter number of other dependents: 3.

Income: Wages, salaries, tips, etc: $65,231.

Interest income (also attach Schedule B if over $400 or you have any All-Savers interest): $3,153.

Dividends (also attach Schedule B if over $400) $14,333, 9b Exclusion $200. $14,133.

BEST COPY AVAILABLE

Business income or (loss) (attach Schedule C): $11,400.

Capital gain or (loss) (attach Schedule D): $25,593.

Fully taxable pensions, IRA distributions, and annuities not reported on line 17: $28,017.

Other pensions and annuities including rollovers. Total received, $836; $466.

Rents, royalties, partnerships, estates, trusts, etc. (attach Schedule E): $98,077.

Total income. Add amounts in column for lines 7 through 21: $246,070.

Employee business expenses (attach Form 2106): $4,416.

IRA deduction, from the worksheet on page 12: $2,000.

Alimony paid: $46,327.

Total adjustments. Add lines 23 through 30: $52,743.

Adjusted gross income. Subtract line 31 from line 22. If this line is less than $10,000, see "Earned Income Credit" (line 59) on page 16 of Instructions. If you want IRS to figure your tax, see page 3 of Instructions: $193,327.

Amount from line 32 (adjusted gross income): $193,327.

If you itemize, complete Schedule A (Form 1040) and enter the amount from Schedule A, line 28: $28,337.

Subtract line 34a or 34b, whichever applies, from line 33: $164,990.

Multiply $1,000 by the total number of exemptions claimed on Form 1040, line 6e: $3,000.

Taxable Income. Subtract line 36 from line 35: $161,990.

Tax: $64,997.

Total. Add lines 38 and 39: $64,997.

Total credits. Add lines 41 through 47: $0.

Balance. Subtract line 48 from line 40 and enter difference (but not less than zero): $64,997.

Self-employment tax (attach Schedule SE): $1,066.

Alternative minimum tax (attach Form 6251): $0.

Total tax: $66,063.

Federal income tax withheld: $16,783.

1983 estimated tax payments and amount applied from 1982 return: $50,700.

Total payments: $67,483.

If line 64 is larger than line 56, enter amount Overpaid: $1,420.

Amount of line 65 to be applied to your 1984 estimated tax: $1,420.

SCHEDULE A—ITEMIZED DEDUCTIONS

Medicines and drugs: $389.

Write 1% of Form 1040, line 33: $1,933

Subtract line 2 from line 1. If line 2 is more than line 1, write zero: $0.

Doctors, dentists, nurses, hospitals, insurance premiums you paid for medical and dental care, etc. Schedule attached: $4,482.

Add lines 3 and 4c: $4,482.

Multiply amount on Form 1040, line 33, by 5% (.05): $9,666.

Subtract line 6 from line 5. If line 6 is more than line 5, write zero: $0.

State and local income: $15,750.

Real estate: $1,321.

General sales (see sales tax tables): $608.

Other (list—include personal property): Personal property auto: $9.

Add lines 8 through 11. Write your answer here: $17,688.

Home mortgage interest paid to financial institutions: $5,569.

Other (list): $2,656.

Add lines 13a through 15. Write your answer here: $8,225.

Cash contributions. (If you gave $3,000 or more to any one organization, report those contributions on line 17b): $2,234.

Add lines 17a through 19. Write your answer here: $2,234.

Tax return preparation fee: $1,750.

Other (list): $1,840.

Add lines 22 through 24. Write your answer here. $3,590.

Add lines 7, 12, 16, 20, 21, and 25: $31,737.

If you check Form 1040: $3,400.

Subtract line 27 from line 26. Write your answer here and on Form 1040, line 34a. (If line 27 is more than line 26, see the instructions for line 28 on page 21): 28,337.

SCHEDULE B—INTEREST AND DIVIDEND INCOME

Other interest income (list name of payer): $3.153.

Add lines 1 and 2: $3.153.

Add lines 3 and 7. Write your answer here and on Form 1040, line 8: $3.153.

Schedule attached: $14,333.

Add amounts on line 9: $14,333.

Subtract line 14 from line 10. Write your answer here and on Form 1040, line 9a: $14,333.

At any time during the tax year, did you have an interest in or a signature or other authority over a bank account, securities account, or other financial account in a foreign country? (See page 23 of the instructions for exceptions and filing requirements for Form 90-22.1.): No.

Were you the grantor of, or transferor to, a foreign trust which existed during the current tax year, whether or not you have any beneficial interest in it? If "Yes," you may have to file forms 3520, 3520-A, or 926: No.

SCHEDULE C—PROFIT OR (LOSS) FROM BUSINESS OR PROFESSION

Gross receipts or sales: $12,894.

Add lines 3, 4a, and 4b. This is the gross income: $12,894.

Travel and entertainment: $1,494.

Add amounts in columns for lines 6 through 30i. These are the total deductions: $1,494.

Net profit or (loss). Subtract line 31 from line 5 and enter the result. If a profit, enter on Form 1040, line 12, and on Schedule SE, Part I, line 2 (or Form 1041, line 6). If a loss, go on to line 33: $11,400.

SCHEDULE D—CAPITAL GAINS AND LOSSES

Net long-term gain or (loss) from partnerships, S corporations, and fiduciaries: $49,881.

Add lines 9 through 12 in column f and column g: $49,881.

Combine columns f and g of line 13 and enter the net gain or (loss): $49,881.

Enter gain from Form 4797, line 6(a)(1): $14,101.

Net long-term gain or (loss), combine lines 17 and 18: $63,982.

Combine lines 8 and 19, and enter the net gain or (loss) here: $63,982.

If line 20 shows a gain, enter the smaller of line 19 or line 20. Enter zero if there is a loss or no entry on line 19: $63,982.

Enter 60% of line 21: $38,389.

Subtract line 22 from line 20. Enter here and on Form 1040, line 13: $25,593.

SCHEDULE E—SUPPLEMENTAL INCOME SCHEDULE

Rental and Royalty Income: $97,622.

Total expenses other than depreciation and depletion. Add lines 4 through 16: $28,552.

Depreciation expense (see Instructions), or depletion: $5,701.

Add properties with profits on line 20, and write the total profits here: $63,369.

Combine amounts on lines 21 and 22, and write the net profit or (loss) here: $63,369.

Income or losses from Parnerships, Estates or Trusts, or S Corporations: Schedule attached; Form 4952: Net income: $37,414; net loan: $2,706.

Add amounts in columns (d) and (e) and write the total(s) here: ($2,706) $37,414.

Combine amounts in columns (d) and (e), line 26, and write the net income or (loss): $34,708.

Total partnership income or (loss). Combine amounts on lines 27 and 28. Write the total here and include in line 39 below: $34,708.

Total income or (loss). Combine lines 25, 29, 31, 35, and 38. Write total here and on Form 1040, line 18: $98,077.

SCHEDULE S—COMPUTATION OF SOCIAL SECURITY SELF-EMPLOYMENT TAX

Net profit or (loss) from Schedule C (Form 1040), line 32, and Schedule K-1 (Form 1065), line 18b (other than farming). See instruction for kinds of income to report: $11,400.

Maximum income for optional methods: $1,600.

Enter the amount from Part I, line 2, or, if you elected the nonfarm optional method, Part II, line 6: $1,400.

Add lines 7 and 8. If less than $400, you are not subject to self-employment tax. Do not fill in the rest of the schedule: $11,400.

The largest amount of combined wages and self-employment earnings subject to social security or railroad retirement tax (Tier 1) for 1983 is: $35,700.

Subtract line 11c from line 10: $35,700.

Enter the smaller of line 9 or line 12: $11,400.

Self-employment tax. Enter this amount on Form 1040, line 50: $1,066.

EMPLOYEE BUSINESS EXPENSES

Reimbursed and unreimbursed fares for airplane, boat, bus, taxicab, train, etc.: $2,701.

Reimbursed and unreimbursed car expenses from Part II: $33.

Reimbursed expenses other than those shown on lines 1 through 3 (see instructions): $14,394.

Add lines 1 through 5: $17,128.

Employer's payments for these expenses only if not included on Form W-2: $12,712.

If line 6 is more than line 7, subtract line 7 from line 6. Enter here and on Form 1040, line 24: $4,416.

Enter the smaller of (a) 15,000 miles or (b) the total mileage (Car 1+Car 2+Car 3) from line C, above: 162 miles.

Multiply line 10 by 20½¢ (11¢ if applicable, see instructions): 33 miles.

Employee Business Expenses

Living expenses, Washington, DC	$3,000
Travel	2,701
Expenses in maintaining office in home state	11,394
Auto expense—162 miles times 20½ cents	33
Total	17,128
Less reimbursements	12,712
Total	4,416

CERTIFICATE

I hereby certify that I was in travel status in the Washington, D.C., area, away from my home in my home state of California, in the performance of my official duties as a Member of Congress for 125 days during the year 1983 and that my deductible living expenses while in such travel status amounted to $3,000.

ALAN CRANSTON.

Note: (If such living expenses exceeded $3,000, the deduction is limited under section 162(2) of the Internal Revenue Code of 1954 to $3,000).

DEPRECIATION AND AMORTIZATION

Real estate—Cost or other basis: $171,228; depreciation allowed or allowable in earlier years: $108,701; deduction for this year: $5,701.

Total column G, Section C: $5,701.

Total—Add lines 7, 8, and 9. Enter here and on the Depreciation line of your return: $5,701.

Lease commissions—Cost or other basis: $11,748; amortization allowed or allowable in earlier years: $3,684; amortization for this year: $2,229.

Alan Cranston Blind Trust Fed. I.D. 95-6386948—Gain: $14,101.

Add lines 1 through 4 in column g and column h: $14,101.

Combine colums g and h of line 5. Enter gain or (loss) here, and on the appropriate line as follows: $14,101.

Interest expense on investment debts incurred after September 10, 1975: $2,706.

Total investment interest expense (add lines 5 and 6): $2,706.

Individuals enter $10,000 ($5,000 if married filing separately): $10,000.

Total net investment income (amount from line 4 if Part I is used): $58,728.

Limitation on deduction (add lines 8(a), (b), 9, 10(b) and 11): $68,728.

Allowable investment interest deduction—Enter the smaller of line 7 or line 12 (see instructions): $2,706.

ALTERNATIVE MINIMUM TAX COMPUTATION

Adjusted gross income from Form 1040, or Form 1040NR, line 33 (estates and trusts, see instructions): $193,327.

Contributions from Schedule A, line 20: $2,234.

Interest expense on property used as a residence from Schedule A, line 13: $5,569.

Interest, other than line 2d above, from Schedule A, line 16: $2,656.

Net investment income: $53,816.

Enter the smaller of line 2e(1) or line 2e(2): $2,656.

Add lines 2a(3), b, c, d, e(3), f, and g: $10,459.

Subtract line 2h from line 1: $182,868.

All-savers interest exclusion, and dividend exclusion: $200.

60% capital gain deduction: $38,389.

Add lines 4a through 4k: $38,589.

Alternative minimum taxable income (add lines 3 and 4(I) (short period returns, see instructions): $221,457.

Enter $40,000, if married filing joint return or surviving spouse: $40,000.

Subtract line 6 from line 5. If zero or less, do not complete the rest of this form: $181,457.

Enter 20% of line 7: $36,291.

Amount from Form 1040, line 49 or Form 1040NR, line 51 (Do not include Form 1040, line 39 or 1040NR, line 42.) (estates and trusts, see instructions): $64,997.

	Federal	California
Taxes:		
State and local income	$15,750	
Real estate—402 Constitution, Washington, DC	1,321	$1,321
Sales—table	608	608
Personal property—auto	9	9
Total	17,688	1,938
Interest expense:		
Geneva Cranston	2,149	
Home mortgage—2024 Camden, Los Angeles	5,569	
Travelers insurance	259	
Provident insurance	248	
Total	8,225	8,225
Other deductions:		
Safe deposit box	23	
Preparation of income tax return	1,750	
Congressional expenses—office, entertainment, etc	1,517	
Alan Cranston Blind Trust, Fed. I.D. No. 95-638948	300	
Total	3,590	3,590
Contributions:		
Stanford University	76	
Golden Gate National Recreation Area	25	
Friends of Kennedy Center	25	
Salvation Army	100	
Center for Independent Living, Berkeley	150	
South California Leadership Council Federation	150	
Sierra Club Legal Defense Fund	150	
Sierra Club	28	
Vietnam Veterans of America Foundation	150	
Wilderness Society	150	
National Audubon Society	150	
Maldef	150	
Children's Defense Fund	150	
NOW Legal Defense and Education Fund	150	
Nature Conservancy	150	
Physicians for Social Responsibility	150	
Parkinson's Disease Foundation	150	
Amnesty International	150	
Town Hall	30	
Total	2,234	2,234

Annuity income:	
Company	Travelers
Contract	02421955
Starting date	12/19/79
First payment date	12/19/79
Monthly installment	$69.70
Annual amount	836.40
Investment in contract	6,390.40
Expected return	14,425.28
Exclusion ratio	.4430
Received in 1982	836.40
Excludable at 44.3 percent	370.53
Taxable	465.87

Medical:		
Medical insurance	$843	
Dr. Helig	62	
Dr. Friedman	10	
Bethesda Naval Hospital	2,489	
Drs. Forster and Daly	1,050	
Eyeglasses	28	
Total	4,482	$4,482
Drugs	389	389
Interest income:		
Wm. Bazor note	615	
Wells Fargo Bank—NOW account	148	
American Security Bank—savings	1,274	
American Security Bank—NOW account	414	
Independence Bank	172	
Total	2,623	
Alan Cranston Blind Trust Fed. I.D. No. 95-6386948	530	
Total	3,153	3,153

INCOME FROM RENTS

	Total	215-225 Main, Los Altos	501-517 San Mateo, San Bruno	University, Palo Alto (½ interest)	San Mateo, San Bruno (½ interest)	Main, Los Altos (¼ interest)	402 Constitution, Washington, DC
Rents collected	$97,622	$27,552	$14,700	$28,676	$15,024	$7,170	$4,500
Expenses:							
Depreciation	5,701	1,131	347	1,618	1,011	718	876
Real estate taxes	5,963	1,548	671	1,993	617	472	662
Insurance	5,342	147	933	1,837	1,551	696	178
Management fee	4,635	1,378	735	1,426	738	358	
Printing	1,641	1,641					
Repairs and maintenance	7,429	2,999	246	377	2,360	55	1,392
Lease commission amortization	2,229	626	373	492	521	217	
Utilities	2,588			29	43		516
Legal	44					44	
Dues	54	43				11	
Interest	520	341	179				
Miscellaneous	107	25			50	6	26
Subtotal	34,253	9,879	3,484	7,772	6,891	2,577	3,650
Total	63,369	17,673	11,216	20,904	8,133	4,593	850

	Ordinary income (loss)			Capital gains (losses)				Net investment income (loss)
					California			
	Total	K-1 line 1 or 2	Dividends and interest	Federal	Under 1	1-5	Over 5	
Partnership income (loss):								
Five Area Properties, Ltd				$216			$216	
Four Area Properties, Ltd	$57	$57		40		$40		$57
Freeway Vineyard Properties, Ltd	1,383	1,383		793			793	1,383
KRAG Partnership	(22)	(22)						
Simi-Moorepark Properties, Ltd. [1]				2,081			2,081	

	Ordinary income (loss)			Capital gains (losses)				Net investment income (loss)
					California			
	Total	K-1 line 1 or 2	Dividends and interest	Federal	Under 1	1-5	Over 5	
Alan Cranston Blind Trust	35,996	35,996						39,336
Total	37,414	37,414		3,130		40	3,090	40,776
Trust income:								
Alan Cranston Blind Trust:								
Fed. I.D. No. 95-6386948	[2] 530 [3] 10,679		$530 10,679	46,751		46,751		
Section 1231				14,101		14,101		
Total	11,209		11,209	60,852		60,852		
Post-9/10/75 investment interest expense	2,706							

[1] FED. I.D. No. 95-6230970. [2] Dividends. [3] Interest.

	Federal	California
Dividend income:		
Dreyfus Liquid Assets, Inc	$1,201	
Fidelity Cash Reserves	2,453	
Alan Cranston Blind Trust Fed. I.D. No. 95-6386948	10,679	
Total	14,333	$14,333
Income (losses) from partnerships:		
Five Area Properties, Ltd. Fed. I.D. No. 95-6323158		
Four Area Properties, Ltd. Fed. I.D. No. 95-6319195	57	
Freeway Vineyard Properties, Ltd. Fed. I.D. No. 95-6230969	1,383	
Simi-Moorepark Properties, Ltd. Fed. I.D. No. 95-6230970		
KRAG Partnership, Ltd. Fed. I.D. No. 95-6152318	(22)	
Alan Cranston Blind Trust Fed. I.D. No. 95-6386948	35,996	
Total	37,414	37,414

AMORTIZATION OF LEASE COMMISSIONS

Date acquired	Cost	Prior amortization	Life in months	1983 amortization
215-225 Main, Los Altos Loom:				
1979	$828.00	$593.40	60	$165.60
4/1/82	2,304.60	345.69	60	460.92
Subtotal	3,132.60	939.09		626.52
507-517 San Mateo, San Bruno: 1981	1,863.00	527.85	60	372.60
318-324 University, Palo Alto:				
1978	517.50	509.00	60	8.50
1979	1,824.00	577.74	120	182.40
1982	517.50	8.62	60	103.50
1983	216.00	(11 Mos.)	12	198.00
Subtotal	3,075.00	1,095.36		492.40
482-490 San Mateo, San Bruno:				
1978	541.50	451.37	60	90.13
1981	1,647.00	356.85	60	329.40
1983	405.00	(9 Mos.)	36	101.25
Subtotal	2,593.50	808.22		520.78
161, 163, 165 Main, Los Altos:				
1980	431.25	258.75	60	86.25
1982	652.80	54.40	60	130.56
Subtotal	1,084.05	313.15		216.81
Total	11,748.15	3,683.67		2,229.11

DEPRECIATION—RENTAL PROPERTIES

	Date acquired	Basis	Prior depreciation	Method	Life	1983 depreciation
215-225 Main Street, Los Altos:						
Building	Var.	$12,846.00	$11,773.20	S.L.	30 yrs.	$428.20
Improvements	Var.	4,533.00	4,533.00			
Improvements	1970	2,506.00	2,506.00			
New roof	10/81	7,024.75	878.10	S.L.		702.48
Subtotal		26,909.75	19,690.30			1,130.68
501-517 San Mateo, San Bruno						
Building	3/69	6,075.00	2,893.33	S.L.	28 yrs.	216.96
New toilet, sink and paper	12/81	1,300.00	140.84	S.L.	10 yrs.	130.00
Subtotal		7,375.00	3,034.17			346.96
318-324 University, Palo Alto:						
Building	10/57	23,205.50	14,742.67	S.L.	28 yrs.	828.77
Improvements	1960	333.25	333.25			
Improvements	1965	162.00	162.00			
Improvements	1966	187.50	187.50			
Improvements	4/77	6,350.54	1,825.80	S.L.	20 yrs.	317.53
Improvements	4/77	1,835.70	1,055.53	S.L.	10 yrs.	183.57
Air Conditioning	12/81	2,880.00	504.00	S.L.	10 yrs.	288.00

DEPRECIATION—RENTAL PROPERTIES—Continued

	Date acquired	Basis	Prior depreciation	Method	Life	1983 depreciation
Subtotal		34,954.49	18,810.75			1,617.87
483-490 San Mateo, San Bruno:						
Building	Var.	31,500.00	31,500.00	S.L.	25 yrs.	
Improvements	Var.	13,290.00	13,052.10	S.L.	15 yrs.	237.90
Improvements	Var.	3,000.00	2,879.63	S.L.	15 yrs.	120.37
Heater	7/77	500.00	356.64	S.L.	10 yrs.	40.96
Carpeting	6/78	1,026.00	940.50	S.L.	5 yrs.	85.50
Heater	9/78	62.50	62.50	S.L.		
Roof	4/80	4,029.75	1,074.61	S.L.	10 yrs.	402.98
Back door	12/81	1,232.00	133.47	S.L.	10 yrs.	123.20
Subtotal		54,640.25	49,999.45			1,010.91
161-165 Main Street, Los Altos:						
Building	10/57	20,113.25	11,028.05	S.L.	28 yrs.	718.33
Improvements	1967	250.00	250.00			
Improvements	2/68	125.00	125.00			
Air conditioner	10/68	205.00	205.00			
Air conditioner	7/80	375.00	375.00			
Subtotal		21,068.25	11,983.05			718.33
402 Constitution, Washington DC: Building	2/77	26,280.00	5,183.00	S.L.	30 yrs.	876.00
Total		171,227.74	108,700.72			5,700.75

FAREWELL TO PAUL TSONGAS

Mr. CRANSTON. Mr. President, in almost any serious debate in this Chamber, one of us is apt to call the U.S. Senate "the world's greatest deliberative body."

Certainly, there is a rich body of history to justify that assessment—even if events of the last several weeks—during which the Senate attempted to do most of the work for the year—might cause one to pause for at least a few moments doubt.

In the long run, though, the world-class quality of the Senate's deliberations will remain a function of those who contribute their talents to those deliberations.

In that connection, I am saddened to have to say farewell to our friend and beloved colleague from Massachusetts, PAUL TSONGAS.

He is indeed a rare gem of a statesman, whose presence has raised the level of deliberations during his all-too-brief tenure in this body.

PAUL TSONGAS is serious, thoughtful, and very smart.

He is practical, creative, and totally committed to the public interest.

At a time when the vital public issues of our day are almost hopelessly complex, he has shown a willingness to grapple seriously with them.

At a time when answers that can be put on bumper stickers are popular, he has had the courage to offer careful and responsible solutions.

At a time when political dividends are paid for short-run expediency, he has been willing to take the long and often the hard view.

Through our work together on the Foreign Relations and Banking Committees and in the pursuit of other common interests we have often cooperated and I have seen him contribute much that demonstrates his commitment to causes I share:

Peace and arms control: As in efforts to resist the Reagan administration's wrong-headed and self-defeating policy in Central America, and in the ongoing efforts to achieve meaningful arms control agreements with the Soviet Union.

Conservationism: As in the victorious fights to preserve for future generations the beautiful, unspoiled wild places of Alaska, and to protect from reckless development the most environmentally sensitive and spectacular areas of the California and Massachusetts coastlines.

Economic revitalization: As in the successful efforts to offer one of the Nation's leading auto manufacturers an opportunity to get back on its feet, and to reform our capital gains tax laws to provide the capital for economic expansion.

Energy efficiency and alternative energy development: As in the creation of the Solar Energy and Energy Conservation banks, to reduce our overdependence on fossil fuels, which at once threatens our national security, economic future, and environment.

On all these questions, and many others, PAUL TSONGAS has demonstrated his willingness and ability to look beyond the near term and into the future.

These are qualities too rarely demonstrated in this body.

Though he will no longer be here, I'm certain he will continue to use his gifts to unravel the difficult public policy issues we will be facing and to share with us his wisdom.

But we will miss his calm and thoughtful presence, his personal warmth, and his contribution to the deliberations of this body.

Norma joins me in wishing a long and happy future to PAUL and Niki.

TRIBUTE TO JENNINGS RANDOLPH

Mr. LEAHY. Mr. President, I just said to the distinguished Democratic leader that I wanted to extoll the virtue of West Virginia and the virtue I speak of, of course, is the distinguished senior Senator from West Virginia, my seatmate, JENNINGS RANDOLPH.

I did not tell my good friend that is what I was coming to the floor about, but I just want to say that for all of us, of course, it is an honor and a rare privilege to serve in the Senate. Only 100 men and women can do so at any one time.

But for me, one of the younger Members of the Senate, one of the greatest honors has been to be the seatmate during the past Congress of the distinguished senior Senator from West Virginia. He is a man that I knew even though he did not know me. I knew him long before I came here. I used to sit in the galleries as a law student at Georgetown and listen to him debate on the floor. I used to listen to him give history lessons which sometimes in 4 or 5 minutes was like a semester in college in the history of our country, the history of the political life of our country, and the history of this great body that we all serve in.

He would do it with a warmth and a humanity but also with enormous depth of understanding, and I think that part of my own love of the Senate and part of my own desire to serve here came out of hearing those speeches.

Mr. President, I must say when I sit here in this seat, as I will in the next Congress, that there will be times when there will be a little milling about in the well of the Senate as votes are coming and I will find myself getting up to start to go down and join that malestrom of confusion often and

I will get part way out of my seat and I will feel the presence of JENNINGS RANDOLPH beside me saying, "Now, Patrick, you are going to be out of order if you do that. Don't be out of order if the rest of the Senate is out of order. Vote from your seat."

I think that while I cannot pledge to my good friend and as I look him right in the eye, JENNINGS, I must say I cannot tell you honestly that I will never join that herd of confusion down there because I know I will and you must forgive me that and realize that I have only been here 10 years, and I still do not know everything I am supposed to know or what I am doing and I am going down there and get a little advice and more often than not I will pledge you this, my friend, more often than not when I start to go I will hesitate and say, is this trip really necessary? And I will try to vote from my seat.

Every time I do that, it will be a sign of tribute to Senator RANDOLPH and a sign of tribute to the man who has upheld the highest standards of the Senate, who has shown courage and dignity and truthfulness but also a gentle and kind spirit toward all his colleagues, Republican and Democratic, throughout those years.

I know the love my senior colleague from Vermont, BOB STAFFORD, expresses toward Senator RANDOLPH and it has been this bipartisan nature and his own sense of history and his own sense of statesmanship that has served so well his State, of course, first and foremost, always, the State of West Virginia—he is a man who even today has his continuous schedule back home that would do credit to someone half his age—but ultimately, of course, to the United States of America where all our ultimate loyalty lies.

So I in closing, Mr. President, must say that it has been a unique honor and privilege for me not only to serve with JENNINGS RANDOLPH but to be seated next to him.

TRIBUTE TO SENATOR RANDOLPH

Mr. BENTSEN. Mr. President, when Representative JENNINGS RANDOLPH arrived here from Elkins, WV, in February 1933, this country was in dire straits. Per capita income in the United States had fallen from $681 to $495 since 1929; farm income had plummetted from $12 billion to just over $5 billion; 100,000 businesses had failed; 5,000 banks had closed their doors; and 14 million Americans were unemployed out of a total population of only 123 million.

Freshman Representative RANDOLPH himself was not in much better financial shape. He and his wife, Mary, had only been married a few hours, when they reached Washington in her Ford on a cold Saturday in February 1933; JENNINGS had sold his car to pay campaign debts. On Monday, Representative RANDOLPH presented himself at the Riggs Bank—one of the few that was still open and doing business—and asked for a $1,000 loan. He got the loan, survived financially, and soon established himself as one of the most ardent supporters of President Franklin Roosevelt's "New Deal" for the American people.

We are gathered here today to pay tribute to Senator JENNINGS RANDOLPH over 50 years after that fateful arrival in Washington. He is a man who is the embodiment of all that is good and true and right in American politics, a man who has always believed that our primary concern here in the Congress has to be the welfare of the individuals we represent. JENNINGS RANDOLPH, the last of the New Dealers, has demonstrated throughout his career, however, that paying attention to the individual does not mean that we must neglect the Nation as a whole. He has shown that a Representative or a Senator can work for the people back home and at the same time make major contributions to the well-being of the entire country.

Senator RANDOLPH has been described as a builder, a legislator, a humanitarian, and I believe all of those epithets are accurate. They are not mutually exclusive, either, for JENNINGS RANDOLPH has espoused a philosophy and a vision of helping people help themselves, of fostering cooperation between government and industry, of providing a helping hand, and not a handout.

To talk about the many pieces of legislation sponsored by JENNINGS RANDOLPH in his long and notable career as a Representative and Senator would necessarily be a lengthy undertaking. I won't attempt to do that, but I will dwell upon some of the high points of his congressional service.

Born in 1902, just a year before the Wright brothers made their historic flight at Kitty Hawk, NC, Senator RANDOLPH has seen American aviation grow from the days when airplanes were made of wood and linen to the modern space shuttle with its exotic alloys and ceramic and graphite composition. There is probably no Member of the Senate today who has been more identified with the development of airport facilities and commercial air travel than JENNINGS RANDOLPH. From the Civil Aeronautics Act of 1938 to the first Federal Aid to Airports Act in 1945 to the Airport and Airway Development Act of 1970, he has been one of aviation's staunchest advocates. Showing just how far ahead of the times he so often was, it was JENNINGS RANDOLPH who in 1946 authored legislation to create the Smithsonian's National Air and Space Museum, which finally opened its doors in 1976. I point out that this museum receives more visitors—some 6 million per year at last count—than any other museum in the world.

JENNINGS RANDOLPH was far ahead when it came to other issues, too. Take the development of synthetic fuels, for example. Though we might think of this as a fairly recent innovation, Representative RANDOLPH introduced in 1944 the Synthetic Liquid Fuels Act, which soon became law. JENNINGS had earlier demonstrated the feasibility of the program by flying—there are those airplanes again—from Morgantown, WV, to Washington, DC, using 42 gallons of airplane fuel manufactured from coal.

JENNINGS RANDOLPH's public career, however, has most often been directed at the problem of the individual in our society, particularly those who are in need of a bit of help to get ahead. Among those who can thank Senator RANDOLPH for thinking of them are the thousands of blind persons who owe their livelihood to the Randolph-Sheppard Act. This legislation, which I am proud to say was co-named for a Senator from Texas, provides employment opportunities that in 1982 resulted in over $270 million in gross earnings for the blind operators of the vending stands inside government facilities. The Randolph-Sheppard Act is a perfect example of JENNINGS RANDOLPH's commitment to helping people help themselves.

The men and women and children of the 13 States that comprise the Appalachian section of this country also owe Senator RANDOLPH a debt of gratitude for his ardent support of the Appalachian Regional Commission. This organization has succeeded in bringing together the best ideas and efforts of those who care about this often-neglected part of our country and is helping the people of this region find ways to break out of the cycle of poverty in which so many of them are so mired down. Once again, it is helping people help themselves.

You might have gotten the erroneous impression from some of my earlier remarks that JENNINGS RANDOLPH has only been interested in the glamorous world of air travel, to the exclusion of a concern for surface transportation. Nothing could be further from the truth. I mentioned that JENNINGS has often been in the forefront of new ideas and concepts, sometimes before others here in the Congress have been ready or able to accept or understand the need for them. This was the case with our national highway system, for JENNINGS RANDOLPH saw quite early in his career that there was a crying need for the Federal Government to play a key role in highway construction. To that end he introduced in 1937 a bill calling for a Transcontinental Superhighways Commission, with the ultimate goal of constructing something like what we have today in the Federal system of interstate and defense highways. It was 20 long years before the Congress came around to JENNINGS' way of thinking on this issue, but who among us here today can imagine what this country would be like without Federal aid to highway construction? JENNINGS was out there in the forefront.

Another area where JENNINGS RANDOLPH was in the lead was that of giving the right to vote to the 18-year-old citizens of this country. Believing that anyone who was old enough to give his life for his country was old enough to help determine its leaders, JENNINGS RANDOLPH first introduced legislation to lower the voting age in 1942, when many 18, 19, and 20 year olds were risking their lives to defend this country against foreign aggression. It took almost 30 years for him to accomplish his objective, but in 1971 the 26th amendment was ratified only 90 days after its submission to the States for consideration.

If I were forced to choose an area above all others, however, in which JENNINGS RANDOLPH has had a preeminent effect on this country as a whole, it would have to be in his dealings with environmental issues. He was described by another distinguished Member of this body, my friend Senator MATSUNAGA, as "America's environmental architect," and that is precisely the role that JENNINGS RANDOLPH has played. Through his visions of clean air and clean water and responsible waste disposal, Senator RANDOLPH has been in there laying the groundwork for virtually every important piece of environmental legislation this Senate has considered for the past 25 years, including the legislation that established the Superfund Program.

Senator RANDOLPH chaired the Environment and Public Works Committee of this Senate from 1966 through 1980; but his greatest accomplishment, potentially, may have come in the lameduck session of 1980, when the Congress finally passed the Superfund legislation. When President Jimmy Carter gathered around him in the White House the bipartisan group of Senators and Representatives who had seen this legislation through to its final passage, he naturally paid tribute to many individuals on both sides of the aisle. He especially singled out Senator RANDOLPH, however. "As I look back on my own administration here," said President Carter, "it's an extraordinary thing to recall the unbelievably large number of times when basic legislation like this has been sponsored by and supported by and husbanded through the Congress by JENNINGS RANDOLPH." Senator RANDOLPH could see these problems, continued President Carter and could see the threat they pose to our country. "To see the culmination of his longstanding effort," concluded the President, "is indeed an inspiration to a president and also an inspiration to all those who admire [him]."

I told you when I began, that talking about even a sampling of the accomplishment of JENNINGS RANDOLPH is not something that lends itself to brevity of speech. It is not easy to summarize or epitomize the career of someone who was serving this Nation as a Congressman over half a century ago. I have attempted in the briefest of fashion to hit at some of the highpoints of JENNINGS' service to the people of West Virginia and this Nation, and in so doing I have had to eliminate things that for other men would be the crowning achievement of their career. I suppose that it might be appropriate to end by quoting from something that JENNINGS himself said just a few years ago in talking about one of his favorite Presidents, Franklin Delano Roosevelt.

"Our leader," said JENNINGS RANDOLPH, "knew the meaning of American democracy, and he applied it to the role of the United States in World Affairs. President Roosevelt knew that we could not have a just and fair world policy unless we had a domestic policy that was guided by a sense of social and economic justice." Senator JENNINGS RANDOLPH was not speaking of himself as he uttered these words, but I cannot help believing that the man we know and love as the senior Senator from West Virginia, the man who will be leaving us in January almost 51 years after his arrival here in his wife's two-door Ford, was one of those exceptional individuals who strove throughout his public career to achieve that social and economic justice that he loves so well. We are going to miss you, JENNINGS, and BA and I wish you all the best.

TRIBUTE TO SENATOR TOWER

Mr. BENTSEN. Mr. President, I would like to take this opportunity to join with my colleagues in paying tribute to the senior Senator from the great State of Texas, JOHN GOODWIN TOWER. Senator TOWER will soon be completing almost 24 years of service to this body, to the people of Texas, and to the people of this Nation, and I believe it is altogether proper and fitting that we gather here today to speak of our friend and colleague.

When JOHN TOWER was first elected to the U.S. Senate in 1961, he told a newspaper reporter that he intended to remain in that seat "as long as the people of Texas will have me." Elected at the age of 35, as a Republican, to a seat that was originally held by the great Sam Houston, few people in Texas or anywhere else in the country would have placed much of a bet on the likelihood of JOHN TOWER's serving four terms as a Senator from Texas. But JOHN TOWER believed differently, and his career has proven that he was right, and that the critics and skeptics were wrong.

JOHN TOWER is a true son of Texas. Texans have always been in the middle of every fight on behalf of freedom and democracy, and though World War II almost came along too soon for the young man from east Texas to get into it, he would not be denied his chance to serve his country. Enlisting in the Navy at the age of 17, JOHN TOWER served through the war on a gunboat in the Pacific. Ever the Texan, pictures of him from that time plainly show cowboy boots peeking out from under his Navy uniform. I won't try to say that JOHN TOWER's belief in a strong national defense was caused by his wartime service, for I believe that what he saw and did for his country during those years only served to reinforce the feelings and beliefs that were already much in evidence in his life.

It is most significant, I think that JOHN TOWER did not end his commitment to military service and a strong national defense after leaving the active Navy. No; JOHN remained in the Naval Reserve after World War II and worked his way up through the enlisted ranks. He is today a master chief boatswain's mate, the highest rank that an enlisted man in the Navy can attain, and JOHN TOWER is rightfully proud of the fact that he is the only active enlisted reservist in the entire U.S. Congress.

JOHN TOWER has shown by word and by deed that he has a deep and abiding commitment to the proposition that this country's defense must be strong beyond question. To that end he has bowed to no one in his support of this country's military preparedness and opposition to the spread of communism. In 1962, for example, even before it became clear that Soviet missiles were being deployed in Cuba, JOHN TOWER called for strong action against Castro's Cuba, stating his unequivocal opinion that Nikita Khrushchev "would not initiate thermonuclear war to save Cuba for communism." JOHN TOWER was proven right when the Soviet Premier backed down and removed the missiles that had been installed just 90 miles from our shores.

Senator TOWER has been a strong supporter of the All-Volunteer Army, which has proven in recent years to be able to recruit more than enough able-bodied men and women for our defense needs. He saw the need for a multidimensional military force that can be used quickly to project American power and influence to any spot on the globe. As a result, he has been a strong supporter of the Rapid Deployment Force, a multiservice organization that can be assembled quickly and moved rapidly to wherever it is needed.

Those who know JOHN TOWER realize that he is powerfully consistent in his support of this country's defense, but he is not a slave to the Pentagon or to anyone else. When he discovered that an Army attack helicopter was going to be way over budget, JOHN TOWER refused to support additional funding for the system. Senator TOWER believes that providing for this country's defense is the first and foremost job of the Congress and the National Government in general, but he is too much of a conservative to give anyone a blank check on the U.S. Treasury, even if that check purports to pay for defense improvements.

One of the pleasures of representing Texas in this great national legislature is that I have gotten to know and work with JOHN TOWER, whose keenness of mind and reputation for hard work are much and richly deserved. Senator TOWER and I have had the privilege of representing the same constituents, and he has been invariably courteous and always helpful in working out the problems and difficulties that we all encounter here. During his tenure in the Senate, JOHN TOWER has established a solid and indisputable record as one of the cornerstones of this great institution. His work has always been noted for its thoroughness, and his recent tenure as chairman of the Armed Services Committee has only served to reinforce the esteem with which we regard him.

He has been a great source of strength and purpose here in the Senate for almost two and a half decades, and his absence will be sorely noted. JOHN, we're going to miss you. And we wish you all the best as you move on to other things.

TRIBUTE TO SENATOR TOWER AND SENATOR RANDOLPH

Mr. MURKOWSKI. Mr. President, with the retirement of JOHN TOWER and JENNINGS RANDOLPH, this esteemed body will be deprived of a large measure of its wisdom and strength. Together, they have served in the Senate for over 40 years of continuous activity.

Senator TOWER's departure will leave an obvious void in the leadership of the Senate. This loss will be felt during our deliberations on matters of national concern. Yet, the Senate will more particularly feel the loss of JOHN TOWER's expertise in matters involving our national defense. His strong advocacy for national security through military preparedness has been consistently articulate and persuasive. As the skillful manager of the Defense Authorization bill this session, Senator TOWER once again demonstrated the strengths of his convictions and his careful attention and concern to our national defense posture. As Senator TOWER leaves this body, we can be comforted in knowing that he will continue to serve his country well in any endeavor he chooses to pursue.

As Senator JENNINGS RANDOLPH retires, we must reflect not only on his many accomplishments in ably representing West Virginia, but we must also be mindful that his departure will deprive this body of a significant link to this Nation's rich history. Senator RANDOLPH'S public service began during the New Deal. He has continuously served in the Senate since the mid 1950's and has not only witnessed, but actively participated in the legendary legislative deliberations that have directly shaped our Nation's progress. I understand that Senator RANDOLPH will continue his many activities on behalf of his beloved West Virginia. I also know that he will especially thrive in continuing his good work on behalf of Salem College.

Mr. President, these wise men are ending their Senate careers. I know that they will continue to serve our Nation in whatever goals they pursue after they leave this body. However, I want them to know that they will be greatly missed by those of us who have sought their able counsel.

TRIBUTE TO SENATOR RANDOLPH

Mr. GRASSLEY. Mr. President, Senator JENNINGS RANDOLPH represents some of the best traits of a leader. He has a fighting spirit which is tempered by gentleness. He is flexible, but dedicated to a principled approach to politics. He can compromise without compromising integrity. Perhaps most important, Senator JENNINGS RANDOLPH is able to energetically argue his case on any number of issues, and never leave his opponents with the sense that they cannot be his friend after the fray.

It has been marvelous to listen, during my short time in the Senate, to the perspective that Senator RANDOLPH brings to political issues. George Santayana was correct when he suggested that those who fail to remember the past are condemned to relive it. Senator RANDOLPH, because of his substantial experience in Congress, is gifted in being able to retrieve from his historical treasure trove many lessons which were left unlearned and opportunities lost. Often the good Senator's stories of past events have helped to focus both sides on an issue forgotten or a perspective not considered. His good humor, compassion, and hard work will always remain in my mind as very fond memories. I personally will miss Senator JENNINGS RANDOLPH from the great State of West Virginia and pray that he will continue to grow in grace, wisdom, and truth in his every endeavor. Let me add in ending that I hope that we will be able to call on his talents as well as his unsurpassed ability in calling this Senate to order.

A TRIBUTE TO WILLIAM F. HILDENBRAND

Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to William F. Hildenbrand, Secretary of the Senate, whose 24 years of service to the Senate will soon come to an end with the conclusion of the 98th Congress.

He will be greatly missed. His tenure has been one of great change in this body. Few Senators have seen it with the perspective and proximity of William Hildenbrand.

Although Bill Hildenbrand did not begin his career here, the Senate has, in many ways, become his home, his domain—more so even than for most of us here. He began his Washington career in 1957 as an assistant to Congressman Harry Haskell of Delaware and soon thereafter became a congressional liaison officer at the Department of Health, Education, and Welfare.

In 1961, he first entered the service of the Senate as a legislative assistant to Senator J. Caleb Boggs of Delaware. After 8 successful years in that role, he became, in 1969, administrative assistant to Senator Hugh Scott during that distinguished Senator's tenure as Senate Republican whip and minority leader.

On January 24, 1974, William Hildenbrand was elected Secretary for the Minority, and on January 5, 1981, he took up his present post of Secretary of the Senate.

As such he is in effect the chief operating officer of the United States. He supervises almost 200 Senate employees who staff the sessions of the Senate, until all hours of the day and night. He determines who may enter and who shall stay, and he is a man who is listened to—not least because he is our paymaster-in-chief.

His 4 years as Secretary have been remarkable for the smooth running of the offices for which he is responsible, as well as for the genial, insightful wisdom he makes available to Senators on both sides of the aisle. If this body has not always been a model of modern bureaucratic efficiency, it has been through no fault of the Secretary.

On a personal note, I would like to express my appreciation for his friendship and assistance over the years, and will be sorry indeed to see him leave the Senate.

Mr. President, I extend to Bill Hildenbrand my best wishes for an enjoyable retirement.

TRIBUTE TO SENATOR JOHN TOWER

Mr. MOYNIHAN. Mr. President, I think it only fair that the students and faculty at Southern Methodist University in Dallas be forewarned that in Professor of Political Science JOHN TOWER they will confront a formidable intellectual figure indeed.

When Senator JOHN TOWER of Texas retires at the conclusion of the 98th Congress, and returns to the profession of teaching, the Senate will lose one of its premier debaters—a man of great erudition, heartfelt conviction about the principal issues of our day, and forceful and straightfoward presentation. While this prospect is cause for genuine regret here, one congratulates the administration of SMU for their great gain.

JOHN TOWER and I have on occasion found ourselves on opposite sides of a particular question of public policy and I must say I have not relished those occasions when, having concluded a statement of my position, particularly on a matter relating to the national defense, I have seen the distinguished chairman of the Armed Services Committee rising to his feet to reply. His incisive mind, combined with the easy eloquence he brings to our deliberations, provides a standard of forensic excellence not frequently matched in this body.

The two-party system in the State of Texas may fairly be said to date from the time of JOHN TOWER's election to the Senate in 1966. Appropriately, he has been among the most important and influential of his party's leaders in Congress during the several years in which the Republican Party has been in the majority in the Senate, a period in which the two parties have each controlled one Chamber of the Congress.

Scholar, statesman, patriot, JOHN TOWER will be long remembered in the U.S. Senate.

TRIBUTE TO SENATOR JENNINGS RANDOLPH

Mr. MOYNIHAN. Mr. President, the retirement from the Senate of Senator JENNINGS RANDOLPH at the close of the 98th Congress will truly conclude an historic era. JENNINGS RANDOLPH, whose parents named him for one of his party's outstanding orators and statesmen, William Jennings Bryan, and whose first exposure to politics came as a youth at the 1912 Democratic Convention that nominated Woodrow Wilson for President, is the last genuine "New Dealer" serving in the U.S. Congress.

JENNINGS RANDOLPH was first elected to the House of Representatives in 1932, on the same ticket that brought Franklin D. Roosevelt to the White House. He is the only present Member of Congress to vote for the early New Deal legislation which created such institutions of modern-day America as Social Security, the Tennessee Valley Authority, the Securities and Exchange Commission, the Fair Labor Standards Act and so many, many others.

Through more than a half-century of public service, including lengthy terms of service in both the House and Senate, JENNINGS RANDOLPH has been a pillar of the New Deal liberalism that shaped the course of history of the United States and the world. He was present and voting for the legislation that F.D.R. sent to Congress to revive the national economy after the Great Depression. In 1937 he presided over the first hearings on the House Roads Committee on a transcontinental highway system—an investigation which led to the construction of the present Interstate System. He was here through World War II, lending critical support to the President's successful effort to defend the democracies from the totalitarian threat of that period.

He is the author of the 26th amendment to the Constitution guaranteeing 18, 19, and 20-year-old citizens the right to vote. Though it was not ratified until 1971, JENNINGS RANDOLPH introduced the measure in Congress in 1942. In 1946 he sponsored the legislation to authorize construction of what is today the National Air and Space Museum, the most frequently visited museum in the Nation.

In 1943, for the first of many times, JENNINGS RANDOLPH introduced legislation to establish a Cabinet-level Department of Peace, to focus the genius of this Nation into active efforts to maintain and expand the peace won in that decade at so high a price. Forty-one years later, in the Defense Department's authorization legislation for fiscal year 1985, the Congress has finally voted to establish, as a first step in this direction, a U.S. Institute of Peace, which will commence operations in the coming months. Appropriately, it has been named for JENNINGS RANDOLPH.

As chairman of the Environment and Public Works Committee for 14½ years, Senator RANDOLPH has guided the development of much of the most important legislation that has improved the quality of the air we breathe, the water we drink and the earth we walk.

I have been privileged to serve on the Environment and Public Works Committee since my arrival in the Senate, and have learned as much about the proper conduct of the legislature from this man as from any Senator of my experience here.

JENNINGS RANDOLPH personifies all that is successful and generous and fair about American Government. Our laws for over five decades have been the better written, the more caring, the more effective, because JENNINGS RANDOLPH has been involved.

One hopes he will continue to be involved, as he resumes an earlier career in writing. JENNINGS RANDOLPH, statesman.

TRIBUTE TO SENATOR PAUL TSONGAS

Mr. MOYNIHAN. Mr. President, it is with a genuine feeling of great regret that one contemplates the imminent retirement of Senator PAUL TSONGAS of Massachussetts. For his brief career has been as rich with potential for a marvelous lifetime of ever greater accomplishment in public service as it has been full already of so much success as a legislator and statesman.

PAUL TSONGAS has decided to retire after one term in the Senate, in order to spend more time with his young family, his wife Nicola, and his daughters, Ashley, Katina, and Molly, and we know he will be a happier man for that. Much as one wishes he would remain, one cannot but respect his decision.

Young as he is by the standards of this august body, one is impressed that PAUL TSONGAS has already devoted more than two decades to the public service, beginning with his work as one of the very first Peace Corps volunteers to go abroad, in 1962, to share his knowledge and enterprise with the peoples of other nations. His work in Ethiopia in those years has been reflected during his 10 years in the Congress in a profound understanding for the complexities and the urgencies of the African continent, an appreciation for American interests there, and a fervent commitment to keeping respect for human rights at the very forefront of American foreign policy.

PAUL TSONGAS has been a forceful and persuasive spokesman for a liberal American commitment to constructive engagement in world affairs, in support of human rights, international law and nuclear disarmament.

At home he has been equally farsighted, anticipating in many respects the future development of our economy. He has focused his legislative initiatives on the nurturing, to the extent that conscious public policy may do so, the economy of tomorrow, contributed materially to the emergence of his State as one the leaders in the development of the high technology industries of the future.

His 1981 book, "The Road From Here: Liberalism and Realities in the 1980's," is an example of the finest in critical, constructive commentary on the choices liberalism must confront if it is to reemerge as the prevailing tendency in American political and social life.

I close with the final line of PAUL TSONGAS' seminal work, and mean as encouragement for him to continue to share his insight with the American people even after he leaves this Chamber next year: "Let the debate continue." Let it not continue without PAUL TSONGAS.

H.R. 5172—NATIONAL BUREAU OF STANDARDS AUTHORIZATION

Mr. HATCH. Mr. President, on October 4, 1984, the House of Representatives agreed to the Senate amendment to H.R. 5172, the National Bureau of Standards Authorization Act for fiscal year 1985. I am happy to see this important measure cleared for the President's signature.

I want to point out, however, that the Senate amendment to this bill, passed during the session of the Senate on September 21, 1984, contains provisions amending the National Science Foundation Organic Act of 1950, over which the Labor and Human Resources Committee has complete jurisdiction.

Most Senators know, Mr. President, that the Labor and Human Resources Committee and the Commerce, Science and Transportation Committee have been trying to resolve the question of NSF jurisdiction for the last 4 years. We have batted back and forth various compromises for shared jurisdiction throughout this time, none of which is acceptable to both sides. As a result, we have been unable to pass an authorization bill for the National Science Foundation. The last NSF bill enacted into law was for fiscal year 1981. I still have great hope that one of these years, the Senate will be able to do its duty and pass an NSF authorization bill.

My purpose for making this statement today, Mr. President, is to note for the record that by not objecting to the unanimous consent passage of these amendments and the National Bureau of Standards bill, the Labor and Human Resources Committee does not yield any part of its jurisdiction over the National Science Foundation. Proponents of a change in the current jurisdictional arrangement should not interpret this Commerce Committee amendment as precedent setting.

There are several reasons for permitting passage of H.R. 5172. An objection to these amendments and passage of H.R. 5172 would have served no purpose other than to make jurisdiction the main issue. It should be noted that a bill, S. 2525, making the same changes in the NSF Act was initially introduced by Senator QUAYLE and referred to the Labor and Human Resources Committee. The Labor Committee included this bill as an amendment to S. 2521, the NSF authorization bill, we reported on May 2, 1984. We support the substance of the provisions.

Second, the incorporation of engineering into the NSF mission statement means a great deal to our Nation's engineers, both in the private sector and in academia. An objection would unnecessarily force them to begin their quest for recognition all over again.

Third, the House of Representatives, in particular the Science and Technology Committee, is equally and justifiably frustrated by the impasse concerning the NSF authorization and does not deserve to have another of its measures fall victim to an objection raised due to the jurisdictional entanglement.

Finally, I do not wish to complicate the efforts of the distinguished Senator from Washington to pass his National Bureau of Standards legislation. This agency is clearly in the jurisdiction of the Commerce Committee and requires this annual authorization. Senator GORTON has been negotiating with the Labor Committee in good faith regarding the NSF matter and I do not seek any kind of reciprocity for the delays on the NSF bills reported every year by the Labor and Human Resources Committee. I am glad his bill was passed and I do not object to the Commerce Committee's addition of the NSF amendments pertaining to engineering.

I want the record to show that the addition of these provisions amending the NSF Organic Act of 1950 did not go unnoticed and should not be construed to give the Commerce, Science and Transportation Committee any jurisdiction over the National Science Foundation. If this action is later interpreted to grant any jurisdiction of NSF issues to the Commerce Committee, I will regrettably be compelled to object strenuously on behalf of the members of the Labor and Human Resources Committee.

TRIBUTE FOR SENATOR JENNINGS RANDOLPH

Mr. HATFIELD. Mr. President, the longer I am here in this institution, the more aware I become that one cannot always choose all the details of our vocations or living environments * * * and that the mature, happy, and productive person is the one who brings his or her inner tensions, drives, hopes, and fears under control and lives comfortably in that vocation or environment.

How does one measure the contribution of JENNINGS RANDOLPH lively engaging of the environment of public service to which he was called? His words of encouragement and his principled presence are a source of joy and accountability to me. I am certain that all of our colleagues have had the lovely and startling experience in meetings, sessions, or the hallways of encountering Senator RANDOLPH and being struck—in fact, arrested—by the fact that his very countenance is a letter of recommendation for the depth and character of the man.

Numerous times not only his presence but his words of support and notes of affirmation have kept me energized. His ministry of peace in this place, in the great State of West Virginia, and in the country at large has made me enormously grateful for him. The Peace Academy (now called the Institute of Peace) will forever be a living memorial to Senator RANDOLPH's character * * * that immeasurable consistency and faithfulness in moral strength. In the Institute his caring for the handicapped, afflicted, and destitute, and his love for the Lord of Creation, are personified in this world torn apart by factionalism, war, and misplaced priorities. The Senate truly—but Washington certainly, as well—will miss this one who has so filled our hearts and lives with his ebullient spirit. I pray that he will have many more years of fruitful ministry in the years of his retirement.

TRIBUTE TO SENATOR HOWARD BAKER

Mr. HATFIELD. Mr. President, whenever I think of my good and faithful friend, Senator HOWARD BAKER, it strikes me that the most useful virtue, not only in this institution but in life itself, is patience. No road is too long for the person who advances deliberately; no honors too distant for the person who prepares himself with persistence.

It is written,

> A friend loveth at all times, and a brother is born for adversity" (Proverbs 17:17).

There are a great many relationships which are not born for adversity. Adversity is the wind which separates the chaff of flattery from the grain of solid, deep, and faithful friendship. HOWARD BAKER has been the brother born for adversity * * * for me, and for many others. I am grateful for him, for his leadership, for his friendship, for his personal and political support, and for his patience with each of us as we have sought under his leadership to work in this venerable institution. A prophet of old said,

> The best thing to give your enemy is forgiveness; to an opponent, tolerance; to a friend, your heart; to a child, your example; to a father, your deference; to your mother, conduct that makes her proud; to yourself, respect; and to all men, charity.

Anyone who objectively reviews HOWARD BAKER's public service record must conclude that on each count he has been faithful. Forgiveness, tolerance, and charitableness are part of his daily character; his capacity for heartfelt friendships, immense; his family life, truly exemplary; and his quiet confidence and strength, a sign of his peace with himself. I for one will miss him greatly and pray the best for him and his family in their new adventure.

IN SUPPORT OF THE WEEK OF OCTOBER 7-13, 1984, AS MINORITY ENTERPRISE DEVELOPMENT WEEK

Mr. CRANSTON. Mr. President, the administration has declared the week of October 7-13, 1984, as "Minority Enterprise Development Week." Such a proclamation honors the important contributions of minority businesses to this country.

As many of you are aware, small businesses generate the majority of new jobs in the United States. According to "The State of Small Business: A Report of the President," between 1980 and 1982, 1.2 million jobs were created in the services industry. Small firms with under 100 employees accounted for almost 90 percent of this increase in employment opportunities.

Job creation is especially a product of minority businesses. One particularly vital component of the minority business community is the Minority Enterprise Small Business Investment Co. [MESBIC]. Between 1974 and 1982, the MESBIC industry invested over $260 million in 4,274 minority businesses. The jobs created or maintained by those investments totaled over 52,000. Many of these jobs were created in low-income communities and have provided long-term employment opportunities for the residents of these communities.

Sadly, although the administration seeks to honor minority businesses with this proclamation, its daily policies continue to harm minority businesses greatly. The administration has adopted an attitude that minority set-aside programs are a form of reverse or discrimination. According to Ms. Linda Chavez, Director of the U.S. Commission on Civil Rights:

> The whole problem with the racial preference scheme is that it says in a very public way that we are now going to be making judgments on the basis of the color of someone's skin. That is what I thought and what, I think, a majority of the Americans thought was being eliminated by the passage of the civil rights laws.

Earlier this year, the Department of Justice joined in a lawsuit to have a law in Dade County, FL, that sets aside construction contracts for black-owned businesses declared unconstitutional. However, the courts refused to overturn the law.

The administration has implemented a policy to reduce minority business participation in Government contracting and to overturn laws on the books to encourage such participation.

A Wall Street Journal article, "Minority Firms Get Small Share of U.S. Contracts Under Reagan," explains that the Reagan administration had decreased the percentage of Federal contracts awarded to minority businesses. In fiscal year 1981, under the Carter administration, minority businesses received 3.4 percent of all Federal contract money. This figure decreased to 3.2 percent in 1982 and to 3.1 percent in 1983.

I am convinced, however, that just as minority businesses survived the administration-induced recession, they will survive the attacks on policies established to promote a fair distribution of Government contracts. One shining example of minority business resiliency to the administration's harmful policies is Mr. Thomas A. Moore of San Diego who was selected by the SBA as 1 of the 10 minority small business persons of the year.

Although the administration's proclamation is an appropriate honor for minority businesses, if the administration would end its relentless attack on minority participation in Government contracts, these businesses would be better served.

TRIBUTE TO SENATOR RANDOLPH

Mr. LONG. Mr. President, the Senate has been most fortunate to have had the distinguished senior Senator from West Virginia in its ranks for the past 24 years. He has served the Nation and his beloved State of West Virginia well.

As chairman and then ranking member of the Committee on Environment and Public Works, he always gave most careful consideration to matters of concern to Louisiana, the State I represent. I know he showed the same courtesy to other Members of the Senate. This ability made JENNINGS RANDOLPH a friend of all the people of this country.

Mr. President, JENNINGS RANDOLPH was especially a friend to West Virginians. He was elected to Federal office by the people of West Virginia 13 times. His success at the polls in a State with a two-party system can only exist where the candidate is diligent and constantly alert to the needs of the people of the State.

This Senator was privileged to work with both Senators RANDOLPH and BYRD to save the steel mill in Wierton, WV. My judgment, which was shared by the two Senators, was the best way to save the large payroll at the Wierton mill was to create an employee stock ownership plan and to arrange for the purchase of the mill by the workers. This has been done and today, the employee-owned Wierton steel mill is a very successful operation.

Notwithstanding his retirement, I look forward to seeing my dear friend, JENNINGS RANDOLPH, from time to time. After the many years of dedicated service he has rendered to the Nation here, in Washington, he will not be able to resist the temptation to visit the place where he made such an important contribution over such a long period of time.

TRIBUTE TO SENATOR BAKER

Mr. LONG. Mr. President, for 18 years I have served in the Senate with the distinguished senior Senator from Tennessee. I have seen HOWARD BAKER grow from one of our junior Members to a great and famous leader of the Senate.

In his time in the Senate, he has served the Nation in ways that few who have occupied this Chamber can match. His calm manner and level head helped our country through many crises.

As an individual Senator and as our majority leader for the past 4 years, one of Senator BAKER'S hallmarks is that he is a gentleman in all respects. He is a man of his word. Whenever he told the Senate or an individual Senator he would do a certain thing, he invariably did it.

We will all miss our honorable colleague when he retires at the end of this Congress. We wish him well in his future endeavors and extend our heartfelt thanks for his service to the Nation and to the Senate.

THE DEMISE OF S. 1300

Mr. ZORINSKY. Mr. President, I am extremely disappointed by the Senate's failure to act on S. 1300, the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1984. This legislation is of vital importance to the 25 million rural Americans who depend on REA-financed electric and telephone service.

Since S. 1300 was introduced on May 17, 1983, the sponsors have worked to have the bill considered and debated in a free and open manner by the Senate Agriculture Committee and the Senate. However, despite the fact that this legislation—with 47 sponsors—has broad bipartisan support, it simply was not part of the administration's agenda and, therefore, did not receive the attention it merited.

The problems with the REA programs are not about to disappear nor will the people of rural America be tricked by the political show that took place in the Senate Wednesday night when a feeble effort was made to bring S. 1300 to the floor under impossible conditions.

Although the RECORD was filled with charges about S. 1300, many of them unfounded, this legislation was not opposed because someone thought it cost too much or because it did not address some particular issue.

That became clear some time ago when S. 1300 was modified by the Agriculture Committee in an effort to address the concerns expressed about the bill and, more recently, when Senator HUDDLESTON presented a proposed alternative to S. 1300 that was specifically developed to address the criticisms aimed at the bill.

Those of us interested in this legislation quickly learned that there was no reasonable change that could be made in S. 1300 that would make it acceptable to its critics. Furthermore, the administration did not even respond to the efforts made to forge an acceptable compromise.

As Senator HUDDLESTON noted last Friday in a statement printed in the RECORD, it is clear that regardless of the rhetoric about the need to address REA's problems and the desire to put this issue behind us, the administration simply did not want to confront the issue.

However, because some folks were worried about how it would look if the Senate and administration ignored a major problem for almost 2 years, at the last minute an exercise—that was clearly a sham—to bring up S. 1300 was conducted.

The people of rural America will understand what happened here. They know that if this issue were important to the administration there would have been a serious effort to address it, and, I believe, they know where the responsibility lies for the Senate's failure to act.

TRIBUTE TO SENATOR BAKER

Mr. MURKOWSKI. Mr. President, much has been said recently about the many accomplishments of our majority leader, HOWARD BAKER, and I need not repeat the accolades he has so deservedly received. Suffice it to say that his leadership abilities are well documented and are represented by deeds, not just words. His long career in the Senate has had many highlights, including the professionalism he displayed in pursuing the most difficult inquiry surrounding Watergate in the early 1970's. Since I have come to the Senate, I have witnessed HOWARD BAKER guide our deliberations with patience and strength of purpose. He has consistently honored the traditions by which the Senate operates. I join my colleagues on both sides of the aisle in wishing Senator BAKER every success in the future.

From a very personal point of view I want to thank Senator BAKER for his kindness and consideration to me when I joined the ranks of the Senate in 1980. I later had the pleasure of accompanying Senator BAKER on a visit to Alaska when he was on his way to the Far East. He was kind enough to appear at the Captain Cook Hotel in Anchorage, where he addressed a large gathering of Republicans from all over the State. The tribute that Senator BAKER paid to me on that occasion was most meaningful and something I will always treasure. He departs the Senate with an extraordinary record.

Best wishes, my friend.

TRIBUTE TO HOWARD BAKER

Mr. BAUCUS. Mr. President, I rise today to join my colleagues in paying tribute to HOWARD BAKER, the distinguished and able majority leader of the U.S. Senate.

Mr. President, we in the Senate are fond of referring to each other in glowing terms. Rarely, if ever, do we address fellow Members without acknowledging their distinguished, honorable, or able status. Some who watch our proceedings might be inclined to think that those polite terms of appellation have become trivialized and hackneyed. And in some instances, they might be right.

But, Mr. President, I would wager that there is no in this body who refers to the majority leader as distinguished and honorable without the utmost sincerity and honesty. HOWARD BAKER is indeed a man of distinction, ability, and honor.

I perhaps have a special fondness for the majority leader because he is from Tennessee, which is also my wife's native State. But beyond this special attachment, I have also developed the greatest respect for Senator BAKER as I have worked with him and watched him perform his leadership duties in what has to be one of the toughest jobs on the face of the Earth.

Throughout his service as majority leader and regardless of his personal position on particular legislative issues, Senator BAKER has consistently been helpful, understanding, and patient in his dealings with me and with my Senate colleagues. I am especially and personally grateful to him for the assistance he gave me in ensuring establishment of the Mansfield Foundation in my home State of Montana.

Mr. President, when the 99th Congress convenes next January, I will feel a true sense of loss at the absence of HOWARD BAKER. I will miss the sense of duty, commitment, history, and humor that have made him such a unique and respected leader in this legislative body.

I wish the majority leader well in his future endeavors. And I shall close by simply bidding a fond farewell to the distinguished, honorable, and able Senator from Tennessee.

COMPUTER CRIME LEGISLATION

Mr. LEAHY. Mr. President, the addition of the House computer crime bill to the continuing resolution in the 11th hour and 59th minute of this Congress is a setback for Americans in at least two important ways.

First, it is an example of fly-by-night lawmaking. Second, apart from how this legislation came to be, in my judgment it poses a real threat to freedom of expression and openness in government.

The computer crime provisions of the crime package were added late last Thursday night, or maybe early last Friday morning, by a small subcommittee of the conference committee.

In the pressure to move a continuing resolution forward, this addition was approved quickly by the full committee, well before any of its implications surfaced and without any practical opportunity for anyone to ask the kinds of questions that must always be asked, when we pass laws that affect what Americans can say and what they should know.

After the very swift steps were taken to add this bill to the continuing resolution, a number of colleagues and I expressed concerns to Congressman HUGHES, and we began a serious effort to bridge some of our differences.

Those efforts did not succeed.

The bill I am cosponsoring today contains the essence of a compromise that I think is very worthy of our consideration, even at this late hour.

Let me restate that: Especially at this late hour.

The most serious problem with the bill as it now stands is that it makes every unauthorized disclosure of information from a Government computer a crime, whether or not the person doing the disclosing is an employee of the Government who had legal access to the computer or a so-called computer hacker who has gained access to the computer without permission.

It makes no difference under this bill that a Government employee who has accessed the computer lawfully discloses information that is not secret or classified. It can even be information that is available under the Freedom of Information Act.

Now the sponsors of this bill claim that they have no intention of limiting whistleblowers. That's a very ingenuous claim. I see little room for a Government employee with a real, but complex, story to tell about misconduct or gross inefficiency to tell that story effectively without documentation. And even if that documentation is available to the whistleblower without the aid of a computer, there will always be the suspicion that information originated in a computer, and employees who are not also Supreme Court Justices are going to be very reluctant to come forward under these circumstances.

Secrecy in Government is certainly needed in specific areas where security and overriding national interests are at stake. On both the Intelligence Committee and Judiciary Committee I have worked to preserve and protect that legitimate need.

But secrecy as a general operating principle for Government is pernicious, and laws that promote unnecessary secrecy—even unintentionally—are dangerous.

The first amendment rights of citizens are severely devalued if they don't have access to facts about Government. You can't speak up about something that is hidden in a Government file.

At the worst, this bill could encourage agency and department heads to overreach and to clamp down on legitimate and necessary contacts between Government employees and the outside world.

At the least, it could have a strong negative impact on agency responses under the Freedom of Information Act, because employees at all levels of Government will know that there is a new law on the books raising the flag of caution where information about Government is presented to the public.

In an ideal world, I would say we should press to strip the computer crime bill from the continuing resolution and consider it separately, with hearings, in the Senate and House early in the 99th Congress. I don't like last-minute legislation—even my own.

But we are in the position now where only a separate bill can effectively correct the excesses of the bill now about to become law, and in that context I think it is important to send what is truly a compromise bill to the other body, not a bill that represents every position I would take if we were working on a clean slate.

Senator Mathias and I agree that the language of the computer crime bill now in the continuing resolution ought to remain unchanged as to conduct that "modifies, destroys, or prevents the use of information" in a Government computer. This conduct is similar to a trespass at common law and does not significantly implicate first amendment values.

But the unauthorized use or disclosure of information from a Government computer ought to be made criminal only to the extent that it would violate the standards of the Privacy Act, that is, only if it involved individually identifiable information in the computer whose disclosure is prohibited now by the act.

While this approach would leave some unauthorized disclosures beyond the reach of the criminal law, until we are able to sort out just what impact our laws are going to have on expression and the flow of vital information from Government, my response is that we have made a good first step and that our second step ought to be preceded by a great deal of care and by sufficient time to hear from those whose interests and activities would be affected by this legislation.

The bill we are sending to the House is modest and not confrontational. It is meant to give the House some of what it wants now, with the understanding that both bodies have a great duty to move promptly in the next Congress to produce a bill that will truly respond to the threats of the computer age without threatening the Constitution or our tradition of openness.

To underscore the note of compromise, I have not added an amendment to our corrective legislation dealing with aural acquisition of information—the problem I have discussed many times in this body under the Wiretap Act of 1968. That law does not cover the transmission of digitized data, such as computer transmissions, and that omission must be corrected.

One omission in the House bill that our legislation does correct is language that exempts from the bill's coverage lawfully authorized criminal investigative or intelligence activities. I know that the intelligence community is eager to see this language adopted as law and believes that important functions could be weakened if this language is not adopted.

Since the bill I hope we will send to the House today is meant to deal only with absolute essentials, I am postponing inclusion of the amendment on aural acquisition I had prepared and hoped to have adopted in this session.

The New York Times today spoke eloquently of the problem our bill seeks to address, and I am including their editorial for printing in the Record.

I hope that Representative Hughes agrees with us and with the thoughts voiced in the Times that the stakes are too high to risk an attempt to correct all of the computer crime problems in haste at the end of a session.

Our bill narrows the target of the Hughes legislation and I think turns it into an acceptable stopgap measure. I urge my good friend from New Jersey to give our bill every consideration if we are successful in moving it through this body today.

Mr. President, I ask unanimous consent to have the editorial I referred to printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Computer Privacy, Not Secrecy

The rush to adjourn Congressional sessions breeds sloppy as well as dangerous legislation. Thus a bill designed only to make computers more secure would inadvertently create a sweeping new secrecy law. Congress cannot consider its work done until it clarifies or defeats this measure.

Representative William Hughes and other sponsors say they have no desire to enhance the secrecy of Government or the powers of Federal officials. They want only a law to protect Government computers from abuse by teen-age hackers and sophisticated thieves.

Yet in trying to protect computerized information, such as that covered by the Federal Privacy Act, their bill would make it a crime to divulge any information obtained without authorization from a Government computer file. The bill's language would let agencies bent on secrecy write rules that threaten criminal punishment for divulging even unclassified, non-sensitive information, merely because it is stored in a computer. Congress might thus cut itself off from whistle-blowers and deprive the public of much other information.

No criminal statute should ever be susceptible to such abuse. No legislation dealing with the serious issue of Government secrecy should ever be written in such haste.

THE KING QUADRUPLETS

Mr. HOLLINGS. Mr. President, announcing the birth of a baby is always a pleasure. This time, however, it's a rare honor to congratulate Susan and Geoffrey King of Arlington, VA, on the birth of their quadruplets. Within 2 minutes of each other, three sons and one daughter were born by caesarian section at Fairfax Hospital on September 28.

Trevor, the big brother, celebrated his third birthday one day after his brothers and sister were born. The babies, Erik Reid, Geoffrey Miller, Christopher Reece, and Mary McKenzie will join the family at home in a few weeks.

Proud grandparents are Mr. and Mrs. Reid Morrison of Daytona Beach, FL, and Dr. and Mrs. Walter G. King of Greensboro, NC.

As I said, Mr. President, announcing the birth of a child is always a pleasure and this pleasure is fourfold. But the story does not end there.

The Washington Post article announcing this happy event caught my eye and as I read the story I was very impressed by the actions of Susan and Geoffrey King's neighbors in Fairlington Village. This small community really rallied in their time of need. They have delivered meals nightly to the King home and kept Trevor busy as Susan was bed-bound for months of her pregnancy. And, the core group is now preparing volunteers to feed, bathe, and cuddle the infants.

It is very heartwarming to this Senator to see the community respond to the need. This outpouring of love and support on the part of so many for the good of the Kings is a strong statement about caring and one that I wish to share with all my colleagues.

Mr. President, I ask unanimous consent that an article appearing in the Washington Post on Saturday, September 29, 1984, telling of the Kings' joy and commenting on the explosion of births in general in the area be printed in the Record at the end of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 29, 1984]

BABIES GALORE—HOSPITAL HAS BOOM IN BIRTHS

(By Margaret Engel)

Quadruplets Erik, Geoffrey, Christopher and Mary King, born yesterday to Susan and Geoffrey King of Arlington, would be quite a phenomenon in almost any hospital. But at Fairfax Hospital, where they were delivered, the four were just one more dramatic example of the abundance of babies at this Northern Virgina community hospital.

The babies, born within a minute of each other, weighed a little more than four pounds each and were doing well in the hospital's intensive care nursery, joining a set of triplets who were born a day earlier. Three weeks earlier, five sets of twins were born at the hospital.

When officials dedicated the hospital in 1961, they had to move up the opening time by half an hour because a Groveton woman was in labor in the parking lot. The pace has not let up since: one out of every 11 babies born in Virginia is born here.

In a growth that parallels the sprawl of the young neighborhoods it serves, the hospital now has a national reputation for delivering record numbers of babies. While other hospitals entice maternity patients with their champagne dinners for new parents and hotel-like birthing rooms, Fairfax Hospital's obstetrics unit, with no marketing and few amenities, is operating at 128 percent of capacity.

"People call it 'The Baby Factory,' " said Gertrude Rodgers, director of nursing, who noted that there is a baby born there every 75 minutes.

Last year on the second and third floors of the general hospital, 7,013 babies were born, a population that rivals many Virginia towns. In comparison, there were 3,295 infants born at the Columbia Hospital for Women and 2,586 at the Washington Hospital Center last year, both district hospitals with large maternity units.

It is the third largest obstetrics service on the eastern seaboard and the ninth largest in the nation, according to records kept by the American Hospital Association. (The biggest baby hospitals on the eastern seaboard are Magee-Women's Hospital in Pittsburgh with 9,238 babies and Brigham and Women's Hospital in Boston with 8,154.)

There are facts to support the nickname "baby factory." There are so many babies born at Fairfax that the hospital can't keep the requisite six-month supply of birth certificates on hand. The five nurseries use 18,333 diapers and 6,937 bottles of formula for the nearly 600 babies who use them each month. Parenting classes are so crowded that groups now meet four nights each week. Space in the labor rooms is so limited that mothers often begin labor on beds in the hallway.

"I heard it was a baby factory and I knew it would be busy," said Deborah Brame, 30, of Arlington, who began labor in a recovery room during her son's delivery 14 months ago. "My husband was sort of dazed—here I was in all this pain and agony and we're surrounded by all these women with happy faces because it was over for them."

Regardless of the overcrowding, Brame, a registered nurse at Arlington Hospital, said she would return to Fairfax because of its intensive care nursery and because it is the hospital of choice of her obstetrician.

"Arlington [Hospital] has a very nice birthing room and the whole family can be there with cameras if you want, but we wanted the basic delivery room," said Brame. "I felt more secure."

Dr. Robert Bettini, of Burke, who helps deliver 150 babies at Fairfax Hospital each year, said about two of his patients each month begin their deliveries in a hallway because of overcrowding. "One paradox in medicine is that busy is usually better," he said. "They may not have the extras of special rooms, but there's a good trade-off in the experienced nursing staff."

Since the hospital opened, the obstetrics unit has expanded three times and a fourth renovation is due to begin next month. "We never predicted the extent of the growth," said hospital administrator Tom Young. "There are certain problems with overuse, but I'd rather have those than participate in the woes of underuse."

Demographics and location are two big reasons for Fairfax's success, according to Dean Montgomery, executive director of the Health Systems Agency of Northern Virginia, the local health planning agency. "Fairfax Hospital has the area's best location [just off Rte. 50 and the Capital Beltway.] The hospital is full and growing."

As Dr. Bettini noted, "When I came here in 1972, Burke was just a post office. Now it's filled with homes and everyone is having babies."

As a result, the health planning agency is trying to encourage doctors to use neighborhood hospitals such as Loudoun Memorial or Prince William Hospital for their patients for whom they predict normal deliveries, and use Fairfax for problem deliveries.

* * * * *

QUADRUPLETS: 1 IN 658,500

The King quadruplets, born yesterday, were conceived without the help of fertility drugs, a rarity occurring only once in approximately 658,500 births, according to Dr. Donald Keith, director of the Center for the Study of Multiple Birth, in Chicago.

The three blond boys and dark-haired girl were six weeks premature and were delivered by Caesarean section after their mother, Susan Morrison King, 32, went into early labor. The obstetrician in charge, Dr. Thomas Schmidtt, of Vienna, reported that the babies were in stable condition late yesterday.

King and her husband, Geoffrey, 34, a real estate broker for an Alexandria firm, have known for several months that she was carrying four infants.

"We're ecstatic and very happy," said Geoffrey King. The couple have another son, Trevor, whose third birthday is today.

TRIBUTE TO JOHN TOWER

Mr. HATCH. Mr. President, very few American statesmen in our time have been born with a more appropriate last name than Senator JOHN TOWER of Texas.

According to the dictionary, the word Tower means "to rise above, to extend far upward, to surpass others."

This describes Senator TOWER to the letter.

It has been said, no doubt by his opposition, that the Senator's five feet five frame puts him at belt-buckle level with a lot of his fellow Texans.

Perhaps in height.

But never in stature.

Senator TOWER is one of the tallest men I know.

He has the courage to look the world straight in the eye and, believe me, it takes a very tall man indeed to do that these days—especially in the political arena.

It takes a tall man to stand steady during a battle—when every human inclination is to run and hide.

To wit: During World War II, he served for 3 years aboard a landing craft support ship in the Western Pacific, where some days, I'm told, the kamikaze planes seemed to be "thick as bees in the summer."

It takes a tall man to stand alone—and fight against the odds.

To wit: After running unsuccessfully for the Texas Legislature in 1954 and for the U.S. Senate in 1960, he bounced back in 1961, when Lyndon Johnson was elected Vice President, to become the first Republican Senator from Texas since reconstruction.

It takes a tall man not to follow the crowd—when everyone else is jumping on the bandwagon.

To wit: In 1964, he was the first Senator to endorse the Presidential candidacy of Senator BARRY GOLDWATER, but more telling—he stayed in GOLDWATER's corner and championed his cause to the end.

And it takes a tall man to stand firm to his ideals—when it would be more expedient to bend a trifle.

To wit: His continued battle for the B-1 bomber and the deployment of the MX missile system.

Senator JOHN TOWER is such a man.

When he looks in the mirror, he can look up to himself and be pleased with what he sees. When he hears the phrase "a Tower of a man," he can take it personally.

We are going to miss his stature in the Senate, and I personally want to wish him well.

"HEART OF THE SENATE"

Mr. HATCH. Mr. President, a distinguished chapter in the history of the U.S. Senate is coming to an end today.

Next year, when we reconvene, the Senate Chamber will look much as it has always looked: eloquent and dignified and hallowed. The traditional crystal shakers of blotting sand will sit on our desks. As always. The solid ivory gavel will occupy a place of honor on the rostrum. As always. The marble columns will stand tall like silent sentinels and the busts of the great Americans which line the upper wall will study our every move—sometimes approvingly, more often than not with raised eyebrows. As always. The Senate Chamber will look much as it has always looked except for one thing: a large part of its heart will be missing.

Missing will be the mellow voice with the charming touch of the South in it. Missing will be the warm smile with the slight trace of boyish bewilderment on it. Missing will be Senator HOWARD BAKER. He is retiring from public office this year. He is returning to the private sector.

And I for one am going to miss him. I am going to miss his wise, Tennessee homeyness. I am going to miss his tolerance and his integrity, his dignity and his strong loyalty. I am going to miss his sense of humor and his passion for fairness and his love of people. I am going to miss his untiring energy and his respect for differing points of view and his more than able legislative leadership.

And I am going to miss a lot of little things: like the way he has of toying with his glasses when he is thinking and the way he has of leaning back and locking his hands behind his head when he is relaxing. And I thought I would never say this, but I am even going to miss the sneaky way he has of taking your picture when you are least expecting it.

A man of wisdom, a man of personal honor, such a man is Senator HOWARD BAKER.

He started out life as a country lawyer in Tennessee. But then duty called. He did not need to run for public office. He did not lack of material things. He had money. And he did not strive for stature. He was well-respected in his community. But HOWARD BAKER is like that. Duty has called many times in his lifetime, and he has always answered. During World War II, he served 3 years in the U.S. Navy as a lieutenant (jg), which included a brief tour as a PT boat officer in the South Pacific. In 1973, he was called upon to tackle the difficult and delicate task of being vice chairman of the Senate Watergate Committee.

He has walked with the great men and women of our times, yet he has never lost the touch of the common people. He has spent almost two decades in a great metropolis, yet he has never lost his homespun Tennessee love for the soil.

He is a man of firsts. In 1966, he became the first Republican ever popularly elected to the Senate from Tennessee. In 1980, he became the first Republican in more than a quarter of a century to be elected to the post of majority leader of the U.S. Senate. He has blazed trails for his party and for his country.

He has had his share of critics. But no enemies. Minority leader ROBERT BYRD once said, "President Reagan should thank his lucky stars every day that he has HOWARD BAKER here as a majority leader." True. Senator DALE BUMPERS the other day said, "HOWARD BAKER is probably as universally respected as any majority leader who has ever served in this body."

Inspired statesman, classic legislator, dedicated diplomat. Senator HOWARD BAKER, lawyer, writer, photographer. Senator HOWARD BAKER, husband, father, friend.

Yes, a distinguished chapter in the history of the U.S. Senate is coming to an end. Senator HOWARD BAKER, after 18 years, is retiring. I am going to miss him. We all are. Truly his heart is the heart of the U.S. Senate at its best.

ERADICATING DRUGS AT THE SOURCE

Mrs. HAWKINS. Mr. President, it is generally agreed that the most effective and long-lasting method of destroying the drug menace is to attack it at the source. That is why we must continue to support and encourage the actions taken by drug-producing countries to halt their involvement in drug trafficking.

Two nations, Burma and Panama, recently took such action. Two recent newspaper articles report on efforts made by the governments of these nations to try and curb their drug production.

There are a number of reasons why these countries are taking such steps. Burma, for example, has been experiencing an alarming growth in its rate of internal drug addiction. This situation, along with increased presence of bandit armies engaged in drug trafficking, and stepped up pressure from the U.S. Government, has provided Burmese officials with the incentive to join the international community's fight against drug abuse.

Panama, as well, is seeing more and more of its citizens falling victim to drug addiction, and is beginning to take steps to stop drug production in its territory. The situation in Panama, and with other South American nations, is exacerbated by the flight of Colombian drug dealers out of Colombia because of that nation's recent "war without quarter" against drugs. As indicated in a recent newspaper article, Panamanian forces reacted by conducting a raid in jungle territory near the Colombian border and netted 23 Colombian cocaine traffickers in the act of building a drug processing plant.

Mr. President, these and other actions being taken by nations like Burma and Panama, in an effort to halt their involvement in drug production and trafficking, should be encouraged and supported by our country and its citizens. We commend the Burmese and Panamanian officials personally.

I ask unanimous consent that the articles entitled "Burma Destroys Drug Bases," the Washington Post, dated May 20, 1984, and "Panama Uncovers Cocaine Factory," the Washington Post, dated May 25, 1984, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BURMA DESTROYS DRUG BASES

TAUNGGYI, BURMA, May 19 (Reuters).—Burmese troops with air support have destroyed the bases of two drug warlords near the Thai border and seized large quantities of opium, Brig. Gen. Aye San, army commander for Burma's eastern region, said at a press briefing today. He said five heroin refineries had been destroyed in the raids on the bases of the Shan United Army and the Shan United Revolutionary Army.

PANAMA UNCOVERS COCAINE FACTORY

PANAMA CITY, May 25.—Panamanian forces conducting air, sea and ground operations have captured 23 Colombian cocaine traffickers building a processing plant in the jungle near the Colombian border, a military official said today.

Capt. Francisco Alvarez, commander of the rural guard where the action took place, said Thursday the partially finished refining plant was worth several million dollars.

The plant was located at Rio Quindio, 150 miles south of Panama City and 48 miles north of the Colombian border.

TRIBUTE TO SENATOR TOWER

Mr. HECHT. Mr. President, the closing of the 98th Congress will mark the ending of a long and brilliant career for the second most senior Republican Member of the Senate, JOHN TOWER. In Senator TOWER's career, his experience and mastery of Senate procedure has gained him wide acclaim as one of the most influential Members of Congress.

JOHN TOWER has been a strong and committed advocate of our Nation's defense systems and he has had no hesitations with that commitment. Our American military establishment is strong today, and for that we have JOHN TOWER to thank. Senator TOWER has long acted upon his priorities with vigor which has served him well throughout his tenure in the Senate. He will be missed as a competent and sure voice, and the U.S. Senate is a better place for having known him.

TRIBUTE TO SENATOR TSONGAS

Mr. HECHT. Mr. President, in the short time PAUL TSONGAS has been a Member of the U.S. Senate, his career has been marked by a firm commitment to the ideals of his party. He has not hesitated, however, to speak out and reestablish those goals and his clear message of practicality in working with today's world has made him the conscience of the Democratic Party.

From his expertise in Foreign Affairs to his commitment to his social conscience, PAUL TSONGAS has made an impact. I am sure that although he will no longer be a Member of the Senate, his influence will be felt for a long time to come. Senator TSONGAS is a devoted and dedicated family man and he is leaving to spend more time with his family. We wish him all the best in the future and congratulate him on the great contribution he has made to the U.S. Senate.

TRIBUTE TO SENATOR RANDOLPH

Mr. HECHT. Mr. President, the retirement of JENNINGS RANDOLPH will mark the end of an era for this body and indeed America. JENNINGS RANDOLPH is the last Member of Congress to have witnessed the first 100 days of Franklin Roosevelt's New Deal and has made that experience the foundation of his tenure. The accomplishments of JENNINGS RANDOLPH are too monumental to list today, but his legacy of supporting the rights of others and his firm commitment to public works, most notably our Interstate Highway System is legend. His influence will undoubtedly live long after most of us have left the Senate.

JENNINGS RANDOLPH is not really retiring, just shifting gears, moving into other avenues that will benefit his first love, people. We could not end the 98th Congress without saluting all JENNINGS RANDOLPH has done for America, he is a true gentleman in every sense of the word and we wish him all the best for the future.

HOWARD BAKER

Mr. GARN. Mr. President, during the past 10 years there is probably no Member of this body with whom I have spent more time in meetings and conversations regarding what the U.S. Senate is all about, and what its business ought to be, than HOWARD BAKER.

During the past 6 years, especially, that we have served together in Senate leadership positions, I have witnessed his rare and exceptional ability to accommodate diverse interests, accomplish an aggressive legislative agenda, and to call, persuade, and direct this sometimes difficult and unruly body. He has rarely, if ever, lost the dignity and diplomatic character that he displays so well and so consistently. He has been an articulate spokesman for the Republican minority and majority. If we haven't always, on each issue, displayed a consistent "Republican Theme" in this body, it is no fault of the majority leader. It is rather, that his vision of leadership includes a deep respect for the rights of individual Members of this body to express their own views and follow their own conscience. His has never been a demanding or dictatorial leadership. He has never been repressive or resorted to pressure tactics or intimidation. He has always been resolute, but gracious, firm but understanding, and tolerant in the face of the tedium of his leadership responsibilities.

HOWARD BAKER has not only been a leader who has earned my greatest respect, but a colleague and friend whom I hold in the highest regard. I have had what I consider to be the great honor and certainly pleasure of accompanying our distinguished leader several times on official congressional delegations abroad. I've seen him at his diplomatic best in meetings with such people as Leonid Breshnev, Anwar Sadat, and others. He has always been the sort of delegation leader who skillfully and effectively represented the best interests of the United States, as viewed from the collective wisdom of this body, giving foreign leaders a better understanding of the Senate's unique role in partnership with the administration in shaping America's foreign policy. This is a man who has contributed mightily to the most significant moments in recent American history, and I am proud to have been a witness to those contributions.

One of the attributes of HOWARD BAKER that in my mind makes him one of history's truly great Americans and great statesmen, is the warmth, sensitivity and basic decency and humility of this man. He has always maintained the perspective, derived I suppose from those humble beginnings in Tennessee, that each of us put our pants on one leg at a time. The mantle of leadership, he knows, is meaningless if one does not earn the respect of those one wishes to lead. HOWARD BAKER has that respect. He has earned it, and he deserves it.

I never had the opportunity of serving here with Everett Dirksen. But of course I know, as we all do, of his lasting impression on the history of this body. As HOWARD retires from active service here he will become a living part of that history and join with his father-in-law, Everett Dirksen, on the honor roll of Senators of whom we can all, as Members of this distinguished institution, be proud.

TRIBUTE TO SENATOR BAKER

Mr. HECHT. Mr. President, we could not end the 98th Congress without acknowledging the ending of a brilliant Senate career, that of our majority leader, our friend and colleague, Senator HOWARD BAKER. For the past 18 years, HOWARD BAKER has served his country and his office in the highest and most competent manner. His loyalty to his President and his party have been outstanding and his deep affection and belief in the historical precedents of this body have served him and his country well. In the 2 years I have been a Member of the Senate, Senator BAKER's courtesies, assistance and insight have enabled me to better appreciate the U.S. Senate and his wisdom has been more than inspirational. Mr. President, we hate to see HOWARD BAKER leave the Senate, but we are assured by the great contributions he has made to this institution and wish him all the best for his future.

IN HONOR OF SENATOR RANDOLPH

Mrs. HAWKINS. Mr. President, I am pleased to have this opportunity today to express my appreciation of and admiration for Senator JENNINGS RANDOLPH. His legislative craftsmanship and humanitarianism have left an indelible stamp on the people of West Virginia and the Nation.

JENNINGS RANDOLPH's long and illustrious career has spanned four decades. He has been not only a witness to, but an active participant in the great political events of this century: The New Deal, World War II, the New Frontier, the Great Society, Korea, and Vietnam. But it is my belief that the New Deal, and its commitment to creating opportunities for the poor and disadvantaged of our society has been the underpinning of JENNINGS' remarkable career.

Time does not permit a long recitation of JENNINGS RANDOLPH's legislative accomplishments. Suffice it to say that his contributions to improving educational opportunities for the handicapped, to creating an Interstate Highway System unparalleled in the history of modern civilization, to providing quality health care for the Nation's veterans, and for the coal miners and steelworkers of his beloved State and to establishing, through dogged determination, a national entity dedicated to the study and pursuit of peace are now embedded in the laws of the land.

The motto of the Senator's graduating class at Salem College was: "From Possibility to Actuality." Obviously, Senator RANDOLPH took that phrase to heart throughout his career dedicated to service. Although JENNINGS will not be with us in the 99th Congress, his wisdom, guidance, and example will be strongly felt for the years to come.

On behalf of all Floridians, I thank you for your 52 years of service and contribution to the Nation and its legacy which we are passing on to our children and their children. You have made a difference. You have made the world a better place than it was before you came here.

You have succeeded in making a difference in people's lives, and for that we are grateful and I will miss you in the Senate.

TRIBUTE TO SENATOR RANDOLPH

Mr. RIEGLE. Mr. President, I rise today, on the last day of the 98th Congress, to wish a true friend, colleague, and personal hero farewell. For all of my adult life, Jennings Randolph has been serving this country in the cause of peace, justice, and equality.

This institution will never be the same again, since Jennings Randolph is so much a part of the Senate. He carries with him memories, recollections, and history that will never be recorded in any book. When he speaks, he does so with a vigor and strength which belies his age, and I, as so many others, have sought his wise counsel on many different matters in the 8 years that I have been a Member of this body.

I note that many of my colleagues have spoken in the last few weeks about the accomplishments of Senator Randolph, and I can scarcely elaborate on those fine tributes. His retirement means many things to each of us, and the void that he leaves behind will affect each of us in its own way. For myself, I truly do not know what this institution will be like without Jennings, but I am certain that it will be a little less rich, a little less august, for an integral part of it will have left.

I wish Jennings success, good health and safe travel in the future and will look forward to his continued public service for many years to come.

HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984—CONFERENCE REPORT

Mr. SYMMS. Madam President, I rise in somewhat reluctant support of the conference report on the Hazardous and Solid Waste Amendments of 1984.

About the most that I can say in favor of this bill is that it is not as bad as it could have been in several key respects, and that a few provisions may make a positive contribution to the proper management of hazardous waste.

The fundamental problem with this bill is that it attempts to write detailed regulations into the law. It is instructive to compare the original 28 page version of S. 757 as introduced with the voluminous, extraordinarily complex bill that we have before us today. Can any Member of this body explain why it is necessary to require EPA to list halogenated dibenzofurans as hazardous wastes within the next 15 months? Or why the lower liner of a hazardous waste disposal facility should have a permeability of $1x10^{-7}$ centimeter per second? or why secondary waste-water-treatment ponds employing biological treatment should be retrofitted if they have a retention time in excess of 5 days? Or why steel underground tanks can no longer be used in soils with a resistivity of 120,000 ohms? I submit that making these kinds of technical judgments is the function of EPA, not the Congress. These particular regulations may be workable, even appropriate, but writing regulations is not our job.

Nevertheless, I am pleased that some necessary modifications in the House and Senate bills were made with regard to small quantity generators, EPA deadlines, and surface impoundments. In particular, I endorse the compromise on mining wastes worked out by the conferees. The statutory language and the statement of managers make it very clear that the conferees do not intend for this amendment to in any way diminish the scope of the so-called Bevill amendment that was adopted in 1980. This language clearly reflects the intention of the House and Senate conferees with regard to this provision, and leaves no room for ambiguity.

I am also reasonably satisfied with the conference substitute on the new program for leaking underground storage tanks. The compromise is largely faithful to the Senate bill. One particularly important feature of the new underground storage tank program is that it allows the States the opportunity to set up a comprehensive regulatory program, including the authority to establish funds to respond effectively to leaks, regardless of whether the leak can be traced to responsible party or is an orphan leak. Both section 9004(a) and 9004(c) are sufficiently inclusive to cover responses to both new and existing tanks, and both tanks identified with a responsible party and orphan tanks. The program also will establish procedures not only for the installation and operation of tanks, but requirements for closure that will insure that tanks that are premanently taken out of use will be closed in an environmentally protective manner.

The Senate conferees, and this Senator in particular, have made considerable concessions to get a bill. Although I am dissatisfied with many provisions of this bill, I believe that it is the best we are going to get and so I will support its passage.

RESOLUTION OF THE NATIONAL CONFEDERATION OF AMERICAN ETHNIC GROUPS OF THE TWO PARTY PLATFORMS

Mr. DOLE. Mr. President, one of the major inter-ethnic organizations in the United States is the National Confederation of American Ethnic Groups, Inc., which was founded in 1956 by the late Paul Deacand and many fraternal and civic leaders of various heritage groups, with the purpose of fighting for ethnic recognition and against any totalitarian ideologies of the left and the right.

This organization is now led by several friends of mine, including Z. Michael Szaz, Ph.D., who serves as executive vice president of the NCAEG and Mr. John Hvasta, a Slovak American who was imprisoned on trumped up charges in Czechoslovakia in the early 1950's as an American spy and who has been quite active in Republican ethnic politics. He now serves as secretary/director of activities for the NCAEG.

The analysis contained in the long resolution of the NCAEG reflects the concerns of the various heritage groups. Although the organization is bipartisan and contains many Democratic Members and the resolution itself is in part critical of both parties, it also displays clearly the reasons why many of them intend to vote for President Reagan and other Republican candidates in 1984.

There are some parts of it I may not agree with, but in general I agree with its conclusions. In view of its importance and believing it will be of benefit to my colleagues if they review it, I am inserting the text of the NCAEG resolution into the Congressional Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

To be disseminated to the press and to Republican and Democratic Presidential, Senatorial, and Congressional candidates, (about their parties' national platforms).

Since 1956, the National Confederation of American Ethnic Groups, Inc., an umbrella organization of eighteen different heritage groups from Europe, Asia, and the Caribbean read with great interest and concern the Republican and Democratic Party platforms adopted at the San Francisco and Dallas conventions.

The Republican platform echoes the views of the incumbent President, while Presidential candidate Walter Mondale is adhering to the principles enunciated in his Party platform. These two documents are not only calculated to attract the largest number of voters to each party's candidate, but express the positions of the candidates and their parties as well.

NCAEG is concerned about the general tone contrast between the two platforms, the Republican platform sees hope in the future, the Democratic platform disgust in the present and new paths into the future.

As an organization of citizens who themselves, or whose immediate ancestors, came to this great country, NCAEG believes that America is still a country of hope, that the present, with all it imperfections, provides the basic ingredients of the American dream, and agrees with the Republican platform's basic premise: From freedom comes opportunity; from opportunity comes growth; from growth comes progress.

As citizens, many of whom came from countries occupied by communism or whose immediate ancestors came from the aforementioned countries, NCAEG members are vitally interested in the fate of the peoples now living in these states—in Central and Eastern Europe, in Southeast Asia and in Cuba. we are unalterably opposed to any manifestation of Marxist-Leninist ideology, political parties and "fronts" and reject any totalitarian view of man and state that acts against the law of God and humanity by perceiving man as the instrument, rather than the end, of economic and political forces.

The language of the two platforms about the Soviet Union and the subjugated countries unfortunately reflects a stark contrast. To the Republican platform, the supreme purpose of our foreign policy must be to maintain our freedom in a peaceful international environment in which the United States and our allies are secure against military threats, and democratic governments flourish in world of increasing prosperity.

The Democratic platform sees the world threatened by dictatorships of the left and the right and by nuclear holocaust. In the developing world, it sees poverty, repression, and despair as the main problems. While the aggressive character of the Soviet Union (Afghanistan) is mentioned, the entire thrust of the section on the U.S.S.R. underplays the pernicious role of the Soviet Union in international relations. The Democratic platform offers Peace Academy, scholarships for foreign students in the U.S., and economic assistance. It also assumes an almost isolationist position. While paying lip service to the defense of vital interests, it states clearly that force would not be used if objectives threatened unacceptable costs or unreasonable levels of military force. Who is going to determine these costs and levels of force? Would not surrender to a nuclear threat, rather than a nuclear defense of the United States, fall into this category?

With regard to the Soviet Union, there is no mention in the Democratic platform about the subjugated nationalities in the Soviet Union. While there is no direct reference in the section on the U.S.S.R., the Republican platform singles out the Baltic peoples, the Ukrainians, Belorussians and Armenians (why not the others?) as captive nations who struggle daily against their Soviet masters.

On Eastern Europe, the Democratic platform is quite specific about Poland, Solidarity and Lech Walesa, and we applaud the platform on this reference to the eternal aspirations of the Polish people for freedom and independence. Yet, there is not one word about the other nations of East Central Europe, or the gross human rights violations in many of them, particularly Czechoslovakia, Bulgaria and Romania. There is not a word about the partition of Germany, or even of East Germany. Not a word about Communist persecution of the churches in these countries where churches often signify nationality. We refer to the Captive Nations Resolution passed by Congress, with wide bipartisan support, as a platform for our long-term policy toward the U.S.S.R. and request for renunciation of the Yalta Agreement welcoming President Reagan's remark on this subject to the American community at the 40th anniversary memorial program honoring the Poles of Warsaw rising against Nazi Germany.

The Republican platform also focuses on Poland, but does list all of the state nations in Eastern Europe as captive nations, with the exception of the serious omission of the Slovaks—only Czechs, not even Czechoslovaks, are mentioned as captive nations.

Neither is there word in either platform about human and cultural rights violations in Yugoslavia or about the attempts of the majority nationalities in Yugoslavia, Czechoslovakia and Romania, as well as in the U.S.S.R., to oppress other nationalities.

On the question of Northern Ireland, it is the opinion of the NCAEG that Northern Ireland should be united with the Irish Republic, with proper religious and constitutional safeguards.

On emigration from the Soviet Union, the Republican platform talks about the free emigration of Jews, Christians, and oppressed national minorities. The Democratic platform thinks that Jewish emigration (they do not mention other groups) would be promoted only by ending the arms race and making compromises with the Soviet Union. We believe this thinking betrays false logic.

If the analysis of the Soviet Union's main aspiration and the restraints placed upon Soviet expansionism by the nuclear balance is faulty, the consequences for American policy in Central America are faultier.

The Democratic platform denies assistance to the Nicaraguan freedom-fighters, while the Republican platform clearly states the continuing need to extend such assistance, as "we cannot allow Nicaragua to remain a Communist nation and to export terror and arms throughout the region." We fully support the position of the Republican platform on this issue. To the Democrats, the solution lies in economic assistance and nonintervention; they see the security of the Hemisphere as a function of economic growth and development rather than of military agreements and arms transfers. NCAEG believes that, despite the presence of major economic development problems which are addressed by the present Administration, the security of the Hemisphere demands arms transfers and the ultimate threat of American intervention in of Communist takeovers.

It is with consternation that we find in the Democratic platform the old myth that Cuba can be detached from the Soviet Union by diplomatic skills. However, even the Democratic platform calls for Cuba's stopping violent revolutions in Hemisphere. We must also within reason, encourage the Cuban people to regain their political freedom, and we welcome Radio Marti as a useful step in this direction.

NCAEG was appalled by the section of the Democratic platform on providing sanctuary to refugees from democratic or authoritarian regimes in the Hemisphere, in full contradition of our immigration laws, on the basis that they are fleeing "right-wing, Fascist" regimes. Is El Salvador a right-wing, Fascist state under Jose Napoleon Duarte? Even most Democrates would not agree with such a statement. Guatemala is in the process of returning to the civilian, democratic rule, and no matter who ruled Haiti the level of poverty there would force tens of thousands to flee in leaky boats to a better life in the United States.

NCAEG finds serious shortcomings in the Democratic platform on Asia as well. There is not one word about Vietnamese aggression in Southeast Asia, much less encouragement to Son Sann and Sihanouk and their soldiers fighting on the western rim of Cambodia against the Communist Vietnamese. Here the Republican platform is not much better. While singling out Communist Vietnam, North Korea, and the Soviet Union as the aggressors in the region, it does not mention the anti-Communist freedom-fight in Cambodia and other Indochinese states.

On Afghanistan, both platforms promise support and material assistance to the gallant freedom-fighters. Yet not even the Republican platform sees the urgency and the need for more comprehensive aid, and the Democratic platform would undermine the relationship between Pakistan and the United States, thereby eliminating the basis on which American and Western assistance can reach the freedom-fighters of Afghanistan.

The Democratic platform is full of criticisms of our allies, some of it undeserved, and its implementation would only create unnecessary and calamitous problems for our policy in Asia.

The Democratic platform also criticizes security assistance. NCAEG believes that security assistance is the least expensive way for America to help its allies and avoid the commitment of American military power. Yet the Democratic platform sees gloomy prospects: like the assistance of fueling regional conflicts (weren't they there to begin with?) and the use of our weapons in the hands of those who might turn on us and our allies. Yet its recommendation in Asia is to work with India, which is now armed by the Soviet Union, after having received arms and economic assistance worth billions of dollars from the United States in the 1950s, 1960s, and 1970s.

In the final analysis, the Democratic platform equates the Russian Gulag with Latin generals and calls for an end to the support of dictators. The Republican platform is more modest in wanting to promote American interests and democracy through institutions like the National Endowment for Democracy. With all due regard to the need for promoting democracy under the Carter Administration, we wound up with two disasters. Our support of the Sandinistas in Nicaragua resulted in the establishment of a Communist government, and our support of the Iranian dissidents resulted in the fall of the Shah coming to power of the Islamic fundamentalist, Ayatollah Khomeini who unleashed war, repression and the executioner's sword upon Iran. Democracy is a fragile flower; it must be nurtured; it cannot be imposed.

The platforms differ substantially on defense policies and arms control. To the Democrats arms control agreements should have the highest priority. Because a nuclear holocaust is the most threatening element to the world, they endorse a nuclear freeze. To the Republicans, arms control agreements are necessary, but only if they can be verified and contribute to the security of the United States. They point to past Soviet violations of these agreements. The NCAEG believes that while arms control agreements are good, they should not interfere with America's readiness and should not be pursued per se. NCAEG endorses the Reagan concept of nuclear defense in space in contradiction to the Democratic platform, condemns the MAD (Mutual Assured Destruction) doctrine as immoral, and opposes a nuclear freeze at the present time.

While the Democratic platform makes only a veiled reference to the elimination of the weapons program as provocative and unnecessary, the code word is the new ICBM, the MX. The Republican platform affirms our commitment to this missile. Even if we prefer a space defense which will not be available for ten to fifteen years, we must do everything to keep nuclear deterrence working in the meantime, and, therefore, we support construction of the MX missile. Deterrence consists not only in the presence of military hardware, but also in the will to use those means as an ultima ratio, the perception our potential adversary must have of our intentions and capabilities.

The NCAEG chides both parties for not mentioning European ethnics anywhere in their platforms. It has become fashionable to refer to "minorities"—blacks and Hispanics, sometimes also Asian-Americans—but never the ethnic groups from Southern and Eastern Europe. NCAEG believes that the preamble of the Ethnic Heritage Studies Act of 1972, the work of a Republican Senator from Pennsylvania and a Democratic Congressman from Illinois, should be reflected in policy and legislation, i.e., that the heterogenous composition of the nation posits a multi-ethnic society. In such a society, a greater understanding of the contributions of one's heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic and committed populace. We welcome late moves by the Reagan Administration to appoint some Eastern European ethnics to responsible governmental positions, but believe that the goal of recognition remains distant. The NCAEG suggests to both candidates the restoration of the Ethnic Heritage Studies program. Funded with $2-3 million a year, it served as a laboratory for effective state and local school programs on ethnic textbook coverage of heritage.

NCAEG is deeply concerned that the history of the various heritage groups in the United States is taught less and less in the junior and senior high schools in many states, and deplores the absence of any commitment in either platforms in this regard.

NCAEG has also received many complaints about the difficulties qualified sons and daughters of European ethnics have experienced with regard to recommendation by their representatives and senators to the various military academies, NCAEG calls upon them to pay increased attention to this problem in their districts.

Human rights are an important consideration to the membership organizations of NCAEG as many relatives and friends of the individual members still live in totalitarian countries. NCAEG welcomes Republican and Democratic cooperation on the National Endowment for Democracy, but must mention that the Republican platform alone pays specific attention to the endowment. We commend the Republican platform for its understanding of the profound human rights implications of the East-West struggle and its recognition that Communist nations actually use their totalitarian systems to violate human rights in an organized, systematic fashion.

In the Democratic platform, we see a confusion of ideas on human rights. Challenging the Soviets to reduce the risk of a nuclear war has nothing to do with prodding them about human rights. Carter's involvement in the Camp David Accords did not promote human rights per se. The Democratic platform also equates Latin generals with the Russian Gulag. With all due recognition to the violations of human rights by authoritarian regimes in Latin America and Africa, the equation is false. Ending support to our closest ally, the Philippines, despite our reservations about President Marcos, would be disastrous. The entire tone of the Democratic platform is that Russia is only one of the many evils to be combated in the world and we better not concentrate on it.

Except for Soviet Communist expansionism, the problems of the world are solvable. Diverting attention from this main problem will not help American security nor our allies in the free world.

NCAEG does not want to take a detailed position on economic and financial policies, but supports the ideals of free enterprise and economic progress to which both parties pay lip service. It is more impressed with the economic and financial performance of the Reagan Administration than with that of its predecessor and hopes the threatening deficit problem can be remedied after the elections.

NCAEG is committed to the right-to-life, family values and Judeo-Christian morality. It cannot support the position of the Democratic platform on "reproductive freedom" as abortion is called in the platform.

The platform has a general reference of opposition to ethnic stereotyping and encourages American ethnic diversity. However, the article refers, again, mostly to minorities, not the ethnics of East and Southern European descent. Ethnics need more than an end to stereotyping; they need the participation in running this country that their patriotism, qualifications and education deserve.

Ethnics, whether from Europe, Asia, or Cuba, are religious people. We support tuition tax credits for those who pay double taxes by sending their children to religious schools, and agree with the Republican platform on this issue. We also support voluntary school prayer; taking God out of public schools has nothing to do with state religion or the separation of church and state. In this regard, again, we support the position of the Republican platform. We believe that the moral and religious principles of the individual must be reflected in his/her actions in business, politics, and social life if the traditional values of our Judeo-Christian civilization are to be transferred to our youth and to our society.

CONCLUSIONS

The National Confederation of American Ethnic Groups, Inc., as a nonpartisan organization, will not officially endorse any candidate for public office.

However, in view of the Republican and Democratic platforms, the NCAEG believes that the Republican platform corresponds more closely with the principles and concrete policies it espouses than does the Democratic Party platform.

FAILURE OF SENATE TO FULLY CONSIDER S. 1300, THE RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND SELF-SUFFICIENCY ACT

Mr. BAUCUS. Mr. President, my greatest disappointment of this Congress was its failure to fully consider and pass legislation to set the Rural Electrification and Telephone Revolving Fund back on track. This legislation is extremely important to Montana and to all of rural America. There was no reason that this legislation with the support it had should have been held up until the waning hours of this Congress.

S. 1300, the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act, is the product of extensive study and responsible judgment on the part of the leadership of our Nation's rural electric and telephone systems. These rural leaders from across the country came forward, addressed an important problem—the solvency of REA's revolving fund—and recommended a solution that puts the major burden of balancing REA's funds on themselves.

The Congressional Budget Office has estimated that S. 1300 increases the REA interest rate to more than 80 percent of the cost of money. Because of these higher interest rates REA borrowers would pay an additional $11.1 billion to the REA revolving fund during the next 25 years. The Government would participate as a partner with the rural electric and telephone systems by permitting REA to have continued use of $7.9 billion in Treasury notes that would otherwise be removed from REA's revolving fund during the period 1993-2017. This is a fiscally responsible and fair compromise.

S. 1300 addresses issues that will not go away. This bill will permit a continued REA program with higher interest rates in order to reduce net Federal outlays and avoid the need for major appropriations.

Mr. President, I ask unanimous consent that a statement by Bob Bergland, executive vice president, National Rural Electric Cooperative Association, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF BOB BERGLAND

The death in the Senate last night of a bill sought for two years by the nation's 1,000 rural electric systems represents nothing more than cynical game-playing by the Reagan Administration with the well-being of millions of rural Americans.

Despite the fact that the House of Representatives gave approval of the measure seven months ago by an overwhelming 283-111 vote, despite the fact that 47 Senators from both sides of the aisle cosponsored the bill, and despite the fact that 53 Senators in early August requested that the bill be called up promptly for a vote, the Administration in concert with Senate leaders successfully employed one delaying tactic after another to prohibit thoughtful consideration by the full Senate of the legislation.

The plays culminated last night in the closing hours of the 98th Congress when the measure was hastily called to the floor under the unanimous consent rule. One Senator objected and the bill died.

This farcical episode brought an unglorious finale to the year-long game plan of the Administration to avoid forthright, on-the-record debate and vote on the bill.

The demise of this bill is a keen disappointment to rural electric leaders throughout the nation, but it in no way diminishes the quality of effort put forth by thousands of board members and managers from across the country in support of their legislation. The Congress will never see a more honest, straightforward and sincere endeavor by its citizens in pursuit of a goal that is fully justified by the facts.

The nation's rural electric systems deserve the highest praise for their leadership and steadfastness, despite determined and often shrill opposition, in advocating legislation to assure a viable source of future financing to power a strong rural America.

The legislation, which would have raised interest rates on loans to rural electric distribution system, was initiated by rural electric systems leaders to ensure that the Rural Electrification Administration (REA) Revolving Fund remained self-sustaining. The Administration opposed it every step of the way and enlisted the Chamber of Commerce, other conservative big business-oriented organizations and anti-REA journalists in its campaign to discredit the REA program. It was a campaign unlike any I have ever seen.

This never daunted us or our friends in Congress, and I express to the many Senators who worked so hard for passage of this bill our sincere appreciation. Special recognition goes to the four original sponsors—Senator Dee Huddleston of Kentucky, Senator Mark Andrews of North Dakota, Senator Ed Zorinsky of Nebraska and Senator Thad Cochran of Mississippi.

Despite the demise of the legislation with the 98th Congress, there is not doubt that the REA program is still strong and healthy over the near term. The loan program as established by act of Congress in 1973 continues.

Now, we will be evaluating our future course. A continued strong rural electrification program is vital to a strong rural America, and to all America. The problems of the Revolving Fund caused by record inflation and high interest rates within the last decade must still be addressed. We approach this period of study of future rural electric financing with a fuller understanding of the battles ahead. If we have learned anything over the course of the past several months it is that rural electrification has powerful enemies. With that knowledge, comes new determination. We in the rural electrification program look ahead with renewed strength and a vigor and unity revitalized by the battle just past.

TRIBUTE TO JENNINGS RANDOLPH

Mr. HATCH. Mr. President, the other day I dropped back into time. I went over to the Library of Congress and took a glance at the March 9, 1933, issue of the Washington Post.

The reason being: On that date—it was a Thursday—Jennings Randolph of West Virginia faced the rostrum of the Speaker of the House, raised his hand and repeated the oath of office as a Member of the 73d Congress.

That was 25 Congresses ago. Or to give you another idea of how long ago it was: Ronald Reagan was a budding liberal-Democrat. Ted Kennedy was 1 year old, Howard Metzenbaum was a teenager, and I wasn't even born yet.

I went back in time because I wanted to see if things have changed much since the day the distinguished Senator from West Virginia first took office.

They haven't.

You're not going to believe this, but on the front page of the Post was a story about El Salvador. Seems the United States was debating whether or not to support the new government. Another story reported that Great Britain and Argentina were arguing about the Falkland Islands.

Amos 'n' Andy were appearing "in person" at Loew's Fox Theatre. The price of a ticket? Twenty-five cents. Eddie Cantor was advertised to appear the next night. And I hate to boast, but two Utahns dominated the Washington entertainment scene on March 9, 1933. Matinee-idol John Gilbert—who was born in Logan, UT—was starring with Mae Clarke in "Fast Workers" at the Palace; Loretta Young—who was born in Salt Lake City—was starring with Paul Lukas in "Grand Slam" at the Metropolitan. And guess what show was knocking them dead downtown? "42nd Street!" You may remember the same show knocked them dead again this year.

A fully furnished, four bedroom house in Georgetown with servants' quarters could be rented for $150 a month. You could get a pair of shoes at J&T Cousin's Shoes for $8.50. You could buy a new suit at Goldheim's Apparel for Gentleman for $45. And you could travel round-trip from Washington to New York on the Baltimore & Ohio for $3.50. The only problem was: Nobody had $3.50.

While reading the Post, the one thing that stood out in my mind was the fact that very little changes—except, perhaps, the price of things.

Proof of this is Senator Randolph himself. Though his heart may pump a little harder than on that day 51 years ago, his smile is as warm as it has always been—in fact, probably more so—it has had more practice. And though his legs may be a little tired, his brain is as sharp as it has always been—again, probably more so—it has been honed by time.

As you all know, he is retiring this year, and I confess—even though he's a member of the opposite party—I hate to see him go. There has been much talk about age in recent days. All of it is nonsense. Men such as Jennings Randolph have been tested in the crucible of life and have emerged strong and pure like fine steel. There's a wisdom that comes with age, a competence, a self-confidence.

I don't know about others, but just looking over and seeing Senator Randolph in the Senate Chamber has always given me the confidence that any problem that comes up can be handled—because, during his 51 years in Congress, it has been handled before.

HOWARD BAKER

Mr. ABDNOR. Mr. President, I join my colleagues in extending a hearty thank you to our great leader, Howard Baker.

Technically he has been the majority leader. In reality, however, he has been the leader of the Senate without respect to political affiliation.

Mr. President, I came to the Senate in 1981, the year the Republicans gained control of this body for the first time in decades.

The situation was not unlike one faced by the Democrats in the South Dakota Legislature who took control after decades of Republican dominance. It was a situation which, if skillfully handled could lead to continued control. If the opportunity was squandered by not knowing how to lead, the majority could quickly return to being minority.

Anyone who has served in the majority or the minority in any legislative body will willingly accept minority status. Having witnessed what happened when the Democrats took control of the South Dakota Legislature, I knew how quickly a margin could vanish.

Mr. President, thanks in large measure to the patience and skill of Howard Baker, the Republicans have fulfilled their responsibility for leadership and kept their majority. He has not allowed us to abrogate our responsibility to lead and to lead responsibly.

Howard's good humor, fairness, geniality has become a Senate legend.

More importantly, Mr. President, there is not a Member of this body on either side of the aisle who can cite an instance where Howard Baker ever broke his word or was not treated fairly. We may have disagreed with the outcome from time to time, but none of us can ever say we were denied an opportunity to present our case and accorded a fair hearing.

That, Mr. President, is the mark of a true leader and a great man.

Thank you, Howard, and best wishes in all your future endeavors.

TRIBUTE TO SENATOR JOHN TOWER

Mr. RANDOLPH. Mr. President, in January, the Congress will be losing one of its most knowledgeable, articulate, and capable members on defense and foreign policy issues when John Tower leaves the Senate.

Our colleague from Texas is the second most senior Republican in the Senate. He serves as chairman of the Armed Services Committee. He has strongly influenced both national and international affairs.

Senator Tower leaves the Senate at an early age. He will continue to be active as a professor at Southern Methodist University at Dallas.

I know he will continue to exercise a critical roll in our national and international affairs.

Senator Tower was an educator by profession prior to being elected to the Senate in 1961. He has been an educator during his years in the Senate, endeavoring always to convey his understanding. In the complexities of national defense he has been helpful.

OCEAN DUMPING

Mr. BIDEN. Mr. President, in the waning days of the session there are always several items that each of us would like to see enacted but that either the lack of time or the existence of controversy keep from the agenda of the Senate. One of these items, and an issue of critical importance to the people of Delaware, is the Ocean Dumping Amendments Act of 1984.

On October 1, the House of Representatives passed H.R. 4829, the Ocean Dumping Amendments Act of 1984 by unanimous consent. Although I am inclined to offer that bill as an amendment to some measure in the Senate, I am realistic about its prospects at this time and that other Senators may wish to discuss provisions of that bill at some length. However, I do wish to make clear my intention to push hard for legislation next year to deal with the problem of sewage sludge dumping in the ocean.

Mr. President, as passed by the House, the Ocean Dumping Amendments Act of 1984, which represents a compromise by many parties, requires that the dumping of harmful sewage sludges end by 1986. To Delaware, off whose coast the EPA has designated a site for continued dumping, this legislation represents a major step forward in the protection of our coastline and in the protection of the health and well-being of our citizens. Although I might argue for somewhat different provisions when we address the issue in the Senate next year, I applaud the action taken by the House, and the considerable effort by my colleague from Delaware [Mr. CARPER], in achieving passage of this provision.

Mr. President, ocean dumping of sewage sludge is a practice that I had assumed the Congress had said would end by 1981 when it passed the Ocean Dumping Amendments of 1977. But a successful court challenge in the interim, and the failure of the current EPA to appeal the case, has left the ocean open for dumping.

Mr. President, in Delaware, opposition to ocean dumping of harmful sludges transcends any political lines. My senior colleague, Senator ROTH, my House colleague, Mr. CARPER, the Governor, Mr. Du Pont, and all public officials of whom I am aware oppose continuation of the practice. In simple and unequivocal terms, we want the practice of dumping harmful sewage sludges stopped, and we especially want it stopped off the Delaware coast.

Mr. ROTH. Mr. President, I have reviewed the House ocean dumping legislation and found it to have both some pluses and some minuses. It is important, however, that the House has acted—that opposing groups have reached some agreements. These agreements are a step in the direction of protecting our marine resources.

Like my colleague from Delaware, I had also assumed that the issue of ocean sewage sludge dumping had been very clearly addressed by the Congrss in 1977. We presumed that the practice would end by 1981. But it has not and we in Delaware will have to continue what in our State delegation has been a unanimous and bipartisan effort to accomplish that objective.

Mr. President I want to advise my colleagues that I will be working hard from the very beginning of the new 99th Congress to see that the Senate passes a strong and effective ocean dumping bill. I look forward to working with the chairmen of the Environment and Public Works Committee and the Environmental Pollution Subcommittee on this matter as well as my friends from New Jersey who, I believe, share a common interest.

Mr. BIDEN. If my distinguished senior colleague would yield, I would like to confirm with the distinguished chairman of the Environmental Pollution Subcommittee and the distinguished chairman of the Environment and Public Works Committee the plans they have for addressing this important subject next year.

I say to my colleagues on the Environment Committee, given the recent action by the House of Representatives to arrive at a compromise on the issue of ocean dumping, would you not think it timely to build upon that momentum and hold hearings and report legislation for Senate consideration early in the next session of the Congress?

Mr. CHAFEE. If the Senator would yield, I would be happy to answer my colleagues from Delaware.

Mr. BIDEN. I yield.

Mr. CHAFEE. As my colleagues from Delaware know, we in Rhode Island share their concern and respect for the ocean and rely upon the same vast marine and coastal resources as our friends in Delaware enjoy.

I am happy to assure my colleagues that it is my intention to conduct hearings and report an ocean dumping bill to the Senate for consideration early in the next session. This subject will have a high priority on the busy agenda of the Environmental Pollution Subcommittee. I think the evidence of action by the House of Representatives this year to reach a compromise bill should give us confidence that legislation in this area is possible and is well worth the effort.

Mr. LAUTENBERG. Mr. President, I very much appreciate the willingness of the Senators from Rhode Island and Vermont to engage in this colloquy on prospects for Senate action on ocean dumping legislation. Ocean dumping of sewage sludge from wastewater treatment plants in the New York-New Jersey metropolitan area has degraded the waters surrounding New Jersey and may threaten nearby beaches. For this reason, I introduced S. 2648, the Ocean Revitalization Act in May, shortly after joining the Environment and Public Works Committee. This legislation would put an end to sludge dumping at the so-called 12-mile site, off Sandy Hook, NJ, and direct EPA to develop and implement a restoration plan for the New York Bight Apex.

Mr. President, New Jersey has an extensive coastline, with beaches and resort areas that provide an important recreational outlet for New Jersey residents and constitute a major segment of New Jersey's economy. New Jersey's commercial and recreational fishing industry also depends on clean water off our shore.

Despite passage of the Ocean Dumping Act over a decade ago, which was designed to end ocean dumping, the amount of sludge being dumped at the 12-mile site is increasing. The size of the site has spread to 20 to 30 square miles. Some of this sludge is contaminated with dangerous toxic chemicals which may be entering the food chain.

Mr. President, I deeply regret that the Environment and Public Works Committee was unable to consider ocean dumping legislation this year because of our busy legislative schedule. Several months ago, I wrote to the committee leadership requesting committee consideration of the Ocean Revitalization Act. I shall ask that my correspondence with the committee be inserted in the RECORD at the conclusion of my remarks. The leadership of the committee indicated they would try to consider ocean dumping legislation this year. However, if this proved impossible, they indicated that such legislation would be a high priority next year.

Ocean dumping continues off the coast of New Jersey today because of litigation by the city of New York in 1981. One of my concerns with delaying Senate action on ocean dumping legislation this year stems from the fear that New York City may, once again, contest EPA's proposed rule to close down the 12-mile site. On April 26, EPA proposed to close down the 12-mile site. The comment period on this proposal has ended. EPA is now evaluating the comments received and will likely move to finalize this rule while we are out of session. Should the city of New York pursue litigation to overturn EPA's decision, we could experience several additional years of delay in mitigating current ocean dumping practices. In this event, I hope that nevertheless the Senate will pursue ocean dumping matters next year.

Mr. CHAFEE. Mr. President, as I have previously indicated to the junior

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Senator from New Jersey, it is my intention to have the committee review Federal ocean dumping programs and legislation as a priority next year. Past regulatory delays and litigation have delayed implementation of the Marine Protection, Research, and Sanctuaries Act. It had been my hope that we could hold hearings on this legislation this year. However, our full legislative agenda made it very difficult to schedule these hearings, and move forward with legislation. However, the House bill which was a compromise developed by all affected parties indicates it is possible to develop legislation on this issue and offers a departure point on these and related issues.

Mr. LAUTENBERG. Mr. President, I thank the distinguished Senator for this important assurance. In the course of our hearings next year, I hope we will be able to give substantial attention to alternatives to ocean dumping. There is no easy answer to the sludge disposal problem in industrialized, densely populated areas and disposal of untreated or poorly treated sludges can contaminate ground water and soil. Incineration of toxic sludges can spread dangerous pollutants through the air. We must investigate the progress that is being made to remove toxics in sludge through national pretreatment programs and explore ways to mitigate disposal problems by recycling nontoxic sludge. Developing environmentally sound disposal alternatives will hasten the date at which we can completely phase out ocean dumping.

Mr. President, I thank the Senator for his assurance that the committee will consider this issue early next year. The House of Representatives has given the issue considerable attention in past sessions, only to see their efforts die in the Senate. I look forward to working with the committee on this issue early next year.

I ask unanimous consent that the correspondence I referred to be printed in the RECORD at this point.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 8, 1984.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR ROBERT. I am introducing legislation today to end the degradation of New Jersey's coastal waters and contamination of our fisheries by the ocean dumping of sewage sludge close in to New Jersey's shores. My bill, the Ocean Revitalization Act, would permanently ban sewage sludge dumping at the so-called "12 mile site." It would also direct the Environmental Protection Agency to develop an action plan for revitalizing the New York Bight Apex.

On April 26, 1984, after years of regulatory delay and litigation the EPA proposed closing the sludge dump site 12 miles off New Jersey's shores and moving sludge disposal further out to sea, to a 106 mile site. The 106 mile site was proposed for a five year period, as an interim measure, until alternatives to ocean dumping can be found. This proposal will now go through a comment and public hearing process. It is likely to be finalized in six to eight months.

EPA's decision to close the 12 mile site is good news for New Jersey and the entire New York-New Jersey metropolitan area. The Ocean Dumping Act was enacted over a decade ago. It was intended by Congress to put an end, once and for all, to continued degradation of our oceans. However, in the last decade, sludge dumping at the 12 mile site has increased from 4.7 million tons per year in 1973 to 8.3 million tons in 1983. Some projections indicate that sludge dumping will double or triple in the coming years, if these practices are not stopped, as mammoth, new secondary wastewater treatment plants come on line in New York City and New Jersey and other coastal municipalities consider re-entering the ocean with their wastes.

Frustration with these practices, and the unconscionable dumping of 230 million gallons of raw sewage a day by the City of New York into waters surrounding New Jersey, is running at an all time high in New Jersey. New Jersey's economy is heavily dependent on keeping our coastal waters healthy. Our tourist industry, along with a more than $1 billion per year commercial and recreational marine fishing industry, cannot tolerate continued degradation of our coastal resources.

In announcing its decision, EPA noted that 40 to 50 years of dumping in shallow waters within 12 miles of New Jersey's beaches has spread the official 6.6 square mile site for sludge dumping to an area of 20 to 30 square miles. This area is a major commercial fishing zone and concentrations of heavy metals and organic bacteria there have reached levels warranting immediate action. The degradation has moved inland, to about five miles off New Jersey's beaches.

EPA has developed a solid basis for its proposal to close the 12 mile site. I believe it will finalize this preliminary decision in a timely manner. The major obstacle, in my judgement, to a halt to sludge dumping at the 12 mile site lies in renewed litigation, on the part of New York City, and perhaps others, to overturn the Agency's decision.

My concern in this regard is only heightened by the fact that a final decision on closing the site is six to eight months away. It will likely be promulgated after the Congress has adjourned for the year. I have been unable to secure assurances from the City of New York that it will not sue while the Congress is in recess. Such litigation would further delay clean up actions in the region and clearly thwart EPA and Congressional efforts to halt sewage sludge dumping that degrades the environment or threatens the public health.

I introduce my legislation to send a clear signal to those who seek to overturn EPA's decision in court, that the Congress will not stand for continued delay. Our nearby ocean waters must not continue to serve as an unregulated waste dump.

The House Merchant Marine and Fisheries Committee will be marking up similar legislation sponsored by Congressman Hughes this Thursday, May 10. I hope the Senate Environment and Public Works Committee will be able to give serious consideration to our proposal. I look forward to hearing from you on the Committee's plans for addressing this issue. I especially seek assurances that the Committee will support EPA's regulatory decision and full implementation of the Ocean Dumping Act, which has already been delayed for more than a decade.

Your attention to this matter is deeply appreciated.

Best personal regards.
Sincerely,
FRANK.

U.S. SENATE,
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, DC, June 15, 1984.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR FRANK: Thank you for writing about S. 2648, the "Ocean Revitalization Act" which you introduced on May 8, 1984.

We are familiar with the controversy surrounding the dumping of sludge at the New York Bight Apex site and want to work with you and other Members of the Committee to protect our coastal waters and further the goals of the Ocean Dumping Act. Although we had hoped hearings could be scheduled on ocean dumping legislation by now, the legislative schedule both at the full Committee and on the Senate floor has made it difficult to do so. Given the remaining work that needs to be done on other environmental legislation this year, and given the limited number of legislative days, reporting legislation on ocean dumping would be difficult.

We are aware, however, that the Environmental Protection Agency's long-awaited propsed rule on sludge dumping at the Apex is scheduled to become final sometime in the fall. Depending on the outcome of the EPA's proposed rule, we would be glad to confer with you on action the Committee might take at that time or early next year.

Thank you again for bringing this matter to our attention and we look forward to working with you on the Ocean Revitalization Act.

Sincerely,
ROBERT T. STAFFORD,
Chairman.
JENNINGS RANDOLPH,
Ranking Minority Member.
JOHN H. CHAFEE,
U.S. Senator.
GEORGE J. MITCHELL,
U.S. Senator.

Mr. CHAFEE. Mr. President, I say again to my colleagues that it is my intention to give ocean dumping legislation a high priority in the Subcommittee on Environmental Pollution next year with the sincere hope that we will report a bill early in the session.

Mr. STAFFORD. Mr. President, I join with my colleague from Rhode Island in assuring my colleagues that ocean dumping legislation will be an important item for consideration by the Environment and Public Works Committee next year.

Mr. BIDEN. I thank my distinguished colleagues on the Environment Committee for their help in this matter and for the fine work they do in protecting the environment from hazards.

SENATOR ROBERT C. BYRD PROVES HIMSELF A GREAT PUBLIC OFFICIAL

Mr. RANDOLPH. Mr. President, I wish in these waning hours of the 98th Congress to express my gratitude to my cherished colleague and our able minority leader, ROBERT BYRD.

Senator BYRD and I came to this body, after being elected in 1958. We had campaigned together across the hills and through the valleys of West Virginia.

We worked side by side then, and for almost 26 years in the Senate we have labored together for the citizens of the Mountain State.

I have admired the tenacity of Senator BYRD when he fought tough legislative battles.

I have commended him on many occasions for the qualities that have been his in abundance as he had succeeded in aiding business and education programs.

I shall ever be thankful for his leadership in the Senate, for his steadfast advocacy of sound values and strong citizenship. I salute him—my friend and benefactor.

TRIBUTE TO SENATOR JOHN TOWER

Mr. DENTON. Mr. President, several of our distinguished senior colleagues are retiring from the Senate at the end of our current session. All of them will be missed, but I will particularly miss one of them because of his unique and invaluable knowledge and contributions to the security of our Nation. I refer to the distinguished Senior Senator from Texas, the chairman of the Committee on Armed Services, JOHN TOWER.

I came to the Senate as a proponent of a strong national defense for our country, as a supporter of decisive action to redress the shortfalls in our military posture and the imbalances that have been allowed to arise in our strategic relationship with the Soviet Union. I found that JOHN TOWER was well aware of those problems and that he was ready to exercise leadership to address them.

As chairman of the Committee on Armed Services, on which I had the great pleasure and honor of serving with him, Senator TOWER played a vital role in shaping and obtaining congressional passage of vital legislation to bolster our Armed Forces, provide them with essential equipment, increase their readiness, and care for their personnel. Without his leadership and determination, I suspect that we might well have made far less progress than we in fact have.

Anyone who compares the state of our national defense today with that 4 years ago will recognize that we have come a long way down the road of ensuring our security. Working with our President and his administration, Senator TOWER played a key role, and perhaps the key role, in bringing about that progress. He has, in my view, received less credit for that achievement than he should have, than he most certainly deserved.

Senator TOWER has built a record of dealing responsibly and wisely with the imperatives of our national defense. He recognizes that the first and foremost responsibility of any government is to ensure the security of the Nation and its citizens. He is not unique among the Members of this body in that recognition, but I am not sure that there are a majority who fully share and accept it. We here, and the country as a whole, will miss Senator TOWER's constant commitment to fulfilling the primary responsibility of our Government, and we will miss his leadership in this Chamber to enact the policies and programs that give substance and effect to that responsibility.

Mr. President, I admire Senator TOWER's constancy, commitment, and dedication to the security and welfare of our Nation. I commend him for his many contributions in the Senate, and I say to him that his presence here will be sorely missed. I am confident that I join with all of my colleagues in saying that the American people are indebted to him for his contributions to our country, and in wishing him Godspeed and good fortune.

THE HONORABLE JOHN TOWER

Mr. WILSON. Mr. President, the senior Senator from Texas was, in an earlier life, a college professor. And in the year since his arrival on Capitol Hill, he has instructed us all in the need for a strong national defense and a prinicipled foreign policy. He has given the people of Texas an example of leadership notable even for that assembly line of great leaders. He has been an often eloquent voice of a new Republican Party in an emerging South. And he has lent his counsel to Presidents of both parties as they went about the awesome responsibilities of guiding the free world.

On my side of the aisle, there is only one Member whose seniority outranks his. Yet JOHN TOWER stands second to none in his record of concern for an America those military power is equaled by her diplomatic purpose. Through long years of drift and disarray, his was a potent, if lonely, presence on behalf of our legitimate national interests. When pilots in our Armed Forces were forced to fly in crafts older than they, he stood up to protest, and warn of the long-range dangers of such neglect. And when Ronald Reagan pledged to restore this country's defenses, this same colleague took the lead in enacting the new President's program, while keeping an eagle eye out for possible waste or financial abuse.

He has in fact served not just Texas but the entire free world with a courage and tenacity which evokes the spirit of the defenders of the Alamo. Happily he has served as well with a Churchillian clarity of vision and bulldog determination that offers the best hope that Americans will not again suffer the fate of those first brave Texans at the Alamo.

In committee and in conference, he has eloquently articulated America' security needs and with tart good humor has reasoned, cajoled and bullied his colleagues into agreement.

I am grateful for the experience of having served under his chairmanship of the Senate Armed Service Committee. I am grateful and proud to enjoy his friendship. But most important, I am grateful for the truly extraordinary leadership which has restored the strength of America's defenses and made realistic the hope of peace through strength.

Second only to the President himself, no one has done more to give America back her fighting spirit—or to fashion the very consensus for strength which can lead ultimately to arms reductions and a more durable peace. And whatever the headlines may proclaim in this hot season of political charge and countercharge, I am convinced beyond doubt that future generations—generations that will live in peace because of the effort he has led—will thank their lucky stars that JOHN TOWER brought to the U.S. Senate the vital leadership which made it possible for them to do so.

THE HONORABLE HOWARD BAKER

Mr. WILSON. Mr. President, the Senate, it hardly needs to be said, is a collegial body, a collection of individual talents that works—when it does—only because an extraordinary leader has found the key to unlock those disparate gifts and, more important, to blend them to a common public good. Often unruly and usually centrifugal, it is a gridlock waiting to happen. That we avoid paralysis, finding common ground and managing to reflect the popular will while individually in hot pursuit of our hundred separate agendas, is due almost entirely to the remarkable gifts and managerial skills of HOWARD BAKER. He has taught this collection of 100 senatorial egoes the true meaning of "E Pluribus Unum." And his imminent departure from the majority leader's office comes as a body blow to all who wish this body and this Nation well.

To recite the litany of his achievements, even those covering only the last 4 years of a distinguished career of service spanning a generation, would take more time than this slightly frazzled Chamber can spare—and certainly more than the majority leader will permit. Suffice it to say, that if history is only fair, it will seem to be generous in judging his long roll of accomplishments.

For me, as for so many others whose tenure in this body is longer than my own, the senior Senator from Tennessee will remain long after his physical departure from our midst, remembered fondly as a cherished friend, a sage and witty counselor, a master not only of the arcane intricacies of Senate procedure, but also of just the right humorous homily to erase anger and restore perspective.

His has been the rule of reason.

His has been the incomparable example to us to take our jobs seriously, but not ourselves.

His has been the patience and decent respect for the rights and feelings of colleagues which time and again has redeemed the public interest when it seemed lost to deadlock.

His secret is a wise, generous, humorous humanity.

He will be remembered not only as a skilled salesman for Ronald Reagan's legislative program, but as a superbly gifted legislator, and certainly the leading legislative actor in the great drama by which the American people since 1980 have regained more control over their lives and more command of their government.

Quite simply, he is a world-class legislative leader and human being—and those are always in demand in this city where press releases are sometimes confused with ideas, and telegenic appearances pass for the stuff of leadership. My friend from Tennessee has shown us something infinitely better than that, and we have all profited from his example and his leadership.

We will all remember HOWARD BAKER next January, when he is no longer in our presence, yet the Nation's need for his rare brand of statemanship will remain undiminished. We will remember him, and we should—with a gratitude we cannot hope to repay, except perhaps by making of the U.S. Senate as often as possible the kind of place it was when it bore the clear stamp of HOWARD BAKER's leadership.

SENATOR PAUL TSONGAS

Mr. DODD. Mr. President, during my service in the House of Representatives, a senior Member of that body, a man known equally for his own powerful intellect and his reluctance to bestow an underserved compliment, once told me that PAUL TSONGAS had one of the most original and creative minds he encountered in 30 years of public life.

In his decade in Congress, Mr. President, public policy and national interest benefited immensely from that penetrating intelligence. PAUL TSONGAS has a way of looking freshly at old problems and coming up with striking new approaches. The Chrysler loan legislation, the compromise on Alaskan lands, the relationship of business, labor, education and government in the age of high technology, Federal budget policy, relations with the nations of the African Continent—these were only a few of the issues illuminated by his special insights.

The Senate will miss his penetrating and creative mind, Mr. President, as he retires to spend more time with his family. We will also miss the other qualities which enriched his work: great energy, clear vision, and a sense of fundamental decency.

It is typical of PAUL TSONGAS, however, that even in deciding to retire he has continued to teach us something critically important.

Others in his position might have grasped at greater glory or power or reputation. He chose, instead: home, community, and family.

After he announced his decision, an admirer sent PAUL a copy of a quotation from a 19th century statesman. I hope he will forgive me if I repeat it for it makes the point most eloquently. It reads: "Fame is a vapor; popularity an accident; riches take wings. Only one thing endures, and that is character."

I join with my colleagues in expressing high esteem for PAUL TSONGAS and wishing him and Nicki and their three daughters all good fortune as they go home to Lowell.

EDUCATING OUR HIGHLY TALENTED CHILDREN: ARE WE REACHING THEM ALL?

Mr. DODD. Mr. President, today I wish to draw the Senate's attention to the plight facing many of our Nation's highly talented youth.

Many gifted and talented younger Americans will play a key role in solving the complex social, economic, and political problems of tomorrow. Others will lead the way in the creative arts. Yet of an estimated 2½ million gifted students in this country, more than half have never even been identified, let alone provided with educational supports.

The Senate children's caucus, cochaired by Senator SPECTER and myself, held a forum on November 3, 1983, focusing on the issues facing our gifted youth. That forum made it clear that just as we need to motivate students trying to master basic skills, we need to challenge those with special abilities.

Gifted children cannot develop their talents all on their own. They need help to tap into their special abilities. Those who do not get such help may fall prey to boredom and alienation. In fact, some researchers assert that at least one out of every five high school dropouts is a gifted student.

If we ignore our highly talented youth, we risk paying a serious price in the future. Right now, only half of all our gifted students receive any supplemental services. Those most likely to be overlooked are minority students and children from families with an income below the poverty level. The talents of handicapped students and of young people living in rural areas have also been more likely to remain untouched.

Recent events have made the neglected talents of minority, economically disadvantaged, handicapped, and rural children an even more pressing concern. Over the past 3 years, the Federal Government has retracted its commitment to identifying and assisting gifted students. Separate funding for gifted and talented children's programs was eliminated in 1981. Two years ago, the office of the gifted and talented within the Department of Education was closed down.

Some States have managed to continue efforts to identify the talents of all elementary and high school students with great learning potential. Other States lack the resources to mount similar talent identification campaigns. Without a Federal focus on educating highly talented youngsters, it is unlikely that State departments of education or local schools will be able to reach them all. And yet we simply cannot afford to neglect any of our Nation's younger talents.

At the forum last November, the children's caucus asked two groups of experts how best to reach and inspire all highly talented younger Americans. Our first panel of witnesses included gifted students from around the country.

The students who testified ranged in ages from 14 to 18. They included Crisman Boggan from Charleston, SC; Barry Campbell from Raleigh, NC; Gordon Clay from Paducah, KY; Sandra Chavez from Uvalde, TX; Lisa Gillespie from Raeford, NC; Jonathan Schwartz from Washington, DC; Moira Walsh from Greenwich, CT; and Jennifer Wiley from Lititz, PA. They all spoke of the difference that programs to challenge talented students had made in their lives. Jonathan Schwartz reminded the caucus that the Federal Government funds zoos, arboretums, and aquariums, and warned that unless the Government starts funding programs for gifted students, gifted students will become an endangered species.

Directors of programs for the gifted and talented testified next. Charles Eilber, director of the North Carolina School of Science and Math, spoke of his school's efforts to serve as a model for other programs around the country and emphasized the need for renewed Federal support of programs for gifted students.

Testimony was delivered on behalf of Dr. Robert Sawyer, director of Duke University's Summer Talent Identification Program, highlighting the need for networks of resources like that at Duke for talented adolescents.

Our second panel of distinguished witnesses outlined the demand for programs for gifted children and suggested priorities for schools, teachers, the business community, and State and Federal Government. The Honorable Lieutenant Governor of the State of Massachusetts, John Kerry, summarized efforts in his State to have businessmen serve as mentors for gifted students. He pointed out that other pressing demands kept State block grant money from being used for gifted programs and called for increased Federal assistance in this area. Dr. James Gallagher from the University of North Carolina described efforts nationwide to identify and help gifted students and spoke of the need for comprehensive and continuous educational supports. Joan C. Goodman, chairperson of the United Federation of Teachers, Committee on Education for the Gifted, outlined her experiences as a teacher at a New York City school for the gifted and urged greater priority be given to assisting disadvantaged gifted youth. June Goodman, chairperson of the State board of education in my State of Connecticut, described model programs for gifted minority and handicapped youth and pressed for a greater focus on identifying students with artistic talents. And, Charles Morgan, assistant vice president of the C&P Telephone Co., in Washington, DC, outlined the activities undertaken by the National Business Consortium for the Gifted and Talented to ensure that young people from Connecticut to California will be assisted by area businessmen.

Mr. President, I thank all the witnesses for their eloquent testimony. I ask unanimous consent that the written testimony of Crisman Boggan, Barry Campbell, Gordon Clay, Sandra Chavez, Lisa Gillespie, Moira Walsh, Jennifer Wiley, Charles Eilber, Dr. Robert Sawyer, and Dr. James Gallagher be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

CRISMAN BOGGAN

I'm Crisman Boggan. I am 15 years old. I attend Wando Public High School in Charleston, S.C.

My interests include debating, Winthrop Challenge, math team, soccer, tennis, track, Latin Club, French Club, Jets, the Critical People activities against drug abuse, referring men's and youth soccer, coaching soccer.

I was first identified as gifted in first grade when I was already familiar with the math being covered. I was then given a third grade book to study at home and was expected to tutor other students during class. In first grade one shouldn't be expected to have the self-discipline needed to advance on his own. Since then, I have not met an environment able to stimulate my education. In some grades I was not able to advance while in others I had to go into other classes to study. Finally I was able to advance in the pre-calculus sequence but always to the disadvantage of my schedule. Now in high school I have run out of math courses and must attend classes at a local college. To do this I must leave school early and it is a major setback in my high school education. I would also be excelled in English but my schedule just will not allow it. I believe our educational system is not geared towards bright students.

I attended TIP's talented search and summer program for two summers. Both years I received limited financial aid. The first year I took math along the pre-calculus sequence. The next year I took college-credit computer science course during the three week program. I could not return the next year because the cost of the program was too much. This program provided me with a stimulated environment for the first time. It gave me the opportunity to learn to the capacity that I am able to learn. I had no setbacks and didn't have to wait upon other students to learn.

Through it all however, I have been able to learn more than most do and have had many good educational opportunities, but it has been a struggle along the way.

I would like to see funding for programs such as TIP and also funding to start more programs such as TIP. I should also like to see more programs put into the public school system geared towards gifted students earlier than high school preferably as soon as the educational process starts and during high school I would like to see a more rigorous schedule available for gifted students.

"EDUCATING HIGHLY TALENTED CHILDREN: ARE WE REACHING THEM ALL?"

(By Barry T. Campbell, Class of 1984)

Mr. Chairman, and Committee Members: My name is Barry Campbell, and I consider myself an educationally fortunate person. I'm currently a senior at the North Carolina School of Science and Mathematics, but I was involved in gifted and talented education long before I came to the school. I come from a medium-size city in North Carolina—comparatively large by our state's standards—and our city/county school system was very supportive of gifted education. Because of my experience with a GT program at home and my interactions with other gifted students there, I began to set goals and standards for myself that were suited to my particular areas of interest and my abilities—something that I might not have done in a traditional high school environment, because the work wouldn't have been challenging enough to require it. That's why I applied to UCSSM.

At the School of Science and Mathematics, the learning experience is expanded, and extends into areas that aren't offered in most high schools. The curriculum is deeper and more challenging; requirements for students and faculty are more demanding, and the environment of learning created there is, I believe, outstanding. I'm taking courses that I could never take at home: Organic Chemistry, Biophysics, a Calculus course which compresses three semesters of college Calculus into one high school year, Philosophy courses, and advanced courses in computer programming. I participate in special programs, such as NCSSM's Mentorship Program, that aren't offered in any other high school that I know about. In this program, students spend one morning or afternoon per week in a lab or research environment at a local university or industrial plant, working with a scientist or scholar and gaining practical experience in applying what they've learned in classes. I'm currently working at the University of North Carolina at Chapel Hill, studying the biochemistry of the healing process.

Learning at NCSSM doesn't just take place in the classroom. There are educational activities and other kinds of activities going on all the time there—teachers are available for evening tutorial sessions, guest speakers come in regularly to supplement classes and classwork, extended lab periods are available for complex science courses—and the list of seminars and independent study projects that students are pursuing this year runs nearly as long as our regular course guide.

Probably the most positive thing about NCSSM is the opportunity it provides for peer involvement; we work and live with students who share our interests and abilities. We're catalysts for each other's ideas; we share our knowledge and growth with each other. NCSSM is truly a 24-hour a day school because of this. Like any other high school, we sponsor lots of extracurricular activities: student council, athletics, clubs and committees; although students must necessarily budget their time because of the workload, they certainly aren't denied the social environment that should exist in any high school.

Our facilities are in a constant state of renovation—we're working and living in a former hospital building complex given to us by the people of Durham, N.C., and the process of transformation is slow. School isn't always loads of fun; we're expected to perform to very high standards, and we usually do. Speaking for myself, I can say that being at NCSSM has been the most stimulating and satisfying academic experience that I've ever had. Education has an entirely new definition at the School of Science and Mathematics—and I'm very grateful that North Carolina was willing to take a few risks on an untried, but good idea.

Thank you for your time and consideration. I'm gratified by your interest in gifted education, and I feel honored to have spoken before you.

GORDON CLAY

Hello, Senators. My name is Gordon Clay. I'm from Paducah, Kentucky and I'm 14 years old. I'm in the tenth grade. At my high school, I participate in the marching and concert bands, in which I am a snare drummer. I am also a member of my school's newly-formed academic association (which is comparable to a speech and debate team.) I like to read, to watch movies, to jog, and I love music of all kinds. I attended Duke University's talent identification program for the past two summers, and took the writing I and II courses, which have been, and will be, a great help to me in my writing. Both summers at Duke, I was awarded a scholarship by the Committee for Education, which paid for most of the tuition fee.

I was first identified as being "gifted" by my first grade teacher, and as a result, I was promoted from the first to the third grade.

It is sometimes frustrating to be misunderstood by others, whose minds don't follow the same tracks as mine, but I've learned to accept this. Something that's hard for me to accept is a public school system whose budget and curriculum don't allow for the accelerated pace at which gifted students learn and retain knowledge. America's public schools defeat their own purpose by hindering these gifted and talented students. As a solution to the neglect of gifted children, I offer that the already existing gifted, talented and creative (GTC) programs' budgets be increased by at least 15%; this is indeed a small request, considering the amount of money and resources required to further enlighten a gifted student. Another possible solution is that many more teachers be trained in college on how to instruct gifted and talented students, and keep the students' interest-level high. With substantial government funding, these two efforts could be the first big step to a country where unlimited creativity and intelligence are the norm for students, and not the exception.

Thank you.

SANDRA CHAVEZ

My name is Sandra Chavez. I am a 14 year old sophomore at a public high school in Uvalde, Texas. Uvalde is a small, isolated town with a population of about 15,000. It is approximately 100 miles west of San Antonio.

Although Uvalde is quite small, we have a large Latin club—the Junior Classical League, lead by a dynamic Latin teacher. I am an active member and have participated in Area, State and National Conventions. This past year I was one of 4 on the Texas State Lower Division Certamen team. Certamen is a type of college bowl in Latin. At the National Convention this summer in Rochester, New York, our team placed 2nd in the nation. I also competed in 10 contests and placed in the top 10 in 7 of them.

In addition to my Latin studies, I enjoy music. I play the piano, flute and guitar and am active in the high school band.

My family is bilingual. In order to retain my fluency in Spanish, I studied for 2 months in Costa Rica with friends when I was 10, after attending 2 semesters of Spanish classes at Southwest Texas Junior College. This past summer I studied 1 month at a Bilingual Multicultural Center in Cuernavaca, Mexico.

Besides these academic activities, I am a lector at church, an usher at the Uvalde Opera House and a babysitter in our neighborhood. Babysitting is the way I earn money for my summer experiences.

The summer experience I have enjoyed the most was attending 2 sessions of the Talent Identification Program or TIP at Duke University. I spent 6 weeks learning writing skills in a fast-paced, challenging environment. Then, during the school year, I continued my work by taking Literature-by-mail, an AP correspondence course designed by TIP. In May, I took the Advanced Placement Test in English Literature and Composition. I made a 3 on a scale of 1-5, which would exempt me at most universities from taking the 1st semester of freshman English. Yet, this year, as a sophomore, I must take English II for an entire year; as a junior, English III and English IV as a senior.

I was identified as gifted by the TIP Talent Search in 1981 by scoring an 800 on the SAT—a relatively good score for a 7th grader. Yet the score was too low to attend the TIP summer program. Since graduates at our high school usually score around an 800 or below, my parents felt I needed a summer challenge. Therefore, I attended the Project for the Study of Academic Precocity at Arizona State University for 6 weeks studying vocabulary development and expository writing.

In 1982, I again took the SAT and improved my score 240 points. My math score was considerably less than my verbal so my parents and I decided that I needed to take algebra in the 8th grade to improve my apparent low math ability. After only 5 parent conferences with teachers, principals, and counselors, I took Algebra-by-correspondence concurrently with 8th grade math.

This year my SAT score was 1170, an increase of 130 points. Now my math score is higher than my verbal, so I plan to devote more time to increasing my vocabulary.

My summer experiences encourage me to work hard and allow me to meet other bright students who enjoy studying. This is not the attitude I have towards school. Most of my classes are monotonous, with endless "busywork", which is time consuming and no learning is accomplished. School is not a challenge.

The local school administration does nothing to recognize, encourage, or help the gifted student. For this reason, I believe federal monies should be used for: supporting summer programs, by-mail and correspondence courses, weekend and commuter sessions in connection with colleges and universities. Federal monies should be used to provide scholarships to these programs. These should be especially designed to move at a challenging pace for gifted students. Teachers and school administrators on the local level, especially in rural areas, cannot handle programs of this type. Public school teachers are seldom competent to teach advanced or college level courses in their fields.

Although we, as gifted students, are few in number in the school population, we deserve recognition as a powerful potential in our nation's future.

NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS "EDUCATING HIGHLY TALENTED CHILDREN: ARE WE REACHING THEM ALL?"

(By Lisa A. Gillespie, class of 1984)

MR. CHAIRMAN AND COMMITTEE MEMBERS: I am honored to have the opportunity to share with you my thoughts on my experiences at the North Carolina School of Science and Mathematics.

When my parents and I first heard about this "special" school to help students from across the State of North Carolina who are as highly motivated and academically oriented as I am, we saw it as a wonderful chance for me and others to be exposed to a wide variety of academic disciplines. We realized that NCSSM would provide an ideal environment for high achievers to be assembled together to learn and grow. As I learned more about the school, I knew that NCSSM was the place for me. I am not saying that my home high school was not enough, but as I look back I can see that I had reached a point in my life when it was not enough academically. The challenge had been met, and I was only looking forward to graduation and a time when I would no longer be looked down on for being "smart".

I'll always remember the long admissions process, the waiting for notification of acceptances and the long summer's preparation to live away from home for the first time.

After arriving the first day, the reality of my situation occurred to me. I began to wonder whether I would adjust to the new living environment and the expanded academic opportunities, but I knew that NCSSM would give me an opportunity to live in an environment where there was no intellectual bias and to live with people who have common goals and interests. NCSSM has made me realize that intelligent people don't always fit the common sterotype.

Now, when I return home, the people in my community notice a change in me and often comment on my new found self-confidence and self-reliance, and I also see a change. My goals have become broader and I have taken responsibility for my own future.

Looking back, I see that the support that I've received from the people at NCSSM has made a difference in my life. I would never trade the time that I've spent there for anything in the world.

MOIRA WALSH

My name is Moira Walsh. I'm from Greenwich, CT. I'm 14 years old and I'm a ninth grader at Holy Child High School in Rye, NY. Up until now I've been in public schools in Greenwich. I'm interested in a career with medicine or one that involves working with people.

My mother knew I was gifted when I started to read at age 2½. However, I was not officially recognized until the fourth grade, when I was enrolled in the talented and gifted program in my school. This program was fun, but it was basically just little games and problem-solving that wasn't very stimulating. Also, it took me away from my regular classes, which annoyed my teachers.

Throughout grammer school, I was increasingly bored with school. It seemed as if everything was review, and I was not being mentally challenged at all. As a result, my study, skills and my motivation to do well were way below average. By the time I got to seventh grade I was so frustrated with school that I was getting grades of Cs and even one or two Ds. My mother then began looking for something for me to do that could stimulate my mind and found the TIB program at Duke. I applied, and was accepted. During the past two summers I've taken courses in psychology, logic, Latin I, and geometry. At Duke I felt challenged for the first time by my studies, and I made a lot of very good friends. I was motivated to try hard and my grades improved drastically. However, on entering this school year, I was told that in public schools I could no longer continue in Latin or math except with a private tutor. So I was forced to look for a private school.

The federal government could help gifted children by supporting and encouraging more programs like TIP, or perhaps year-round schools for the gifted. TAG programs within existing schools could also be improved. I feel that gifted children are a natural resource that in many ways in being wasted.

JENNIFER WILEY

I am Jennifer Wiley. I am fifteen years old and attend public school in Lancaster

County, Pennsylvania. I attended Somerset County, New Jersey, public schools until fifteen months ago when my family moved.

My interests and activities include Glee Club, Show Choin, Drama and Band. I am an editor of the yearbook and a member of the History Club through which I will attend a Model United Nations.

I am a straight-A student, and I have attended the TIP program at Duke University for three years. I took Algebra I and Algebra II the first year, Geometry and Trigonometry the second, and Statistics for college credit the third. My school in New Jersey did not accept the courses I took at Duke even though I earned an A in Algebra I and a B in Algebra II, so I repeated Algebra I in eighth grade. My high school in Pennsylvania accepted all of the coursework I completed in the TIP program.

I was identified as gifted at the age of 3½ when my nursery school teachers remarked that I was above the level of my classmates in cognitive skills and perception. My parents then took me to a psychologist who tested me and confirmed that my level of learning was that of a five-year-old.

Being gifted has given me the opportunity to participate in the TIP program. The TIP program has helped me in many ways. It made me realize my academic potential. I discovered that there were other kinds who could get A's without trying and that being smart was nothing of which to be ashamed.

In New Jersey most of the problems I ran into were social. I was accepted by my peers, but the difference was always there—I didn't have to study and they did.

When I was younger, I used to make fun of people who didn't know as much as I. Like, "You mean you don't know the capital of Kansas?" I didn't mean to put them down; in fact, I didn't realize I was doing it until one of my few friends told me to stop acting like I knew everything. I learned my lesson and started to change. I became a lot more popular after I gave up the know-it-all attitude.

After attending the Duke program I found that many of my classes went too slowly, especially once I moved to Pennsylvania. I knew I could handle the material at a faster pace and at a deeper level.

I think that all gifted children should be given the opportunity to participate in a program like TIP so that they may realize their potentials both academically and socially. Also I think that gifted & talented programs should be offered by the schools not through enrichment, but through acceleration. Any child can enjoy a field trip to a museum, but a gifted mind is required for a child to absorb a course at more than twice the normal rate. An accelerated pace would be beneficial in two ways: aleviating boredom and permitting more courses to be studied in greater depth.

"Educating Highly Talented Children: Are We Reaching Them All?"

(By Charles R. Eilber, Director)

MR. CHAIRMAN AND SENATORS: The North Carolina School of Science and Mathematics is the nation's first public, residential, statewide, co-educational school for academically gifted eleventh and twelfth graders with interest and potential in science and mathematics. It was established in 1978 for two purposes: to educate a small sample of the state's outstanding young scholars; they come from 85 of North Carolina's 100 counties, 23% are minorities. They represent every socioeconomic background because there is no charge to attend the school to serve as a resource for all North Carolina students and teachers by sharing personnel, facilities, equipment, and methods.

Material which I have brought to share gives basic facts about the school and the educational program—academic, residential, co-curricular, and extra-curricular.

Barry Campbell and Lisa Gillespie are two outstanding students at NCSSM. They have contrasting backgrounds but share the qualities that characterize gifted students—motivation, creativity, curiosity, high standards, and goals for the future. They represent the many students nationwide with these qualities whose potential may not be realized without similar opportunities.

Recognition of the need for these opportunities has given NCSSM a third role—to serve as model. The school has fanned the spark of interest in education for the academically gifted and requests for information come to us constantly by mail, by telephone, and in a steady stream of visitors from here and abroad. More than a thousand visitors in the first three years have come from a dozen foreign countries and two dozen states.

They want to hear about the origin of the school, its function in the state educational structure, its identification process, its curriculum, its guidance program, its governance, and its admissions process.

Many requests for information are made with a sense of urgency, as though they need a package of freeze-dried principles and practices to take home, add water to, and reconstitute into a ready-made program.

The problem with this is obvious. NCSSM does not have the staff or other resources to provide effective long-term development assistance. Even the modeling we do by permitting visits and sharing materials raises the danger of the adoption of a program which has been successful in one school, for one state, and which may not meet the educational requirements of another state.

There is need for renewed federal participation in education of the academically gifted in at least two ways: to identify and support model programs whose principles can be adapted to particular states or local situations;

To support research on the teaching and learning process for academically gifted students in order to provide a sound basis for programming at all levels.

Many educational researchers believe that the data collected by NCSSM will provide scholars with material for decades of study and will drastically alter our theories on creativity and how we learn.

The North Carolina School of Science and Mathematics finds itself in the role of catalyst and model. We are willing to explore ways to expand that role. If we can assist in your efforts, Mr. Chairman, please call on us.

Thank you for the opportunity to appear on behalf of gifted students.

Educating Highly Talented Children: Are We Reaching Them All?

(By Robert N. Sawyer)

The future of this nation will increasingly depend upon the fullest development of our best intellectual resources. Brilliant youngsters have the right to be identified at an early age and most certainly before they are able to provide evidence of their intellectual gifts through substantive achievements. The gifted youth in our schools have the potential to assist this nation in maintaining its leadership position. The nation must be willing to address the educational, psychological and social needs of these individuals; we must not ignore this population in favor of the masses. This Policy Forum "Educating Highly Talented Children: Are We Reaching Them All?" and proposed legislation are steps in the right direction.

My name is Robert N. Sawyer. I am an Associate Professor of Education, Lecturer in Psychology and Director of the Duke University Talent Identification Program. The Program was announced in 1980 by William Bevan, William Preston Few Professor of Psychology and the former Provost at Duke University. Initial funding for the Program was provided by the Duke Endowment in Charlotte, North Carolina. I was named Director of the Program and have been charged with the responsibility for the development of all aspects of the Duke effort. The early work at The Johns Hopkins University served as the prototype for the Duke Program. Recently, programs similar to those at Duke and The Hopkins have been initiated at Northwestern University, the University of Denver, and Arizona State University.

The Program seeks to identify verbally and mathematically brilliant seventh grade students in 16 states in the Southeastern, Midwestern and Gulf Coast regions of the United States. The Program makes a special effort to increase the participation of racial and ethnic minority students. This important aspect of our effort has been made possible through the help of the Committee For Education, Inc. in Winston-Salem, North Carolina.

The identification process is now in its fourth year. More than 52,000 students participated during the first three years. Approximately 85 percent of the participants come from public schools while the balance attend private or church related schools. Approximately 52 percent are girls and 48 percent boys. Members of racial and ethnic minorities account for approximately 15 percent of the participants. The students come from a wide array of backgrounds; all socio-economic levels are represented. The total number of annual participants could really reach 45,000 by 1985-86. Only about 23-25 percent of the schools in our region participate in our search.

Results to date confirm that the Scholastic Aptitude Test is a valid instrument for measuring intellectual precocity in seventh graders. The participants hold their own when compared with the high school juniors and seniors for whom the test was developed. More than 1,340 participants in the searches obtained combined SAT (M+V) scores greater than 1000. Our highest scoring youngster scored 1400 on the SAT (M+V) before his 11th birthday. The highest SAT-M score obtained has been 790 (800 is perfect), while the highest SAT-V score has been 710. Thirty-six students have been identified who have obtained a 700 or greater on the SAT -M or -V at age 12. More than forty percent of the participants scored better than the average college-bound senior on at least one of the three sections of the test.

After the students receive their SAT scores, the Program co-sponsors awards ceremonies in each of the 16 states to recognize and applaud their intellectual talent. Certificates, books, computers, and scholarships are awarded. More than 20 colleges and universities offer scholarships through the Program. To date, over 35,000 students, parents, relatives, teachers and friends have attended these ceremonies. The accomplishments of these students are numerous. For example, on November 4, 1983, two brilliant students (Ms. Diana Stiefbold, Coral Gables, Florida, age 15 years and Mr. Douglas Arner, Columbia, Missouri, age 14 years) addressed the Stetson University Centennial Founders Day Convocation. These two youngsters have been named Centennial Scholars and each was awarded a scholarship amounting to nearly $40,000 to be used when they enter college. Several of our students have entered the North Carolina School of Science and Mathematics and all accounts suggest they are doing quite well.

Once the students have been identified and congratulated the process of helping them make the most of their superior ability begins. We feel it is important to assist the elementary and secondary schools to the extent we have time and staff to do so. The Program seeks to be perceived as a resource for the schools and not a competitor. An Educational Opportunity Guide is distributed to all participants and schools. The Guide lists and describes some existing programs for which the students are eligible. This service is provided without charge.

The 23,000 students involved in the 1983 search were asked to respond to a questionnaire. More than 20,000 students responded. Several points of interest to this Policy Forum were noted: 71 percent said they liked school while 29 percent were neutral to negative in their feelings about school; 86 percent studied mathematics in the regular classroom; 89 percent studied science in the regular classroom, and 92 percent studied humanities and social science in the regular classroom; 49 percent of students indicated they were presently in a class for gifted and talented students; and 51 percent noted either they were not enrolled in a Program for the Gifted or their school made no special effort to help the intellectually apt student. Only 9 percent have participated in summer programs for gifted students. It appears that many brilliant students are not being provided the challenging education programs in their home schools which are so important in keeping the exceptionally gifted student intellectually alive. This is due in part to the lack of funds for the brilliant youngster and the lack of teachers qualified to teach precocious youth.

The questionnaire revealed that 47 percent were concerned about locating appropriate educational resources; 51 percent were interested in long term educational planning and 41 percent expressed interest in long term career planning. The correspondence my staff and I receive suggests that the students are not finding answers to the many questions which arise due to their special circumstance.

ACADEMIC PROGRAMS

The Talent Identification Program also creates new educational opportunities for its participants. The multi-summer educational programs developed stress the intellectual and social dimensions of the learning environment. The SAT scores are used as criteria for admission to the Summer Program. A wide array of classes are provided with offerings in the humanities, mathematics, sciences, and social sciences. During the first three summers 1,138 brilliant students from 32 states have enrolled in one of our three-week Summer Residential Programs. These students have taken classes in American history, Arabic, biology, chemistry, computer science, French, German, Latin, literature, logic, mathematics, physics, psychology, and writing. Plans are underway to increase the offerings to include Greek, Russian and Spanish. Approximately 7% (6.65%) of the students enrolled in 1983 were members of underrepresented racial and ethnic minorities. Many students reside in rural areas. Sixty-five percent of the students in the Duke search who were eligible did not enroll in the Summer Program due to other summer plans, cost, and place of residence.

The cost of the 1983 Summer Program was $825. Financial aid in the amount of $93,500 has been awarded since the academic programs were initiated in 1981. These funds have come from our own resources and gifts to the Program.

The results of the Summer Program have been remarkable from both academic and support perspectives. For example, nearly all of the students studying mathematics have completed at least one precalculus course in three weeks. The students in our writing classes have done outstanding work and, in fact, can write at a level which would be the envy of any college freshman. The students in our language classes typically complete the equivalent of a college semester class in three weeks.

The undergraduate faculty at Duke granted permission to experiment with the offering of college credit courses to students at an early age. The first classes were offered during the summer, 1982. The classes were computer science, logic and psychology. All three classes were taught by members of the faculty at Duke University or faculty on visiting appointment. For instance, two visiting scientists from IBM served as instructors in the computer science class. The courses were evaluated using standards established for Duke undergraduates. In all cases, the Summer Program participants covered more material than the regular Duke undergraduates. The marks obtained by the 41 students included 36 with a grade of "A" or "B" and five with a grade of "C". During the summer of 1983, two additional classes were added; Arabic and statistics. The results were similar to those previously obtained. Grades of "A" were obtained by 48 students, 15 students received a grade of "B" and a grade of "C" was obtained by nine students. Plans are underway to bridge the years between the Summer Residential Program and the Precollege Program for Rising High School Seniors.

After studying in the fast paced Summer Programs many of the students were prepared for an Advanced Placement class in an academic area. Less than 15% of the schools in our search area have Advanced Placement Programs. The student need for more mature courses stimulated the staff of the Program to develop unique By-Mail Programs in American history, biology, calculus, chemistry, grammar, Latin, literature, writing and physics. Development of many of these materials were made possible through a grant from the Mary Reynolds Babcock Foundation. These programs have never before been attempted with academically talented youths. The participants spend time working through the course of study with the help of a mentor, a high level textbook and supplemental materials developed by the Program staff. The students then sit for the Advanced Placement Examination conducted by The College Board the following May. The results in our initial By-Mail course in calculus (BC) which enrolled 11 students yielded five grades of "5" and four grades of "4" for the nine students who took the test.

The second group of students have taken the Advanced Placement Examination in such areas as American history, biology, chemistry, calculus (BC), English literature, and composition, Latin—Vergil and physics. The results include ten grades of "5", five grades of "4", ten grades of "3" and two grades of "2". With the exception of the scores of 2, all students will receive college credit for their outstanding work. The average age of this group of students was 14 years and 5 months. The average scores far exceed the average of the national group for whom the Advanced Placement Program was designed. Presently the Program staff are developing By-Mail Programs in Arabic, German and Greek. Further, we are developing a computer augmented course of instruction in French. These programs of study are all portable and, when perfected, could be used by local schools to upgrade the education for all children.

A COMPONENT IN THE NETWORK OF RESOURCES FOR GIFTED YOUTHS

The Talent Identification Program possesses many unique features which make it an important component in the network of resources available for brilliant students in mathematics, science, engineering, and the humanities. Several noteworthy examples of these unique features follow.

1. The identification of students who reason exceptionally well at an early age (seventh grade) using an appropriate level test (Scholastic Aptitude Test) is an important task. Perhaps the Program eventually will identify students for schools like the North Carolina School of Sciences and Mathematics, The Louisiana School for Science, Mathematics and the Arts, and programs aimed at early admissions to college.

2. The Duke Program offers the gifted student the opportunity to take advanced courses beginning with high level instruction during the summer, continuing in our By-Mail Program during the academic year, and ending with the appropriate Advanced Placement examination.

3. The very capable students are provided a chance to enroll in college credit courses in computer science, language, logic, mathematics and psychology thus offering them an additional challenge and an opportunity to earn degree credit at an early age.

4. The Program offers the mathematically and scientifically oriented student the opportunity to study disciplines such as history, languages, literature and writing at a level commensurate with their abilities. This is also true for the verbally apt students.

5. The teachers, teaching assistants, and residence hall advisors employed in the Program provide unique role models for the young students. The opportunity to interact with and learn from students like themselves is unparalleled. Many of our instructional staff are very young and, of course, billiant. Some of the TAs are as young as 13 years old.

6. The teaching faculty in the Program are encouraged to develop and to experiment with innovative courses and instructional strategies in mathematics, the sciences and the humanities.

7. The staff in the Program serves as an advising-consulting resource for the schools who "don't know what to do" with their one or two highly gifted and often unchallenged students.

8. The Program is a unique link in the network by virtue of a well developed data base which will allow significant and high quality research on the nature of intellectual giftedness.

Clearly the Program has many components important to the systematic identification and education of brilliant young students. Equally clear is the importance of numerous relationships and linkages with other individuals or institutions.

THE RESEARCH PROGRAM

The Talent Identification program has as an objective to create a small but high quality research effort focusing on the gifted adolescent. This objective has yet to be satisfied. A National Advisory Committee has been appointed to advise the Director on such matters as the research agenda. The Committee consists of: Professor John J. Conger, University of Colorado Medical Center; Mr. John M. Ehle, Novelist, Winston-Salem, North Carolina; Professor Norman Garmezy, Department of Pyschology, University of Minnesota; Professor E. Mavis Hetherington, Department of Psychology, University of Virginia at Charlottesville; Governor James B. Hunt, Governor of the State of North Carolina; Dr. Robert Lumiansky, American Council of Learned Societies; Paul K. McCash, M.D., Gifted and Talented Education Advisory Committee, Texas Education Agency, Texas School Board Association; Professor Nancy M. Robinson, Child Development Research Group, University of Washington; Dr. E. Belvin Williams; and Professor Edward F. Zigler, Department of Psychology, Yale University.

OTHER EFFORTS

The Duke Program does not have a teacher training component. However, through a grant provided by the Mary Reynolds Babcock Foundation, a pilot effort involving Student/Teacher Instructional Teams was initiated last summer. The early results look promising. Plans are underway to increase the size of this component.

The numbers of students involved in our Summer Program has quadrupled over the past three years. Duke University does not plan to increase its Summer Program enrollment much beyond the present level. Clearly, the need exists for other colleges and universities to develop high quality Summer Programs for students who do not qualify for the Duke Program or who for other reasons wish not to attend. A grant from the Richard Lounsbery Foundation has allowed us the opportunity to begin work with six colleges and universities to assist them with the development of summer residential programs.

FUNDING

The Program was initiated with a grant from the Duke Endowment in Charlotte, North Carolina. The generous gift from the Duke Endowment along with startup funds from the University account for nearly $500,000. The five year grant expires December 31, 1984. Other support for the Program includes gifts from the Committee for Education, Inc., Mary Reynolds Babcock Foundation, Mary Duke Biddle Foundation, Richard Lounsbery Foundation, Smith Richardson Foundation, College Board, Blount International Construction, Union Camp, Citizens and Southern Bank Foundation, Home Security Insurance Company, and The Ford Foundation. Proposals for funding for minority students and youngsters residing in rural areas are pending with The Atlantic-Richfield Foundation and The Educational Foundation of America, respectively. The majority (82.9%) of the Program budget is provided by student fees. The balance (17.1%) is funded through gifts, grants and sale of materials. I think it is unwise and educationally counterproductive to expect the students and their families to totally fund the Program. The Program needs the help of the Federal Government, corporations and foundations so it can proceed with full vigor and reach its full potential.

I strongly believe that these students have certain rights which should not be ignored due to their special circumstances of being precocious. I now turn to a recent publication of Abraham J. Tannenbaum (Gifted Children: Psychological and Education Perspectives) for a summary of those rights.

Gifted children should be regarded as precious human resources far out of proportion to their numbers;

Gifted children have a right to differentiated education that is appropriate to them and a forerunner of education for all children;

Gifted children have a right to be nurtured in a school program; and

Gifted children have a right to remain individuals socially equal and free from harassment and not to be perceived as mental freaks, eccentrics and social misfits.

I think the Duke University Talent Identification Program is unique in terms of the geographical area served, students involved, breadth of academic programs and potential for adding to the body of research relating to the gifted adolescent. I am pleased to share my excitement and enthusiasm with you here today. Thank you and I hope you are successful in bringing to bear the federal resources on the important work on behalf of brilliant youth.

A Plan for Catalytic Support for Gifted Education in the 1980's

(By James J. Gallagher)

A BRIEF HISTORY OF GIFTED EDUCATION

There has been a remarkable ebb and flow over the past 3 decades in public education's interest in the full development of gifted and talented students. There was little interest expressed in such programs in the early 1950s, great interest in the late 1950s and early 1960s (often referred to as the Sputnik era), little interest again in the late 1960s and early 1970s, and an increasing interest in the latter part of the 1970s (Gallagher and Weiss 1979).

There is little doubt in many observers' minds that this fluctuating interest is a result of a tug of war in American public education between two legitimate educational goals, excellence and equity (Gardner 1961). During the Sputnik confrontation, which clearly stimulated the interest in the late fifties and early sixties, there was a substantial emphasis placed upon increasing the excellence of secondary education. From the middle 1960s through the early 1970s there was a major emphasis in public schools on equity and equal opportunity in American public education. There seems to be little doubt that interest in the gifted and talented increases as our confidence in our societal position decreases.

Gallagher (1979) has proposed that we as a society have a strong love-hate relationship with the gifted. On one hand, we revere the gifted individual who has risen from a humble background. We are proud to live in a society where talent can triumph over environment or family status. At the same time, since our origins came from battling an aristocratic elite, we are suspicious of attempts to subvert our commitment to egalitarianism. We do not wish a new elite class to develop, and as a result, we seem to waver in our attitudes. We design our elementary and secondary programs for gifted students in ways that can be defended by careful administrators as giving no special favors, as not tipping the scales in favor of the socially powerful or the specially endowed.

The fear of Russians and their space program 2 decades ago was a clear stimulus to action through the National Defense Education Act and National Science Foundation curriculum and innovations (Bruner 1960). During the past 5 or 6 years, the United States has been buffeted by a variety of political and economic problems that have eroded the confidence of the society in the ability of their government, or their society, to cope with problems that do not seem to go away. It is that lack of confidence that seems to be at the heart of our looking once again at our most talented students as one vehicle for improving our capabilities to deal with these intractable and long-range problems (Mitchell and Erickson 1978; Jackson 1979).

If this policy pendulum swing continues, then sometime in the near future we will again abandon our interest in excellence to concern ourselves with equity. Then what guarantees can we have that what we have learned about gifted education in this period of greater interest in the gifted will not be lost in the rush to equity? What is the effective role that can be played by federal and state governments to provide some degree of continuing quality assurance for future programs for gifted education? It is the purpose of this article to discuss what I believe to be essential elements in the catalytic development of quality programs for gifted education.

The role of the federal, state, and local governments in enhancing programs for gifted children has been anything but fixed. One of the major influences of the federal government has not been money but a new definition that extends our view of giftedness from cognitive/academic to creativity, leadership, and the performing arts (Marland 1972, p. 10):

Gifted and talented children are those identified by professionally qualified persons who by virtue of outstanding abilities are capable of high performance. These are children who require differentiated educational programs and services beyond those normally provided by the regular school program in order to realize their contribution to self and society.

Children capable of high performance include those with demonstrated achievement and/or potential ability in any of the following areas:

1. General intellectual ability; 2. Specific academic aptitude; 3. Creative or productive thinking; 4. Leadership ability; 5. Visual and performing arts.

The federal government has in the past decade become deeply involved in providing direct grants-in-aid to local school systems as well as in the catalytic provision of resources to improve the local programs. The former strategy brings with it demands for conformity, for record keeping, and for detailed regulations that have corroded the relationship of differing levels of government with one another. It is the catalytic approach of improving the capabilities of state and local programs that is proposed here. By improving capabilities for research, training, evaluation, etc., the federal government provides help without the specific demands found so onerous by local program people.

The contributors to a recent yearbook from the National Society for the Study of

Education (Passow 1979) reminded educators of the many unanswered questions that remain. Some of the most prominent of these are:

1. The task of making operational an ambitious but still vague definition of gifted children included in federal legislation. In particular, what do we mean by leadership or creativity? How are these to be measure (Marland 1972; Gallagher 1979)?

2. How do we provide distinctive and differentiated content for the gifted student? This is a critical point needing specific attention, and there are few resources available to aid the exploration of this topic (Kaplan 1974; Renzulli 1977).

3. We have had a decade and a half of appropriate interest in the complex area of productive thinking, creativity, and problem solving. To build on that beginning, we need much more sophisticated measuring instruments and conceptual models than we have at present. We must discard standard instruments designed for average students and develop instruments for special populations and for unique educational objectives; a very special type of criterion-referenced test is needed—one that is designed to measure maximum rather than minimum competence (Torrance 1979).

4. We have a problem that has remained almost unaddressed for 10 years, the problem of underachieving gifted youngsters who can be identified in the schools and who need special counseling and educational programming in order to meet their full potential (Whitmore 1980).

5. Finally, even with the substantial interest of a decade in culturally different gifted, these efforts have mainly focused around the sterile problem of identification and have not addressed the more interesting and important problem of differentiated programs (Baldwin, Gear, and Lucito 1978).

The lack of resources to train leadership personnel, to support innovative research, and to demonstrate new program development has had a stunting effect on program development, even in this era of moderate support.

A PLAN FOR CATALYTIC SUPPORT

The question is, Where do we go from here? With parents forming active and sometimes militant interest groups and educators themselves sensing a growing interest in gifted education, what is a reasonable role for the federal and state governments to play in order to take advantage of the current momentum for special programs for the gifted? I believe it is possible to create a supportive and catalytic role at minimal expense to the federal or state governments but with maximum potential return to American citizens for the 1980s. This can be done through an increase in support systems that are at the heart of quality education programs. Five specific program elements can be identified that, for minimum cost, could provide leadership and stimulate the continued growing interest at the local and state levels. These are:

1. *Leadership training.* Past experience with the development of programs for handicapped children or vocational education has shown the importance of preparing, through selected higher education programs, key administrative leadership (Martin 1976). This small cadre of trained leaders and administrators can be counted upon to take important roles in state departments of education, teacher training institutions, and research institutes. The development of their ideas and their leadership could influence the field for the next two decades.

2. *Continuous in-service training.* It is clearly not enough to identify outstanding teachers and assign them to special programs for the gifted. Further, there is no likelihood that universities, through preservice training programs, can provide the specialized training necessary for teachers of the gifted. What is more likely is that already established and competent elementary and secondary teacher training programs can provide the base upon which an intensive in-service training program, specially devoted to programmatic modifications for the gifted student, can be built. Therefore, funds need to be made available to states and local communities to allow for these inservice training programs to develop and multiply.

3. *Research and development.* In the search for quality programs, there is perhaps no more needed element than careful research on various aspects of gifted education. The growing trend to designate already severely limited research funds for specific target groups, such as the handicapped or the economically disadvantaged, has reduced the small research resources available in education to almost nothing for those who wish to do research in gifted education. As long as such designated funds exist, it seems important to add a small amount of money specifically for gifted education, to stimulate research dealing with the instructional process, curriculum innovation, the study of thinking processes, and program evaluation. Such knowledge is useful in all states, and research has been accepted as one clear federal responsibility.

4. *Demonstration programs.* The expenditure of small sums of money to make visible innovative and exemplary programs in all parts of the United States can place an educational spotlight on successful and practical educational planning for gifted students in urban, rural, and suburban areas. By judicious selection, programs can focus on special issues—such as enhancing the education of minority-group gifted students, special programs in mathematics and science, and gifted women and other long-neglected groups—as well as show what can be done in more traditional program areas.

5. *State leadership.* In other fields of education, one of the most productive investments that the federal government has made is to add to the state leadership team someone who is specially interested in, trained in, and committed to those program areas needing development and expansion. It has been demonstrated in a number of instances that the presence of such a trained and committed individual has been the key to further development of programs within a state. Therefore, providing small sums of seed money that allow state departments of education to add to their staffs for the purpose of program planning for the gifted could be a useful investment.

What resources are necessary to accomplish this catalytic thrust? Merely a small increase in the current minuscule commitment to the gifted, from the $5 million level for 1981 to the $40 million level. Such a change is only an asterisk or a blip in a federal budget of $600 billion but could be of great influence for the future.

The budget for such a catalytic program would be modest in terms of practically every other federal program in existence, but its benefits could be immeasurable. An example of such an allocation of funds could be as follows:

(1) Leadership training—10 programs at 200*K*/program, $2,000,000; (2) inservice training—250*K*/state × 50 states, $12,500,000; (3) research and development—40 projects at 100*K*, $4,000,000; 6 projects at 250*K*, $1,500,000; (4) demonstration—state, 300*K*/50 states, $15,000,000; national, 500*K*/6, $3,000,000; (5) state planning—30*K* × 50 states, $1,500,000; total, $39,500,000.

This would be sufficient money to provide the catalytic base for exciting innovations and quality personnel. It is hoped that specific authorization for these support features could stimulate a more adequate appropriations level.

No major direct support program for the gifted to local schools from the federal level would be desirable or necessary. The federal government needs to remain in a catalytic stance by stimulating already evidenced interests of the local and state educational leaders to allow them to go forward on their own, with direct service resources that they seem willing to provide. This program would guarantee productive new insights and educational adventures at a minimum cost. It would aid gifted students, but more important, through them, it would benefit all students.

This modest proposal for a budget increase for gifted programs, while others are being sharply cut, may strike some as frivolous and quixotic. It is not; we always fund priorities when they are seen clearly as such.

One-half century ago, Lewis Terman (1925), one of the first leaders of programs for gifted students in the United States, gave the basic argument: "Increased knowledge of the origin . . . of mental traits of gifted children is not an end in itself. . . . It is conceivable that means may be found which would increase the supply. . . . In the gifted child, Nature has moved far back the usual limits of educability, but the realms thus thrown open to the educator are still *terra incognita.* It is time to move forward, explore and consolidate" (pp. 16-17).

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THE CHILDREN'S CAUCUS FORUM ON TALENTED AND GIFTED

Mr. BRADLEY. Mr. President, on November 9, 1983, the Senate Children's Caucus held a forum on "Educating Highly Talented Children." The forum focused on the problem of educating the gifted student, with particular emphasis on the problems in identifying and educating gifted rural, minority, and economically disadvantaged students. We heard from a panel of gifted students and from several experts in the field, including Dr. James Gallagher from the University of North Carolina, Joan Goodman, the chairperson of the American Federation of Teacher's Committee on the Gifted, and June Goodman, chairperson of the Connecticut Board of Education. All of the witnesses made the compelling case that more needs to be done for this very special group of students.

Mr. President, last October I introduced S. 1975, the Gifted and Talented Childrens Education Act of 1983. The witnesses who testified at the Childrens Caucus Forum strongly urged the Congress to enact legislation to help these students. Prior to 1980, the Congress did have a program to help the gifted and talented. But in 1981, at the request of the Reagan administration, the Gifted and Talented Childrens' Education Act of 1978 was eliminated as a separate program and merged with 29 other education programs under a block grant—chapter 2 of the Education Consolidation and Improvement Act. Funding for the block grant has been cut in real terms by about 50 percent. And in 1982, as a further retreat, the Reagan administration closed the Office of the Gifted and Talented in the U.S. Department of Education. The Federal Government now plays virtually no role in helping schools provide opportunities for the gifted and talented.

Mr. President, the needs of the gifted and talented are real. We have an estimated 2.5 million gifted and talented elementary and secondary students in the country, but 40 percent to 60 percent of this population has never even been identified. Further, 50 percent of the identified students achieve below their ability level, and only 20 percent of the teachers in gifted education are properly trained to design curriculum for these students. Despite the popular notion that our gifted and talented children will succeed on their own, many need services not readily available through regular school programs.

Since local schools don't have the financial resources to provide fully adequate services for these children, we need to reverse directions: the talented and gifted need more attention, not less. And that is why I introduced S. 1975, a bill to reestablish a Federal program to aid the gifted and talented. We must have a focused effort to see that our best and our brightest do succeed. We need to pull this program out of the education block grant and get it funded at least at minimally adequate levels. My bill includes an authorization for appropriations of $50 million for each of the next 4 fiscal years—almost 10 times the maximum funding level achieved in the late 1970's.

The bill includes two key provisions to help target funds to needy schools. First, the bulk of the funding will be in the form of grants to States for distribution of funds to local schools on a competitive basis. If schools have a new idea worth trying out, they can apply for Federal aid through the State. Departments of Education. Second, half of the funds will be targeted to gifted children from disadvantaged and low-income backgrounds to ensure that the gifted children from inner-city schools will not be left behind.

My bill would also require the Secretary of Education to reestablish the Office of Gifted and Talented in the U.S. Office of Elementary and Secondary Education to ensure that information and research on the talented and gifted is collected and shared with local school districts.

Mr. President, it is our job to see that each and every student, including the gifted, receive a challenging education. We cannot rob the students who are struggling to learn basic skills, but neither can we continue to ignore our gifted children who quickly become bored and "non-learners" when they are not challenged. In sum, we need—at the Federal, State, and local level—to make a commitment to all of our students. We need—through chapter 1 compensatory education programs—to help the disadvantaged student achieve his or her potential; but we also need—through Federal aid to talented and gifted programs—to help our best students achieve their full potential. I truly believe that our leadership position in the world depends on our commitment to our youth.

I urge my colleagues to read the testimony of the witnesses who appeared before the Senate Children's Caucus. I believe you will come to the same conclusion that I have—we must do everything in our power to help all students, including the gifted, maximize their potential. My bill, S. 1975, is a small step in the right direction to achieve this goal.

DROPPING OUT OF SCHOOL: CAUSES AND CONSEQUENCES

Mr. DODD. Mr. President, I wish to draw the Senate's attention to a serious problem indeed: the increasing rate at which our students are dropping out of school.

The Senate children's caucus held a forum on January 23, 1984 at the Seward Park High School in New York City. What the caucus learned there gave us great cause for concern.

Like so many other schools in the metropolitan area, Seward Park must contend with a dropout rate which has reached epidemic proportions. Close to half of all New York City students drop out before their scheduled high school graduation date. And, New York City is not alone. The high school graduation rate from my State of Connecticut to California has been steadily declining. In 1982, nearly 30 percent of all high school students left school before graduation. In cities like Chicago and Detroit, the dropout rate is now over 50 percent.

Students drop out for a variety of reasons. On November 9, 1983, the Senate children's caucus heard that one out of every five high school dropouts is a gifted student who has not been adequately challenged. Other students drop out for failing to master basic skills. Yet others find that high schools are just not meeting their specials needs, whether it be child care for teenage parents or rehabilitation programs for alcohol and drug abusers.

Minority and economically disadvantaged students have disproportionately high drop out rates. In 1980, one in every five Hispanic Americans between the ages of 14 and 17 had already left school. The dropout for black Americans in that age group was almost as high. Some of these students face extreme economic pressures: they need to help support their families. Others leave school because of difficulties in bridging language and cultural gaps.

But students who never receive their high school diplomas face even stronger pressures when they seek employment. Last year, five of every six jobs in New York City required a high school diploma or its equivalent. Dropouts cannot even join the All-Volunteer Army: only high school graduates are accepted. Nongraduates fortunate enough to find work must accept low-paying, unskilled jobs with no room for advancement. It is not surprising that most dropouts later express regret over their decision to forego a high school diploma.

As the witnesses at Seward Park High School told us, special programs can meet the needs of both those leaving school before graduation and those at risk of doing so. Community organizations have helped dropouts complete degrees by combining work and alternative classroom experiences. Schools can now offer supports like peer counseling and mentorships with area businessmen to prevent other students from dropping out.

But the increasing severity of our dropout and teenage unemployment problems mandates further immediate attention and action, especially for the disadvantaged. Few Federal dollars are spent now on training disadvantaged high school students in basic literacy skills. And minority teenagers continue to face discrimination when seeking jobs. The unemployment rate of black high school graduates in 1982 was almost double that of white high school dropouts.

The recent debate on education has focused on increasing excellence and standards in schools. But virtually no attention has centered on those students who, for many good reasons, fail to meet the standards already set.

As our witnesses pointed out, until we address the educational crisis posed by high school dropouts, we will remain a nation at risk. Businesses, unable to attrack the employees they need, will continue to spend unnecessary billions in basic skills training. Welfare payments to unemployed teenagers will continue to mount up. And the most precious of resources, the talents of millions of younger Americans, will be wasted and ignored.

At the forum on January 23, the caucus heard from two groups of experts on how best to address the dropout crisis. The first panel of witnesses included former high school dropouts and the teachers and program directors who work with them.

The former dropouts who testified ranged in ages from 17 and 23. They included Vidal Andino from St. John's University in New York City; Evyette Arroyo from Erasmus High School in New York City; Kevin Baker from Eastside High School in Paterson, NJ; Joey O'Brien from Madison Square Boy's Club in New York City; Sande Miranda from Columbus High School in New York City; and Charlene Thompson from Synergy Alternative High School in East Hartford, CT. They had dropped out for a variety of reasons including financial problems at home, alcohol and drug abuse, teenage parenthood, peer pressure, and boredom. Warning their peers in the audience of the hazards of dropping out, these students described how community programs helped them go back to school.

Teachers and program directors working with dropouts testified next. Alfred P. Miller, executive director of the Federation Employment and Guidance Service in New York City, described the efforts of program Operation Success in helping close to 2,000 high risk students return to school. George Altomare, a teacher at Stuyvescant High School and vice president for Academic High Schools for the United States Federation of Teachers, outlined the critical role of teachers in encouraging students to remain in school. Joseph Clark, principal of Eastside High School in Paterson, NJ., pointed out that school administrators can set a tone encouraging students to stay and take their studies seriously. And Gene Marchand, director of the East Hartford Youth Services Bureau in my State of Connecticut reminded the caucus of the many stresses today's teenagers are under, urging that more be done to alleviate such stresses.

Our second panel of witnesses focused on the scope of the dropout crisis and the role of schools, community organizations, the advocacy community, and private and public employers in addressing that crisis. Chancellor Anthony Alvarado of the New York City Public School System spoke of the importance of building up resources and adopting innovative, long-term strategies to prevent students from dropping out. Commissioner Ronald T. Gault of the Department of Employment in New York City described the reciprocal relationship between the dropout rate and teenage unemployment figures. Barbara B. Blum, chairperson of the Manpower Demonstration Research Corp., in New York City, highlighted a variety approaches to structuring programs for out-of-school youth. Roy Soloway, chairperson of the New York City School-Age Attendance Coalition, pointed out the lack of a real financial commitment on the part of the Federal Government to promote a diverse array of educational programs to attract all students. And Rita DiMartino, district manager of Corporate Relations for AT&T in New York City, outlined the responsibilities of private employers in remedying the dropout problem.

Mr. President, I wish to thank all our witnesses for their eloquent testimony. I would also like to thank the administration, teachers, and students of Seward Park High School for hosting the January 23 forum. As the caucus learned, there is no better place to examine the causes and consequences of dropping out than in a high school itself.

I ask unanimous consent that the written testimony of Alfred Miller, Barbara Blum, Ron Soloway, Rita DiMartino, and Angelo Gonzalez be printed in the RECORD in its entirety.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

THE DROPOUT SYNDROME—AN EDUCATIONAL TRIAGE

(Testimony delivered before U.S. Senate)

Senator Dodd, members of the committee, and distinguished guests, I am here first as a parent and concerned citizen, second as an executive of a large voluntary human service organization and third as an advocate for tens of thousands of youngsters who are dropping out of school because society and the system have all but given up on them and adopted a triage mentality of salvaging the "salvageable".

Unfortunately this triage fails the top gifted students as much as it fails to serve those who are having educational learning problems, behavioral problems, poor attendance or who just don't seem to fit in.

Some have called for the pursuit of excellence in education. Does this mean gearing the system up to serve only those who are at the top of the class, or does it mean gearing up to serve only average students letting both ends of the spectrum, the gifted and the problem student go by the wayside; both to become a tragic waste of human potential and a sure fire formula for leading this nation head first into giving up its industrial and scientific world leadership.

Assuming however that the best brains we can muster in our education, scientific, civic, labor and government communities do find the magic formula for creating true excellence in our education system, who will we educate if we continue to have dropout rates in our large urban centers of forty, fifty and sixty percent?

It is the dropout problem that I wish to discuss here today. Make no mistake about the fact that among the large number of dropouts are many gifted and potentially highly capable students whom Federation Employment and Guidance Service, FEGS, has worked with in the past. Although FEGS is the largest agency of its kind in the United States serving between 50,000 to 70,000 people a year in the greater New York area with a variety of treatment, educational and vocational services and through our affiliation with the Federation of Jewish Philanthropies offering services in almost the complete spectrum of health care, child care, aged, recreation, rehabilitation and other communal services we are not and do not presume to be primarily pedagogical experts. We know that there is no shortage of pedagogical expertise in the New York City Board of Education, in the New York State Education Department as well as in other areas of government and private sectors. We are however experts in that which motivates human beings of all ages, in that which gives hope to those who lose it, in helping individuals to help themselves, in bringing together different systems of government, the private and voluntary sectors, to work together toward a mutual goal and in understanding the needs of not only the student, patient or client but the dedicated workers who provided those varied services as well.

Operation Success is a project you will hear about from some of the young people here today. It is a project designed and developed by FEGS and funded by the New York State Education Department in cooperation with the New York City Board of Education, the United Federation of Teachers and various government, voluntary, private sector and community leaders. This project which was recently evaluated by the Queens College Center for Labor & Urban Programs, Research & Analysis has shown some remarkable results not least among them, the return and maintenance of 93% of the almost 2,000 high risk students the project has worked with.

Some of the other key results of the evaluation study are:

Operation Success targeted "high risk" students. The focus was on those youngsters who dropped out of school or who gave every promise of becoming an early school dropout. During 1982-'83, some 1,764 students were served by the program. Ninety-three percent (93%) of these were still enrolled at year's end or had graduated—an astounding finding given the fact that the chances of any of these youngsters dropping out of school was almost a certainty given the "at risk" characteristics of the universe.

Not only did Operation Success retain over 1,600 students (93%) potentially at "high risk" of dropping out but even more striking is that 232 dropouts were actually brought back into school.

. . . Seventy percent (70%) of this "high risk" school population who were eligible to graduate in June 1983 did so. None of the remainder dropped out of school.

. . . Almost one of every four of these Operation Success June 1983 graduates were dropouts brought back to school by Operation Success. All of the other graduating students were students who were chronically absent or late during the previous year.

. . . The Operation Success "spill over effect" is evidenced by the almost 4 percent increase in total atttendance within the participating target high schools. Clearly the awareness of the Operation Success program has had its effect beyond the limit of the participating students. The attendance experience in the Operation Success year is in marked contrast to the previous year's experience.

. . . Operation Success had a significant impact on the overall enrollment registers at the target high schools. Enrollment at these three schools rose 10 percent during the program's first year of activity compared with an 8 percent decline in the prior year.

One out of every seven Operation Success students who had a history of previous school suspension when they entered the program indicated that they now attend classes regularly.

Operation Success resulted in major modifications in student attitudes including their interest in attending classes. Among program participants, class attendance more than doubled with over two thirds of the students indicating that they now attend classes "all the time."

. . . Before participation in Operation Success only 3 in 5 students indicated that school prepared them for a future career. After participation nearly 6 out of 7 students indicated that what they learned in school prepared them for a career.

. . . Prior to enrollment in Operation Success only half of the students felt that they belonged in school. After participation in the program an additional one third of the students indicated a change in attitude and felt that they belonged in school.

. . . Of particular interst is the fact that program participants reported a striking change in attitude concerning their teachers. Before participation in Operation Success only one half of the students felt that the teachers usually had time to help them with their work. After participation more than 5 out of 6 students had this positive perception of their teachers' willingness to help.

. . . The change in student attitudes was also reflected in the students' perception of how their parents felt about the school that the students attended. Prior to enrollment in Operation Success less than half of the students felt that their parents liked the school which they attended, while after participation two thirds of the students felt that their parents liked the school that they attended.

The "high-risk" status of Operation Success students is underscored by the analysis of participants' family income characteristics. For example, nearly half, 43.5 percent, of the participants' families earn an annual income between $4,000 to $8,000 while nearly a fourth of those participants' families are experiencing unemployment.

Almost half, 46.1 percent, of all participants' families were single parent households of which 83.5 percent were female headed.

Only a third of all participants' parents indicated that they had at least completed high school or a vocational education program.

Perhaps the most remarkable thing that all of us associated with this project directly and indirectly have discovered, however, is not in the results I have listed and the additional findings in the evaluation study, significant as they are. Rather it is from the students themselves; the dropout, the long term absentee, those at risk of dropping out, all of whom supposedly cared little for school with little or no use for education whose attitudes towards the teachers, principals and the schools which they occasionally attended ranged from "they don't give a damn about me" to "they're just putting in their time". From the students we have learned the most significant truth, that by offering a realistic ray of hope the students were only too willing and able to do their part, to cooperate with their teachers and fellow students and to demonstrate to the school administration, their teachers, their parents and most important of all to themselves that they could and would "make it".

I was once leading a group of volunteer consultants in Israel to work on a rehabilitation project. On the last day of the five days of our consultation some of us were terribly frustrated by what seemed to be a lack of progress. The Director General of the Ministry of Labor and Social Affairs asked us to have dinner with him and some of his colleagues. At the dinner he told us a story. He said there was a man who fell in a hole and someone came along well meaning, and wanted to help, and said to the man in the hole that he would go and find someone to help. Then another man came along even more well meaning and took a stick and reached down into the hole with the stick and asked him to take hold of it and tried to pull the man out, and when that didn't work he said to the man "I'll try and get you some help". Finally, a third man came along, looked at the man stuck in the hole, jumped inside the hole with the man and said "together we will both get out". Those students most in need of help, those most likely to drop out, those with educational learning problems know the difference between someone offering to go and get help and someone jumping in and offering to do it together. We jumped in, with them, together with our colleagues at the New York City Board of Education, the United Federation of Teachers, the New York State Education Department, and the principals and teachers of the three New York City High Schools in which the project was located. We learned, as did the teachers, principals and the counselors that the students responded positively, enthusiastically and with an inner strength, conviction and commitment which was more than even the most optimistic of the project designers predicted.

I am not here today to talk about the success of this particular project only to use it as an abstract model. Operation Success demonstrates that the right mix, the right formula, requires no special new technology, but rather a remixture of the existing technology. When the chemistry is right the students not only respond but in this case I think you will agree that 93% of the students still in school is a testimony not so much to the project as it is to the human spirit.

In my years of working in the human service field I have often seen what I consider to be a tragic waste of American resources; financial and human, men and women of good intent, and designers and developers of successful innovative projects. This is a nation blessed with the creative and innovative ability of individuals in government, business, labor, and the voluntary sector. We are blessed with able and dedicated community leaders. These assets all to often, however, fail to bring us success in serving people.

Everyone agrees that progress, knowledge, and human betterment come from creatively building a solid foundation and then adding new building blocks as we go along. Unfortunately all too often we create new foundations and fail to add the building blocks to existing foundations; we continuously reinvent the wheel. A successful project all to often at best ends up with a glowing report that gathers dust on the shelf and is sometimes recalled in a footnote or during some professional conference discussion.

We must learn to identify those seed projects that have the potential to serve as models and build on them and refine them and perhaps find more efficient and effective ways to replicate them. This nation and its government and voluntary agencies must rethink our project mentality of designing, funding and implementing a project for one, two or three years issuing a report and going on to the next project. It is our obligation to disseminate, to teach, to offer consultation, to be an advocate for that which works and successfully meets goals and objectives. We must learn to use new designs, technology and service delivery systems for human betterment today rather than relegate them to dust gathering. It is Congress through its oversight and legislative committee hearings that can identify that which works in our nation. It is Congress through its committee structure such as this one here today that can assure that future funding is legislated so that it is utilized to expand and build on those successful model programs that will help to provide the highest quality of service at the lowest cost per unit while meeting the education, economic, social and human needs and objectives of our nation. Operation Success has provided high quality results oriented services at a very reasonable cost per student. High cost per student does not necessarily mean high quality, on the contrary, high cost per student limits the number of students that can be served.

I thank you for allowing me to speak here today. I thank you for making possible not only programs such as Operation Success but all those other innovative, creative and successful programs in every county, city and state in this country that have helped to make this nation not only a world leader but a center for humanity, education, culture and scientific achievement.

Testimony of Barbara B. Blum, President, Manpower Demonstration Research Corp.

I am privileged to appear before you to testify on the subject of school dropouts. This is a problem of grave concern to our nation, which has a compelling interest in having our youth become productive citizens. We know the curent scale of the problem and we know that the dropout and unemployment rates continue to rise for all youth, particularly those who are black and hispanic. We know, also, that educational competency and the credential of a high school diploma are important conditions for employment.

There is a tendency, it seems to me, to turn away from the problem of dropouts, perhaps because it seems so difficult. Producing a solution also requires a significant commitment of resources as well as a willingness to adjust our approaches to educating youth, especially those who are poor.

The Manpower Demonstration Research Corporation (MDRC) has had considerable experience with programs serving out-of-school youth. Our earliest demonstration, Supported Work, included school dropouts as one of its four target groups. We learned in that demonstration that even a highly structured work experience program was not enough to produce long-term impacts on employment and earnings for these young people. Toward the end of the demonstration, when remediation, skills training and more individualized assessment were added to the program, some signs of success began to develop. While the supplemental program was not subjected to rigorous evaluation, it helped to identify the particular needs of out-of-school youth.

In another program, the national Youth Incentive Entitlement Pilot Projects often referred to as YIEPP, very disadvantaged youth were guaranteed part-time school year jobs and full-time summer jobs on the condition that they remain in or return to school. Over the course of the demonstration more than 76,000 youth participated. This program was very effective in providing employment for youth—particularly black youth—whose employment rates reached those of their white counterparts. And while the program attracted significant numbers of dropouts back to school or alternative education programs, a clear pattern of subsequent dropout also emerged.

It is important to ask why, when employment opportunities were provided based on school attendance, dropouts did not persevere. The likely answer is that the educational system was not equipped to respond to the complicated needs of these youth; that school must often seem irrelevant to their lives and to the working world which they need to enter.

Given the circumstances of these young people, job-oriented rather than more traditional educational programs are likely to be more responsive to their needs.

MDRC's work with youth in the Supported Work and YIEPP demonstrations and also in two other projects—the Comprehensive Opportunities Project or COP, which focused on the development of structured curriculum and achievement benchmarks; and Project Redirection, which involves pregnant teens and teen mothers—provides useful insights about the needs of youth and highlights that different youth will require different programmatic approaches. Job Corps, a residential program which has been operating close to twenty years, is another approach which has had positive impacts. And while the provision of residential care limits the scale at which Job Corps can be implemented, certain of the program's components should be tested in community settings. MDRC's analysis of the YIEPP findings, and work of others on the Job Corps, suggest that two models may be relevant to the needs of youth already out of school.

The first builds on the Job Corps experience and would provide a remedial education program as well as work experience for older school dropouts. The second model would provide an educational component with skills training directly related to the job to which the participant would be assigned. These models relate education to employment in two different ways and are formulated to respond to needs of youth who have experienced repeated failure in the education system. Such models would certainly be used for in-school youth as well.

As programs are developed, it will be important to strive for as much direct, individualized attention to each youth as is possible to assist them in dealing with the myriad problems they face. In whatever approach is considered, the relevance of the curriculum, the preparation of educators, and the provision of basic support services will be of critical importance.

An issue as complex as that of school dropouts, makes it imperative that we draw upon the lessons of past program efforts. While there is stil much to be learned, experience has indicated directions that should be taken to create programs that work.

Statement of Mr. Ronald Soloway, Chairperson, School Attendance Coalition

Good afternoon. Thank you for the opportunity to express the views of the School Attendance Coalition and the Educational Priorities Panel on the subject of school dropouts. My name is Ronald Soloway. I am the chairperson of the School Attendance Coalition, a New York based coalition of twenty-five organizations and individuals (including the Public Education Association, United Parents Association, Aspira, Center for Public Advocacy Research, Project Success, Rheedlen Foundation, Advocates for Children and the North Bronx Family Service Center) whose goal is to improve school attendance by young people. My remarks also represent the views of the Educational Priorities Panel, another twenty-five member coalition, which has long focused on the issues of truancy and attendance in New York City.

The reasons students drop-out of school are varied and complex. As we heard earlier from the drop-out themselves, the reasons are internal and external to the school system. Young people leave school because of trouble at home. Often they leave because of social pressures. In still other situations, the school actively contributes to the problem through inappropriate placement or insensitivity to the needs of youngsters. And does it surprise anyone that young people, especially disadvantaged and minority young people, see no point in finishing high school when society is willing to tolerate a minority youth employment rate which is some urban centers exceeds fifty percent? And is it realistic to expect young people to stay in school when they are ill-housed, ill-clothed and ill-fed?

Any strategy designed to improve school completion must be multi-faceted. First and foremost, young people must be offered a quality education designed to offer diverse options to meet their educational needs. To make this point, I would note that a longitudinal study of alternative high schools for former and potential drop-outs in New York City, soon to be released by the Public Education Association, found that while there is great variation in the performance of these schools, certain of them have virtually eradiacated truancy and failure from the academic profiles of students who has previously known little more. Second, society must provide a reason young people should be educated. In most cases, this means that a high school diploma will open the door either to higher education or the job market. Without an incentive that is meaningful, young people have no reason to stay in school. Third, an array of preventive services must be available to support the student and family whose social and financial problems create an environmental in which learning is difficult.

Now, I would like to discuss the federal role. The greatest barrier inhibiting quality education is the lack of national commitment—a lack of commitment reflected in the amount of money spent by the federal government to support excellence and equity in our nation's schools. With more funds, the innovative policies and programs proposed by Chancellor Alvarado and his fellow educators can be realized. In the long term, we do not need special programs targeted to school drop-outs, we need an educational system that attracts students because of its excellence and diversity of program. I believe that the current education programs supported by the federal government provide an appropriate framework to bring excellence and equity to our nation's schools. The problem is that these programs are woefully underfunded. Despite Reagan's rhetoric on the importance of education, there has been no net increase in education spending since his inauguration.

In New York City, federal education dollars comprised 13.8% of our school budget in 1981. Today, the federal government provides only 10.8% of the City's education budget. Does this comparison demonstrate a commitment to excellence and equity in education by our President? More funds for Chapter I, the Vocational Education Act, bilingual education, women's educational equity and other currently authorized federal programs would go a long way to improving education and have as its benefit more young people continuing their education.

Young people will only attend school if it is in their interest to do so. Rewards in terms of higher education and employment must be offered. In addition, preventive and supportive services such as child care (both for parenting students and students who must remain at home to oversee younger siblings while their parent(s) work), counseling, medical screening, individualized instruction and nutrition must be made available if a learning environment is to exist.

I am often asked how I can request more federal funds for education as a panacea for reducing the number of drop-outs. My response is two-fold. First, you can pour all the money you want into education, but most of it will be wasted unless young people perceive school as a means to a future. At some point in their lives, this means jobs and jobs that have potential for income growth. That is why in New York City, it is disheartening to have sustained a 71% reduction in federal employment and training funds since 1981. Second, young people have many economic and social barriers which must be overcome if they are to be productive adults. These barriers, in all too many cases, will not be overcome unless preventive and supportive services are available to students during their educational experience. Again, these critical funds, provided through Title XX and other federal programs, have shown negative real growth since the advent of our current President.

Many communities throughout the country and certainly we New Yorkers have come to realize that the school drop out problem cannot be ameliorated unless quality and equitable education, employment and preventive services are meaningfully linked to create the supports required for positive youth development. First, if the federal government is serious about young people it has a responsibility to provide more funds in each of these three areas and, second, the federal government should through planning requirements and categorical allocations mandate and facilitate the linkage of these services in local communities. These two steps will go a long way toward enhancing school continuance by our nation's youngsters.

Before concluding, I wish to bring to the Caucus' attention two other matters which deserve attention and action.

1. The Office of Civil Rights (OCR) no longer publishes data on the number of student drop outs, suspensions and transfers. Emasculated by the Reagan Administration, the community-at-large has lost an important resource for determining whether members of protected classes are unduly discriminated against by the nation's school systems. Knowing from past experience with the OCR data that a significant number of push outs and drop outs leave school because of discriminatory practices, I urge the Caucus, either through persuasion or legislation to restore OCR as a valuable ally in identifying where action needs to be taken to improve school continuance by students. Needless to say, since Reagan, OCR has been less than active in ordering States and localities to end discriminatory policies which result in school drop outs and push outs.

2. Secretary Bell recently issued a report, "Chaos in the Classroom: Enemy of American Education," which calls for more discipline in the schools as the way to increase learning. Discipline is clearly important but how discipline policies are formulated and implemented seem to be criticial variables. A recent study by the New York City Criminal justice Coordinator's Office posits and offers documentation that an open behavior management strategy, characterized as one in which the total school community (parents, students, teacher, administrators, and community representatives) is involved in the design and implementation of policies to control student behavior, evidences a smaller number of reports of absenteeism, drop outs and in-school delinquent behavior than school with autocratic behavior managment strategies. Further, evidence provided by Advocates for Children of New York indicates that at least 7 of 10 young people involuntarily transferred as a result of a suspension, drop out. There is also ample evidence in New York City that minority group students are suspended in greater numbers than their white counterparts for similarly disruptive activities. Discipline is not the simplistic issue President Reagan hopes to make it and I trust this Caucus will try to explain to the American public that school discipline policies are not the issue. Rather, how discipline policies are formulated and implemented are of great concern if we want to improve school retention, improve learning and reduce negative behavior. Further, given the potential for wrongful and discriminatory action by school personnel exercising autocratic behavior, it is incumbent that students have rights to present their side of the story to school officials in formal proceedings with a right to appeal to superiors. And, as a matter of right, students should have civil right's entitlements in adversarial proceedings.

Defense spending at the expense of young people (and all those in need)—that is the decision made by the White House. I have spoken today on how we as a country might save many of our young people from becoming a permanently disenfranchised population—because they have no reason to complete their education. But the plans I offer will be stillborn until we trade MX missiles for smaller class size, B-1 bombers for improved and more diverse educational offerings, killer satellites for increased job training oportunities and ray guns for the necessary supportive and preventive services required to nurture youth toward self-sufficiency. The Caucus, through its activities can help focus America on the real needs. Thank you for giving me an opportunity to be heard.

TALKING POINTS FOR RITA DEMARTINO

For a long time, New York City has been known as the "Youth Unemployment Capital" of the country. The numbers of older workers available made it difficult for many young people to get jobs.

But New York City's demographic picture is changing. Over the next few decades, the city will have to rely more and more upon younger workers, as many older workers retire.

Therefore, it is in the best interest of the New York City business community to see that youth are well prepared for employment opportunities.

And to be well-prepared for employment, youth have to stay in school.

As you have heard from earlier witnesses, close to half of all New York City students end up dropping out of school. The drop out rate for minority youth is disproportionately high. The 1980 census revealed that across the country 13.7 percent of Hispanic youths aged 18 and older had less than 5 years schooling and 7.6 percent of black youths in the same age group were likewise classified as "functionally illiterate." Current estimates are that some 60,000 New Yorkers between the ages of 14 to 21 are illiterate.

Dropping out of school leads to unemployment. Since minority youth in this city have a higher dropout rate, it follows that their unemployment is higher. More than 50 percent of all minority youth in New York City are unemployed.

In 1977, of some 175,000 new jobs created for youth, more than 75 percent went to young people who lived outside of the city. Local young people lacked the basic skills necessary to fill the jobs.

The cost of youth unemployment to society is great indeed. Sixty-six percent of all serious crimes in this city are committed by youth aged 24 and younger, many of them unemployed. It costs $60,000 to put one youngster into a high security detention center.

And, the cost to the business community is great too. Between $40 to $60 billion was spent by businesses across the country to train employees. Over half of that money was spent on remediation training: That is the training in basic skills such as reading, writing, and math that should take place in schools. In this city alone, AT&T spends several million dollars a year on remediation training for young employees.

Surveys, the want ads, the frequency of firings, and complaint rates reveal that employers across the country are less and less satisfied with the skill levels of entry employees.

So, those of us in the business community are pleased to see the Senate children's caucus hold this forum on dropping out of school, because the costs to business of the dropout problem are tremendous.

STATEMENT BEFORE THE SENATE CAUCUS ON CHILDREN—HEARING ON SCHOOL DROP-OUTS

(By Angelo Gonzalez)

Good afternoon, my name is Angelo Gonzalez, Executive Director of Aspira of New York.

On behalf of the youth, Board of Directors and staff of our agency, I wish to thank the Senate Caucus on Children for extending us the opportunity to present our views on the issues outlined for discussion at this hearing.

ASPIRA of New York has been serving the educational needs of Puerto Rican and other Hispanic youth since 1961. We are part of a national network of educational institutions functioning through ASPIRA of America, with programs in Chicago, New Jersey, Philadelphia, Puerto Rico and Miami.

Let me begin by addressing the issue which we have concluded needs to become the number one educational priority in the City of New York: the massive dropout problem.

In June, 1983 ASPIRA of New York released a study of the educational outcomes for Puerto Rican and other minority and non-minority youngsters in the New York City public high school system. The result was a sobering report that estimates that the current dropout rate for Hispanics is as high as 80 percent. Perhaps most frightening of all is that this indicates that the dropout rate of Hispanics, already unacceptable, is actually worsening over the last two decades.

In 1980–81, Hispanics made up 31 percent of the total student body of the New York City public schools. The Hispanic student populaton has been the fastest growing in recent years: between 1976–77 and 1980–81 it increased 10.3 percent, compared to Black student increase of 2.6 percent and a decline of all others of 6.5 percent.

The study of the situation of Hispanic youngsters in the New York City public schools reveals the following alarming findings:

Hispanics displayed the highest rates of dropout (80%) from 9th to 12th grades compared to Blacks (72%) and Whites (50%).

Compared to the overall dropout rate in Upstate New York (17%) the overall dropout of 68 percent in New York City from grades 9 to 12 is excessively high for all groups.

For each group, the dropout rate in New York City was more than double than that of Upstate: for Hispanics it went from 29 percent Upstate, to 80 percent in New York City: for Blacks from 39 percent to 72 percent, and for Whites, 16 percent to 50 percent.

The private schools are not picking up the slack resulting from the high Hispanic dropout rate since they only enroll 12 percent of all Hispanic students (compared to 40% of all White students).

The dropout rate for Hispanics in the private schools is also relatively high for Hispanics (20% compared to 13% for Whites and 9% for Blacks).

The unemployment rate in New York City for youth 16-20 of age are dropouts over the last decade rose from 53 percent in 1970 to 73 percent in 1980. The high dropout rate experienced by Hispanics and other students in the New York City public schools clearly illustrates the educational system's contribution to the enormous youth unemployment problem in the city.

The methodology utilized by the New York City Board of Education to determine the dropout rate under-reports the actual rate (they put the dropout rate at 43-45 percent while our study found 68 percent to be a more accurate figure).

These findings point to the need to recognize that the drop-out crisis of Puerto Ricans and other Hispanics from the New York City public high schools should be the number one educational priority for the Board of Education and Hispanic community at large.

We understand that Chancellor Alvarado will be unveiling a long-term reorganization plan to address this and other issues. But we find that the problem for our community is so overwhelming that it must be addressed aggressively and cannot wait for such an ambitious agenda to be fully implemented.

One major problem we have encountered is that the Board of Education and our community does not even have an accurate picture of the dimensions of the dropout problem. To this end, we would like to see the Board of Education go beyond the minimum statutory requirements in this research by:

Developing methods to estimate the dropout rate by race and ethnicity.

Providing a better accounting of the fate of those thousands of students that are "holdovers".

Calculating the dropout rate on a grade by grade basis.

Initiating a programmatic broadening of the definition of "dropouts" to include an examination of those young people 17 years and younger.

Establishing a new relationship between the Office of the Schools Chancellor and the Puerto Rican-Hispanic community through bi-monthly meetings with representatives from a cross-section of educational and parents organizations.

Increasing the number of Puerto Rican and other Hispanics in policy making, teaching and other positions at the Board of Education.

I have brought with me copies of this report to offer as part of our testimony.

In summary, Aspira of New York stands ready to aid the Board of Education in developing effective strategies to deal with this most pressing issue. We applaud the Senate Caucus on calling for public hearings and expect that the testimony offered here today will enable you to fully comprehend the dimensions of the drop-out problem. While we join the National Consensus for excellence in education, we believe that the proposed reforms cannot succeed unless the immediate problem of student drop-outs is addressed at the local and National level.

CHILDREN'S CAUCUS FORUM ON DROPOUTS HELD IN NEW YORK, ON JANUARY 23, 1984

Mr. BRADLEY. Mr. President, I was delighted to be part of the forum on the causes and consequences of dropping out. We held the hearing because we know that dropping out of high school is a serious problem: In some urban schools, the dropout rate is higher than 50 percent, and that doesn't count the many students who are officially enrolled in school, but attend irregularly. The consequences of dropping out are also well known. Nearly a third of the 16- to 24-year-olds in this country who had dropped out of high school are unemployed.

We could force these kids to stay in school. But this is clearly not a good solution, for unwilling students are not good learners, and they often disrupt the learning of others. We obviously need to go further, to examine the causes, and then to formulate public policy that goes to the source of the problem.

Mr. President, I am convinced that one of the reasons students drop out of high school is that they did not master basic skills in the elementary grades. They are—to use the current jargon—"functionally illiterate" and they can't even get to first base with the high school academic curriculum. Considering the frustration, discouragment, it's not surprising that leaving school seems like an appealing alternative.

The problem of functional illiteracy is widespread. It is estimated that 23 million American adults and about 13 percent of all 17-year-olds have inadequate reading, writing, and comprehension skills for every-day functioning. Functional illiteracy among minority youth may run as high as 40 percent. Thus, a fair proportion of our youth have trouble reading a newspaper, a receipe, instructions on a package of prepared food, or filling out a job application. Many lack the computational skills needed to balance a checkbook. Imagine how intimidating a tax form must be.

So far most of the important educational reforms that are being implemented across the country have not addressed directly the problems of the high student who has not mastered basic skills. Many States, including my own State of New Jersey, have increased academic course requirements for graduation; and at last count, 39 States have developed minimum competency tests for purposes of remediation or promotion, and in 19 States, passage of a test is a requirement for graduation. I strongly support setting high standards for our students. But I am also concerned that without sufficient support, the higher standards will discourage the educational involvement of some students, rather than inspire their greater effort. We could actually see a rise in the number of students who drop out of schools, because they consider their prospects for meeting the standard too remote to keep trying.

New Jersey, and many other States are making considerable efforts to provide remedial instruction to high school students who are achieving at a very low level. However, such efforts to develop basic skills training are grossly underfunded at the secondary level. Less than 5 percent of chapter 1 funds—which is the major Federal program aimed at disadvantage students—are currently spent at the high school level.

The hard work has to be done in the schools themselves. But I believe that the Federal Government can and should support local efforts by making sure that schools have access to information about approaches that work, and by providing funds to enable schools to effectively implement these approaches.

Mr. President, after the New York Forum was held and introduced the High School Basic Skills Act (S. 2422). The bill would first provide funds to develop some programs that work and then help disseminate those techniques to all schools. In the first phase, $100 million would be made available on a competitive basis to secondary schools with large concentrations of low-income students to help them find the most effective means of teaching basic skills to high school students who haven't mastered them. These programs would be carefully evaluated. The techniques used in the most successful programs would be widely disseminated in the second phase. During the second phase, $800 million would be made available to State departments of education to distribute to schools with disadvantaged populations on a formula basis. This is approximately the amount of money that is needed to bring high schools up to the same level of Federal funding for basic skills that is currently provided in chapter I for elementary and junior high schools. This amount would provide remediation for approximately 1,400,000 additional high school students.

But I don't plan to provide the funds without some strings. Schools will be required to demonstrate that they are making progress. Thus, continued funding after the first 2 years would be contingent upon an increase in the number of students passing a State approved minimum competency test or a reduction in the dropout rate.

Many schools are doing a great job in making sure that all students master basic skills. They deserve our praise. Most schools have been less successful. They need to have access to the expertise others have developed, and they need financial support to implement programmatic changes that will result in improved academic skills.

Mr. President, in New York City in January the Children's Caucus had an excellent opportunity to hear about some of the approaches that have worked. I was especially pleased and proud that Joseph Clark, principal of Eastside High School in Paterson, NJ, came to the forum. Mr. Clark, has demonstrated that an inner-city high school—one that was considered by many to be a lost cause—can be turned around and set on a track in which all students are not only mastering basic skills, they're doing well in the more difficult high school curriculum. Mr. Clark has been widely recognized for his achievements and I think we have much to learn from his experience. I was also pleased that Kevin Baker from Eastside High School in New Jersey, who is an example of how a student can thrive in an inner-city school, also testified in New York.

TRIBUTE TO SENATOR HOWARD BAKER

Mr. DODD. Mr. President, someone once rated the American Presidency and mayor of New York as the two toughest jobs in the world. Obviously, that person had no experience with the role of the Senate majority leader.

Our colleague, HOWARD BAKER, is now leaving that position and the Senate itself for a well-earned retirement. The people of Tennessee and the Nation are indebted to him for 18 years of dedicated public service. The Members of his party are losing an able, resourceful, and respected leader. And Senators on both sides of the aisle will miss a man of good sense and good humor, dignity, fairness, and fundamental decency.

Those who know HOWARD BAKER well will tell you if he had been prone to personal indulgence, he would have spent a lot more time reading poetry or in his photographer's darkroom. But his parliamentary expertise and his ability as a communicator and his commitment to the public interest did not permit that. Instead, he worked long hours here on the floor and in the cloakroom, hammering out agreements and reconciling differences so that the Senate could work its will, often while the rest of us took turns trying to find the limits to his proverbial patience.

That the Senate operated as well as it has is emblematic of his genius as a manager. That he succeeded as often as he did without losing the respect or friendship of a single Senator is a tribute to his outstanding character as a man.

Throughout it all, HOWARD BAKER has borne his burdens with remarkable grace under pressure and a consistent sly humor.

He liked to tell the story of two Tennessee tourists who were near the Senate Chamber when five bells sounded and people started moving about. "What does it mean?" one asked. "I'm not sure," the other replied, "do you suppose one of them has escaped?"

I am sure I reflect the sentiment of all my colleagues, Mr. President, when I say how much we regret, even as we understand, that HOWARD BAKER is escaping from us not. Whatever it would take to bring him back, be it five bells or unanimous consent, we would all gladly do.

TRIBUTE TO SENATOR JENNINGS RANDOLPH

Mr. DODD. Mr. President, it is a convention of rhetoric to say that a great man's retirement ends an era as well as a career. In the case of JENNINGS RANDOLPH, it is also a fact of history.

His service in Congress bridged the "100 days" of F.D.R.'s first term to the current administration of Ronald Reagan, nine Presidents, five Democrats and four Republicans, passed through the White House knowing that West Virginia had an outstanding Representative and the Nation a dedicated public servant in the person of JENNINGS RANDOLPH. Even during his sabbatical from Congress, he could not avoid serving his Nation. His work as a private citizen with the airline industry won him the title, "Father of Modern Aviation."

As for his public service, a full accounting of his achievements would require a whole CONGRESSIONAL RECORD to itself. A brief list of highlights would have to include the following:

His stewardship over the Interstate Highway System created millions of productive jobs, boosted the productivity of the American economy, and gave us the most modern and efficient transportation system of any nation in the world.

His pioneering work for mine safety, black lung benefits, and the development of Appalachia made life easier, healthier, and more rewarding for the hard-working people of his native State.

This constant dedication to rights and opportunities for handicapped Americans has enriched the quality of their daily lives and enhanced the contribution they make to the Nation.

He deserves a monument—but he does not need one. The Air and Space Museum and the forthcoming U.S. Institute for Peace, both of which owe their existence to his persistence and persuasiveness, serve that purpose better than anything we could contrive.

Perhaps his most characteristic and unique quality has been how easily he combined a memory of our heritage with a gaze fixed toward the future. Those who served with him have long marvelled that he seemed far more contemporary than colleagues who were decades his junior. Perhaps that explains his role in securing the vote for 18-year-olds.

We will, all of us, Mr. President, miss this extraordinary man of traditional courtesies and modern outlook. After a half century of service, his place in the annals of the Senate and the hearts of his constituents and his colleagues is assured. And his youthful spirit continues. He now will devote his time to a writing career, he says. "I'm not going to retire. I'm only changing jobs."

That is fortunate. We have had only 52 years of public service from JENNINGS RANDOLPH. It has not been nearly enough.

CHILD SEXUAL ABUSE: PREVENTION AND PRIORITIES

Mr. DODD. Mr. President, several months ago the Senate children's caucus held a policy forum on an issue which has been the focus of grave public concern ever since: namely, the sexual victimization of our Nation's children.

Although estimates of the incidence of child sexual abuse vary, the numbers of reported cases nationwide have increased dramatically within recent years. Since 1980, the number of suspected child sexual abuse victims in my State of Connecticut has increased by over one-fifth. And between 1982 and 1983, reported cases in the State of Maine increased by 100 percent.

By even the most conservative estimates, a child is sexually abused someplace within the United States every 2 minutes. One in every five victims is a child under the age of 7. And close to half of all victims under age 18 will be the targets of repeated sexual abuse.

Boys are not exempt from such victimization. Neither are infants, given reported cases of sexual abuse involving children only 3 months old.

As the caucus members heard on April 26, child sexual abuse can trigger many other serious problems, some of them long-lasting. Police chiefs across the country report that 70 percent or more of all runaways have been sexually abused before they make the decision to run. Teenage prostitution itself is closely linked with prior sexual victimization. And adult survivors verify that that the long-term repercussions of such abuse can include alcohol and drug abuse, severe depression, and an inability to form close relationships.

Perhaps most alarming is the fact that childhood sexual abuse tends to repeat itself. Experts contend that the vast majority of both adult and juvenile offenders were at one time victims themselves. Until we make treating these offenders and their victims a real priority, we will fail to break the cycle of abuse.

Prevention efforts must also focus on children themselves. At a minimum, two of every three child victims will be abused by someone they know and trust, including relatives and friends, neighbors and babysitters, teachers and daycare workers. A simple warning "not to talk to strangers" will not protect most children. Rather, children have to learn that it's all right to say no if a trusted adult approaches them. Young people must also be taught how to reach out for help if they are victimized. And parents and professionals—like teachers and policemen—have to learn what to do when children in crisis come to them.

Prevention and treatment programs are not at all what they must become if we are to curb the epidemic of sexual abuse now confronting us. Separate Federal funding for such programs was eliminated in 1981. With severely increased caseloads and drastic cutbacks in staff, many States are facing a real crisis in just identifying and treating victims. Precious few dollars are thus available for prevention.

The Senate acted recently to restore Federal funding for child abuse programs cut so shortsightedly 3 years ago. And legislation I sponsored establishing Federal challenge grants to encourage States to set up child abuse prevention trust funds has also passed the Senate. As witnesses pointed out at the caucus forum, however, much more remains to be done.

Three panels of experts testified before the children's caucus on April 26. Our first panel included children who had previously participated in prevention programs. They are Laina Beth Cohn from South Bend, IN; Trina Frelimo-Stevens from Washington, DC; Michael Hanzel from Richmond, VA; Jared Ross from Greenbelt, MD; and Sianga Uvuri Stroud from Washington, DC. These young people described the prevention plays and puppet shows they had seen and explained why they thought it was important for all their friends to see such plays too.

The second panel of experts focused on the scope of the problem nationwide and the importance of increasing public awareness. Kee McFarlane, director of the Child Sexual Abuse Diagnostic Center at the Children's Institute International, outlined the tragic incidents of child sexual abuse over a 10-year stretch at a Los Angeles preschool. She called for targeted Federal assistance for victims and their families. Bill Beyers, youth ambassador to the National Committee for the Prevention of Child Abuse, spoke of the role actors such as himself can play in drawing the public's attention to the crisis posed by child sexual abuse. And Trudee Able-Peterson, consultant and counselor in New York, described her efforts to reach victims across the country who are junior high and high school students.

The final panel of witnesses focused on the role of State government, the judiciary, and correctional institutions in breaking the cycle of abuse. Sandi Hodge, director of protective services for the State of Maine, spoke of efforts in her State to get professionals from district attorneys to teachers to work together in addressing the problem of child sexual abuse. The Honorable Reggie B. Walton, justice of the Superior Court in the District of Columbia, decried the lack of sentencing options for judges and highlighted the need for treatment programs for offenders. Dr. Nicholas Groth, director of the Sex Offender Program at the Connecticut Correctional Institution, described the cycle of abuse in which victims become offenders and urged priority be given to treating offenders. And, Dr. Carl M. Rogers, associate director of child protection at Children's Hospital National Medical Center, submitted testimony detailing the need for hospital based treatment programs for offenders and victims.

Mr. President, I thank all of our witnesses for their eloquent and pertinent testimony. I especially thank the division of child protection at Children's Hospital National Medical Center in Washington, DC, for hosting our policy forum as a part of their third national conference on the sexual victimization of children. The expert assistance of the division of child protection's director, Joyce Thomas, and associate director, Carl Rogers, was invaluable.

Mr. President, I ask unanimous consent that the written testimony of Laina Beth Cohn and Bill Beyers be printed in the RECORD in its entirety.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

STATEMENT OF LAINA BETH COHN

To the Senate of the United States:

My name is Laina Cohn. I am 12 years old and I am from South Bend, Indiana. I would like to talk to you today about how I think sexual abuse can be presented.

My mother and some of her friends travel from school to school in South Bend to present a play on how to prevent sexual abuse. The play is called "Little Bear." We learned a lot from my mother and the play. Let me tell you about the play my mother is in and why I think it is so good for children.

The play is for children in nursery school through the eighth grade. The story is about a young bear and a big bear, a young moose and a big moose. My Mom is the big moose. The young bear is being sexually abused by the big bear with strong and painful and gushy hugs . . . not nice hugs. Little Bear is afraid to tell and tries to hit Big Bear and run away. She tells Little Moose and Little Moose tells Big Moose who helps Little Bear out.

The story teaches you: the best way to prevent abuse is if children know beforehand how to say "no", just like "Little Bear" teaches us. He teaches you what to do if you're already being abused—to keep on telling someone until some adult believes you and helps you. It tells you that it's not your fault if it happens to you. It tells you that if an older person has a secret with you about touching, this is a bad secret and you must tell.

The program has encouraged many children to tell their problems, and teachers, parents, social workers, and the courts to believe children.

My Aunt is the Executive Director of the National Committee for Prevention of Child Abuse. They want to get plays and programs like "Little Bear" in every school in the country. I think that this is very important. I know how much sexual abuse can hurt. I have a friend who was sexually abused by her father. She kept it a secret a long time which made her very nervous and jumpy and sad. If she had seen a play like "Little Bear", I'm sure she would have known what to do. Maybe you can help us get plays like this in every school.

Thank you.

TESTIMONY OF BILL BEYERS, YOUTH AMBASSADOR, NATIONAL COMMITTEE FOR PREVENTION OF CHILD ABUSE

Senator DODD, Senator SPECTER, members of the Caucus and ladies and gentlemen, my name is Bill Beyers, and I am a member of the cast of the daytime TV soap opera "Capital". I'm here today as the National Youth Ambassador of the National Committee for Prevention of Child Abuse, a private non-profit organization working to prevent child abuse before the fact. The wisdom of working on the prevention front is a choice I fully support. This is not only because I have become convinced that it is fiscally more responsible to strengthen families so they won't fail, but I have also seen first hand the devastating effects of child abuse on the child victim, the abusing parent, other siblings and family members, and indeed the whole community. You see, sexual abuse recently occurred within my extended family. It was as a result of that most difficult situation that I decided to volunteer my time and become involved in efforts to prevent child abuse, in particular child sexual abuse. My designation as Youth Ambassador to the National Committee has given me an opportunity to voice my concern in a visible and public way. I have spoken to numerous community groups across the country advocating for more widespread prevention efforts.

The problem of child sexual abuse has been referred to in previous years as "the last frontier". In terms of recognition of the problem this is clearly accurate. Sexual abuse as a major and widespread type of child maltreatment has only been recognized within the past five years or so by professionals in the child protection field and even more recently by the American public as a whole.

The national public service campaign launched in 1975 by the National Committee and the Advertising Council spread the message to the American public through TV, radio, and the print media that child abuse included not only physical abuse but neglect, emotional maltreatment, and sexual exploitation as well. Increases in reports of sexual abuse have reflected this growing new awareness. A fifty state phone survey conducted in 1983 by the National Committee showed the number of sexual abuse reports had risen dramatically during that year in forty-three states.

This new national consciousness was unquestionably brought to an all time high with the airing in January of "Something About Amelia", an ABC-TV movie on incest. The surge of telephone calls and letters to local and state agencies was overwhelming. At the National Committee alone over 3,000 letters were received as a result. I would like to share the content of these letters with you since they bring out the startling facts of child sexual abuse. For example:

The youngest victim was 16 months old;

The longest duration of father/daughter incest spanned 20 years;

Fathers were by far identified as the most frequent perpetrators, followed by stepfathers, brothers and uncles;

Mothers were identified as perpetrators in eight instances;

Of the 400 incest victims who wrote, 50 were men;

Incidents involving non-family members such as teachers and ministers were not uncommon.

In reading the letters, the horrible exploitation committed against these children is surpassed only by the emotional pain and confused lives which result.

"I was sexually abused at 11 years old by my father. He told me if I told my mother she would kick me out. I ran away several times. I got pregnant by my stepfather when I was 18 and had an abortion. Mom tried to make me tell her who the father was but I couldn't so I told her a lie. I was 25 years old when I got pregnant again by my stepfather. I was made to get married to someone who wasn't the real father. My dad told me if I ever took him to court because of it he'd have all his sons track me down and kill me."

Other victims write about the guilt, shame and years of secrecy, the nightmares, promiscuity and prostitution and involvement with alcohol and drugs as a means of escape:

"As a sexual abuse victim, how can I deal with the disgusting, dirty and cheap feeling I have when my spouse touches me?"

"I am starting to hate my mother with such a passion. All I think of 24 hours a day is killing her. It's becoming an obsession. I am going crazy with hate for her."

A 40-year-old male writes:

"I was constantly molested by my uncle when I was 8. That is why I never could get married. I feel that something blocks my feelings toward girls. I am lonely, many times I cry, I am very anxious and I've thought many times about suicide."

And a minister and his wife tell us:

"In our youth both my wife and I were involved in incest. I was in a mental hospital at 13, attempted suicide and had another breakdown in my early 20's. She also has had nerve problems and suicidal feelings most of her life."

And others tell us:

"My daughter and stepdaughter were molested by my husband. My stepdaugter now seems to enjoy hurting others. She is now on drugs which she sells her body to get. She is 15. My daughter was four when we married. I used to wonder why she seemed to know so much about sex. She is now 12 and dating 18 year old boys. She is also on drugs."

"I saw the movie and it all came back my horrible nightmare that I have been living by myself. Please, please help me. I cried through the movie and the news special afterwards. I cried myself to sleep. I couldn't sleep at all. I woke up the next morning with the horrible thought on my mind again. I cried some more and I'm still crying. Please help me to end the horrible monster inside me before it destroys me. I have three children at home. I need help."

The intergenerational cycle of child sexual abuse was all too often referred to:

"I am a grandmother and as a girl was abused. My own children were abused by their great-grandfather. They did not tell me until they were grown and I did not tell my mother until I was grown."

"I was molested at the age of 6 until I was 14 years old. My grandfather, my uncle and my father all three of them. Neither of them knew that the other was doing it."

"My cousin was molested by her grandfather. A niece was molested by her stepfather. I also was molested by my father . . . the movie 'Something About Amelia' was a lot of help but mild compared to real life."

The experience of men and women who were sexually abused as children marrying into families with histories of sexual abuse or sexually deviant behavior was also described:

"I am a 36 year old woman . . . sexually molested as a child from 6 years old until I was 16 by my older brother. . . . My husband of 14 years is an exhibitionist turned voyeur. My girls are now 5 and 2½ years old. Is a voyeur a potential child sexual abuser?"

"My wife and her sisters have been molested by their step-father. Two years ago I discovered that my younger children were abused by their older step-brothers and sisters. I was so frantic because of my own abused childhood to get proof against them that I resorted to having my 10 and 12 year olds show me what was done to them when they could not tell me. So I am now serving five years in prison for my tactics."

I've been told that children who are sexually victimized can develop sexually deviant behavior later in adulthood. Some who suffer deep feelings of anger and loss of control as a result of sexual abuse can cause similar events to happen as adults. In the reenactments, however, they recapture their power and control in their role as perpetrators against other victims.

"My niece has been molested for years by my brother-in-law. . . . I have three kids and it scares me to death cause my ex-husband was an exhibitionist. . . . I don't want my children messed up like my ex-husband because you see he was molested for the first time at 7 years old."

"I am a 24 year old woman presently doing 15-30 years for first and second degree criminal sexual contact. My husband is doing 30-50 years on the same charges. I was raped by my step-grandfather when I was 12."

But there are other problems which are also addressed in these letters—problems with the service systems that are meant to help children.

"I was a victim of incest along with my two sisters and one brother. It started happening to me when I was 8 and went on until I was 11 years old and got pregnant and ran away from home. I went to the police and told them and they said there was nothing they could do because my mother didn't believe me."

"My two beautiful daughters who were then age 3 and 2 were sexually molested by their father. I had him arrested. All he got was three days in the slammer and a plea bargain from the judge to see a shrink . . . he went one time. Kicking him out resulted in going to court for support and of course he went for visitation rights and he was granted them."

"I am a 31 year old female victim of sexual abuse by my father and two brothers. One of my brothers was charged in 1982 with incest with his 16 year old daughter. I agreed to testify when it came to court. The case has been on the calendar several times but has been cancelled for one reason or another, e.g. welfare department didn't show. My brother still has three children living with him, one of which is a 10 year old girl and I'm concerned about her. It's now 1984. Are all cases this long?"

"We need information on who to contact about a 40 year history of incest in my husband's family. We are awaiting a ruling from the Attorney General's Office on a complaint against the shoddy and faulty investigation of our grandson and nephew's sexual molestation cases. My husband is suffering emotionally and it's getting harder each year as he sees all the small children and teens in his large family getting caught up in this. We have been put off, been everywhere and nothing has been done even though the charges were substantiated. We have worked steadily on this nearly two years and have literally bankrupted ourselves emotionally and financially."

"When my daughter told me what was happening, I told my husband I knew. He admitted to it. I went to the law and turned him in. He did confess to incest with my two girls. The law would do nothing as they do not like handling these types of cases. The prosecuting attorney told me he had seven other of these types of cases on his desk. None of them went to trial."

". . . this family we met was more like grandparents. Well this man in his mid-seventies did everything but have intercourse with our 5 year old daughter. When she told me, the police sent for our daughter to come to the station and she had to tell two men what this man did to her. They never arrested the man. They even went to his home to question him but our daughter had to go to the police station. Four months later, her story never varied once. The grand jury threw her case out. The attorney told us for the month of January alone they threw out 15 cases of incest. They said our daughter would be an incompetent witness. How are we parents supposed to report these incidents and the system tell you it would be a waste of taxpayers money to have a trial?"

The lack of adequate treatment programs even for those who have been incarcerated represents another inadequacy in our current systems:

"I have a brother that was arrested for incest. One of the girls was his own daughter. He was locked up and sentenced to 15 years but was not given a chance to receive help. He is due to get out of prison in about 4½ years. I'm worried that when he gets out he will just do it again if not with his own daughter then with someone else's."

"My husband was sent to prison for 30 years because of sexual abuse and they recommended that he also have therapy. Then he received a note from the prison saying that he would not be eligible until six months before his release date in 2007."

Members of the Committee, it is clear from the brief sampling which I've described that the problems associated with sexual abuse for the victim, the perpetrator, the family, the social service system, the courts, and the penal system are serious and overwhelming. Though it makes sense to continue to improve our service systems and to vigorously work to expand treatment programs with documented success, such as Parents United, I believe that we must make a major commitment to preventing sexual abuse before the fact. The National Committee believes that if every school child in America were taught about their right to their own bodies, that adult exploitation of their bodies is wrong under any circumstances, that they have a right to say no to any inappropriate advances, and that they should tell trusted adults about such attempts, we could go a long way in substantially reducing the numbers of victimized children in our country. This goal is not an unrealistic one. Already through the efforts of the National Committee and its 46 chapters around the U.S., we have begun to tackle the problem head on.

"Bubbylonian encounter", a live play and now a film for children about forced sexual touching was produced in 1980 by the Kansas chapter. It has been shown to children throughout Kansas and in numerous other states as well. The power of this and similar films is evident. A recent showing of "Bub" in a Michigan school system one day resulted in nine children coming forth to disclose their ongoing sexual abuse.

"Hugs and Kisses", a similar play has recently been produced by the Virginia chapter and Act 4. It is now touring the state and has been well received by parents, teachers, and students alike.

In Seattle, the Washington chapter launched a highly successful and award winning series of public service announcements for TV with NBA star Bill Russell as spokesman. Thousands of free booklets aimed at helping parents teach their children about inappropriate sexual touching were distributed through the local library system.

In the Chicago area, the National Committee collaborated with the local NBC-TV affiliate to produce similar public service announcements with Reggie Theus, former Chicago Bulls star. The booklet, "He Told Me Not To Tell" has been distributed to hundreds of persons writing in as a result.

Recently the National Committee has collaborated with Marvel Comics to produce a comic book about sexual abuse. Utilizing the famous comic hero, the Amazing Spider Man and the Power Pack Kids, a group of children with special powers, both male and female children will have an opportunity to learn how to protect themselves from sexual abuse. The committee will work with its chapters to distribute the initial supply of 250,000 comics early this summer.

The National Committee is not alone in its belief that prevention is the key to solving this serious pervasive problem. Hundreds of letters received as a result of the ABC movie on incest indicate that others share the Committee's vision.

Teachers, mental health workers, police, the clergy and others are requesting information about how to initiate sexual abuse prevention programs in their own communities. To meet this demand for information, the National Committee has compiled a resource listing of films, plays, school criteria, public service announcements and printed materials for children and parents. At this time I would like to submit a copy of this annotated listing for the record.

In closing, perhaps the message of prevention is best summed up by those who could have benefited from it the most:

"Please continue to educate school age kids. Educate parents and adults everywhere. I was a victim. It's great that it's out in the open. Now people might understand what a child goes through and how hard it is for a child to understand what is going on. If only I would have known, I would have told someone and put an end to the most horrible experience of my life."

TRIBUTE TO SENATOR TOWER

Mr. DODD. Mr. President, Senator John Tower's retirement will deprive this institution of an encyclopedic knowledge of defense issues, a broad and admirable scholarship, and perhaps our highest standard of sartorial elegance. Like the man himself, these qualities which he embodied will be sorely missed.

As chairman of the Senate Armed Services Committee over the past 4 years, John Tower directed major changes in the defense policies of the Nation. Many of these matters were conroversial. Senator Tower never shrank from them; he relished a good floor fight. Those with whom he agreed found in him a resolute and resourceful leader. Those of us who opposed him on specific issues learned that he was a formidable, and we would have to concede, usually successful, adversary.

On the Senate Committee on Banking, Housing, and Urban Affairs, I had the opportunity to work with John Tower in crafting national housing policies. It would be hard to find in the Senate a fairer subcommittee chairman. The national interest and bipartisanship were consistently his personal hallmark.

I join my colleagues in saluting Senator Tower for a quarter of a century of energetic, capable service in the Senate and wishing him good fortune in all his future endeavors.

TRIBUTE TO SENATOR TSONGAS

Mr. CHILES. Mr. President, Paul Tsongas came to Congress at the age of 33 and leaves it at 43. It is only a decade in a young man's life, but long enough to establish him as a draftsman of public policy for the 1980's and beyond.

He has been an inventive contributor to the debates on three of the most critical topics of the American future: Our ability to compete in world markets; our capacity to conserve and develop energy, and; our peaceful relations with the Third World.

Paul Tsongas is among the leaders of the young generation of Senators who combine the compassion of the liberal with the tough-minded instincts of the problem solver. And the combination has made him a spokesman for those who want to understand the American role in the world, rather than insist upon American rule of the world.

In that capacity, he has been a champion of arms control to check the spread of nuclear weapons. And he has been a persistent critic of those who would move the frontiers of warfare into space. He has spoken eloquently and with understanding of the most fundamental issue of the time: How can the world's greatest powers step back from a war to end all lives.

Paul Tsongas has made human rights not just an issue on which to vote, but a fact of life about which all of us must care deeply. He has been a thoughtful leader in bringing to the eyes of the world the carnage in Afghanistan and the disgrace in South Africa.

He has understood that although the wealth of the United States can help troubled nations resist the invader and the oppressor, we must also help beseiged nations—and ourselves—with our example. He brought to this institution a practical insight into the virtue of democratic government. The theme of his Senate service has been to let the world know the independence and freedom we claimed more than 200 years ago are still our strongest message.

Paul Tsongas understands we are determined to compete with the best any nation has to offer in the marketplace, and reason with the leaders of the world at the bargaining table. He believes in a United States strong enough to be secure, and secure enough to listen.

He returns to Massachusetts with his wife and young family to resume life as a private citizen, but with no less a committment to public justice and world peace.

Paul Tsongas has brought to the Senate the same vitality that prompted the words of Ezekiel, "I will put a new spirit within you." For that new spirit—the spirit of the future—we salute him, and wish him well.

SENATOR BAKER'S RETIREMENT

Mr. CHILES. Mr. President, Howard Baker's career as a Senator is about to come to a voluntary end. As he surveys the years he has spent in service to the Nation, I hope he will consider the words of Ecclesiastes which remind us, "Better is the end of a thing than the beginning thereof: and the patient in spirit is better than the proud in spirit."

As the Senate struggles to unwind the snarls and adjourn for the year, I marvel at his patience almost as much as I do at his persistence. Now, as he has throughout his tenure as Senate majority leader, HOWARD BAKER has refused to let the Senate even think about leaving without finishing its work.

As patient as he is, I have never known HOWARD to suffer from an overdose of pride, even though he has much to be proud of. After 10 years in the Senate, he was chosen Republicans leader in 1977, and I do not believe the Republicans have ever had a reason to regret their choice.

He has proven himself as a gifted parliamentarian, one of the Senate's most able debaters, and, above all, a reasonable man. His basic aim as majority leader has been to be effective, an aim in which he has succeeded, and has the record to prove it.

Senator BAKER has always been considerate of his colleagues, and gone out of his way to accommodate the needs of each of us. On more occasions that I care to admit he has helped to arrange the timing of votes, or the scheduling of meetings to take into account the demands of this Senator's own busy schedule. He did not have to do that. It was a courtesy of the majority leader. But at one time or another, he has done for all of us, and did so with good grace, but with the gentle reminder that the work of the Senate would still be done.

HOWARD BAKER is a man who handles big national issues so well because he has never forgotten his roots.

HOWARD picked up his easy style of politicking very early in life, campaigning with and learning from his father, the late Howard Baker Sr., who was the Second District Congressman from Tennessee for many years.

And, I understand from many who have seen him work crowds in his native State, that his style is much like it is on the Senate floor: easy going and friendly.

Of course, a part of the BAKER team and responsible for every bit of success it has enjoyed, is HOWARD's lovely wife, Joy, the daughter of the former Senate Republican leader Everett Dirksen of Illinois.

Rhea and I are going to miss HOWARD and Joy and we wish them the very best in the years to come.

THE RETIREMENT OF SENATOR RANDOLPH

Mr. CHILES. Mr. President, it seems to me the most fitting tribute from the Senate is to say JENNINGS RANDOLPH is a tribute to the Senate.

Few men in public life, and fewer still in my experience, have brought such eloquence and unfailing grace to their work. JENNINGS RANDOLPH, as a friend and as a Senator, has been both a patient teacher and lifelong student of the standards for those who want to serve their Nation.

When he was first elected to the House of Representatives in 1932, he brought with him a mastery of the English language that has served him as a public servant and private citizen for more than 50 years. He was only 30 years old when he first took the oath of office, but already he had been an editor in his native West Virginia, and had already been a professor of public speaking at Davis and Elkins College.

And when he first came to Congress he joined some of our history's most distinguished company. Among those serving when Senator RANDOLPH came to Washington were Carl Hayden, Walter George, Richard Russell, William Borah, and Huey Long. Arthur Vandenberg was in the Senate along with Burton K. Wheeler, George Norris, Patrick McCarran, Robert Wagner, and Robert LaFollette.

But JENNINGS RANDOLPH, while always respectful of his colleagues, was equally determined to build a record of achievement for the people who sent him here.

During his service in the House he chaired the Civil Service Committee, the Committee on the District of Columbia, and the House Subcommittee on Coal. He was a member of the Committees on Labor, Roads, and Expenditures.

The years he served were the very time in our history when imagination and resolve were critical to our survival as a nation. We were fighting our way out of a depression, and Government was called upon to act boldly. If you look back to list only a few of the vital laws passed when JENNINGS RANDOLPH was here, it is clear he was part of an era that reshaped the Nation.

Congress passed the Agricultural Adjustment Act of 1933, created the Tennessee Valley Authority, passed the National Industrial Recovery Act, and established the Federal Deposit Insurance Corporation.

He was here when Congress created the Securities and Exchange Commission, and the Federal Communications Commission. The Federal Housing Administration, the Soil Conservation Service, the Rural Electrification Administration all came into being during Senator RANDOLPH's early tenure.

And Congress enacted Social Security, the Fair Labor Standards Act, the Hatch Act, the First War Powers Act, and, by a bare margin, Congress approved the Selective Service Act when the Nation was short of manpower and firepower on the threshold of world war.

In the aftermath of America's involvement in that war, JENNINGS RANDOLPH was in the House of Representatives when we ratified the United Nation's Charter, passed the National School Lunch Act of 1946, authorized a 5-year plan for hospital construction, set up the Atomic Energy Commission, and reorganized Congress.

Through all that time and all those great efforts, JENNINGS RANDOLPH fought hard for the coal industry in America, and became an outspoken champion of the handicapped and the disabled.

And few people did as much to promote the virtues of air travel than JENNINGS RANDOLPH. He knows that industry better than any of us both as a legislator and as an airline executive. In fact, on the wall in his office is a picture taken the day he joined President Truman at the White House for the signing of the Federal Airport Act. In both peace and war, JENNINGS RANDOLPH is among the patriarchs of American aviation.

Throughout his career, JENNINGS RANDOLPH has never let up. His committee assignments in this Congress alone, span the broad range of key issues in America from the environment, to transportation, to labor, to veterans.

An author, statesman, and Senator with the soul of a poet, JENNINGS RANDOLPH has treasured the dignity of the Senate, and today his colleagues applaud the dignity of his Senate service.

JENNINGS RANDOLPH's record is both rich and distinguished. But, since he is a humble man, even this abstract could make him feel uncomfortable. If that is the case, let me remind him of the words of Thomas A. Kempis who tells us the glory of good men is not in the tongues of men but in their own conscience.

JENNINGS RANDOLPH leaves the Congress with a conscience that should tell him he did his best. And it was more than enough.

TRIBUTE TO SENATOR TOWER

Mr. CHILES. Mr. President, those of us who have served with JOHN TOWER know him as a man of strong opinion and deep conviction. For 23 years, he has been an outspoken advocate of defense readiness and military preparedness. He has been both a builder and renovator of modern military planning, and a ready ally of our men and women in uniform.

As a member of both the Budget Committee and the Senate Armed Services Committee he has been at the very center of the struggle to fashion the most capable defense force possible within the limit of economic reality. His well-known tenacity as a spokesman for the Pentagon was a major factor in the steady military buildup over the last decade.

JOHN TOWER has also been a notable figure helping to shape urban policy in America. And he has made substantial contributions over the years to the rewriting of Federal banking laws.

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JOHN TOWER came to the Senate as both a student and teacher of government. He returns to private life to resume his teaching, well versed and well known as a master of the legislative process. His students can be confident that he carries with him the esteem of his Senate colleagues, and the thanks of Texas and the Nation.

SENATOR JENNINGS RANDOLPH

Mr. HUDDLESTON. Mr. President, I want to take a brief moment to add to the remarks of my colleagues in paying tribute to one of the most revered and beloved Members of the Senate—the senior Senator from West Virginia, JENNINGS RANDOLPH.

His 52 years of public service began during the first hundred days of the New Deal when JENNINGS RANDOLPH joined with President Franklin Delano Roosevelt and other brave men and women who refused to yield to the economic chaos and despair of the Great Depression. Their bold action and extraordinary vision helped put America back on track and formed the foundation for the prosperity and security that subsequent decades have enjoyed.

Other colleagues have spoken of his many legislative accomplishments. I would like to take a moment to reflect on the philosophy that has shaped this truly remarkable career. His 26 years in the Senate—14 as the distinguished chairman of the Committee on Environment and Public Works—has been dedicated to the dreams and aspirations of the American people; the people's right to honest labor in a safe workplace; to a strong economy and a strong defense based on the responsible development of this Nation's abundant natural resources; and the right to offer our children a world that is safe and green and full of life.

We have often joined hands across the State boundaries of Kentucky and West Virginia and fought for programs and policies that guarantee these rights for the people of our States, for the citizens of the Appalachian region and for the good of our country. I will miss his friendship and his counsel on the Senate floor. The Senate will sorely miss his guidance, his sense of decorum, and the vitality and boundless optimism with which he devoted himself to his work. And most of all, we will miss his humanity.

Let us not forget in the days ahead, as we continue our service in the U.S. Senate, to stop and see the world through the eyes of JENNINGS RANDOLPH. His vision can be summarized by advice sent to him by his father many years ago: "Always remember the man and woman by the wayside of the road." JENNINGS RANDOLPH has never forgotten them. If we must serve without him by our side, let us not forget his vision, for it will serve our States and our Nation well.

SENATOR HOWARD BAKER

Mr. HUDDLESTON. Mr. President. It has been a special pleasure for me to have served in this great body with a man of HOWARD BAKER's great intellect, character and wit.

Our States have much in common besides a long border. From the Appalachian Mountains to the small tobacco farms of the central States, to the larger grain farms of our westernmost regions, we share a similar geography.

We share rivers and lakes and power systems. And most of all, we represent people who are uncommonly independent and toughminded.

Our common interests have provided us an opportunity to work together for those we represent, on such diverse items as the Tennessee Valley Authority, the Appalachian Regional Commission, the Cumberland Gap Tunnel, the Big South Fork National Recreation Area.

Any differences we might have had through our party alliances instantly dissolved whenever work needed to be done on any of these interests.

Mr. President, despite the awesome responsibility of leadership of this diverse and sometimes contentious body, HOWARD BAKER has always been mindful of the needs of his colleagues. We will miss him greatly, as I am sure his constituents in Tennessee will.

TRIBUTE TO JOHN TOWER

Mr. HUDDLESTON. Mr. President, JOHN TOWER has chosen to leave the Senate after a distinguished career of more than 23 years.

Many will remember him as the man who came from Texas to succeed Lyndon Johnson in the Senate. Others will remember him for his untiring work on the Committee on Banking, Housing, and Urban Affairs. And, all of us will remember him as a knowledgeable and articulate spokesman on national defense.

JOHN TOWER became a member of the Senate Armed Services Committee in 1965; in 1981 he became chairman of the committee. He developed an expertise respected by all, and, as chairman, he has managed fairly and effectively billion-dollar authorization bills which were lengthy, often controversial and always subject to a multitude of amendments.

I understand that JOHN is returning to Texas to become a professor at Southern Methodist University. Professors are generally not known for their reticience, so I expect that we will hear from JOHN again, and I know that we will have a fuller understanding of the issues when we do.

I congratulate JOHN on his Senate career and wish him well in the years ahead.

SENATOR PAUL TSONGAS

Mr. HUDDLESTON. Mr. President. I consider it a privilege to have served in the U.S. Senate with a man of the caliber of PAUL TSONGAS.

PAUL TSONGAS is interested in what works—he's a realist. But, that does not mean he does not have ideals. He believes in humanity and in human potential.

PAUL TSONGAS has been an active advocate of those who are oppressed in our world. He has spoken out about the indignities heaped on the peoples of South Africa and Afghanistan.

Serving the public is not an easy career. Yet, PAUL TSONGAS has spent his adult life working for others—in his home State, in the Peace Corps, and in the U.S. Congress and Senate. I admire his commitment.

I also admire PAUL TSONGAS' decision to put his family first. Public life demands a great deal of attention, as does one's family.

I am sorry to see PAUL TSONGAS leave the U.S. Senate—we need individuals with his vision, compassion, and energy working for our country and our world. But, I understand his decision and wish him well in the days ahead.

150TH ANNIVERSARY OF AMERICAN DEMOCRACY

Mr. D'AMATO. Mr. President, in the early 19th century American democracy was highly praised in Europe only among the young intellectual elite of the western and central portions of the continent. While we are all familiar with the volumes of the French Commissioner Alex de Tocqueville published in 1835, few of us are aware that the first book analyzing American democracy appeared, not in France, but in Transylvania, a province of the kingdom of Hungary.

Alexander Farkas de Bolon visited the United States in 1831 as the secretary of Count Ferenc Beldy and was enthusiastic over what he had seen in our country and in our city, New York. His vivid description will be quoted from the English translation of his book.

What Farkas emphasizes is that it is the private institutions which created democracy, not government interference. His words ring as true today as they did 150 years ago.

My appreciation goes to the American Hungarian Federation, in particular, and to Dr. Elemer Bako, an associate president of the AHF and Finnish-Ugrian specialist of the Library of Congress for rediscovering Farkas and organizing a special exhibit at the European Reading Room of the Library of Congress on Farkas' book and times. I also owe a debt to Dr. Z. Michael Szaz, the Secretary of International Relations, for sharing this material with me.

I ask that the translation be printed in the Record.

The translation follows:

Private Institutions as Foundations of Government by the People

Every day we visited different institutions of which there are so many that it would fill a book to describe them. They are all privately funded, the government spends no money on them and does not interfere with their administration. In New York alone there are more than fifty institutions to promote the sciences, crafts, agriculture, and the charities to help suffering mankind. Large sums are spent annually for their maintenance. During our visit here the Horticultural Society held its festival. All kinds of fruits, vegetables, and flowers were exhibited in the beautiful Niblo's Garden. On every bowl of fruit, the grower's name and address are shown. Numerous varieties of peaches, melons, pears, apples, and both wild and cultivated grapevines are displayed. There was a very large number of viewers and their opinions differed. The judges picked by the society decide the three best exhibits and their growers win the prizes for the year. The festival is concluded with a splendid ball.

To encourage endeavor in every field there are numerous such institutions in New York. The traveler from those parts of Europe where all decisions are made by the government finds it hard to comprehend how such institutions can be established and maintain themselves without governmental assistance and supervision. But in America the people are the government. They make their own decisions and make sacrifices not through power borrowed from the top and not for a reward for superiority, but by free choice—and this is the culmination of civic pride and joy.

Among the institutions of New York, the most successful one and the one having the largest membership is the Public School Society. The greatest strength of the republic lies in the effort to have the entire population equally well educated and instilled with the knowledge of its laws. The Americans know well that just as the individual can achieve superiority through education, so can a nation through culture and knowledge rise and stay above the others. They recognize that where culture and familiarity with the laws are acquired by a small class only, there the knowledgeable will easily rule over the ignorant masses, and for that reason they will do everything to educate even the poorest members of society.

TRIBUTE TO SENATOR JOHN TOWER

Mr. HEINZ. Mr. President, before we adjourn and the 98th Congress comes to an end, I want to take this opportunity to pay tribute to one of our most distinguished colleagues, John Tower, who is retiring after more than 23 years in the U.S. Senate. Having served on the Banking, Housing, and Urban Affairs Committee with John Tower, as well as working with him personally on a number of issues, I have watched with respect as his contributions and accomplishments have left their permanent mark on this great legislative body.

As the chairman of the Senate Armed Services Committee, John Tower will best be remembered for his contributions to the defense of our Nation. His skill and knowledge in national security matters will be sorely missed in the Senate. He has received, and indeed deserves, much credit for identifying weaknesses in our defense posture and working tirelessly to correct them.

His commitment to rebuilding our defense systems has not caused him to neglect our soldiers in the field. John Tower has tenaciously fought to improve their fighting capacity and their personal benefits. This has helped restore morale and keep talented personnel in the military.

Not only has the State of Texas been well represented by John Tower, but America has benefited from his experience and leadership. Our Nation owes many thanks to the distinguished Senator from Texas for his 23 years of public service as a member of the U.S. Senate.

John Tower's leadership, courage and dedication to America will be long remembered by our country. As a friend and colleague, I want to express my hope that his retirement from the Senate will not mean an end to his distinguished career of public service. John Tower leaves the Senate with my best personal wishes for his and his family's good health, happiness, and success in their future endeavors.

TRIBUTE TO SENATOR JENNINGS RANDOLPH

Mr. HEINZ. Mr. President, this week we will bid farewell to the only remaining Member of the Senate who served during the first 100 days of President Franklin D. Roosevelt. In the 51 years since Jennings Randolph first entered Congress, he has worked in a selfless manner to help the people of West Virginia and our Nation.

For more than a quarter-century in the Senate, Jennings Randolph has worked for programs to help people improve their lives. An original New Dealer, Senator Randolph has never hesitated to use the powers of the Federal Government in an effort to aid the people of Appalachia, especially in building highways to connect isolated mountain towns. As a Member of the House in the 1940's, he held hearings on a plan for a network of transcontinental highways. The plan evolved, a decade later, into the Interstate Highway System. In the Senate, Jennings Randolph has continued to work in a dedicated manner to complete and improve our infrastructure: To build and repair our highways, dams, bridges, and sewers.

It has been my good fortune, Mr. President, to have served with Jennings Randolph in the Senate Coal Caucus. The senior Senator from West Virginia was a pioneer in the creation of the Black Lung Program and has always fought courageously on behalf of the workers of his State for mine safety.

Not taking away anything from his outstanding list of accomplishments as a champion of public works projects, as a friend of the handicapped, and as a leader in developing the major environmental laws passed in the past decade, Jennings Randolph will perhaps best be rememered in this Chamber as a man of graciousness and courtesy who worked to preserve the integrity that this distinguished institution truly deserves. His calls for order in this body have reminded each of us of the need to maintain a proper sense of decorum in the Senate. He has served as a role model for all of us as legislators—an able and committed man, fair and honest, one who has worked tirelessly for the people of West Virginia and the Nation.

Mr. President, I think that I speak for everyone on both sides of the aisle when I say that we will miss Jennings Randolph, that we all wish him well and that would like just to say thank you for working so hard and for being such a distinguished colleague and friend.

TRIBUTE TO DEPARTING SENATORS

Mr. WARNER. Mr. President, as we conclude this Congress I want to join my colleagues in expressing our gratitude for the privilege of having served with our departing members: Mr. Baker, Mr. Tower, Mr. Randolph, and Mr. Tsongas.

Each has contributed greatly to my career in the Senate.

No successor to our leader Mr. Baker will surpass his patient guidance to me or gain a greater respect. Chairman Tower, of Armed Services, likewise has been a great teacher, although not as patient. Both have been extraordinary friends.

Mr. Randolph is unique. His drive, humor, and sense of how history relates to the problems of today is admired by all. Mr. Tsongas is a man who knows his priorities, accepts the realities of life, and has taught us much about our obligation to be sensitive and understanding of others.

Mr. President, I wish all the best of good fortune in their next undertaking for the benefit of mankind and for themselves and their families.

THE RETIREMENT OF SENATOR PAUL TSONGAS

Mr. BYRD. Mr. President, the close of the 98th Congress will mark the retirement of one of the ablest and most conscientious Members of this body—Senator Paul Tsongas.

Due to health reasons, Senator Tsongas chose to forego a most promising national political career to return to Massachusetts in order to spend more time with his family. It was a difficult decision for a person of such rising political stature to make, but I admire and respect the Senator for making the choice that he made.

Public service has always been the watchword of Paul Tsongas' life, beginning with his service in the Peace Corps in Ethiopia and the West Indies. Following these experiences he returned to Massachusetts where he served as a member of the Governor's Committee on Law Enforcement, as deputy assistant attorney general, as a member of the Lowell City Council, and as Middlesex County Commissioner. His rise to national prominence began with his election and reelection to the U.S. House of Representatives in 1974 and 1976, and his election to the U.S. Senate in 1978.

Although he will have served only one term in the U.S. Senate, Paul Tsongas will be leaving behind some important legislative achievements. Among the bills and amendments he authored or coauthored which became law include the following:

The Solar Conservation Bank.

The Export Trading Companies Act which now enables U.S. firms to sell more products abroad.

The creation, in 1980, of a $1 billion reserve account for solar energy and energy conservation in the U.S. Treasury.

The provision of an additional $27 million in conservation grants to schools, hospitals, and other enterprises.

The homeless relief bill in which he worked to add funds for the homeless in the jobs bill.

One of his most impressive achievements was the enactment of the guaranteed loan program that saved the Chrysler Corp. and hundreds of thousands of jobs. Senator Tsongas not only authored the original legislation, but he also negotiated the compromise which guaranteed congressional passage of this legislation.

Senator Tsongas' achievements in the area of foreign policy have been equally impressive. He has been one of the leading spokesmen in the Senate on behalf of the struggle of the Afghan mujahideen to free their country from Soviet imperialism.

He has also been a very active and articulate opponent of administration nominees whose qualifications for sensitive posts were in question. Among these nominees in which Senator Tsongas was a leader in the opposition included Ernest Lefever to be Assistant Secretary of State for Humanitarian Affairs, and Human Rights and Thomas Ellis to serve on the Board for International Broadcasting. Both nominations were subsequently withdrawn. In addition, he was a most effective opponent of the nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency.

His amendment to the fiscal year 1984 defense authorization bill, which blocked major antisatellite tests unless the President declared his willingness to negotiate a ban on antisatellite weapons with the Soviet Union, and unless the President determined that the test was necessary to avert harm to national security, was also enacted into law.

As a former Peace Corps volunteer, Senator Tsongas recognized the potential harm to that agency if it did not maintain its independent status within the Government. Despite administration efforts to undermine this autonomy, Senator Tsongas has been instrumental in securing the continued independence of the Peace Corps and to insure that it has received full funding.

On the issue of human rights, Senator Tsongas has been an effective advocate.

Despite the time and attention Paul Tsongas devoted to issues and his legislative responsibilities in the Senate, he somehow managed, at the same time, to author a book in 1980 entitled, "The Road From Here."

While the book analyzed the past 50-year history of the Democratic Party coalition forged by Franklin Delano Roosevelt, the book was primarily a look into the future for our party. As Senator Tsongas wrote in his preface:

> The message of this book is the blending of realism and compassion in a manner that does not disrupt society. This combination requires judgment devoid of the dogmatic blinders of both ideological extremes. Some people argue that realism and compassion are by definition incompatible. That may be true in a totalitarian country, but not in a democratic society based upon the consent of the governed.

It is this inherent faith in democracy and this inherent faith that we have the capacity as a people to find this proper blend in social and economic policies which has allowed Paul Tsongas to always look to the challenges posed by the future, rather than yearning for a reconstitution of the past.

It has been an honor and a privilege to have served with Senator Tsongas and I wish him and his family nothing but the best as he returns to Massachusetts to take up yet another career. But I also know that it is a safe bet that we have not heard the last from Paul Tsongas on matters of public policy.

ALOHA TO PAUL TSONGAS

Mr. MATSUNAGA. Mr. President, I rise, in the language of my native State, to bid aloha to a colleague who is retiring from this body at the close of the 98th Congress, the junior Senator from Massachusetts.

I am especially saddened to lose a strong ally in the cause of renewable energy resources and their development for our country: Senator Paul Tsongas. Together, we have championed new technologies in the renewable field because of our conviction that we cannot control our economic destiny so long as we are dependent upon finite, imported sources of energy largely from politically unstable areas. Paul has been most effective in this cause, and his counsel and insights will be sorely missed on the Energy and Natural Resources Committee. The future course of renewable energy development will owe much to his pioneering work in its behalf. His decision to retire in order to give more of himself to his young family is one all of us can much admire in a most immediate way and take reflection from. Paul Tsongas will be sorely missed and long remembered, and he carries with him our best wishes for the future. Aloha nui loa.

ALOHA TO JENNINGS RANDOLPH

Mr. MATSUNAGA. Mr. President, in years to come when political leaders, both of our own country and from abroad, come to this city to seek knowledge in the ways of preserving peace in this strife-torn world of ours, they will have cause to remember one of our number who takes his leave of us today. As Jennings Randolph fellows in the art and practice of peacemaking, they and the people they lead will be indebted to our colleague, the senior Senator from West Virginia, who concludes a distinguished 40-year career on this Hill in both Chambers with the adjournment of the 98th Congress.

In bidding Jennings a warm farewell, I am saddened by the realization that I will not have his companionship on this floor and in two committees beginning next January, Mr. President, but at the same time my emotions are predominately those of gratitude—gratitude for the privilege of being his partner in the long effort to achieve the creation of a Fedeal agency for the promotion of peace, and gratitude that our long journey in this cause has now reached its crowning objective.

Earlier this year, I spoke on this floor on the occasion of Jennings' 82d birthday, Mr. President, citing his many legislative accomplishments including the 27-year effort that eventually succeeded in giving the right to vote to 18-year-old citizens. I will not repeat at this time the litany of his many public works projects and programs, except to note that he first came to Washington at the beginning of Franklin Delano Roosevelt's first term and has had a distinguished academic and business career away from this Hill in intervening years. But it is among us that he has made his greatest career contributions to this great country of ours, Mr. President, and this session in laying the cornerstone for a U.S. Institute of Peace, he has requeathed to our Nation and the world his most outstanding public works project of all—a bridge of hope to the future.

There is a line from the sermon on the mount which begins: "Blessed are the peacemakers." Mr. President, all of us in this Chamber have been blessed by JENNINGS' presence among us for these many years, and it is with a heavy but grateful heart that I say: Aloha, JENNINGS; Aloha nui loa, Mahalo and God bless you abundantly, for you have blessed us with your friendship and counsel.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Energy and Natural Resources.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING THE RECESS

Under the authority of the order of the Senate of October 10, 1984, the Secretary of the Senate, on October 11, 1984, during the recess of the Senate, received a message from the House of Representatives announcing that the House agrees to the report of the committee of conference on the disagreeing votes of the amendments of the Senate to the bill (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes, and that the House recedes from its disagreement to the amendment of the Senate numbered 14, and agrees thereto.

MESSAGES FROM THE HOUSE

At 3:05 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendment of the House to the amendments of the Senate to the bill (H.R. 5479) to amend section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, with respect to awards of expenses of certain agency and court proceedings, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 4230) to extend the authorities under the Export Administration Act of 1979; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 154. Concurrent resolution authorizing changes in the enrollment of H.R. 6163.

The message also announced that the House has agreed to the following concurrent resolution; in which it requests the concurrence of the Senate:

H. Con. Res. 375. Concurrent resolution providing for the hand-enrollment of H.J. Res. 648.

At 6 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6027) to clarify the application of the Clayton Act in the official conduct of local governments, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the following bills:

H.R. 89. An act to permit the transportation of passengers between Puerto Rico and other U.S. ports on foreign-flag vessels when U.S. flag service for such transportation is not available; and

H.R. 5492. An act to provide for the conservation and management of Atlantic striped bass, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the following bill:

H.R. 5833. An act to improve certain maritime programs of the Department of Transportation and the Department of Commerce.

The message also announced that the House agrees to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9 to the bill (H.R. 6286) to amend title 35, United States Code, to increase the effectiveness of the patent laws, and for other purposes, and that it agrees to the amendment of the Senate numbered 6 to the bill, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bills and joint resolution, each with an amendment, in which it requests the concurrence of the Senate:

S. 149. An act for the relief of Adel Shervin;

S. 2706. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1985 to 1986, and for other purposes; and

S.J. Res. 236. Joint resolution relating to cooperative ventures in space.

The message also announced that the House has agreed to the amendment of the Senate to the following concurrent resolution, with an amendment, in which it requests the concurrence of the Senate:

H. Con. Res. 372. Concurrent resolution to correct the enrollment of H.R. 3398.

The message further announced that the House has passed the following bills, without amendment:

S. 1291. An act to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, and section 305 of the Energy Reorganization Act of 1974;

S. 2449. An act for the relief of the Sisters of Mercy of the Union, Province of St. Louis, MO;

S. 2706. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1985 to 1986, and for other purposes; and

S. 3021. An act to name the Federal Building in Elkins, WV, the "Jennings Randolph Federal Center".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6430. An act to amend the River and Harbor Act of 1946;

H.R. 6438. An act for the relief of Joseph Karel Hasek;

H.R. 6440. An act to designate the main channel for the project for San Leandro Marina, California, as the "Jack D. Maltester Channel", and for other purposes; and

H.R. 6441. An act to eliminate restrictions with respect to the imposition and collection of tolls on the Richmond-Petersburg Turnpike upon repayment by the Commonwealth of Virginia of certain Federal-aid highway funds used on such turnpike;

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 376. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 2867; and

H. Con. Res. 377. Concurrent resolution providing for the sine die adjournment of the Ninety-eighth Congress.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 846. An act to amend the Volunteers in the Parks Act of 1969, and for others purposes;

S.J. Res. 259. Joint resolution to designate the week of November 12, 1984, through November 18, 1984, as "National Reye's Syndrome Week"; and

H.J. Res. 648. Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes.

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 6:46 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 5399) to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The messsage also announced that the House agrees to the amendments of the Senate to the amendments of the House to the bill (S. 66) to amend the Communications Act of 1934.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 5361) to amend the Internal Revenue Code of 1954 to extend for 1 year the exclusion from gross income with respect to group legal services plans, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, with a amendment, in which it requests the concurrence of the Senate:

S. 2217. An act to provide for exemptions, based on safety concerns, from certain length and width limitation for commercial motor vehicles, and for other purposes.

At 12:32 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 5361) to amend the Internal Revenue Code of 1954 to extend for 1 year the exclusion from gross income with respect to group legal services plans, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the following bills:

H.R. 5386. An act to amend part A of title XVIII of the Social Security Act with respect to the payment rates for routine home care and other services included in hospice care; and

H.R. 5846. An act to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the following bill:

H.R. 4700. An act to designate the Federal Building and United States Courthouse at 1961 Stout Street, Denver, Colorado, as the "Byron G. Rogers Federal Building and United States Courthouse".

The message also announced that the House agrees to the amendment of the Senate to the following concurrent resolution:

H. Con. Res. 377. Concurrent resolution providing for the sine die adjournment of the Ninety-eighth Congress.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 378. Concurrent resolution correcting the enrollment of H.R. 5361.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3162. An act to name a dam on the Arkansas River, Arkansas, as the "Wilbur D. Mills"; to the Committee on Environment and Public Works.

H.R. 3163. An act to name a lock and dam on the Arkansas River, Arkansas, as the "Joe Hardin Lock and Dam"; to the Committee on Environment and Public Works.

H.R. 3164. An act to name a lock and dam on the Arkansas River, Arkansas, as the "James W. Trimble Lock and Dam"; to the Committee on Environment and Public Works.

H.R. 3165. An act to name a lock and dam on the Arkansas River, Arkansas, as the "Arthur Ormond Lock and Dam"; to the Committee on Environment and Public Works.

H.R. 3166. An act to name a reservoir created by a dam on the Arkansas River, Arkansas, as the "Winthrop Rockefeller Reservoir"; to the Committee on Environment and Public Works.

H.R. 3167. An act to name a lock and dam on the Arkansas River, Arkansas, as the "Emmett Sanders Lock and Dam"; to the Committee on Environment and Public Works.

H.R. 5817. An act to designate the Calion Lock and Dam located on the Ouachita River, near Calion, Arkansas, as the "H.K. Thatcher Lock and Dam"; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5690. An act to amend title 18 of the United States Code, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary reported that on today, October 12, 1984, he had presented to the President of the United States the following enrolled bills:

S. 1688. An act to amend the Act of October 18, 1972, to authorize additional authorization of appropriations for Sitka National Historical Park, Alaska;

S. 1889. An act to amend the Act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established, such center shall be designated as the "Harry R.E. Hampton Visitor Center", and for other purposes; and

S. 2616. An act to revise and extend the programs of assistance under titles X and XX of the Public Health Service Act.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Wanda L. Forbes, of South Carolina, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1988; and

Margaret Phelan, of Kansas, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1988.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 3087. A bill for the relief of Sukhjit Kuldip Singh Saund; to the Committee on the Judiciary.

By Mr. BOSCHWITZ (for himself and Mr. DURENBERGER):

S. 3088. A bill to amend title 38, United States Code, to assist eligible veterans to complete certain programs or courses after the delimiting date for educational assistance relating to such programs or courses; to the Committee on Veterans' Affairs.

By Mr. PACKWOOD (for himself and Mr. BENTSEN):

S. 3089. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of incentive stock options; to the Committee on Finance.

By Mr. SYMMS:

S. 3090 A bill to amend the Internal Revenue Code of 1954 to replace the current Federal income tax imposed on small business corporations with an elective small business consumed income tax; to the Committee on Finance.

S. 3091. A bill relating to the shortage of zinc; to the Committee on Finance.

By Mr. MELCHER:

S. 3092. A bill to establish a special magistrate with jurisdiction over Federal offenses within Indian country and to authorize tribal and local police officers to enforce Federal laws within their respective jurisdictions, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. NICKLES:

S. 3093. A bill for the relief of Wong Chan Kwai Sim; to the Committee on the Judiciary.

S. 3094. A bill for the relief of Winfried Heinrich Willi Grasing and Leona Ellen Grasing, husband and wife, and their children Holger Michael Winfried Grasing and Sandra Johanna Grasing; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. DURENBERGER, Mr. BOSCHWITZ, and Mr. ARMSTRONG):

S. 3095. A bill relating to alternative minimum tax relief for certain insolvent taxpayers; to the Committee on Finance.

By Mr. METZENBAUM:

S. 3096. A bill to amend section 412 of the Federal Food, Drug, and Cosmetic Act, relating to the regulation of infant formula; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PERCY:

S. Res. 479. A resolution to express the sense of the Senate that the President should oppose the imposition of duties on United States soybeans and soybean products imported into countries of the European Community; to the Committee on Finance.

By Mr. BYRD (for Mr. RANDOLPH):

S. Res. 480. A resolution creating a standing order of the Senate requiring that each Senator shall vote from the assigned desk of the Senator; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PACKWOOD (for himself and Mr. BENTSEN):

S. 3089. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of incentive stock options; to the Committee on Finance.

TAX TREATMENT OF INCENTIVE STOCK OPTIONS

● Mr. PACKWOOD. Mr. President, I am pleased to introduce legislation today with Senator LLOYD BENTSEN to improve the 1981 incentive stock options rules. I am also delighted that JIM JONES and BILL FRENZEL have introduced the companion legislation in the House of Representatives, H.R. 6421.

The four of us were the prime sponsors of the original incentive stock options legislation enacted in 1981. We have decided to join together again to introduce this legislation because we believe that changes are needed to ensure that the incentive stock options law achieves the purposes originally intended.

WHY INCENTIVE STOCK OPTIONS?

Incentive stock options help motivate superior performance by employees. They can help small companies compete with established corporations in attracting top-caliber employees.

Small, growing companies provide more than their share of technological innovation and job growth. They can continue to contribute this sort of economic dynamism, however, only if they are successful in attracting and motivating highly talented employees.

Smaller businesses are often unable to offer the job security or the salary levels that are available in larger corporations. But with the prospect that the stock of the company will grow, stock options in these businesses can provide an incentive for talented individuals to risk their careers in the uncertainties of a new venture.

HOW INCENTIVE STOCK OPTIONS WORK

The workings of the incentive stock options law can best be shown through an example. Assume that in 1984 Jones Corp. gives a stock option to employee A to buy 100 shares of Jones Corp. stock. It is then selling for $10.

By 1986, let's assume, the price of the stock has increased to $20. Employee A pays $1,000 to exercise the option. As a result, employee A becomes the owner of the 100 shares of stock. Finally, assume that employee A sells the 100 shares of stock in 1990, for $30 per share.

If the option is not an incentive stock option, it is taxed as follows. The difference between the option price, $10, and the price at exercise, $20, is taxed to the employee as ordinary income. At the same time, the corporation receives a deduction corresponding to the amount of spread treated as ordinary income by the employee.

In 1990, when the stock is sold, the employee treats the difference between the sales price, $25, and the price at exercise, $20, as capital gains.

Under incentive stock option rules, the tax treatment is different. The employee does not have income at the time the option is exercised. Correspondingly, the corporation loses its deduction based on the spread at exercise which arises if incentive stock options are not used.

When the employee sells the stock in 1990, the entire difference between the sales price, $25, and the option price, $10, is treated as capital gain.

REVENUE EFFECT OF INCENTIVE STOCK OPTIONS

In 1981, the Joint Committee on Taxation estimated that enactment of the incentive stock options legislation increases Federal revenues. This is because tax increases resulting from the loss of the deduction by the corporation, and the eventual capital gains tax payment by the individual, exceed tax decreases resulting from not taxing the spread at exercise.

PROPOSED CHANGES

We believe three changes in the incentive stock options rules are merited.

First, we believe the minimum tax should not apply to the spread at exercise. Minimum tax was made applicable to incentive stock options by the Tax Equity and Fiscal Responsibility Act of 1982. The minimum tax is imposed on tax preferences. But I have trouble seeing where the preference is with incentive stock options in light of the fact that 1981 Joint Tax Committee estimates showed that use of incentive stock options actually results in increased tax payments.

Second, the bill repeals the sequencing rule. Under the sequencing rule, an incentive stock option may not be exercised if a previously issued incentive stock option has not been exercised. The effect of the sequencing rule is to make incentive stock options virtually unavailable to corporations with declining stock prices. Therefore, the desire to increase opportunities for employee stock ownership is thwarted in those firms.

Third, the bill revises the $100,000 limit applicable to incentive stock options. Under current law, companies may grant only $100,000 in incentive stock options per year. The bill replaces that limit with a $100,000 limit on the amount of incentive stock options which are first exercisable each year.

As a result of this change, a company seeking to attract a key management employee could offer, say, $300,000 in options on the first day of employment. However, the employer could not permit more than $100,000 of these options to become first exercisable per year.

The bill does not change the current rule which allows incentive stock options to remain outstanding for up to 10 years. Also, under the bill, as under current law, any outstanding option can be exercised in the year it becomes first exercisable or later so long as it remains outstanding.

Under the bill, for purposes of the $100,000 limit, options granted will remain outstanding until lapse or exercise. However, consistent with the proposed repeal of the sequencing rule, the bill puts no restriction on the order of exercise of options.

We believe this increased flexibility in the working of the $100,000 limit will help businesses attract key management personnel.

LEGISLATIVE PROSPECTS

Mr. President, we are introducing this bill to let the Congress and the public review and respond to these ideas. We look forward to working with interested persons with respect to suggestions for this legislation.

Mr. President, I request unanimous consent that the text of the bill appear in the RECORD following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3089

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX TREATMENT OF INCENTIVE STOCK OPTIONS.

(a) Repeal of Application of Minimum Tax.—Paragraph (10) of section 57(a) of the Internal Revenue Code of 1954 (including incentive stock options as an item of tax preference) is hereby repealed.

(b) Repeal of Requirement That Options Are Exercisable Only in Chronological Order, and Modification of $100,000 Limitation.—

(1) IN GENERAL.—Paragraph (7) of section 422A(b) of the Internal Revenue Code of 1954 (defining incentive stock option), is amended to read as follows:

"(7) in the case of an option granted after December 31, 1984, the aggregate fair market value (determined at the time the option is granted) of the stock with respect to which incentive stock options are first exercisable under the terms of the plan by any employee during any calendar year (under all such plans of the employee's employer corporation and its parent and subsidiary corporations) shall not exceed $100,000.".

(2) CONFORMING AMENDMENT.—Paragraph (8) of section 422A(b) is amended by adding "and before January 1, 1985" after "1980,".

SEC. 2. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall apply to taxable years beginning after December 31, 1984.

(b) SECTION 1(b).—The amendments made by section 1(b) shall apply to calendar years beginning after December 31, 1984.●

● Mr. BENTSEN. Mr. President, I am happy to introduce this legislation with the Senator from Oregon. The bill repairs some serious deficiencies in the stock option provisions of the Internal Revenue Code and helps to ensure the usefulness of stock options as a compensation tool for America's growth companies. It has become well known in recent years that job creation in America results not from the activities of Fortune 500 giants, but from the activities of smaller, more entrepreneurial companies. I think it is crucial, therefore, to take reasonable steps to facilitate the growth and prosperity of those companies. This measure is one particularly appropriate step.

The 1981 tax bill brought into the law what are known as incentive stock options. These replaced so-called qualified stock options and restricted stock options that had been in the law earlier. ISO's are tax preferred in that the spread between the exercise price and the value of the stock is not taxable at the time the option is exercised. Normal tax rules would require that a tax be paid at that point—and the tax would be paid at ordinary-income rates since the gain on the option would be considered wage income. But the gain on an ISO is taxable only when the stock is finally sold, and the gain is a capital gain.

ISO's are a powerful compensation tool for small, cash-poor companies. They permit the company to attract talented employees with the promise of a stake in the company. If the company prospers, the employees prosper. ISO's also provide employees with an incentive to stay with the company to ensure both the continued success of the company and the resulting high value for the company's stock.

However, several statutory limitations on ISO's seriously hinder the effectiveness of this compensation tool. Our bill removes these limitations, as follows:

First, the bill repeals the provision in the 1982 tax bill that made ISO's a tax preference. That provision had the effect of applying the alternative minimum tax to the exercise of an ISO. For example, if an employee purchases stock under an ISO for $10 and the stock has a value of $20, the gain of $10 is subject to the minimum tax at the time of exercise. The problem is that the employee may not have the cash to pay the tax. Under the ISO rules, he is not even permitted to sell the stock to raise the cash—if he sells within 1 year, tax-preferred treatment is precluded, and his entire gain is treated as wage income. A worse problem is that no basis step up is provided to account for the payment of minimum tax. In other words, the employee in the above example could pay a minimum tax on his gain of $10, and then later sell the stock for $20 and pay a full capital gain tax on that same gain.

The unfortunate fact is that because of these problems, ISO's have not become the popular and broadly used tool that they should be. It is often bad tax planning for an employer to offer its employees ISO's. For these reasons, our bill repeals the minimum tax applicability and ensures that the beneficiary of an ISO will pay a tax only at the time he sells the stock purchased under the ISO.

Second, the bill also repeals the sequential exercise rule. This rule provides essentially that an employee must exercise ISO's in the order received. Unfortunately, this rule has the result of completely eliminating the usefulness of ISO's in certain circumstances. For example, suppose an employee receives an option to buy stock at $10 per share. Subsequently, prior to exercise, the value of the stock falls to $5 per share. If the employer then grants new ISO's with a lower exercise price, the employee won't be able to exercise them until he exercises the old ISO's and incurs a loss. As a practical matter, this means that if a company's stock price falls, ISO's are thereafter useful only for new employees or for employees who have no unexercised ISO's outstanding. The rule also blunts the effectiveness of ISO's in attracting new employees because employees know that ISO's will not be available to them, as a practical matter, after the first year if the price of the company's stock falls. For these reasons, the bill does away with the sequential exercise rule and permits employees to exercise ISO's in any order. It should be noted that the bill retains the requirement that an ISO not be exercisable after 10 years after the grant. This means that any unexercised ISO's would simply lapse after 10 years.

Third, finally, the bill liberalizes the $100,000 yearly limitation. Currently, the ISO rules limit the amount of ISO's an employee may be granted in 1 year to $100,000 in value of stock. This means that employers are precluded from offering large up-front ISO's to attract new employees. Our bill changes this rule to impose the $100,000 limit not on the amount of ISO's that can be granted but on the amount of ISO's that are first exercisable in any year. Thus, an employer could offer an employee an ISO of, for example, $500,000 in the employee's first year and specify that $100,000 of the ISO is first exercisable in 2 years, and then $100,000 in 3 years, and so forth. The employee could exercise each $100,000 increment in the year when it is first exercisable or in any other year before the ISO lapses. Again, the 10-year rule will still apply, and in addition, the rule treating an option as outstanding until exercise or lapse will remain in the law.

In summary, I believe that this is an important piece of legislation for ensuring the continued vitality of our smaller, entrepreneurial, high-technology companies. With the Senator from Oregon, I will seek to have this legislation enacted into law at the earliest opportunity in the next Congress.●

By Mr. SYMMS:

S. 3090. A bill to amend the Internal Revenue Code of 1954 to replace the current Federal income tax imposed on small business corporations with an elective small business consumed income tax; to the Committee on Finance.

SMALL BUSINESS CONSUMED INCOME TAX ACT

Mr. SYMMS. Mr. President, there are a wide variety of tax proposals that are contending for top place on the legislative agenda in 1985: the Bradley-Gephardt bill, the Kemp-Kasten bill, the self tax, the best tax, a full-fledged consumption tax, a vat tax or national sales tax and then whatever the Department of the Treasury submits to the President as a result of their studies. Sadly missing from the contest, however, is serious consideration of a tax reform bill for small business.

Consequently, Mr. President, I am introducing legislation today which will address the very real needs of small business. I am pleased to say that Congressman HAL FORD introduced similar legislation in the House of Representatives last week, and we both hope that our colleagues in both Houses will join us in our efforts next year to enact this tax reform bill which will not only help small business but will ultimately provide more jobs and real growth in our economy.

Small businesses, just by the nature of their operations, are often subject to far higher effective tax rates than are large companies. As a result, they are at a serious disadvantage in raising or saving capital needed to finance growth. They still lead the private sector in the creation of jobs and innovation, but a steadily rising bankruptcy rate seriously imperils their critical role in our economy.

The main reason for small business failures, after management error, is their lack of capital. Capital is the life blood of economic growth. Without enough capital, investment lags, equipment ages, competition falters, and jobs disappear. Today, the United States is suffering from capital anemia because of the high taxes that are imposed on capital investment and savings. It is those taxes which are crippling the ability of the marketplace to provide new capital. Investment in the United States is taxed repeatedly. Corporate profits are taxed at up to 46 percent and then taxed again when distributed to shareholders as dividends and capital gains. Capital is also subject to State and local taxes, and taxes on interest income. The low after-tax return simply cannot prompt the capital investment necessary to replace plant and equipment and fuel vigorous growth. This lack of capital in our economy imposes an even more onerous burden on small business.

For small businesses funds are difficult to obtain and, when found, must be borrowed at interest rates much higher than those paid by large companies. The lack of capital combined with high and rising interest rates impede shortages and block expansion in the critical early years for innovative, new businesses.

One of the ways to correct this problem is to stop siphoning off so much of small business' earnings through the corporate income tax. The proposal that I am introducing today, the small business consumed income tax, would substantially correct this situation.

This proposal would allow small businesses to retain their income and finance operations, expansion, new employees, new products without having to rely on borrowed capital. And companies that do borrow under this system would be in a stronger financial condition, with improved cashflow. This would minimize the risks now faced by companies that borrow in order to survive.

Under this proposal, small companies meeting certain specifications could elect a 10-year exclusion from the corporate income tax. Eligible companies would be restricted to those with gross receipts of no more than $20 million, total assets of $5 million or less, and net income before taxes of $1 million or less. During the 10-year period, shareholders would be taxed personally, at their individual income rates, for earnings distributed to them or invested by the company in nonbusiness assets. However, as long as the income is used to finance business operations, including investment in plant and equipment, research and development, inventories, and wages, no tax would be imposed.

Following the 10-year exclusion period, companies that have chosen the consumed income tax status would revert to either a subchapter S or subchapter C corporation. During the exclusions period, each shareholder would be taxed on his pro rata earnings when he receives directly or indirectly a distribution of cash or other property from the corporation. Tax credits due the company would be allocated to the holders in the same way.

This proposal would, in my opinion, foster entrepreneurial activities in our economy. Entrepreneurs are not part of the problem—another special interest group looking for a handout—they are part of the solution. Fostering entrepreneurships is a way of solving many of our pressing problems such as unemployment, international competitiveness, inflation, and poverty.

Entrepreneurship sparks the process of developing new enterprises and new products to replace the old. Newer companies can oftentimes adapt more easily to the shifting trends of the marketplace, and that agility allows them to bring new products to market and exploit market openings more quickly than larger firms. These new firms are on the cutting edge of progressive economic activity.

Entrepreneurship is this country's best defense against rising unemployment. During the last recession, Fortune 500 companies lost 3 million jobs while entrepreneurial businesses less than 10 years old added slightly more than 1 million new employees.

The small business consumed income tax, which I am introducing today, is premised on the belief the economic progress and social renewal come from the bottom up, not from the top down. The wealth of this Nation resides in the inventiveness and ingenuity of its people. This proposal would peel away one of the major impediments the Government imposes on entrepreneurial activities in this country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record, along with an explanation of the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Consumed Income Tax Act of 1984".

SEC. 2. SMALL BUSINESS CONSUMED INCOME TAX.

(a) General Rule.—Chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subchapter:

"Subchapter W—Small Business Consumed Income Tax

"Part I. In general.
"Part II. Tax treatment of shareholders.

"PART I—IN GENERAL

"Sec. 1399A. Subchapter W corporation defined.
"Sec. 1399B. Election; revocation; termination;
"Sec. 1399C. Effect of election on corporation.

"SECTION 1399A. SUBCHAPTER W CORPORATION DEFINED.

"(a) General Rule.—For purposes of this subchapter, the term 'subchapter W corporation' means, with respect to any taxable year, any qualified small business corporation for which an election under section 1399B is in effect for such year.

"(b) Qualified Small Business Corporation.—For purposes of this subchapter, the term 'qualified small business corporation' means with respect to any taxable year, any small business corporation (as defined in section 1361(b)) if—

"(1) 95 percent or more of its gross receipts for the taxable year consist of receipts which are not passive investment income (as defined in section 1362(d)(3)(D)),

"(2) the aggregate adjusted bases (as of the close of the taxable year) of its assets used or held for use in the active conduct of a trade or business equals or exceeds 95 percent of the aggregate adjusted bases of all of its assets (as of the close of the taxable year), and

"(3) an election by such corporation under section 1362(a) (relating to election to be treated as S corporation) is not in effect for the taxable year.

"(c) Distributions To Meet Qualification Requirements.—A corporation which for a taxable year does not satisfy the requirements of paragraph (1) or (2) of subsection (b) shall nevertheless be deemed to satisfy such requirements for such taxable year if it makes a pro rata distribution of property within 3½ months after the close of the taxable year to its shareholders (designated at the time of such distribution as a distribution to meet qualification requirements) with respect to their stock in an amount which is equal to—

"(1) if the requirement of subsection (a)(1) is not met, the portion of such corporation's taxable income which is attributable to passive investment income,

"(2) if the requirement of subsection (a)(2) is not met, the fair market value (as of the close of the taxable year) of those assets which are not used or held for use in the active conduct of a trade or business, or

"(3) if neither of such requirements is satisfied, the sum of the amounts required by paragraphs (1) and (2).

"SEC. 1399B. ELECTION; REVOCATION; TERMINATION.

"(a) Election.—

"(1) In general.—A qualified small business corporation may elect, in accordance with the provisions of this section, to be a subchapter W corporation.

"(2) Conditions for valid election.—An election by any corporation under this subsection shall be valid only if—

"(A) all of the persons who are shareholders in such corporation on the day on which such election is made consent to such election,

"(B) neither such corporation nor any predecessor of such corporation made a previous election under this subsection,

"(C) the gross receipts of such corporation for the taxable year for which the election is made do not exceed $20,000,000, and

"(D) the aggregate adjusted bases of such corporation's assets as of the close of the taxable year for which the election is made do not exceed $5,000,000.

For purposes of the preceding sentence, all members of the same controlled group of corporations (as defined in section 1563) shall be treated as 1 corporation.

"(3) WHEN MADE.—Rules similar to the rules of section 1362(b) shall apply for purposes of this section.

"(b) YEARS FOR WHICH EFFECTIVE.—An election under subsection (a) shall be effective—

"(1) for the taxable year for which it is made, and

"(2) for the 9 succeeding taxable years of the corporation unless such election is terminated under subsection (c).

"(c) TERMINATION.—

"(1) BY REVOCATION.—

"(A) IN GENERAL.—An election under subsection (a) may be terminated by revocation.

"(B) WHEN EFFECTIVE.—A revocation shall apply to the taxable year in which made unless such revocation specifies that it is to apply for the succeeding taxable year.

"(2) BY CORPORATION CEASING TO BE QUALIFIED SMALL BUSINESS CORPORATION.—

"(A) IN GENERAL.—An election under subsection (a) shall be terminated whenever the corporation ceases to be a qualified small business corporation.

"(B) WHEN EFFECTIVE.—Any termination under this paragraph shall be effective for the taxable year of the cessation and all succeeding taxable years.

"SEC. 1399C. EFFECT OF ELECTION ON CORPORATION.

"(a) EXEMPTION FROM TAX.—A subchapter W corporation shall be exempt from the taxes imposed by this subtitle.

"(b) TREATMENT AS C CORPORATION FOR OTHER PURPOSES.—Except as otherwise provided in this subchapter, all computations of—

"(1) the taxable income of a subchapter W corporation,

"(2) the earnings and profits of a subchapter W corporation,

"(3) the net operating loss or capital loss of a subchapter W corporation and the taxable years to which such a loss may be carried,

"(4) the credits of a subchapter W corporation and the years to which any unused credit may be carried, and

"(5) other items of a subchapter W corporation,

shall be made in the same manner as in the case of a C corporation which is not a subchapter W corporation.

"PART II—TAX TREATMENT OF SHAREHOLDERS

"Sec. 1399D. Distributions to shareholders.
"Sec. 1399E. Deemed distribution of taxable income in excess of $1,000,000.
"Sec. 1399F. Certain carryovers allowed to shareholder.
"Sec. 1399G. Gain on disposition of stock in subchapter W corporation or former subchapter W corporation.

"SEC. 1399D. DISTRIBUTIONS TO SHAREHOLDERS.

"(a) EARNINGS TAXED TO SHAREHOLDERS.—Except as otherwise provided in this subchapter, the earnings and profits of any subchapter W corporation shall be included in the gross income of its shareholders when distributed in the same manner as in the case of a C corporation which is not a subchapter W corporation.

"(b) CERTAIN LOANS TO SHAREHOLDERS, ETC., TREATED AS DISTRIBUTIONS.—If—

"(1) a subchapter W corporation makes a loan to any shareholder or any person related (within the meaning of section 168(e)(4)(D)) to a shareholder, or

"(2) a subchapter W corporation guarantees any loan made by another person to any shareholder or any person related (within the meaning of section 168(e)(4)(D)) to a shareholder,

the subchapter W corporation shall be treated as having made a distribution to such a shareholder with respect to his stock in an amount equal to the principal amount of such loan.

"(c) DISTRIBUTIONS OF APPRECIATED PROPERTY.—Rules similar to the rules of subsections (d) and (e) of section 1363 shall apply to any distribution of property made by a subchapter W corporation with respect to its stock.

"SEC. 1399E. DEEMED DISTRIBUTION OF TAXABLE INCOME IN EXCESS OF $1,000,000.

"(a) DEEMED DISTRIBUTION.—

"(1) IN GENERAL.—A shareholder of a subchapter W corporation shall be treated as having received a distribution taxable as a dividend with respect to his stock in an amount equal to his rata share of the lesser of—

"(A) so much of the taxable income of the subchapter W corporation for the taxable year as exceeeds $1,000,000, or

"(B) the earnings and profits of the subchapter W corporation for the taxable year.

"(2) TIME WHEN DISTRIBUTION TREATED AS RECEIVED.—Any distribution under paragraph (1) shall be deemed to be received on the last day of the taxable year of the subchapter W corporation.

"(3) TREATMENT OF CONTROLLED GROUPS.—All subchapter W corporations which are members of the same controlled group of corporations (as defined in section 1563) shall be treated as a corporation and the dollar amount contained in paragraph (1)(A) shall be apportioned among such corporations under regulations prescribed by the Secretary.

"(b) RULES FOR ALLOCATION IN CASE OF ACTUAL DISTRIBUTIONS AND CERTAIN DEEMED DISTRIBUTIONS.—

"(1) IN GENERAL.—Any distribution (other than a distribution described in paragraph (2)) to a shareholder by a subchapter W corporation (or former subchapter W corporation) which is made out of earnings and profits shall be treated as made—

"(A) first out of previously taxed income to the extent thereof, and

"(B) then out of other earnings and profits.

"(2) TREATMENT OF QUALIFYING DISTRIBUTIONS, ETC.—Any distribution made pursuant to section 1399A(c), and any deemed distribution under section 1399D(b), shall be treated as made—

"(A) first out of earnings and profits described in paragraph (1)(B) to the extent thereof, and

"(B) then out of previously taxed income.

"(3) EXCLUSION FROM GROSS INCOME.—Amounts distributed out of previously taxed income shall be excluded by the distributee from gross income, and shall reduce the amount of previously taxed income.

"(c) PREVIOUSLY TAXED INCOME.—For purposes of this section, the term 'previously taxed income' means the earnings and profits deemed distributed under subsection (a).

"(d) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of subsections (b), (c), (d), and (e) of section 996 shall apply for purposes of this section.

"SEC. 1399F. CERTAIN CARRYOVERS ALLOWED TO SHAREHOLDERS.

"(a) NET OPERATING LOSSES.—

"(1) IN GENERAL.—In the case of any unused election period net operating loss—

"(A) such loss shall not be allowed to the corporation as a carryover to any taxable year after the election period, and

"(B) each shareholder of the corporation (as of the close of the last taxable year in the election period) shall be allowed a deduction for his pro rata share of such loss.

"(2) SPECIAL RULES FOR DEDUCTION UNDER PARAGRAPH (1)(B).—

"(A) LIMITATION.—The amount of the deduction allowed under paragraph (1)(B) to any shareholder shall not exceed the adjusted basis of such shareholder's stock in the corporation as of the close of the last taxable year in the election period (determined without regard to subparagraph (B) of this paragraph).

"(B) STOCK BASIS REDUCED BY DEDUCTION.—The adjusted basis of any shareholder's stock shall be reduced by the amount allowable as a deduction under paragraph (1)(B).

"(C) YEAR FOR WHICH DEDUCTION ALLOWED.—The deduction under paragraph (1)(B) shall be allowed for the taxable year of the shareholder in which the last taxable year of the corporation in the election period ends.

"(3) UNUSED ELECTION PERIOD NET OPERATING LOSS.—For purposes of this subsection, the term 'unused election period net operating loss' means the portion of the net operating losses (if any) of the corporation for taxable years in the election period which under section 172 could be carried to taxable years after the election period.

"(b) UNUSED CREDITS.—

"(1) IN GENERAL.—Any unused credit of a subchapter W corporation for any taxable year—

"(A) shall not be allowed as a carryover to any subsequent taxable year, and

"(B) shall be allowed the shareholders of the corporation in the manner provided in paragraph (2).

'(2) ALLOWANCE OF CREDITS TO SHAREHOLDERS.—

"(A) IN GENERAL.—If a shareholder receives a distribution out of the earnings and profits of a corporation for any taxable year for which such corporation was a subchapter W corporation, such shareholder shall be allowed as a credit against the tax imposed by this chapter an amount which bears the same ratio to any unused credit of the distributing corporation for such taxable year as—

"(i) the amount of such distribution, bears to

"(ii) the total earnings and profits of the corporation for the taxable year of the unused credit.

"(B) YEAR FOR WHICH CREDIT ALLOWED.—The credit under subparagraph (A)—

"(i) shall be allowed for the taxable year of the shareholder in which the distribution is includible in gross income, and

"(ii) shall not exceed the tax imposed by this chapter attributable to the amount of the distribution.

"(3) UNUSED CREDIT.—For purposes of this subsection, the term 'unused credit' means any credit determined for any taxable year which was not allowable to the corporation for such taxable year or any preceding taxable year by reason of a limitation based on tax liability.

"(c) ELECTION PERIOD.—For purposes of this section, the term 'election period' means the period consisting of the taxable years for which the corporation is a subchapter W corporation.

"SEC. 1399G. GAIN ON DISPOSITION OF STOCK IN SUBCHAPTER W CORPORATION OR FORMER SUBCHAPTER W CORPORATION.

"(a) GENERAL RULE.—If—

"(1) a shareholder disposes of stock in a subchapter W corporation or former subchapter W corporation, any gain recognized on such disposition shall be included in gross income as a dividend to the extent provided in subsection (b), and

"(2) stock of a subchapter W corporation or former subchapter W corporation is disposed of in a transaction in which the separate corporate existence of the corporation is terminated (other than by mere change in place of organization, however effectuated), any gain realized on the disposition of such stock in the transaction shall be recognized notwithstanding any other provision of this title to the extent provided in subsection (b) and to the extent so recognized shall be included in gross income as a dividend.

"(b) AMOUNT INCLUDED.—The amounts described in subsection (a) shall be included in gross income as a dividend to the extent of the accumulated earnings and profits of the subchapter W corporation or former subchapter W corporation which—

"(1) are attributable to the stock disposed of,

"(2) are accumulated in taxable years of such corporation while such corporation was a subchapter W corporation and while the stock disposed of was held by the shareholder which disposed of such stock.

"(c) FORMER SUBCHAPTER W CORPORATION.—For purposes of this section, the term 'former subchapter W corporation' means any corporation which is not a subchapter W corporation but which has accumulated earnings and profits attributable to periods during which it (or any predecessor) was a subchapter W corporation."

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Subchapter W. Small business consumed income tax."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SMALL BUSINESS CONSUMED INCOME TAX ACT OF 1984

GENERAL EXPLANATION

Overview

The proposed Small Business Consumed Income Tax Act of 1984 (the "Act") will add Subchapter W to the Internal Revenue Code of 1954. Under Subchapter W a "qualified small business corporation" will be entitled to make an election whereby for a period of up to 10 years it will not pay any Federal income tax on its net income. As long as [during the 10 year period] the electing corporation continues to be a qualified small business corporation and does not revoke the election, tax will be imposed upon a shareholder with respect to his pro rata share of the earnings of the corporation only to the extent he receives or is deemed to receive a distribution of cash or other property. Accordingly, during the 10-year election period only a tax at the shareholder level will be imposed when the income of the corporation is consumed for non-business purposes.

COMPARISON WITH SUBCHAPTER

As in the case of an S corporation, a Subchapter W corporation would not be taxed on its income. However, unlike an S corporation, income of a Subchapter W corporation would not be taxed currently to the shareholders unless there has been an actual or deemed distribution of cash or other property to the shareholders. Also unlike an S corporation, losses of a Subchapter W corporation would not be available currently to the shareholders.

Although a corporation that has in effect an election to be an S corporation would not also qualify to be a Subchapter W corporation, a corporation could elect to be an S corporation either before or after being a Subchapter W corporation. For example, a corporation could elect to be an S corporation during its early years when it anticipates operating losses and elect to be a Subchapter W corporation for a 10 year period after it begins to show a profit.

DETAILED ANALYSIS OF SUBCHAPTER W

To implement the objectives of the Act, Subchapter W will be structured as follows:

Subchapter W—Small Business Consumed Income Tax

PART I—IN GENERAL

Sec. 1399A. Subchapter W corporation defined.
Sec. 1399B. Election; revocation; termination.
Sec. 1399C. Effect of election on corporation.

PART II—TAX TREATMENT OF SHAREHOLDERS

Sec. 1399D. Distributions to shareholders.
Sec. 1399E. Certain carryovers allowed to shareholders.
Sec. 1399F. Gain on disposition of stock in Subchapter W corporation or former Subchapter W corporation.

A summary and general explanation of the above code sections under proposed Subchapter W follow.

Section 1399A—Subchapter W corporation defined: A subchapter W corporation is defined as an electing "qualified small business corporation." A "qualified small business corporation" is defined as a corporation which, with respect to any taxable year, constitutes a "small business corporation" as defined in section 1361(b) (under Subchapter S) and, in addition, satisfies all the following requirements in the year it initially makes the Subchapter W election (the "election year"):

(1) The gross receipts of such corporation for the taxable year do not exceed $20 million;

(2) The aggregate adjusted bases of its assets as of the close of the taxable year do not exceed $5 million;

(3) 95 percent or more of its gross receipts for the taxable year consist of receipts which are not passive investment income (as defined in section 1362(d)(3)(D));

(4) The aggregate adjusted bases (as of the close of the taxable year) of its "qualified business assets" (generally assets used or held for use in the active conduct of a trade or business) equals or exceeds 95 percent of the aggregate adjusted bases of all of its assets (as of the close of the taxable year); and

(5) An election by such corporation under section 1362(a) (relating to an election to be treated as an S corporation) is not in effect for the taxable year.

For purposes of requirements (1) and (2) above, a controlled group of corporations will be treated as one corporation.

A corporation will continue to be a qualified small business corporation for the 9 years succeeding the election year even though its gross receipts exceed $20 million or its assets exceed $5 million. Accordingly, a corporation will not lose the benefits of Subchapter W after the election year if it has been able to expand its active business operations.

Although the above definition of a qualified small business corporation may appear to be overly broad, requirement (3) above will limit the application of proposed Subchapter W to corporations with almost all of their capital and retained earnings invested in assets used or held for use in the active conduct of a trade or business ("qualified business assets"). Thus, even a small amount of portfolio investments, other than temporary investments which are reasonably necessary to meet the working capital requirements of the corporation, would cause the corporation not to satisfy the requirements of a qualified small business corporation.

Section 1399A would provide that if a corporation does not satisfy the definition of a qualified small business corporation solely because more than 5 percent of its gross receipts for a taxable year consists of passive investment income or more than 5 percent of the aggregate adjusted basis of its assets at the end of the taxable year consists of non-qualified business assets, the excess amount (of gross receipts or assets) could be distributed to the shareholders within 3½ months after the close of the taxable year in order for the corporation to satisfy those requirements of a qualified small business corporation for the taxable year.

Section 1399B—Election, revocation, termination: Generally, the rules for election, revocation and termination of Subchapter W corporations will be the same as for S corporations. More specifically, a Subchapter W election may be terminated by revocation or by the corporation ceasing to be a qualified small business corporation. Termination by revocation will be effective beginning with the year made or beginning with succeeding year if specified. Termination by cessation will be effective for the taxable year of cessation and all succeeding taxable years. An election to be a Subchapter W corporation will not be effective for more than 10 consecutive taxable years. If the election is terminated during the 10 year period a reelection may not subsequently be made.

Section 1399C—Effect of election on corporation: Provided the corporation continues to be a Subchapter W corporation, taxable income of the corporation, as normally computed, during the 10 year election period would not be taxable to the corporation. Computations of taxable income, earnings and profits, net operating loss and net capital loss and the taxable years to which such loss may be carried, tax credits and the taxable years to which any unsued credits may be carried, and other items, will be made in the same manner as if the Subchaper W corporation was regular corporation ("C corporation"). As is generally the case with respect to a C corporation, a Subchapter W corporation will recognize gain (but not pay tax on the recognized gain) to the extent that the fair market value of an asset distributed to a shareholder exceeds its tax basis.

Annual information returns would be filed by a Subchapter W corporation with the IRS.

Section 1399D—Distributions to shareholders: Actual or deemed distributions of cash or other property to a shareholder of a Subchapter W corporation during or after the election period will be taxable to the shareholder as ordinary income to the extent of his pro rata share of the earnings and profits of the corporation. For this purpose a deemed distribution will include the following:

(1) portfolio investments (other than temporary investments which are normally necessary to meet the working capital requirements of the corporation) and other nonqualfied business assets purchased by the corporation;

(2) taxable income of the Subchapter W corporation to the extent its taxable income exceed $1 million;

(3) all loans made by the corporation to a shareholder or a person related to the shareholder; and

(4) a guarantee by the corporation of a loan made to a shareholder or a related person.

Section 1399E—Certain carryovers allowed to shareholders: Net operating losses, computed as if the Subchapter W corporation was a C corporation, would be applied against operating income accumulated prior or realized subsequent to the loss period. Net operating losses incurred in the initial three years of the election period may be carried back to prior tax years not covered by the election provided the corporation was a C corporation for the period to which the loss is carried. Net operating losses which cannot be carried back to C corporation years will reduce income accumulated during the election period. A net operating loss carryover which remains at the end of the election period would not be available to the corporation. Rather, the remaining net operating loss carryover will give rise to an ordinary deduction to the shareholders in their taxable year in which the Subchapter W election terminate, up to the tax basis of their investment it the corporation.

Tax credits generated during the election period would be accumulated and adjusted as may subsequently be required. Those credits will offset ordinary tax imposed on the shareholders at the time the accumulated earnings become taxable to them.

Section 1399F—Gain on disposition of stock in Subchapter W or former Subchapter W corporation: Gain realized on a sale or exchange of a Subchapter W corporation's stock is taxed as ordinary income to the extent of the selling shareholder's pro rata share of the accumulated earnings. Any gain in excess of this ordinary income element will be taxed as a capital gain. Taxable income will not arise at the time of a tax-free exchange of an electing corporation's stock. However, gain realized on a subsequent sale or taxable exchange of the stock or securities received in the tax-free exchange will be taxed as ordinary income to the extent of the selling shareholder's pro rata share of the earnings accumulated during the election period. Gain realized through liquidation of a Subchapter W corporation will be taxed in the same manner.

By Mr. SYMMS:

S. 3091. A bill relating to the shortage of zinc; to the Committee on Finance.

SHORTAGE OF ZINC

Mr. SYMMS. Mr. President, we are short of zinc in the United States and users and consumers of zinc are being penalized millions of dollars because of a selective duty on raw materials.

Zinc ores and concentrates, the raw materials for smelters and producers, are subject to an important duty which has been under legislative suspension for 10 years. Slab zinc is the raw material for processors like alloyers, die casters, and galvanizers. It is subject to a 1.8 percent ad valorem duty.

I believe that the duty on slab zinc should be suspended for a 3-year period and that the duty on ores and concentrates, currently suspended until June 1984, be suspended permanently rather than be suspended again and again in 2-year increments.

The U.S. producers of slab zinc can supply only about a third of this country's annual consumption. The 1.8 percent duty does not serve as a deterrent to imports. It does add an unwarranted cost to zinc alloy and zinc die castings.

Last year, U.S. users and consumers of slab zinc paid an extra $6,596,000 for slab zinc because of the ad valorem duty. This year, based upon the first 8 months' statistics from the Bureau of Mines, they will pay approximately $9,020,000 extra. Next year, slab zinc production in this country is likely to decline further; consumption will increase; and prices will rise as the result of pending world shortage of zinc; consumers will pay closer to an additional $10 million in extra charges.

The U.S. taxpayer will pay some of this bill directly when the U.S. Mint has to buy zinc from foreign sources for production of the new penny.

Zinc smelters and producers will pay no duty for imported ores and concentrates.

Our zinc-producing industry cannot supply domestic demand for slab zinc because 11 U.S. zinc smelters have closed since 1969 and new smelting capacity added since then is not enough to offset the closures. The plants that closed were obsolete or no longer well situated in relation to markets or sources of ore, with the exception of Bunker Hill in Idaho.

The industry did try in 1977–78 to obtain additional duty or tariff protection by bringing a case before the International Trade Commission but it was denied relief. The ITC agreed that zinc metal imports were causing injury but denied relief on the grounds that the decline in U.S. comsumption was the principal cause of the industry's difficulties.

Now independent alloyers, die casters, galvanizers and major end-users, for example, automotive and appliance manufacturers, must rely heavily upon imported slab zinc to meet their requirements. They should not be penalized, or be put at a competitive disadvantage from foreign zinc die castings; or be forced to pass the cost of a nonfunctioning duty onto the ultimate consumer.

The legislation I introduce today does two things. First, it converts suspended duty on zinc ores and concentrates into a permanent duty-free item to satisfy the domestic zinc producer's long-term activity importing and exporting large quantities of ores and concentrates. Second, it suspends the 1.8-percent duty on imports of slab zinc for 3 years. This is to satisfy the need that consumers of zinc have for quantities substantially in excess of domestic supply.

By Mr. MELCHER:

S. 3092. A bill to establish a special magistrate with jurisdiction over Federal offenses within Indian country and to authorize tribal and local police officers to enforce Federal laws within their respective jurisdictions, and for other purposes; to the Select Committee on Indian Affairs.

INDIAN RESERVATION SPECIAL MAGISTRATE AND LAW ENFORCEMENT ACT

● Mr. MELCHER. Mr. President, the bill I am introducing today, the Indian Reservation Special Magistrates Act of 1980, directs the President to appoint special magistrates to exercise jurisdiction over Federal offenses committed within Indian country. The concept of the bill received wide support from the witnesses who testified.

In many respects, this bill tracks existing law. It does not alter the existing law governing jurisdiction in Indian country. The United States already has jurisdiction over an ample number of offenses in Indian country. The bill adopts by reference many of the provisions in the existing Federal Magistrates Act in chapter 43 of title 28, United States Code. It also, however, provides special provisions designed to meet special concerns in Indian country.

In addition, this legislation need not result in a vast increase in the judicial or law enforcement machinery of the Government. There are already a large number of U.S. magistrates, either full-time or part-time, sitting throughout the United States, many either on or near Indian reservations.

Why then is this legislation necessary? It is needed because of a general lack of law enforcement through the structures now in place. This legislation is designed to strengthen those structures by providing a clear and simple procedure for processing and disposing of minor Federal offenses which now go unpunished for lack of Federal enforcement.

Mr. President, this bill is very brief and simple in its content. The bill directs the President, by and with the advice and consent of the Senate, to appoint a special magistrate to serve each Indian reservation over which the United States exercises criminal jurisdiction under existing law. Preferential consideration is to be given to persons who are already sitting as judicially appointed magistrates and who are reasonably available to the reservation they would serve. The remainder of the provisions relating to the character of service and compensation are taken from the existing Federal Magistrates Act.

The jurisdiction and powers conferred upon the special magistrate for criminal offenses occurring within the Indian country to which the magistrate is assigned are as full and complete as those powers which the Federal Magistrates Act now authorizes judicially appointed magistrates. This includes the authority to try minor offenses, and for any Federal offense, to issue summons and warrants of arrest, warrants for search and seizure, conduct preliminary hearings to determine whether there is probable cause to hold a defendant for further proceedings before a U.S. district court, and establish bail and provide for release of a defendant. The consent of the defendant shall not be required in order for the magistrate to exercise trial jurisdiction. In addition, the special magistrate is authorized to exercise any other power in a civil or criminal case, including any tort action, which the district court elects to delegate under the Federal Magistrate Act.

Practice and procedure in the trial of minor offenses or disposition of other matters will generally conform to rules of law currently applicable to proceedings before any U.S. magistrate. This includes the right to appeal to district courts. However, for cases arising within the Indian country, this bill specifically authorizes a defendant to be assisted by a lay spokesman of his or her choice and such assistance shall not be considered the practice of law. This bill does not include any provision regarding extradition in view of the fact the special magistrates' jurisdiction extends both within and without an Indian reservation.

There is a growing body of paralegal persons throughout the country, particularly in Indian country. In the case of Indian defendants, they may well feel comfortable with assistance from persons who have appeared in tribal courts and have generally oriented themselves toward problems on the reservation or are themselves Indian. Since the prosecution may be informally presented by nonlegally trained persons, there should be no objection to having the defense assisted by paralegals, particularly in cases where the defendant might not otherwise be entitled to court appointed counsel. On the other hand, when a person is charged with a major offense, he is constitutionally entitled to appointment of counsel. This bill will not waive this entitlement.

The provision in this section stating that the appearance of a lay spokesman shall not constitute the practice of law is necessary in order to assure that such persons will not be criminally prosecuted under State or Federal laws dealing with the unauthorized practice of law.

The bill further provides that jury panelists will be drawn from persons residing within the reservation in which the offense occurred and who are registered to vote in State, county, municipal or tribal elections. The jury panel shall be composed of six persons. The list of potential jurors shall be composed in cooperation with the Indian tribal officials and officials of local municipal and county governments to assure a cross-section of Indian and non-Indian residents within the reservation.

Tribal police, BIA police, and Federal, State, and local police officers, acting within their respective jurisdictions, are authorized to execute any warrant for arrest, or warrant for search and seizure, or any other summons, subpoena or order which the special magistrate is authorized to issue. This will provide local police, both Indian and non-Indian, with the necessary authority to aid in the enforcement of Federal law and act as officers of the special magistrates court.

This may be the most important provision in this bill for purposes of implementing existing Federal jurisdiction. One of the most serious criticisms to emerge from our March hearing was the failure of Federal law enforcement authorities and Federal prosecutors to vigorously discharge those duties within existing law. Among other reasons given is an excessive caseload. This provision authorizes State and tribal police officers as well as Federal officers to initiate proceedings before the special magistrate. The provision contemplates that most of the minor offenses charged will be informally presented by police officials as is the current practice now for minor offenses in such Federal enclaves as national parks.

The remaining provisions of this bill are drawn from the Federal Magistrates Act and are of a housekeeping nature.

Mr. President, many of the complaints of Indians and non-Indians relate to lack of enforcement of laws or hardships imposed on defendants, witnesses and families arising from the distance of Federal courts from reservation areas. Federal investigators are many times slow to respond to requests for investigations; U.S. attorneys are reluctant to undertake prosecutions for offenses—particularly minor offenses—occurring miles from the courthouse, particularly when obtaining witnesses may be difficult; witnesses are reluctant to respond to subpoenas which require them to travel great distances; obtaining juries which are representative of the community in which an offense occurs is not possible. Establishment of magistrate courts to sit in Indian country will not correct all of these problems, but it can go a long way to resolving many of the problems.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Reservation Special Magistrate and Law Enforcement Act of 1984".

SEC. 2. (a) Part III of title 28 of the United States Code is amended by adding immediately after chapter 43 the following new chapter:

"CHAPTER 44—INDIAN RESERVATION SPECIAL MAGISTRATES

"Sec.
"651. Appointment and tenure.
"652. Jurisdiction and powers.
"653. Remand of custody.
"654. Practice and procedure.
"655. Contempt.
"656. Training.
"657. Authorization of appropriations.

"§ 651. Appointment and tenure

"(a) The President, by and with the advice and consent of the Senate, shall appoint special magistrates as may be necessary to serve each Indian reservation and such additional areas as are within the Indian country as defined in section 1151 of title 18 and over which the United States exercises criminal jurisdiction under the provisions of chapter 53 of title 18.

"(b) No person may be appointed or reappointed to serve as a special magistrate under this chapter unless such person is and has been for at least five years a member in good standing of the bar of the highest court of the State (or one of the States) in which he or she is to serve.

"(c) In any case in which the President finds that a United States magistrate who meets the qualifications of this Act is already reasonably available, the President shall give preferential consideration to such sitting magistrate for appointment as special magistrate under this section.

"(d) The appointment of any individual as a special magistrate shall be for a term of eight years and his or her reappointment shall be subject to the requirements of subsection (a) with respect to the advice and consent of the Senate.

"(e) Upon appointment and confirmation, the special magistrate shall reside within the exterior boundaries of the reservation to be served or at some place reasonably adjacent thereto.

"(f)(1) Except as provided in paragraph (2), persons appointed as special magistrates under this chapter shall be appointed as full-time magistrates and shall receive compensation at the rates fixed for full-time magistrates under section 634.

"(2) Whenever, in the discretion of the President, it is determined that the position to which the special magistrate is being appointed will not have a sufficient caseload to warrant appointment as a full-time magistrate, then such special magistrate shall be appointed as a part-time magistrate and shall receive compensation at the rates fixed for part-time magistrates under section 634, the level of compensation to be determined by the President.

"(g) Except as otherwise provided in this chapter, the provisions of subsections (c), (g), (h), (i), and (k) of section 631, relating to limitations on employment, oaths of office, recordation of appointment, removal from office, and leaves of absence shall apply to special magistrates appointed under this chapter.

"(h) Expenses of special magistrates shall be paid in the same manner as provided in section 635 for payment of expenses for magistrates.

"(i) The provisions of section 632 describing the character of service to be performed by full-time and part-time magistrates shall apply to any person appointed as a special magistrate under this section.

"§ 652. Jurisdiction and powers

"(a) Each special magistrate serving under this chapter shall have, within the territorial jurisdiction prescribed by his appointment—

"(1) all powers and duties conferred or imposed upon United States Commissioners by law or by the Rules of Criminal Procedure for the United States District Court;

"(2) the power to administer oaths and affirmations, impose conditions of release under section 3146, of title 18, and take acknowledgments, affidavits, and depositions; and

"(3) the power to conduct trials under section 3401 of title 18, in conformity with and subject to the limitations of that section except that the special designation provided for in subsection 3401(a) of title 18, shall not be required, and the provisions of section 3401(b) of title 18, extending to a defendant the right to refuse trial before a magistrate and elect to be tried before a judge of the district court for the district in which the offense was committed, shall not be applicable to trials before the special magistrate.

"(b) Each such magistrate so serving under this chapter shall have any other duty or power which may be exercised by a United States magistrate in a civil or criminal case (including any tort action), to the extent authorized by the court for the district in which he serves.

"§ 653. Remand of custody

"If the special magistate determines there is no Federal jurisdiction over an offense brought within his court, he may direct that custody of the defendant be remanded to the appropriate law enforcement officials.

"§ 654. Practice and procedure

"(a) Except as otherwise provided in this section, the practice and procedure for the trial of cases before magistrates serving under this chapter, and the taking and hearing of appeals to the district courts, shall conform to that set forth in section 3401 of title 18, and in rules promulgated by the Supreme Court pursuant to section 3402 of title 18, and section 636(c) of this title.

"(b) Any defendant appearing before a special magistrate may be assisted by a lay spokesman of his or her choice, and assistance by such spokesman, whether paid or voluntary, shall not be considered the practice of law. Assistance by such counsel shall not waive the right of the defendant to appointed counsel in any case in which he or she is entitled to such appointed counsel.

"(c)(1) In any case in which the defendant requests a trial by jury before the special magistrate, only persons who actually reside within the reservation in which the offense is alleged to have been committed shall be eligible to serve on the jury panel.

"(2) The special magistrate, in consultation with tribal authorities and county and municipal officials, shall develop and maintain for purpose of jury selection a list of persons residing within the reservation over which the special magistrate has jurisdiction. Such list shall be developed or compiled from lists of persons eligible or registered to vote in State, county, municipal, or tribal elections. In developing such list, the special magistrate shall take care that such list fairly elects a cross section of the population within the reservation.

"(3) In any case in which the defendant requests a trial by jury before the special magistrate, such jury shall be composed of six persons whose names appear on the jury selection list prepared by the special magistrate.

"(4) Except as provided in this section, the rules of the district court pertaining to the selection of jurors and juror eligibility for trial before magistrates shall be applicable.

"(d) Tribal police officers, Bureau of Indian Affairs police officers, and Federal, State, and local law enforcement officers, acting within the geographic areas in which they have jurisdiction under the laws of their respective governments, are authorized to execute any warrant for arrest, or warrant for search and seizure, or any other summons, subpoena, or order which the special magistrate is authorized to issue in criminal cases arising within the Indian country, or under the general rules of Federal Criminal Procedure or the Federal Rules of Procedure for the Trial of Minor Offenses before the United States Magistrates.

"(e) The provisions of the Court Interpreters Act of 1978 (Public Law 95-539; 92 Stat. 2048) shall apply to trials before the special magistrate.

"§ 655. Contempt

"(a) In a proceeding before a special magistrate, any of the acts or conduct described in section 636(e) as constituting a contempt of the district court when committed before a magistrate shall constitute a contempt of court when committed before a special magistrate, and the procedures provided in section 636(e) for prosecution of such contempt shall govern prosecutions for contemptuous conduct when committed before a special magistrate.

"(b) All property furnished to any special magistrate shall remain the property of the United States and, upon the termination of his or her term of office, shall be transmitted to the successor in office or otherwise disposed of as the Director orders.

"(c) The Director shall furnish to each United States special magistrate appointed under this chapter an official impression seal in a form prescribed by the conference. Each such officer shall affix his seal to every jurat or certificate of his official acts without fee.

"§ 657. Training

"The periodic training programs and seminars conducted by the Federal Judicial Center for full-time and part-time magistrates as provided in section 637, shall also be made available to special magistrates appointed under this chapter. This shall include the introductory training program offered new magistrates which must be held within one year after their initial appointment. The cost of attending such programs shall be borne by the United States.

"§ 658. Authorization of appropriations

"Beginning October 1, 1985, there is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this chapter.".

(b) The table of chapters for part III of title 28 of the United States Code is amended by inserting after the item for chapter 43 the following:

"44. Indian Reservation Special Magistrates .... 651.".●

By Mr. GRASSLEY (for himself, Mr. DURENBERGER, Mr. BOSCHWITZ, and Mr. ARMSTRONG):

S. 3095. A bill relating to alternative minimum tax relief for certain insolvent taxpayers; to the Committee on Finance.

TAX RELIEF OF CERTAIN INSOLVENT TAXPAYERS

● Mr. GRASSLEY. Mr. President, I rise to offer a measure of great importance to all of us with constituents facing foreclosure or insolvency. While it has a dramatic effect on the agricultural community, my bill remedies a problem affecting any small businessperson or sole proprietor faced with a forced sale.

Under current law, our minimum tax is imposed upon a series of preference items to be certain all taxpayers pay a minimum sum of tax. The purpose of this tax is to prevent individuals from sheltering all of their income in tax preferred activities and never shoulder any of the cost of maintaining the Federal Government.

One of the preference items in the minimum tax is the net capital gains deduction. As my colleagues know, taxpayers with capital gains are eligible to deduct 60 percent from the gain on the sale of capital assets. While the individual minimum tax provides for an offset for losses, these losses often offset the income from the forced sale of equipment and the cancellation of indebtedness. Taxpayers with farms and small businesses who are forced to sell the land or the business physical plant frequently recognize a large capital gain on the sale of this asset. At this point, the taxpayer has used up all of his losses, and is still faced with a 20-percent alternative minimum tax on the 60-percent capital gain he deducted previously. Family farmers and small businesspeople who have been in business for years, frequently have a very low basis in these assets. Consequently, they are facing a very large bill when they are forced to sell the business assets.

This result is particularly harsh since the proceeds of the sale will be used to satisfy creditors, yet these taxpayers face a stiff minimum tax bill.

In my home State of Iowa, many lifelong farmers are facing bankruptcy or foreclosure. To learn the scope of the problem, I contacted the Farmer's Home office in Iowa. Through August 31, 1984, 214 FmHA borrowers had filed petitions in bankruptcy; 26 borrowers had foreclosures pending; 43 borrowers discontinued farming because of bankruptcy; 4 borrowers had been forced into foreclosure; and in 9 cases prior lienholders to FmHA had initiated foreclosure. While bankrupt taxpayers can discharge the tax lien, farmers not yet in bankruptcy are responsible for the tax.

Another unfortunate quirk of the alternative minimum tax for farmers and small businessmen is that it discourages them from selling off a portion of their assets to become financially stable. Often, taxpayers must wait until they file for bankruptcy to sell capital assets with a low basis. Many times they would be better served by liquidating these assets to try to become a smaller viable entity; however, the high alternative minimum tax liability prevents them from making a partial sale.

My bill simply adds an exception to the capital gains rules to stop the imposition of the tax on insolvent taxpayers. Insolvent taxpayers are currently exempt from income on forgiveness of debt. I have inserted that same definition in my legislation. An insolvent is defined as an individual whose liabilities exceed the fair market value of his assets. If an individual's liabilities do not exceed his assets, he will be liable for the minimum tax on capital gains.

In short, this legislation eliminates insolvent taxpayers from the requirement of paying alternative minimum tax. Alternative minimum tax was enacted to prevent high bracket taxpayers from sheltering all of their income and avoiding Federal tax liability. This provision merely exempts taxpayers with extraordinary economic hardship from liability for the alternative minimum tax.

It deserves the support of all of my colleagues, and will mitigate some extraordinary tax liability on a small class of taxpayers.●

By Mr. METZENBAUM:

S. 3096. A bill to amend section 412 of the Federal Food, Drug, and Cosmetic Act, relating to the regulation of infant formula; to the Committee on Labor and Human Resources.

REGULATION ON INFANT FORMULA

● Mr. METZENBAUM. Mr. President, I rise today to introduce the Infant Formula Amendments of 1984, a bill which will seal some significant and unfortunate gaps in the Infant Formula Act of 1980. It is with deep regret that I report, Mr. President, that the intent of Congress has not been carried out in regard to the Infant Formula Act. When we passed that measure, it was my hope that defective infant formula would never again reach grocery shelves. Sadly, this has not been the case. I am confident, however, that the bill that I am offering now will greatly strengthen the act and eliminate the risks that now endanger the health of our children.

Mr. President, I introduced the Infant Formula Act in the Senate in reaction to the massive recall of all infant formula manufactured by Syntex Laboratories, Inc. in 1979. In this case, Mr. President, Syntex deleted chloride, an essential nutrient, as an ingredient in their infant formula. There was no testing of the new mixture, and the product was mislabeled for many months. As a result, as many as 20,000 babies were exposed to a deadly formula. While some of these children were able to recover from their initial illness, many are now plagued with problems ranging from speech difficulties to seizures. Tragically, some children lost their lives.

This incident was inexcusable. I thought, however, that after the Infant Formula Act was signed into law it would never happen again. But it has. Since we passed the act, 3 million cans of defective formula have been recalled.

How did this happen? The answer is clear. The Food and Drug Administration simply abdicated its responsibility in this regard. First, it took them 2 years to produce regulations. When the regulations were finally made public, it was apparent that they were written to suit the $550 million a year infant formula industry.

Congress intended the FDA to prescribe the quality control regulations which would govern the manufacture of infant formula. Instead, the FDA wrote implementing regulations which allowed each manufacturer to use whatever quality control system "is best suited to its needs." The result—3 million cans of formula recalled to date and another tragedy waiting to happen.

Mr. President, this measure will force the FDA to write uniform quality control regulations which each manufacturer must follow to the letter. It will also require manufacturers to test each batch of formula to ensure the presence of all essential nutrients at the required levels—prior to sale—and periodically thereafter throughout the shelf-life of the formula.

Mr. President, I strongly urge my colleagues to support this legislation. I am also hopeful that hearings on the current infant formula regulations will soon be forthcoming. Our children deserve no less.●

ADDITIONAL COSPONSORS

S. 914

At the request of Mr. McClure, the name of the Senator from Oregon [Mr. Packwood] was added as a cosponsor of S. 914, a bill to protect firearms owners' constitutional rights, civil liberties, and rights to privacy.

S. 1623

At the request of Mr. Dole, the name of the Senator from Virginia [Mr. Warner] was added as a cosponsor of S. 1623, a bill to establish a National Commission on Neurofibromatosis.

S. 2944

At the request of Mr. Gorton, the names of the Senator from Alaska [Mr. Murkowski], and the Senator from Washington [Mr. Evans] were added as cosponsors of S. 2944, a bill for the relief of Frederick Paul, of Seattle, WA.

S. 3057

At the request of Mr. Specter, the names of the Senator from Pennsylvania [Mr. Heinz], the Senator from Illinois [Mr. Dixon], and the Senator from Illinois [Mr. Percy] were added as cosponsors of S. 3057, a bill to amend the Internal Revenue Code of 1954 to extend the energy conservation investment tax credit to new diesel-electric locomotives.

S. 3074

At the request of Mr. Leahy, his name was added as a cosponsor of S. 3074, a bill to protect copyrighted computer programs from illegal copying.

SENATE JOINT RESOLUTION 249

At the request of Mr. Inouye, the name of the Senator from Pennsylvania [Mr. Specter] was added as a cosponsor of Senate Joint Resolution 249, a joint resolution designating the week beginning March 4, 1984, as "National Weights and Measures Week."

SENATE JOINT RESOLUTION 262

At the request of Mr. Packwood, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of Senate Joint Resolution 262, a joint resolution to designate March 16, 1985, as "Freedom of Information Day."

SENATE JOINT RESOLUTION 320

At the request of Mr. Percy, the name of the Senator from Montana [Mr. Baucus] was added as a cosponsor of Senate Joint Resolution 320, a joint resolution regarding the implementation of the policy of the U.S. Government in opposition to the practice of torture by any foreign government.

SENATE JOINT RESOLUTION 342

At the request of Mr. Dodd, the names of the Senator from Mississippi [Mr. Cochran], the Senator from Massachusetts [Mr. Tsongas], the Senator from Rhode Island [Mr. Pell], and the Senator from Rhode Island [Mr. Chafee] were added as cosponsors of Senate Joint Resolution 342, a joint resolution to designate November 21, 1985, as "William Beaumont Day."

SENATE RESOLUTION 432

At the request of Mr. Gorton, the names of the Senator from Alaska [Mr. Murkowski], and the Senator from Washington [Mr. Evans] were added as cosponsors of Senate Resolution 432, a resolution referring the bill for the relief of Frederick Paul to the Chief Judge of the U.S. Claims Court.

SENATE RESOLUTION 479—RELATING TO THE IMPOSITION OF DUTIES ON U.S. SOYBEANS AND SOYBEAN PRODUCTS

Mr. PERCY submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 479

Whereas the United States in 1983 exported over $3.1 billion in soybeans and soybean meal to countries of the European Community, representing nearly 50 percent of all United States agricultural products exported to such countries and nearly 10 percent of total United States agricultural exports;

Whereas the Commission of the European Community is considering a proposal to modify the Common Agricultural Policy of the Commission, upon the inclusion of Spain and Portugal into the European Community, to impose duties on soybeans and soybean products imported into countries of the European Community;

Whereas the countries of the European Community agreed in the General Agreement on Tariffs and Trade (GATT), in exchange for trade concessions made by the United States to such countries, to not impose duties on soybeans and soybean meal imported into such countries;

Whereas the President strongly opposes the imposition of duties on soybeans and soybean products imported into countries of the European Community and any other measure restricting the importation of United States products into such countries; and

Whereas the imposition of duties on soybeans and soybean products imported into countries of the European Community would seriously impair the access of United States soybeans and soybean meal to the markets of such countries and would place an unfair financial burden on United States soybean producers and processors: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) continue to vigorously oppose the proposed modification of the Common Agricultural Policy of the Commission of the European Community to impose duties on soybeans and soybean products imported into countries of the Community;

(2) if such modification is adopted, immediately take strong measures to protect the legitimate trading interests of the United States; and

(3) urge the Council of European Community Ministers to reject any proposal that would place an unfair financial burden on United States agricultural producers and processors.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President, the Secretary of State, the Secretary of Agriculture, and the United States Trade Representative.

● Mr. PERCY. Mr. President, today, I am submitting a resolution to put the Senate on record opposing the imposition of new tariffs on soybeans and soybean products by the European Community [EC].

Since World War II, agricultural trade between the United States and the European Community has steadily increased, and today dependence on one another as reliable trading partners is greater than ever. U.S. agricultural exports to the Community have grown from $5.3 billion in fiscal year 1974 to $7.6 billion in fiscal year 1983 and may exceed that level for the fiscal year that ended 11 days ago.

For U.S. soybean farmers and processors this means $3.1 billion EC market this year for sales of soybeans and soybean meal. It has been estimated that about 20 percent of these exports originate in Illinois, with an estimated value of about $600 million. Illinois is the second largest soybean-producing State, ranking right behind Iowa.

In 1962, during the Kennedy Round of Multilateral Trade Negotiations with the United States, the EC agreed to waive any import duties on soybeans and soybean meal. The United States paid for this agreement through offsetting trade concessions to the Community. Also at that time, the EC established the Common Agricultural Policy [CAP] which today maintains high levels of support for EC-produced commodities while applying high tariff barriers to competing imports of bulk grains. These levies, for instance, have made it difficult for U.S. farmers to sell corn to the Community.

Last year, the EC proposed a consumption tax on all fats and oils, except butter, and a quota on duty-free imports on non-grain-feed ingredients, particularly corn gluten feed. Most recently, the EC proposed an import tax on soybeans and soybean meal to be imposed in time for the 1986 planned accession of Spain and Portugal to the EC in 1986. Implementation of any of these proposals would seriously impact the U.S. soybean industry in particular.

With the EC now producing a surplus of milk, meat, poultry, sugar, and wheat, and with over two-thirds of the EC budget allocated to farm supports, some EC-member countries are blaming duty-free imports of soybeans and soybean meal for the failures of the CAP. They claim soybean meal displaces EC-produced grains, even though soybean meal is a source of protein, not energy. It's the same argument used by the Community against corn gluten feed imports, which by the admission of their feed grain compounders does not displace community-grown cereal grains.

Also, they say soybean oil displaces consumption of olive oil, although olive oil is not in great demand by northern Europeans, who much prefer lighter cooking oils, such as soybean oil.

Most importantly, EC officials claim consumption of soybean oil-based margarine is one of the reasons for the EC's butter surplus, even though many Europeans for legitimate health reasons have turned to nondairy oils. Many in the Community also blame the heavy use of less expensive soybean meal and imported cassava—tapioca—in Dutch and German dairy feeds for the overproduction of dairy products. Soybeans are seen as the "hole in the dike" of the CAP that many EC officials want closed.

For over 3 years, as chairman of the Foreign Relations Committee, I have fought the EC threat of a consumption tax on nondairy oils and fats. Now, the EC Commission has approved a proposal to use a "credit" from the tariff reductions brought about by the accession of Spain and Portugal to impose duties on soybeans and soybean products.

The U.S. Trade Representative believes that this credit could be implemented by either the United States voluntarily agreeing to a tariff on imported soybean and soybean products or the resurrection of the nondairy fats and oils tax. Both are equally unacceptable.

We know that once the Community makes up its mind to restrict agricultural imports that it can be very determined. We know that its constant threats to impose a quota levy on corn gluten feed seem immune from outside criticism.

Passage of this resolution by the Senate will again send a strong message to Brussels that we will not tolerate the EC breaking its trade agreements with the United States.●

AMENDMENTS SUBMITTED

CONSERVATION AND MANAGEMENT OF ATLANTIC STRIPED BASS

CHAFEE AMENDMENT NO. 7100

Mr. BAKER (for Mr. CHAFEE) proposed an amendment to the bill (H.R. 5492) to provide for the conservation and management of Atlantic striped bass, and for other purposes; as follows:

On page 11, beginning with line 4 strike all through "(2)" on line 9.

COMPUTER FRAUD

MATHIAS (AND OTHERS) AMENDMENT NO. 7101

Mr. BAKER (for Mr. MATHIAS, for himself, Mr. LEAHY and Mr. KENNEDY) proposed an amendment to the bill (H.R. 5616) to amend chapter 47 of title 18, of the United States Code to provide penalties for fraud and related activities in connection with access devices and computers, and for other purposes; as follows:

Strike all after the enacting clause, and insert in lieu thereof the following: This act may be cited as the Computer Trespass Act of 1984.

SEC. 2. Title 18 of the U.S. Code is amended by adding a new section 1030, as follows:

"SECTION 1030. TRESPASS IN CONNECTION WITH COMPUTERS.

(a) Whoever—

"(1) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and by means of such conduct obtains information that has been determined by the United States Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data, as defined in paragraph r. of section 11 of the Atomic Energy Act of 1954, with the intent or reason to believe that such information so obtained is to be used to the injury of the United States, or to the advantage of any foreign nation;

"(2) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and thereby obtains information contained in a financial record of a financial institution, as such terms are defined in the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.), or contained in a file of a consumer reporting agency on a consumer, as such terms are defined in the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); or

"(3) knowingly accesses without authorization a computer operated for or on behalf of the Government of the United States, or, having accessed such a computer with authorization, uses the opportunity such access provides for purposes to which the authorization does not extend, and by means of such conduct affecting such operation, knowingly—

(a) modifies, destroys, or prevents the use of information in such computer, or

(b) uses or discloses individually identifiable information in such computer, the disclosure of which is prohibited by section 552a(i) of Title 5;

shall be punished as provided in subsection (c) of this section. It is not an offense under paragraph (3) of this subsection in the case of a person having accessed a computer with authorization and using the opportunity such access provides for purposes to which such access does not extend, if the using of such opportunity consists only of the use of the computer.

"(b)(1) Whoever attempts to commit an offense under subsection (a) of this section shall be punished as provided in subsection (c) of this section.

"(2) Whoever is a party to a conspiracy of two or more persons to commit an offense under subsection (a) of this section, if any of the parties engages in any conduct in furtherance of such offense, shall be fined an amount not greater than the amount provided as the maximum fine for such offense under subsection (c) of this section or imprisoned not longer than one-half the period provided as the maximum imprisonment for such offense under subsection (c) of this section, or both.

"(c) The punishment for an offense under subsection (a) or (b)(1) of this section is—

"(1)(A) a fine of not more than $10,000 or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(1) of this section which does not occur after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(B) a fine of not more than $100,000 or imprisonment for not more than twenty years, or both, in the case of an offense under subsection (a)(1) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(2)(A) a fine of not more than $5,000 or imprisonment for not more than one year, or both, in the case of an offense under subsection (a)(2) or (a)(3) of this section which does not occur after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(B) a fine of not more than $10,000 or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) or (a)(3) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph.

"(d) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section. Such authority of the United States Secret Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.

"(e) As used in this section, the term 'computer' means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator, or other similar device.

"(f) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision thereof, or an intelligence agency of the United States.".

(b) The table of sections at the beginning of chapter 47 of title 18 of the United States Code is amended by adding at the end the following new items:

"1029. Fraud and related activity in connection with access devices.

"1030. Trespass in connection with computers.".

SEC. 3. The Attorney General shall report to the Congress annually, during the first three years following the date of the enactment of this Act, concerning prosecutions under the sections of title 18 of the United States Code added by this Act.

EFFECTIVENESS OF THE PATENT LAWS

MATHIAS AMENDMENT NO. 7102

Mr. BAKER (for Mr. MATHIAS) proposed an amendment to the bill (H.R. 6286) to amend title 35, United States Code, to increase the effectiveness of the patent laws, and for other purposes; as follows:

Strike all of Section 101, and insert in lieu thereof the following:

SEC. 101. (a) Section 271 of title 35, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) Whoever without authority supplies or causes to be supplied in or from the United States all or a substantial portion of the components of a patented invention, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer.

"(2) Whoever without authority supplies or causes to be supplied in or from the United States any component of a patented invention that is especially made or especially adapted for use in the invention and not a staple article or commodity of commerce suitable for substantial noninfringing use, where such component is uncombined in whole or in part, knowing that such component is so made to adapted and intending that such component will be combined outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer.".

Strike all of Section 103 and insert in lieu thereof the following:

CONCURRENT TRADEMARK USE

SEC. 103. Section 2(d) of the Act of July 5, 1946, commonly known as the Lanham Act (15 U.S.C. 1052(d)), is amended by adding at the end of the first full sentence thereof the following: "Use prior to any filing date of a pending application or registration shall not be required when the owner of such application or registration consents to the grant of a concurrent registration to the applicant.".

In Section 107, strike all of subsection (a) and insert in lieu thereof the following:

"(a) Subject to subsections (b), (c), (d) and (e) of this section, the amendments made by this Act shall apply to all United States patents granted before, on, or after the date of enactment of this Act, and to all applications for United States patents pending on or filed after the date of enactment.".

In Subsection (d) of Section 107, strike "section 103, 104 or 105" after "a ground obviated by" and before "of this Act", and insert in lieu thereof: "Section 104 or 105".

In Section 102(a) of the bill, strike the final quotation mark (") and the period following the final quotation mark, and insert in lieu thereof the following:

"(d) The Secretary of Commerce shall report to the Congress annually on the use of statutory invention registrations. Such report shall include an assessment of the degree to which agencies of the federal government are making use of the statutory invention registration system, the degree to which it aids the management of federally developed technology, and an assessment of the cost savings to the Federal Government of the use of such procedures.".

In section 102 of the bill strike "§ 156. Statutory invention registration" each place it appears and insert in lieu thereof the following: "§ 157. Statutory invention registration".

In section 309 of the bill, strike "1,000,000" and insert in lieu thereof: "250,000".

INTELLIGENCE AUTHORIZATION, 1985

CHAFEE (AND GOLDWATER) AMENDMENT NO. 7103

Mr. BAKER (for Mr. CHAFEE, for himself and Mr. GOLDWATER) proposed an amendment to the bill (S. 2713) to authorize appropriations for the fiscal year 1985 for intelligence activities of the U.S. Government, the intelligence community staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the enacting clause, and insert in lieu thereof the following:

"That this Act may be cited as the "Intelligence Authorization Act for fiscal year 1985".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1985 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1985, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Select Committee on Intelligence of the Senate, as amended by agreement of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate. That Amended Schedule of Authorizations, dated October 4, 1984, signed by the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate and the Chairman and Ranking Minority Member of the Permanent Select Committee on Intelligence of the House of Representatives, and on file at the offices of those committees, shall be made available to the Committees on Appropriations of the Senate and the House of Representatives, and to the President. The President shall provide for suitable distribution of the amended schedule, or of appropriate portions of the amended schedule, within the executive branch.

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

SEC. 103. During fiscal year 1985, funds may not be made available for any intelligence or intelligence-related activity unles such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity, except that, in no case may reprogramming or transfer authority be used by the Director of Central Intelligence or the Secretary of Defense unless for higher priority intelligence or intelligence-related activities, based on unforeseen requirements, than those for which funds were originally authorized, and in no case where the intelligence or intelligence-related activity for which funds were requested has been denied by Congress.

AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND CONSTRUCTION OF AN ADDITIONAL BUILDING AT THE CENTRAL INTELLIGENCE AGENCY HEADQUARTERS COMPOUND

SEC. 104. Of the amounts authorized to be appropriated under section 101(1), there is authorized to be appropriated for fiscal year 1985 the sum of $104,500,000 for the design and construction of a new building at the Central Intelligence Agency headquarters compound.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 105. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1985 the sum of $14,500,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

PERSONNEL CEILING ADJUSTMENTS

SEC. 106. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for the fiscal year 1985 under sections 102 and 202 of this act when he determines that such action is necessary to the performance of important intelligence function, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1985 the sum of $20,800,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized two hundred and thirty-two full-time personnel as of September 30, 1985. Such personnel of the Intelligence Community staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1985, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1985, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1985, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a–403n) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for Fiscal Year 1985 the sum of $99,300,000.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM RULES AND REGULATIONS

SEC. 302. Section 201(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by striking "to become effective after approval by the chairman and ranking minority members of the Armed Services Committees of the House and Senate." and inserting in lieu thereof "to be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before they take effect.".

TITLE IV—ADMINISTRATIVE PROVISION RELATING TO THE CENTRAL INTELLIGENCE AGENCY

PHYSICAL SECURITY OF CENTRAL INTELLIGENCE AGENCY FACILITIES

SEC. 401. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end thereof the following new section:

"SECURITY PERSONNEL AT AGENCY INSTALLATIONS

"SEC. 15. (a) The Director may authorize Agency personnel within the United States to perform the same functions as special policemen of the General Services Administration perform under the first section of the Act entitled 'An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes' (40 U.S.C. 318), with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers only within Agency installations, and the rules and regulations enforced by such personnel shall be rules and regulations promulgated by the Director.

"(b) The Director is authorized to establish penalties for violations of the rules or regulations promulgated by the Director under subsection (a) of this section. Such penalties shall not exceed those specified in the fourth section of the Act referred to in subsection (a) of this section (40 U.S.C. 318c).

"(c) Agency personnel designated by the Director under subsection (a) of this section shall be clearly identifiable as United States

Government security personnel while engaged in the performance of the functions to which subsection (a) of this section refers.".

TITLE V—DEFENSE INTELLIGENCE AGENCY PERSONNEL MANAGEMENT IMPROVEMENTS

CIVILIAN PERSONNEL MANAGEMENT

SEC. 501. (a) Chapter 83 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1604. Civilian personnel management

"(a) The Secretary of Defense may, without regard to the provisions of any other law relating to the number, classification, or compensation of employees—

"(1) establish such positions for civilian officers and employees in the Defense Intelligence Agency as may be necessary to carry out the functions of such Agency;

"(2) appoint individuals to such positions; and

"(3) fix the compensation of such individuals for service in such positions.

"(b) The Secretary of Defense shall, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in the General Schedule under section 5332 of title 5 for positions subject to such Schedule which have corresponding levels of duties and responsibilities. Except in the case of an officer or employee of the Defense Intelligence Agency serving as a member of the Defense Intelligence Senior Executive Service, no officer or employee of the Defense Intelligence Agency may be paid basic compensation at a rate in excess of the highest rate of basic pay contained in such General Schedule.

"(c) The Secretary of Defense is authorized, consistent with section 5341 of title 5, to adopt such provisions of such title as provide for prevailing rate systems of basic pay and to apply such provisions to positions in or under which the Defense Intelligence Agency may employ individuals described by section 5342(a)(2)(A) of such title.

"(d) In addition to the basic compensation payable under subsection (b), officers and employees of the Defense Intelligence Agency who are citizens or nationals of the United States and who are stationed outside the continental United States or in Alaska may be paid compensation, in accordance with regulations prescribed by the Secretary of Defense, not in excess of an allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute. Such allowances shall be based on—

"(1) living costs substantially higher than in the District of Columbia;

"(2) conditions of environment which differ substantially from conditions of environment in the continental United States and warrant an allowance as a recruitment incentive; or

"(3) both of the factors described in paragraphs (1) and (2).

"(e)(1) Notwithstanding any other provision of law, the Secretary of Defense may, during fiscal years 1985 and 1986, terminate the employment of any civilian officer or employee of the Defense Intelligence Agency whenever he considers that action to be in the interests of the United States and he determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such officer or employee cannot be invoked in a manner consistent with the national security. The decisions of the Secretary under this paragraph are final and may not be appealed or reviewed outside the Department of Defense. The Secretary of Defense shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever this termination authority is exercised.

"(2) Any termination of employment under this subsection shall not affect the right of the officer or employee involved to seek or accept employment with any other department or agency of the United States if he is declared eligible for such employment by the Director of the Office of Personnel Management.

"(3) The Secretary of Defense may delegate authority under this subsection only to the Deputy Secretary of Defense or the Director of the Defense Intelligence Agency or both. An action to terminate any civilian officer or employee by either such officer shall be appealable to the Secretary of Defense.".

(b) The table of sections at the beginning of chapter 83 of title 10, United States Code, is amended by adding after the item relating to section 1603 the following new item:

"1604. Civilian personnel management.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 502. (a) Section 5102(a)(1) of title 5, United States Code, is amended—

(1) by striking out "or" at the end of clause (viii);

(2) by inserting "or" at the end of clause (ix); and

(3) by inserting after clause (ix) the following new clause:

"(x) the Defense Intelligence Agency, Department of Defense;".

(b) Section 5342(a)(1) of such title is amended—

(1) by striking out "or" at the end of subparagraph (I);

(2) by inserting "or" at the end of subparagraph (J); and

(3) by inserting after subparagraph (J) the following new subparagraph:

"(K) the Defense Intelligence Agency, Department of Defense;".

TITLE VI—COUNTERINTELLIGENCE AND OFFICIAL REPRESENTATION

POLICY TOWARD CERTAIN AGENTS OF FOREIGN GOVERNMENTS

SEC. 601. (a) It is the sense of the Congress that the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States should not exceed the respective numbers, status, privileges and immunities, travel accommodations, and facilities within such country of official representatives of the United States to such country.

(b) Beginning one year after the date of enactment of this section, and at intervals of one year thereafter, the President shall prepare and transmit to the Committee on Foreign Relations and Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs and Permanent Select Committee on Intelligence of the House of Representatives a report on the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States and the respective numbers, status, privileges and immunities, travel, accommodations, and facilities within such country of official representatives of the United States to such country, and any action which may have been taken with respect thereto.

(c) Section 203 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4303) is amended—

(1) in subsection (a) by striking out the fifth sentence; and

(2) by amending subsection (b) to read as follows:

"(b) There shall also be a Deputy Director of the Office of Foreign Missions. Either the Director or the Deputy Director of such Office shall be an individual who has served in the United States Foreign Service, while the other of the two shall be an individual who has served in the United States Intelligence Community."

(d) The amendments made by subsection (c) shall apply only with respect to any appointment of a Director or Deputy Director of the Office of Foreign Missions, as the case may be, after the date of enactment of this section.

TITLE VII—GENERAL PROVISIONS

AUTHORITY FOR THE CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 701. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution of laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 702. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

TITLE VIII—ACTIVITIES IN NICARAGUA

MILITARY OR PARAMILITARY ACTIVITIES

SEC. 801. No funds authorized to be appropriated by this Act or by the Intelligence Authorization Act for fiscal year 1984 (Public Law 98-215) may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except to the extent provided and under the terms and conditions specified by House Joint Resolution 648, making continuing appropriations for the fiscal year 1985, and for other purposes as enacted.

DURENBERGER (AND OTHERS) AMENDMENT NO. 7104

Mr. DURENBERGER proposed an amendment to the joint resolution (H.J. Res. 654) supra; as follows:

At the appropriate place in the bill insert the following new section:

SEC.   . (a) This Act may be cited as the "Balanced Budget Procedures Act of 1984".

(b) The Congress finds and declares that—

(1) in recent years, historically high Federal budget deficits have resulted in the rapid growth of the national debt;

(2) as a direct result of such growth, the interest payments on the national debt have increased faster than any other major com-

ponent of the Federal budget, a trend which, if left unchecked, will encumber future taxpayers with unreasonable debt service;

(3) the effect of such fiscal policy is to subsidize the price of current consumption with future production;

(4) the President and the Congress must take immediate action to further the long-term national interest by dramatically reducing the federal budget deficit for fiscal year 1986 and for all subsequent fiscal years;

(5) such deficit reductions will require actions that many individual Americans will be reluctant to accept; and

(6) because neither the President nor the Congress has been required to consider the choices necessary to produce a balanced budget, the American people have not been made aware of the sacrifices necessary to promote thereby the long-term national interest.

(c) It is the purpose of this section to—

(1) require the President to submit to Congress—

(A) for each of the fiscal years beginning after September 30, 1985, and before October 1, 1988—

(i) a budget under section 1105 of title 31, United States Code, that would, if implemented, result in a balance between outlays and revenues under conditions of high employment by fiscal year 1989, or

(ii) if the budget submitted under such section for any such fiscal year would not, if implemented, achieve such a balance by fiscal year 1989, an alternative budget in detail equal to that of the budget submitted under such section that would, if implemented, achieve such balance by fiscal year 1989,

(B) for each fiscal year, beginning after September 30, 1988, in which a budget is submitted to the Congress under section 1105 of title 31, United States Code, that would not be balanced under conditions of high employment, an alternative budget that would be in balance under conditions of high employment, and

(C) any legislative proposals necessary to implement any such alternative budget;

(2) require the Committee on the Budget of each House of Congress to report to such House for any fiscal year beginning after September 30, 1985—

(A) a first concurrent resolution on the budget under section 301 of the Congressional Budget Act of 1974 that would, if implemented—

(i) in the case of fiscal years beginning before October 1, 1988, result in a balance between revenues and outlays under conditions of high employment by fiscal year 1989, or

(ii) in the case of any fiscal year beginning after September 30, 1988, result in a balance between revenues and outlays for such fiscal year under conditions of high employment; or

(B) if the concurrent resolution on the budget reported by such Committee for a fiscal year does not comply with the applicable requirements of subparagraph (A), an alternative concurrent resolution on the budget in equal detail to the concurrent resolution reported to the Committee that would, if implemented, achieve such result.

(d)(1)(A) if the total outlays set forth for fiscal year 1989 would exceed the total revenues set forth for such fiscal year under conditions of high employment in any budget submitted by the President under section 1105 of title 31, United States Code, for a fiscal year beginning after September 30, 1985, and before October 1, 1988, such budget shall be accompanied by an alternative budget in which total outlays for fiscal year 1989 would not exceed total revenues for such fiscal year under conditions of high employment.

(B)(i) An alternative budget submitted by the President pursuant to this paragraph for a fiscal year shall be in detail equal to that of the budget submitted by the President under section 1105 of title 31, United States Code, for such fiscal year and shall include a clear and understandable explanation of the differences between such alternative budget and the budget submitted by the President pursuant to such section.

(ii) Not later than March 15 of any year in which the President submits an alternative budget pursuant to this paragraph, the President shall submit recommendations and proposals for changes in the laws of the United States which would be required to be enacted during such year in order to achieve a balance between total outlays and total revenues under conditions of high employment by fiscal year 1989.

(C)(i) Not later than April 15 prior to any fiscal year beginning after September 30, 1985, and before October 1, 1989, the Committee on the Budget of each House of the Congress shall report to such House—

(I) a first concurrent resolution on the budget, for such fiscal year pursuant to section 301 of the Congressional Budget Act of 1974 in which total outlays and total revenues for fiscal year 1989 would be in balance under conditions of high employment, or

(II) if the first concurrent resolution on the budget reported by such Committee for a fiscal year under such section does not comply with the requirements of subclause (I), an alternative concurrent resolution reported by the Committee pursuant to such section that complies with such requirements.

(ii) The provisions of sections 305 and 310 of the Congressional Budget Act of 1974 shall apply to an alternative concurrent resolution on the budget reported pursuant to subsection (i) and any reconciliation bill reported pursuant to such alternative concurrent resolution.

(2)(A) Section 1105 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) If the President submits a budget for any fiscal year pursuant to subsection (a) that—

"(A) assumes that conditions of high employment will exist during such fiscal year; and

"(B) recommends that total outlays exceed total revenues for such fiscal year,

such budget shall be accompanied by an alternative budget for such fiscal year in which total outlays do not exceed total revenues.

"(2) If the President submits a budget for any fiscal year pursuant to subsection (a) that—

"(A) assumes that high employment will not exist during such fiscal year; and

"(B) recommends that total outlays exceed total revenues for such fiscal year by an amount that is greater than the amount by which such excess would be reducted if conditions of high employment were assumed to exist during such fiscal year,

such budget shall be accompanied by an alternative budget for such fiscal year in which total outlays would not exceed total revenues under conditions of high employment.

"(3)(A) An alternative budget submitted by the President pursuant to this subsection for a fiscal year shall be in detail equal to that of the budget submitted pursuant to subsection (a) for such fiscal year and shall include a clear and understandable explanation of the differences between such alternative budget and the budget submitted by the President pursuant to subsection (a) for such fiscal year.

"(B) Not later than March 15 of any year in which the President submits an alternative budget pursuant to this subsection, the President shall submit recommendations and proposals for changes in the laws of the United States which will, if enacted, reduce the amount by which total outlays exceed total revenues for the fiscal year to which such alternative budget relates to the amount of the deficit set forth in such alternative budget.".

(B) The amendment made by subparagraph (A) shall apply to fiscal years beginning after September 30, 1988.

(e)(1) There is established on January 21, 1985, a National Bipartisan Commission on the Balanced Budget. The Commission shall be composed of nineteen members, who shall be appointed as follows:

(A) six members shall be appointed by the President, no more than three of whom shall be of the same political party;

(B) two members, who shall be private citizens, shall be appointed by the President pro tempore of the Senate, one of whom shall be appointed upon the recommendation of the Majority Leader of the Senate, and one of whom shall be appointed upon recommendation of the Minority Leader of the Senate;

(C) one member, who shall be a private citizen, shall be appointed by the Speaker of the House of Representatives;

(D) one member, who shall be a private citizen, shall be appointed by the Minority Leader of the House of Representatives;

(E) two members of the Majority Party of the House of Representatives shall be appointed by the Speaker of the House of Representatives;

(F) two members of the Minority Party of the House of Representatives shall be appointed by the Minority Leader of the House of Representatives;

(G) two members of the Majority Party of the Senate shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate;

(H) two members of the Minority Party of the Senate shall be appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate;

(I) one member shall be appointed by the Chairman of the Board of the Federal Reserve System, from among the members of the Board of Governors of the Federal Reserve System.

COMMISSION

(3) A vacancy in the Commission shall not alter its powers, and shall be filled in the same manner in which the original appointment was made.

(4) The Commission shall—

(A) review the budget, and the alternative budget, if any, submitted by the President for fiscal year 1986;

(B) review such other budget proposals or information regarding the elements of fiscal policy as the members of the Commission shall deem relevant;

(C) review the elements of monetary policy, with particular emphasis on its effects on fiscal policy and budget deficits;

(D) review current and prospective economic factors and developments, in both the United States and abroad, that should be taken into account in making fiscal policies;

(E) consult with other private and public sector experts for recommendations about reforms that would best address Federal budget deficits; and

(F) make recommendations for levels of spending and changes in the laws of the United States which may be necessary to achieve a balanced budget by fiscal year 1989.

(5) The Commission may, for the purpose of carrying out paragraph (4), hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(6)(A) The heads of the executive agencies and the legislative agencies shall, to the extent permitted by law, provide the Commission such information as it may require for the purpose of carrying out its functions.

(B) Members of the Commission shall serve without compensation. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in the same amount as persons employed intermittently in the Government service are allowed expenses under sections 5702 and 5703 of title 5, United States Code. Such expenses shall be paid equally from the contingent fund of the Senate and the contingent fund of the House of Representatives.

(7) The Commission shall transmit to the President and to each House of Congress a report not later than March 15, 1985. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such levels of spending, legislation, and administrative actions as it considers appropriate.

(8) The Commission shall cease to exist thirty days after submitting its report pursuant to paragraph (7).

(9) Subsections (a), (b), (c), and (d) of this section and the amendments made by such subsections shall not apply to any fiscal year for which a declaration of war by the Congress is in effect.

COMMUNICATIONS ACT AMENDMENTS

GOLDWATER AMENDMENT NO. 7105

Mr. BAKER (for Mr. GOLDWATER) proposed an amendment to the amendment of the House to the bill (S. 66) to amend the Communications Act of 1934; as follows:

In the House amendment;

In the first section, strike "Franchise Policy and Communications Act of 1984" and insert in lieu thereof "Communications Policy Act of 1984".

In section 2; in proposed section 601:

(1) in paragraph (4), strike "and" the second time it appears, and insert "and are encouraged to provide" immediately after "provide";

(2) amend paragraph (5) to read as follows:

"(5) establish an orderly process for franchise renewal which protects cable operators against unfair denials of renewal where the operator's past performance and proposal for future performance meet the standards established by this title; and"; and

(3) add the following at the end:

"(6) promote competition in cable communications and minimize unnecessary regulation that would impose an undue economic burden on cable systems.".

In section 2, in proposed section 602(6), strike "or combination of facilities" wherever it appears, and strike "use" and insert in lieu thereof "uses".

In section 2, in proposed section 612(b), redesignate paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and insert the following immediately after paragraph (2):

"(3) A cable operator may not be required, as part of a request for proposals or as part of a proposal for renewal, subject to section 626, to designate channel capacity for any use (other than commercial use by unaffiliated persons under this section) except as provided in sections 611 and 637, but a cable operator may offer in a franchise, or proposal for renewal thereof, to provide, consistent with applicable law, such capacity for other than commercial use by such persons."

In section 2, in proposed section 613(a), strike the designation (1)"; strike "is" the first time it appears; insert a comma immediately after "affiliates" the first time it appears; and strike all after "system" the first time it appears.

In section 2, in proposed section 623, redesignate subsection (g) as subsection (h), and insert the following immediately after subsection (f):

"(g) Any State law in existence on the effective date of this title which provides for any limitation or preemption of regulation by any franchising authority (or the States or any political subdivision or agency thereof) of rates for cable service shall remain in effect during the 2-year period beginning on such effective date, to the extent such law provides for such limitation or preemption. As used in this section, the term, 'State' has the meaning given it in section 3(v).".

In section 2, in proposed section 634(d)(1), strike "180" and insert in lieu thereof "270".

In section 2, redesignate the first section designated as section 636 as section 635.

In section 5(a), insert "of 1934 (as redesignated by section 6)" immediately after "'Communications Act".

In section 5, in proposed section 705(b), insert a comma immediately after "receipt" the second time it appears.

In section 5, in proposed section 705(c), strike "subsection" and insert in lieu thereof "section"; strike "and" at the end of paragraph (3), strike the period at the end of paragraph (4) and insert in lieu thereof "; and"; and add at the end thereof the following:

"(5) the term 'private financial gain' shall not include the gain resulting to any individual for the private use in such individual's dwelling unit of any programming for which the individual has not obtained authorization for that use.".

In section 5, in proposed section 705(d)(2), strike "offense" wherever it appears and insert in lieu thereof "conviction".

In section 5, in proposed section 705(d)(4), strike "interception or receipt of radio communication prohibited" and insert in lieu thereof "any activity prohibited", and strike "prohibited interception or receipt" and insert "prohibited activity".

In section 5, in proposed section 705, redesignate the second new subsection designated "(d)" as subsection (e).

Redesignate section 7 as section 9 and insert the following immediately after section 6:

SUPPORT OF ACTIVITIES OF THE UNITED STATES TELECOMMUNICATIONS TRAINING INSTITUTE

SEC. 7. Nothing in this Act, the Communications Act of 1934, or any other Act, shall be construed to preclude the Federal Communications Commission or the National Telecommunications and Information Administration within the Department of Commerce from participation (including use of staff and other appropriate resources) in support of any activities of the United States Telecommunications Training Institute.

TELECOMMUNICATION POLICY STUDY COMMISSION

SEC. 8. Title VII of the Communication Act of 1934 (as redesignated by section 6 of this Act) is amended by adding at the end thereof the following new section:

"TELECOMMUNICATION POLICY STUDY COMMISSION

SEC. 711. (a) There is hereby established the Telecommunications Policy Study Commission (hereinafter in this section referred to as the 'Commission') which shall—

"(1) compare various domestic telecommunications policies of the United States and other nations, including the impact of all such policies on the regulation of interstate and foreign commerce, and

"(2) prepare and transmit a written report thereon to the Congress, the President, and the Federal Communications Commission.

"(b)(1) Such Commission shall be composed of the Chairman and Ranking Minority Members of the Committee on Commerce, Science, and Transportation and the Communications Subcommittee of the Senate and the Committee on Energy and Commerce and the Telecommunications, Consumer Protection and Finance Subcommittee of the House of Representatives (or delegates of such Chairmen or members appointed by them from among Members of such Committees).

"(2) The Chairmen of such committees (or their delegates) shall be co-chairmen of the Commission.

"(c)(1) The report under subsection (a)(2) shall be submitted not later than December 1, 1987. Such report shall contain the results of all Commission studies and investigations under this section.

"(2) The Commission shall cease to exist—

"(A) on December 1, 1987, if the report is not submitted in accordance with paragraph (1) on the date specified therein; or

"(B) on such date (but not later than May 1, 1988) as may be determined by the Commission, by order, if the report is submitted in accordance with paragraph (1) on the date specified in such paragraph.

"(d)(1) The members of the Commission who are not officers or employees of the United States, while attending conferences or meetings of the Commission or while otherwise serving at the request of the Chairmen, shall be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code, including traveltime, and while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence as authorized

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by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

"(2) The Commission may appoint and fix the pay of such staff as it deems necessary.

"(e)(1) In conducting its activities, the Commission may enter into contracts to the extent it deems necessary to carry out its responsibilities, including contracts with nongovernmental entities that are competent to perform research or investigations in areas within the Commission's responsibilities.

"(2) The Commission is authorized to hold public hearings, forums, and other meetings to enable full public participation

"(f) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Commission in carrying out this section and shall furnish to the Commission such information as the Commission deems necessary to carry out this section, in accordance with otherwise applicable law.

"(g) There are authorized to be appropriated such sums as may be appropriated to carry out this section for a period of three fiscal years.

"(h) Activities authorized by this section may be carried out only with funds and to the extent approved in appropriation Acts.

"(i) Nothing in this section shall be construed to affect any proceedings by, or activities of, the Federal Communications Commission, except that the Federal Communications Commission shall consider submissions by the Commission submitted pursuant to subsection (a)(2).".

In the table of contents for the bill, redesignate section 7 as section 9 and insert the following immediately after the item relating to section 6:

Sec. 7. Support of activities of the United States Telecommunications Training Institute.
Sec. 8. Telecommunications Policy Study Commission.

HATCH AMENDMENT NO. 7106

Mr. BAKER (for Mr. HATCH) proposed an amendment to the amendment to the House to the bill (S. 66) supra; as follows:

Page 47, after line 19, include in the new sentence in lieu thereof "The report should include the number of minorities and women in the relevant labor market for each of the above categories.

Page 48, strike out subsection (e), beginning on line 2 and ending on line 17 of page 51, and insert in lieu thereof the following:

"(e)(1) On an annual basis, the Commission shall certify each entity described in subsection (a) as in compliance with this section if, on the basis of information in the possession of the Commission, including the report filed pursuant to subsection (d)(3), such entity was in compliance, during the annual period involved, with the requirements of subsections (b), (c), and (d).

"(2) The Commission shall, periodically but not less frequently than every five years, investigate the employment practices of each entity described in subsection (a), in the aggregate, as well as in individual job categories, and determine—

"Whether such entity is in compliance with the requirement of subsection (b), (c), and (d) including whether such entity's employment practices deny or abridge women and minorities equal employment opportunities. As part of such investigation, the Commission shall review whether the entity's reports filed pursuant to subsection (d)(3) accurately reflect employee responsibilities in the reported job classifications.

Page 51, line 22, strike out "title" and all that follows down through "the failure" on line 24 and insert in lieu thereof "title. The failure".

Page 52 line 5, after "by the Commission" insert ", through an investigation pursuant to subsection (e) or otherwise,".

Page 52, line 20, after the period insert "whoever knowingly makes any false statement or submits documentation which he knows to be false, pursuant to an application for certification under this section shall be in violation of this section."

Page 54, line 2, strike out "generally" and all that follows down through "employers" on line 3.

Page 54, line 3, strike out "greater".

Page 54, line 4, strike out "employees than" and all that follows down through line 5 and insert in lieu thereof "employees,".

METZENBAUM AMENDMENT NO. 7107

Mr. BAKER (for Mr. METZENBAUM) proposed an amendment to the amendment of the House to the bill (S. 66) supra; as follows:

On page 31, line 8, after the word "proceedings", insert the following: "which afford the public in the franchise area appropriate notice and participation".

On page 35, line 13, insert after "may" the following: ", after affording the public adequate notice and opportunity for comment,".

INCREASING THE PUBLIC DEBT LIMIT

METZENBAUM AMENDMENT NO. 7108

Mr. METZENBAUM proposed an amendment to the joint resolution (H.J. Res. 654) increasing the statutory limit on the public debt; as follows:

At the appropriate place, insert the following new section:

SEC. . (a) Section 871(h) of the Internal Revenue Code of 1954 (relating to repeal of tax on interest on certain investments) is amended—

(1) by adding at the end thereof the following new paragraph:

"(7) 5-PERCENT WITHHOLDING ON BEARER SECURITIES.—In the case of any interest which is paid on any obligation which is issued by a corporation, partnership, trust, estate, or individual and is not in registered form—

"(A) paragraph (1) shall not apply, and

"(B) paragraph (1) of subsection (a) shall be applied with respect to such interest by substituting '5 percent' for '30 percent'.'

"(8) REINSTATEMENT OF TAX WHERE UNITED STATES GOVERNMENT-BACKED SECURITIES IN BEARER FORM.—For purposes of this subsection, the term 'portfolio interest' shall not include any interest on a United States Government security—

"(A) If any interest in such obligation is held through a United States Government-backed security (or such obligation is collateral or other security for any United States Government-backed security), and

"(B) if—

"(i) such United States Government-backed security is not in registered form, or

"(ii) such United States Government-backed security is in registered form but the beneficial owner of such security does not furnish a statement which—

"(I) identifies the beneficial owner of the obligation and sets forth the address of such owner,

"(II) is signed by the beneficial owner under penalty of perjury, and

"(III) states that such beneficial owner is not a United States person.

"(9) REDUCTION IN TAX UNDER TREATIES NOT TO APPLY.—No reduction in the tax imposed by subsection (a) or paragraph (7) by reason of any treaty obligation of the United States shall apply.", and

(2) by striking out "In" in paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (7) in".

(b) Section 881 (c) of the Internal Revenue Code of 1954 (relating to repeal of tax on interest of foreign corporations) is amended—

(1) by adding at the end thereof the following new paragraphs:

"(7) 5-PERCENT WITHHOLDING ON CORPORATE BEARER SECURITIES.—In the case of any interest which is paid on any obligation which is issued by a corporation, partnership, trust, estate, or individual and is not in secisrce form—

"(A) paragraph (1) shall not apply, and

"(B) subsection (a) shall be applied with respect to such interest by substituting '5 percent' for '32 percent'.

"(8) REINSTATEMENT OF TAX WHERE UNITED STATES GOVERNMENT-BACKED SECURITIES IN BEARER FORM.—For purposes of this subsection, the term 'portfolio interest' shall not include any interest on a United States Government security—

"(A) if any interest in such obligation is held through a United States Government-backed security (or such obligation is collateral or other security for any United States Government-backed security), and

"(B) if—

"(i) such United States Government-backed security is not in registered form, or

"(ii) such United States Government-backed security is in registered form but the beneficial owner of such security does not furnish a statement which—

"(I) identifies the beneficial owner of the obligation and sets forth the address of such owner,

"(II) is signed by the beneficial owner under penalty of perjury, and

"(III) states that such beneficial owner is not a United States person.

"(9) REDUCTION IN TAX UNDER TREATIES NOT TO APPLY.—No reduction in the tax imposed by subsection (a) or paragraph (7) by reason of any treaty obligation of the United States shall apply.", and

(2) by striking out "In" in paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (7) in".

(c) Section 871(h)(5) and section 881(h)(5) of the Internal Revenue Code is amended to read as follows:

"(5) Repeal of tax to apply only in cases of adequate information exchange.—

"(A) IN GENERAL.—Unless the Secretary determines that the exchange of information between the United States and any foreign country is adequate to prevent evasion of the United States income tax by United States persons, paragraph (1) shall not apply to payments of interest to any person within such foreign country (or to payments addressed to, or for the account of, persons within such foreign country). If the Secretary so determines, he shall provide in writing (and publish a statement) that the provisions of this subsection may apply to payments of interest to any person within such foreign county (or payments addressed to, or for the account of, persons within such foreign country) during the period—

"(i) beginning on the date specified by the Secretary, and

"(ii) ending on the date, if any, that the Secretary determines that the exchange of information between the United States and such foreign country is inadequate to prevent the evasion of United States income tax by United States persons or revokes the prior determination of adequacy.".

(d)(1) Except as provided in paragraph (2), the amendments made by subsection (a) and (b) shall apply to interest payments made with respect to obligations issued during the period beginning on the date of the enactment of this Act and ending on the date which is 18 months after such date.

(2) If, at any time after the 90th day after the date of the enactment of this Act, the Secretary of the Treasury or his delegate determines that obligations issued by corporations, partnerships, trusts, estates, and individuals cannot be sold to foreign persons in registered form, or not in registered form but with a 5 percent withholding tax, the Secretary of the Treasury or his delegate shall publish such determination in the Federal Register and the amendments made by subsections (a) and (b) shall cease to apply to obligations issued after the date of such publication.

(3) The amendments made by subsection (c) shall apply to interest payments made with respect to obligations issued after the date of the enactment of this Act.

GROUP LEGAL SERVICES PLANS

JEPSEN AMENDMENT NO. 7109

Mr. DOLE (for Mr. Jepsen) proposed an amendment to the bill (H.R. 5361) to amend the Internal Revenue Code of 1954 to extend for 1 year the exclusion from gross income with respect to group legal services plans, and for other purposes; as follows:

At the end of the bill, insert the following:

SEC. . TAX TREATMENT OF CERTAIN DEFERRED PAYMENTS.

(a) Reduction in Interest Rates Under Section 483.—Section 483 of the Internal Revenue Code of 1954 (relating to interest on certain deferred payments) is amended—

(1) by redesignating subsection (f), (g), and (h) as subsections (h), (i), and (j), and

(2) by striking out subsection (e) and inserting in lieu thereof the following new subsections:

"(e) Reduced Rate of Interest in Case of Certain Sales of Residences, Farms, or Trades or Businesses.—

"(1) In general.—In the case of any debt instrument arising from a sale or exchange to which this subsection applies, the discount rate under subsection (b) or (c)(1)(B) shall be the rate prescribed by the Secretary in regulations but shall not be greater than 10 percent and 9 percent, respectively.

"(2) Sales or exchanges to which this subsection applies.—This subsection shall apply to any of the following sales or exchanges:

"(A) Residences.—Any sale or exchange of a residence by an individual, an estate, or a testamentary trust, but only if—

"(i) either—

"(I) such residence on the date of such sale or exchange (or in the case of an estate or testamentary trust, on the date of death of the decedent) was the principal residence (within the meaning of section 1034) of the individual or decedent, or

"(II) during the 2-year period ending on such date, no substantial portion of such residence was of character subject to an allowance under this title for depreciation (or amortization in lieu thereof) in the hands of such individual or decedent, and

"(ii) such residence was not at any time, in the hands of such individual, estate, testamentary trust, or decedent, described in section 1221(1) (relating to inventory, etc.).

"(B) Farms.—Any sale or exchange by a qualified person of—

"(i) real property which was used as a farm (within the meaning of section 6420(c)(2)) at all times during the 3-year period ending on the date of such sale or exchange, or

"(ii) tangible personal property which was used in the active conduct of the trade or business of farming on such farm and is sold in connection with the sale of such farm,

but only if such property is sold or exchanged for use in the active conduct of the trade or business of farming by the transferee of such property.

"(C) Trades or businesses.—

"(i) In general.—Any sale or exchange by a qualified person of any trade or business.

"(ii) Application with subparagraph (b).—This subparagraph shall not apply to any sale or exchange of any property described in subparagraph (B).

"(iii) New section 38 property.—This subparagraph shall not apply to the sale or exchange of any property which, in the hands of the transferee, is new section 38 property.

"(3) Dollar limitation.—

"(A) In general.—Paragraph (1) shall apply to any debt instrument to the extent that the sales price does not exceed the applicable limit with respect to such sale or exchange.

"(B) Applicable limit defined.—For purposes of this paragraph, the term 'applicable limit' means the limit determined in accordance with the following table:

"If the transaction is described in:	The limit is:
Paragraph (2)(A)	$250,000
Paragraph (2)(B)	$2,000,000
Paragraph (2)(C)	$1,000,000.

"(4) Blended rate where sales price exceeds applicable limit.—In the case of any sale or exchange to which this subsection applies with respect to which the sales price exceeds the applicable limit—

"(A) Test rate.—The discount rate under subsection (c)(1)(B) shall, in lieu of the rate under paragraph (1), be equal to the sum of—

"(i) 9 percent, multiplied by a fraction the numerator of which is the applicable limit and the denominator of which is the sales price, and

"(ii) 110 percent of the applicable Federal rate, multiplied by a fraction—

"(I) the numerator of which is the sales price minus the applicable limit, and

"(II) the denominator of which is the sales price.

In the case of a transaction described in paragraph (2)(A), clause (ii) shall be applied by substituting '100 percent' for '110 percent'.

"(B) Imputed rate.—The discount rate under subsection (b) shall, in lieu of the rate under paragraph (1), be equal to the rate determined under subparagraph (A) by substituting '10 percent' for '9 percent' and, except in the case of any transaction described in paragraph (2)(A), '120 percent' for '110 percent' each place it appears.

"(C) Rates as adjusted.—For purposes of this paragraph, if the Secretary prescribes, pursuant to paragraph (1), a lower discount rate under subsection (c)(1)(B) or (b) than the maximum rate allowed under paragraph (1), such lower rate shall apply in lieu of '9 percent' or '10 percent' in subparagraphs (A)(i) or (B), respectively.

"(5) Aggregation and allocation rules.—For purposes of this subsection, except as provided in regulations—

"(A) Debt instruments.—All debt instruments arising from a transaction (or any series of related transactions) shall be treated as 1 debt instrument.

"(B) Sales and exchanges.—All sales and exchanges which are part of the same transaction (or a series of related transactions) shall be treated as 1 sale or exchange.

"(C) Proration of applicable limit where more than one person holds an interest.—In the case of a sale or exchange of any property (or a trade or business) described in paragraph (2) with respect to which there is more than 1 owner, the applicable limit under paragraph (3) shall be apportioned among each owner on the basis of the ratio which the fair market value of such owner's interest bears to the fair market value of all interests of such owners.

"(6) Application with subsection (h).—In the case of any qualified sale (as defined in subsection (h)(2)), the applicable limit determined under paragraph (3) shall be reduced by the amount of any debt instrument to which subsection (h)(1) applies.

"(7) Definitions.—For purposes of this subsection—

"(A) Qualified person defined.—The term 'qualified person' means—

"(i) a person who—

"(I) is an individual, estate, or testamentary trust,

"(II) is a corporation which immediately prior to the date of the sale or exchange has 35 or fewer shareholders, or

"(III) is a partnership which immediately prior to the date of the sale or exchange has 35 or fewer partners,

"(ii) is a 10-percent owner of a farm or a trade or business,

"(iii) pursuant to a plan, disposes of—

"(I) an interest in a farm or farm property, or

"(II) his entire interest in a trade or business and all substantially similar trades or businesses, and

"(iv) the ownership interest of whom may be readily established by reason of qualified allocations (of the type described in section 168(j)(9)(B), one class of stock, or the like).

"(B) 10-percent owner defined.—The term '10-percent owner' means a person having at least a 10-percent ownership interest, applying the attribution rules of section 318 (other than subsection (a)(4)).

"(C) Sales price defined.—The term 'sales price' means the sum of—

"(i) money and fair market value of property received in the sale or exchange, plus

"(ii) the stated principal amount of any debt instrument issued in such sale or exchange.

"(D) Trade or business defined.—

"(i) In general.—The term 'trade or business' means any trade or business, including any line of business, qualifying as an active trade or business within the meaning of section 355.

"(ii) RENTAL OF REAL PROPERTY.—For purposes of this subparagraph, the holding of real property for rental shall not be treated as an active trade or business.

"(f) SPECIAL TEST RATES FOR SALES OR EXCHANGES INVOLVING CERTAIN REAL PROPERTY.—

"(1) IN GENERAL.—In the case of any sale or exchange to which this subsection applies, subsection (c)(1)(B) shall be applied by substituting—

"(A) '80 percent' for '110 percent' in the case of any debt instrument described in paragraph (3), and

"(B) '100 percent' for '110 percent' in the case of any debt instrument described in paragraph (4).

"(2) SALES OR EXCHANGES TO WHICH THIS SUBSECTION APPLIES.—

"(A) IN GENERAL.—Except as provided in this paragraph, this subsection applies to any sale or exchange of—

"(i) land, or

"(ii) real property described in subparagraph (D) or (F) of subsection (c)(2) of section 168 (whether or not such property is of a character subject to an allowance under this title for depreciation (or amortization in lieu thereof) in the hands of the purchaser),

including de minimis amounts of tangible personal property associated with such real property.

"(B) CERTAIN PROPERTY NOT INCLUDED.—This subsection shall not apply to any sale or exchange—

"(i) of new section 38 property, or

"(ii) with respect to which the transferor and transferee are related persons.

"(3) DEBT INSTRUMENTS TO WHICH 80 PERCENT RATE APPLIES.—A debt instrument is described in this paragraph if—

"(A) the term of the instrument (determined with regard to any extension or renewal) is not greater than the lesser of—

"(i) 12 years, or

"(ii) in the case of a debt instrument issued in exchange for recovery property, ⅔ of the shortest recovery period under section 168 for such property, and

"(B) the total deferred payments under such instrument, when added to the sum of the total deferred payments under all other debt instruments issued in connection with the sale or exchange—

"(i) to which this paragraph applies, and

"(ii) which were issued before such instrument was issued,

do not exceed $4,000,000.

"(4) DEBT INSTRUMENTS TO WHICH 100 PERCENT RATE APPLIES.—A debt instrument is described in this paragraph if—

"(A) the rate of interest stated in the instrument is not less than the applicable Federal rate,

"(B) such instrument provides for—

"(i) the unconditional payment each year of at least 80 percent of the interest so stated, or

"(ii) after the close of the 2-year period beginning on the date such instrument was issued the instrument provides the unconditional payment each year of all interest accruing thereunder for that year, and

"(C) such instrument is not described in paragraph (3).

"(5) SPECIAL RULES FOR DETERMINATION OF DISCOUNT RATES.—

"(A) IN GENERAL.—If the applicable Federal rate determined under section 1274(d) for any period after June 30, 1985 (other than the Federal short-term rate) exceeds by more than 2 percentage points such rate for the preceding period as limited by this paragraph, such applicable Federal rate shall not exceed the greater of—

"(i) the sum of—

"(I) such applicable Federal rate for such preceding period, plus

"(II) one-half of such excess, or

"(ii) the highest such applicable Federal rate during the 2-year period before the period for which such determination was made after the application of this paragraph.

"(B) SPECIAL RULES FOR 1985 AND 1986.—Notwithstanding any other provision of this section, in the case of any sale or exchange with respect to which a binding contract was entered into during 1985 or 1986—

"(i) TEST RATE.—The discount rate for purposes of applying subsection (c)(1)(B) to any debt instrument described in paragraph (3) shall not be greater than the rate determined in accordance with the following table:

"For contracts entered into during the period:	The rate is:
Jan. 1-June 30, 1985	10.5
July 1-Dec. 31, 1985	11
Jan. 1-June 30, 1986	11.5
July 1-Dec. 31, 1986	12

For purposes of applying subsection (c)(1)(B) to any debt instrument described in paragraph (4), the discount rate shall not be greater than the rate determined in accordance with the table, plus one-half percentage point.

"(ii) IMPUTED RATE.—The discount rate for purposes of applying subsection (b) to any debt instrument described in paragraph (3) or (4) shall not be greater than the rate determined under clause (i), plus 1 percentage point.

"(6) AGGREGATION RULES.—For purposes of this subsection, all sales and exchanges which are part of the same transaction (or a series of related transactions) shall be treated as 1 sale or exchange.

"(7) RELATED PERSON DEFINED.—For purposes of this subsection and subsection (g), the term 'related person' means a person who is related (within the meaning of section 267(b) or section 707(b)(1)) to another person other than a qualified 5-percent or less partner (within the meaning of section 267(e)(5)(B)).

"(g) SPECIAL RULES FOR APPLICATION OF THIS SECTION.—For purposes of this section—

"(1) APPLICATION OF SUBSECTIONS (E) AND (F).—In the case of any sale or exchange, either subsection (e) or subsection (f) may be applied, but not both.

"(2) TREATMENT OF ASSUMPTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if, after December 31, 1984, any person—

"(i) assumes any debt obligation issued after October 15, 1984, or described in subparagraph (C), in connection with the sale or exchange of any property, or

"(ii) takes such property subject to any such debt obligation,

and the terms and conditions of such debt obligation are not changed, then this section shall apply only to the person assuming, or taking property subject to, such obligation and the obligation shall be treated as issued by the purchaser to the seller in the transaction in which such obligation was assumed or the property taken subject to such obligation.

"(B) OTHER ASSUMPTIONS.—In the case of any assumption to which subparagraph (A) does not apply, the rules regarding assumptions as in effect prior to the enactment of the Deficit Reduction Act of 1984 shall apply.

"(C) OBLIGATIONS DESCRIBED IN THIS SUBPARAGRAPH.—A debt obligation is described in this subparagraph if such obligation—

"(i) was issued on or before October 15, 1984, and

"(ii) was assumed (or property was taken subject to such obligation) in connection with the sale or exchange of property (including a deemed sale under section 338(a)) the sales price of which is greater than $100,000,000.

"(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to effect the purpose of this subsection, including regulations relating to tax-exempt obligations, government subsidized loans, or other similar instruments.

"(E) CERTAIN EXEMPT TRANSACTIONS.—The Secretary shall prescribe regulations under which any transaction shall be exempt from the application of this paragraph if such exemption is not likely to significantly reduce the tax liability of the purchaser by reason of the overstatement of the adjusted basis of the acquired asset.

"(3) FAIR MARKET VALUE RULE IN POTENTIALLY ABUSIVE CASES.—In the case of any potentially abusive situation (within the meaning of section 1274(b)(3)(B)), the principal amount of any debt instrument received in any sale or exchange of property to which this section applies shall be the fair market value of such property adjusted to take into account other consideration involved in the transaction.

"(4) SALE-LEASEBACKS.—Subsections (e) and (f) shall not apply to any sale or exchange if, pursuant to a plan, the transferor or any related person leases such property.

"(5) RULES NOT TO APPLY WHERE PREPAYMENT PROHIBITED.—Subparagraph (A) of paragraph (1) shall not apply to any obligation arising from a loan from a third-party creditor, pursuant to which the obligor is not permitted to pay the instrument prior to maturity.

"(6) NO IMPUTATION RATE WHERE RESTRICTIONS ON STATED INTEREST APPLY.—Except as otherwise provided in regulations, in any case in which State law applicable to a transaction prohibits the parties from stating interest sufficient to satisfy the applicable rate under subsection (c)(1)(B), the rate under subsection (b) shall be considered equal to the rate so applicable under subsection (c)(1)(B).".

"(b) INTEREST INCOME AND DEDUCTIONS COMPUTED ON CASH BASIS IN CERTAIN CASES.—

"(1) IN GENERAL.—Section 1274 of such Code (relating to determination of issue price in the case of certain debt instruments issued for property) is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL RULES FOR CERTAIN SALES OR EXCHANGES TO WHICH INTEREST RULES OF SECTION 483 APPLY.—Notwithstanding any other provision of this subpart—

"(1) TRANSACTIONS TO WHICH SECTION 483(e) APPLIES.—In the case of any sale or exchange to which section 483(e) applies—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any inclusion in income or deduction under this title with respect to interest on any debt instrument issued in connection with such sale or exchange shall be computed on the cash receipts and disbursements method of accounting.

"(B) Sales price exceeds applicable limit.—In any case in which the sales price exceeds the applicable limit under section 483(e)(3)—

"(i) except in the case of any transaction to which section 483(e)(2)(A) applies, subparagraph (A) shall not apply, and

"(ii) the discount rates under subsections (c)(3) and (b)(2)(B) shall be equal to the rates determined under subparagraphs (A) and (B) of section 483(e)(4).

"(2) Transactions to which section 483(f) applies.—In the case of any sale or exchange to which section 483(f) applies—

"(A) Transactions with 80 percent test rate.—

"(i) In general.—Except as provided in clause (ii), any inclusion in income or deduction under this title with respect to interest on any debt instrument described in section 483(f)(3), shall be computed on the cash receipts and disbursements method of accounting.

"(ii) Special rule for transactions not qualifying for 80 percent test rate.—Clause (i) shall not apply to any debt instrument issued in such sale or exchange if, in addition to such instrument, a debt instrument not described in section 483(f)(3) is issued in such sale or exchange.

"(B) Transactions to which subparagraph (A) does not apply.—

"(i) In general.—If subparagraph (A) does not apply to any debt instrument issued in such sale or exchange, subsection (c)(3) shall be applied—

"(I) in the case of any debt instrument described in section 483(f)(4), by substituting '100 percent' for '110 percent', and

"(II) in the case of any debt instrument described in section 483(f)(3), by substituting '80 percent' for '110 percent'.

'(ii) Special rules for 1985 and 1986.—In the case of any debt instrument to which clause (i) applies issued during 1985 or 1986, the discount rate under subsection (c)(3) shall not be greater than the rate determined under section 483(f)(5).

"(3) Special rule for holding and transfer of debt obligation.—

"(A) Paragraphs (1)(A) and (2)(A) shall apply to the holder of a debt obligation only if such obligation is—

"(i) held by the first obligee of such obligation or such obligee's spouse or estate, and

"(ii) secured by the property sold or exchanged in the transaction in which such obligation is issued.

"(B) Except as otherwise provided in regulations, in the case of a transfer of property by the obligor in which the obligation is not satisfied and the transferee does not become liable to pay such obligation to the first obligee, any deduction for interest on any indebtedness paid or incurred by the transferee to the immediate transferor attributable to such obligation shall be deferred until such time as such deduction would have been allowed if such obligation has been assumed by the transferee.

"(C) In any case in which the transferee assumes or takes property subject to any obligation under subparagraph (A) or is considered to do so under subparagraph (B), the transferee shall compute the amount of the deduction for any interest on such obligation on the cash receipts and disbursements method of accounting.

"(4) Subsection also to apply to debt used to carry obligations.—In any case in which an obligor of a debt obligation to which paragraph (1)(A) or (2)(A) applies pays or incurs interest on indebtedness to carry such debt obligation, any deduction for such interest shall be deferred to the extent necessary to achieve a proper matching of interest income and expense.

"(5) Regulations to prevent abuse of required cash accounting.—The Secretary may by regulation prescribe rules to prevent the mismatching of interest income and interest deductions in connection with obligations on which interest is computed on the cash receipts and disbursements method of accounting.

"(6) Other rules apply.—For purposes of this subsection, rules similar to the rules under subparagraphs (B) and (D) of section 483(g)(2) shall apply.".

(2) Special rule for assumptions.—Paragraph (4) of section 1274(c) of such Code (relating to debt obligations to which section applies) is amended by adding at the end thereof the following new subparagraph:

"(G) Treatment of assumptions.—

"(i) In general.—(Except in the case of property described in subsection (e)(2)(A) of section 483, if after December 31, 1984, any person—

"(I) assumes any debt obligation issued after October 15, 1984, or described in clause (II) in connection with the sale or exchange of any property, or

"(II) takes such property subject to any such debt obligation,

and the terms and conditions of such debt obligation are not changed, then this section shall apply only to the person assuming, or taking property subject to, such obligation and the obligation shall be treated as issued by the purchaser to the seller in the transaction in which such obligation was assumed or the property taken subject to such obligation.

"(ii) Obligation described in this clause.—A debt obligation is described in this clause if such obligation—

"(I) was issued on or before October 15, 1984, and

"(II) was assumed (or property was taken subject to such obligation) in connection with the sale or exchange of property (including a deemed sale under section 338 (a)) the sales price of which is greater than $100,000,000.

"(III) Certain exempt transaction.—The Secretary shall prescribe regulations under which any transaction would be exempt from the application of this subparagraph if such exemption would not significantly reduce the tax liability of the purchaser by reason of the overstatement of the adjusted basis of the acquired asset.

"(iii) Other assumptions.—In the case of any assumption to which subparargraph (A) does not apply, the rules regarding assumptions as in effect prior to the enactment of the Deficit Reduction Act of 1984 shall apply.

"(iv) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to effect the purpose of this subsection including regulations relating to tax-exempt obligations, governmet subsidized loans, or other similar instruments."

(c) Special Rules for Certain Sales or Exchanges of Residences by Dealers in Such Property.—

(1) In general.—Section 1274 of such Code is further amended by adding at the end thereof the following new subsection:

"(f) Special Rules for Certain Sales or Exchanges of Residence by Dealers In Such Property.—Notwithstanding any other provision of this subpart—

"(1) In general.—In the case of any debt instrument described in paragraph (4) arising from a sale or exchange to which this subsection applies—

"(A) subsection (c)(3) shall be applied by substituting '80 percent' for '110 percent', and

"(B) subsection (b)(2)(B) shall be applied by substituting '110 percent' for '120 percent'.

"(2) Sales of exchanges to which this subsection applies.—

"(A) In general.—This subsection applies to any sale or exchange of any residence by a dealer who holds such residence as section 1221 (1) property to a person who intends to occupy such residence if the sales price of such resident does not exceed $250,000.

"(B) Proration of applicable limit where more than one person holds an interest.—In the case of a sale or exchange of any property described in subparagraph (A) with respect to which there is more than 1 owner, the applicable limit under subparagraph (A) shall be apportioned among each owner on the basis of the ratio which the fair market value of such owner's interest bears to the fair market value of all interests of such owners.

"(3) Blended rate where sales price exceeds $250,000.—In the case of any sale or exchange to which this subsection would otherwise apply with respect to which the sales price exceeds $250,000—

"(A) Test rate.—The discount rate under subsection (c)(1) shall, in lieu of the rate under paragraph (1) (A), be equal to the sum of—

"(i) 80 percent, multiplied by a fraction the numerator of which is $250,000 and the denominator of which is the sales price, and

"(ii) 100 percent of the applicable Federal rate, multiplied by a fraction-

"(I) the numerator of which is the sales price minus $250,000, and

"(II) the denominator of which is the sales price.

"(B) Inputed rate.—The discount rate under subsection (b) (2) (B) shall be the rate under paragraph (1) (B).

"(4) Debt instrument.—A debt instrument is described in this paragraph if it provides conspicuous notice to the obligor in a manner prescribed by regulation that if the obligator of such instrument places the residence in service in a trade or business the depreciation rules under section 168(f)(16) shall apply.

"(5) Sales price defined.—For purposes of this subsection, the term 'sales price' means—

"(i) money and fair market value of property received in the sale or exchange, plus

"(ii) the stated principal amount of any debt instrument issued in such sale or exchange.

"(6) Rules relating to interest to carry dealer obligations arising under this subsection.—

"(A) Excess deduction disallowed.—For each year the interest expense paid or incurred on any debt incurred or continued to carry any dealer obligation shall be disallowed to the extent such expense exceed; interest income includable with respect to such dealer obligation for such year.

"(B) Disallowed interest expense allowed in subsequent years.—For any year the amount of disallowed interest expense shall be allowed as a deduction with respect to any dealer obligation in an amount equal to the disallowed interest expense as of the close of such year (not including any amount previously allowed under this subparagraph multipled by a fraction—

"(i) the numerator of which is the sum of the principal payments on such dealer obligation made in such year, and

"(ii) the demoninator of which is the total amount of principle outstanding on such dealer obligation at the beginning of such year.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) DEALER OBLIGATION DEFINED.—The term 'dealer obligation' means an obligation arising pursuant to a transaction to which paragraph (1) of this subsection applies.

"(ii) DISALLOWED INTEREST EXPENSE DEFINED..—The term 'disallowed interest expense' means the aggregate amount of interest expense disallowed under subparagraph (A) with respect to any dealer obligation.

"(D) NO INTERFERENCE.—Nothing in this paragraph shall be construed to imply that any transaction described in this paragraph is or is not subject to the rules of section 453B, and any determination of such issue shall be made as if this paragraph had not been enacted.".

"(d) RULE WHERE SPECIAL STATE LAW APPLIES.—Section 1274 of such Code is further amended by adding at the end thereof the following new subsection :

"(g) NO IMPUTATION RATE WHERE RESTRICTIONS ON STATED INTEREST APPLY.—Except as otherwise provided in regulations, in any case in which State law applicable to a transaction prohibits the parties from stating interest sufficient to result in an adequate stated interest in the transaction, a rule similar to the rule of section 483(g)(6) shall apply.".

"(e) CONFORMING AMENDMENTS.—Paragraph (4) of section 1274 (c) of such Code (relating to certain excepted debt instruments) is amended—

"(1) by striking out subparagraphs (A) and (B),

"(2) by striking out "section 483(e)" and "SECTION 483(e)" in subparagraph (F) and the heading to subparagraph (F), respectively, and inserting in lieu thereof "section 483(i)" and "SECTION 483(i)", respectively, and

"(3) by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (A), (B), (C), and (D), respectively.

"(f) DEPRECIATION.—Subsection (f) of section 168 of such Code (relating to accelerated cost recovery system) is amended by adding at the end thereof the following new paragraph—

"(16) SPECIAL RULES FOR CERTAIN RESIDENCES.—In the case of any debt instrument described in section 1274(f)(1), the original principal amount of the debt instrument shall be deemed to be the lesser of—

"(A) the stated principal amount, or

"(B) the imputed principal amount determined by applying section 1274(f) using a discount rate of 110 percent of the applicable Federal rate at the time the debt was issued.".

(g) FAIR MARKET VALUE IN POTENTIALLY ABUSIVE SITUATIONS.—Subparagraph (B) of section 1274(b)(3) of such Code (relating to fair market value rule in potentially abusive situations) is amended in clause (ii), by striking out "or" at the end of subclause (III), by redesignating subclause (IV) as subclause (V), and by adding after subclause (III) the following new subclause:

"(IV) deferred interest, or".

(h) DETERMINATION OF APPLICABLE FEDERAL RATE.—

(1) IN GENERAL.—Paragraph (1) of section 1274(d) of such Code (relating to determination of applicable Federal rate) is amended by adding at the end thereof the following new subparagraph:

"(E) AUTHORITY FOR SECRETARY TO DETERMINE RATE MORE FREQUENTLY.—If there is a significant decrease in any applicable Federal rate following any 6-month test period referred to in subparagraph (B), the Secretary may determine the applicable Federal rate on the basis of a more recent period (not less than 30 days) as he determines appropriate to reflect such decrease.".

(2) SECIAL RULE FOR 1984.—

(A) IN GENERAL.—In the case of any debt instrument issued during the first 6 months of 1985 pursuant to a sale or exchange for which a binding contract was entered into during 1984, the applicable Federal rate for purposes of sections 483 and 1274 of the Internal Revenue Code of 1954 shall be 10 percent.

(B) PARAGRAPH NOT TO APPLY.—Subparagraph (A) shall not apply to any debt instrument to which section 483 (e) or (f) of the Internal Revenue Code of 1954, as amended by this section, applies.

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 41 of the Deficit Reduction Act of 1984.

At the appropriate place and the following: "Provisions of subsections 483(f) and 1274(f) of the Internal Revenue Code as amended, shall not apply to a transaction if the seller elects to have the discount rates contained in sections 1274 (b)(2)(B) and (c)(3) apply to this transaction and to any related transaction."

MELCHER AMENDMENT NO. 7110

Mr. MELCHER proposed an amendment to the bill (H.R. 5361) supra; as follows:

At the appropriate place, add the following new sections:

"A. Notwithstanding any other provision of law, section 483(b)(2) of the Internal Revenue Code of 1954, as amended, is further amended by adding the following new material:

"(D) SALE OF BUSINESS REAL ESTATE.—The sale or exchange of any real property used in an active trade or business within the meaning of Section 483(e)(7)(D), by a person who would be qualified if he disposed on an entire interest, but only to the extent that the sales price together with any prior sales during the preceding 12 months does not exceed $1 million. In cases of any sale or exchange which exceeds $1 million, paragraph (4) shall apply."

B. Notwithstanding any other provision of law, sections 1274 and 483 of the Internal Revenue Code of 1954, as amended, shall not apply to any debt obligation which is assumed or taken subject to (hereinafter "assumed") in a transaction to which section 483(e)(2) applies except (1) to the extent (and in the manner) that those sections applied to such obligations before the obligation was assumed, or (2) where the terms and conditions of the obligation are modified in connection with the assumption or the transfer of the property.

C. On page 20, strike lines 3 through 10.

TSONGAS (AND OTHERS) AMENDMENT NO. 7111

Mr. TSONGAS (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. GRASSLEY, Mrs. KASSEBAUM, Mr. ARMSTRONG, Mrs. HAWKINS, Mr. INOUYE, Mr. LEVIN, Mr. MELCHER, Mr. EXON, Mr. PRYOR, Mr. PROXMIRE, Mr. EVANS, Mr. MATTINGLY, Mr. ANDREWS, Mr. JEPSEN, and Mr. BOREN) proposed an amendment to the bill H.R. 5361, supra; as follows:

At the end of the bill, insert the following:

SECTION 1. INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out "may not be more" and all that follows through "outstanding at one time" and inserting in lieu thereof "may not be more than $1,730,000,000,000.00 outstanding at one time".

SEC. 2. CONSIDERATION OF A SUBSTANTIAL REDUCTION IN THE FEDERAL DEFICIT.

(a)(1) Notwithstanding any other provision of law, any concurrent resolution, any resolution, or the Standing Rules of the Senate or the Rules of the House of Representatives, it shall not be in order in either the Senate or the House of Representatives to consider, or to vote upon the question of agreeing to, a bill, a joint resolution, or an amendment that would, upon becoming law, authorize the United States Government to issue or insure a face amount of obligations in excess of the face amount of obligations authorized to be issued or insured under chapter 31 of title 31, United States Code, pursuant to subsection (b) of section 3101 of such title (as such section is amended by section 1 of this joint resolution) prior to consideration of, and a vote upon the question of agreeing to, a Federal deficit reduction bill conforming with the requirements of paragraph (3).

(2)(A) The Federal deficit reduction bill required to be considered in a House of the Congress pursuant to paragraph (1) shall be introduced by the presiding officer of such House.

(B) Time for debate on the Federal deficit reduction bill required to be considered in a House of the Congress pursuant to paragraph (1) (and any amendments thereto) shall be equally divided between the majority and minority parties, and shall be controlled by the majority leader and the minority leader of such House, or their designees.

(3) For the purpose of this subsection, a Federal deficit reduction bill means, with respect to a House of the Congress, a bill of such House, the matter after the enacting clause of which reads as follows:

"LIMITATIONS ON BUDGET AUTHORITY

"SECTION 1. (a) It shall not be in order in the Senate or House of Representatives to consider any bill or resolution making appropriations, if the enactment of such bill or resolution, as recommended by the respective committee on appropriations, would cause the aggregate total budget authority for function 050, National Defense, to exceed $292,900,000,000 in fiscal year 1986.

"(b) It shall not be in order in the Senate or House of Representatives to consider any bill or resolution making appropriations, if the enactment of such bill or resolution, as recommended by the respective committee on appropriations, would cause the aggregate total budget authority for nondefense discretionary activities to exceed $139,800,000,000 in fiscal year 1986.

"(c) For the purposes of this section, budget authority shall be determined on the basis applicable for fiscal year 1985.

"(d) The provisions of subsection (a) or (b) of this section may be waived or suspended in the Senate by a majority vote of the Members voting, a quorum being present, or by unanimous consent of the Senate.

"(e) It is the sense of Congress that the unprecedented magnitude and persistence of current and projected Federal budget deficits must be addressed in a comprehensive strategy to moderate increases in defense spending while continuing the effective constraints on nondefense discretionary programs. To assure the success of such an initiative, the foregoing procedural restraints, in addition to the total aggregate spending limitations pursuant to the Congressional Budget Act of 1974, as amended, are necessary on budget authority both for defense and for nondefense discretionary programs for fiscal year 1986.

"MEDICARE FREEZE

"SEC. 2. (a) Notwithstanding any other provision of law, the "applicable percentage increase" under section 1886(b)(3)(B) of the Social Security Act for any 12-month cost reporting period or fiscal year beginning on or after October 1, 1985, and before October 1, 1986, shall be zero percent.

"(b) The Secretary of Health and Human Services shall report to the Congress within 45 days after the date of the enactment of this Act with respect to suggested methods for assuring that hospitals will not increase amounts charged to patients who are not entitled to benefits under title XVIII of the Social Security Act in order to compensate for amounts not paid by reason of the limitation under subsection (a).

"LIMITATIONS ON COST-OF-LIVING ADJUSTMENTS

"SEC. 3. (a) Notwithstanding any other provision of law, no increase shall be made in payments or benefit amounts under any provision of law which would otherwise require such increase to become effective during fiscal year 1986 as a result of changes in—

"(1) the Consumer Price Index (or any component thereof); or

"(2) any other index which measures costs, prices, or wages.

"(b) No person shall be entitled to any increase in payments or benefit amounts under any provision of law if payment thereof is denied by reason of this section.

"(c) Notwithstanding any other provision of law, any change in—

"(1) the Consumer Price Index (or any component thereof); or

"(2) any other index which measures costs, prices, or wages,

which would have resulted in any increase in payments or benefit amounts during fiscal year 1986 but for the provisions of subsection (a) shall not be taken into account for purposes of determining any increase in payments or benefit amounts during fiscal year 1987 or any fiscal year thereafter.".

(4) The provisions of this subsection are enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(b)(1) Notwithstanding any other provision of law, the head of each agency of the Federal Government shall take such actions as may be necessary to ensure that such agency is prepared to carry out promptly any provisions of law enacted pursuant to this section that require action to be taken by such agency. Actions taken by an agency pursuant to this paragraph shall include the development of contingency plans for carrying out the programs, projects, and activities of such agency in the event that the amounts available for obligation and expenditure by such agency during fiscal year 1986 are reduced pursuant to this section.

(2) For purposes of this subsection, the term "agency" has the meaning given to such term in section 101 of title 31, United States Code.

GRASSLEY AMENDMENT NO. 7112

Mr. GRASSLEY proposed an amendment to the bill H.R. 5361, supra; as follows:

At the end of the bill, add the following:

SEC. 2. AMENDMENTS TO THE INTERNAL REVENUE CODE.

(a) MAXIMUM DOLLAR AMOUNT.—Section 7430(b)(1) of the Internal Revenue Code of 1954 is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

(b) DEFINITIONS.—Subparagraph (A) of section 7430(c)(2) of such Code is amended to read as follows:

"(A) IN GENERAL.—The term 'prevailing party' means any party to any proceeding described in subsection (a) (other than the United States or any creditor of the taxpayer involved)—

"(i) which has substantially prevailed with respect to—

"(I) the amount in controversy, or

"(II) the most significant issue or set of issues presented, and

"(ii) with respect to which the United States has not established that its position in the civil proceeding was substantially justified.

In determining whether the position of the United States in any civil proceeding was substantially justified, the court may take into account the administrative actions of the Internal Revenue Service in the matter giving rise to the issues in such proceeding. Notwithstanding this subparagraph, a party shall not be treated as a prevailing party if special circumstances would make an award unjust.".

(c) TERMINATION DATE. —Section 7430(f) of such Code is amended by striking out "1985" and inserting in lieu thereof "1989".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to civil actions or proceedings pending on, or commenced after, the 45th day after the date of the enactment of this Act.

(2) EXCEPTIONS.—The amendments made by this section shall not apply to any action or proceeding pending on such 45th day if there has been a determination by any court of the United States (including the Tax Court and the United States Claims Court) with respect to—

(A) the awarding of reasonable litigation costs in such proceeding, or

(B) the most significant issue or set of issues presented in such proceeding.

FEDERAL BOAT SAFETY ACT AMENDMENTS

BYRD (AND RANDOLPH) AMENDMENT NO. 7113

Mr. BYRD (for himself and Mr. RANDOLPH) proposed an amendment to the bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes; as follows:

At the appropriate place in the bill, add the following:

"SEC. . (a) IN GENERAL.—Subclause VII of section 46(a)(2)(C)(i) of the Internal Revenue Code of 1954 is amended by striking out 'December 31, 1982' and inserting in lieu thereof 'December 31, 1985.'

(b) CONFORMING AMENDMENT.—Clause (vii) of section 46(b)(2)(A) of the Internal Revenue Code of 1954 (as amended by the Deficit Reduction Act of 1984) is amended by striking 'December 31, 1982' and inserting in lieu thereof 'December 31, 1985.' "

THURMOND AMENDMENT NO. 7114

Mr. THURMOND proposed an amendment to the bill (H.R. 2163) supra; as follows:

At the appropriate place in the bill, add the following:

"Section 31(g)(11) of the Deficit Reduction Act of 1984 (P.L. 98-369) is amended by inserting the following as new subparagraph (E) thereof:

(E) Special Rule for Certain Partnerships Organized on August 3, 1983—In the case of a partnership organized on August 3, 1983, the interests of which were first marketed on March 22, 1984, clause (ii) of subparagraph (D) shall be applied by substituting "120th day" for "90th day".".

MOYNIHAN (AND OTHERS) AMENDMENT NO. 7115

Mr. MOYNIHAN (for himself, Mr. THURMOND, and Mr. INOUYE) proposed an amendment to the bill (H.R. 2163), supra; as follows:

Insert in the appropriate place the following:

AMENDMENT OF SECTION 531 OF THE TAX REFORM ACT OF 1984

Section 531 of the Tax Reform Act of 1984 is amended by redesignating subsections (g) and (h) as subsections (h) and (i), respectively, and inserting after subsection (f) the following new subsection

"(g) DETERMINATION OF LINE OF BUSINESS IN CASE OF AFFILIATED GROUP OPERATING AIRLINE.—If, as of September 12, 1984—

"(1) an individual was an employee (within the meaning of section 132 of the Internal Revenue Code of 1954, including subsection (f) thereof) of one member of an affiliated group (as defined in section 1504 of such Code) and was eligible for no-additional-cost services in the form of air transportation provided by another member of such affiliated group.

"(2) at least 50 percent of the individuals performing services for the first such corporation were or had been employees of or had previously preformed services for the second such corporation, and

"(3) the primary business of the affiliated group was air transportation of passengers, then, for purposes of applying paragraphs (1) and (2) of section 132(a) of the Internal Revenue Code of 1954, with respect to no-additional-cost services and qualified employee discounts provided for such individual by such other members, the employer of such individual shall be treated as engaged in the same line of business as such other members. For purposes of the preceding sentence and section 132 of the Internal Revenue Code of 1954, an individual who is preforming services for the first such corporation who is an employee of the second such corporation shall be treated as also an employee of the first such corporation."

CRANSTON AMENDMENT NO. 7116

Mr. CRANSTON proposed an amendment to the bill (H.R. 2163), supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . (a) IN GENERAL.—Notwithstanding subsection (c) of section 252 of the Economic Recovery Tax Act of 1981, the amendment made by subsection (a) of such section 252 (and the provisions of subsection (b) of such section 252) shall apply to any transfer of stock to any person if—

(1) such transfer occurred in November or December of 1973 and was pursuant to the exercise of an option granted in November or December of 1971,

(2) in December 1973 the corporation granting the option was acquired by another corporation in a transaction qualifying as a reorganization under section 368 of the Internal Revenue Code of 1954,

(3) the fair market value (as of July 1, 1974) of the stock received by such person in the reorganization in exchange for the stock transferred to him pursuant to the exercise of such option was less than 50 percent of the fair market value of the stock so received (as of December 4, 1973),

(4) in 1975 or 1976 such person sold substantially all of the stock received in such reorganization, and

(5) such person makes an election under this section at such time and in such manner as the Secretary of the Treasury or his delegate shall prescribe.

(b) LIMITATION ON AMOUNT OF BENEFIT.—Subsection (a) shall not apply to transfers with respect to any employee to the extent that the application of subsection (a) with respect to such employee would (but for this subsection) result in a reduction in liability for income tax with respect to such employee for all taxable years in excess of $100,000 (determined without regard to any interest).

(c) STATUTE OF LIMITATIONS.—

(1) OVERPAYMENTS.—If refund or credit of any overpayment of tax resulting from the application of subsection (a) is prevented on the date of the enactment of this Act (or at any time within 6 months after such date of enactment) by the operation of any law or rule of law, refund or credit of such overpayment (to the extent attributable to the application of subsection (a)) may, nevertheless, be made or allowed if claim therefor is filed before the close of such 6-month period.

(2) DEFICIENCIES.—If the assessment of any deficiency of tax resulting from the application of subsection (a) is prevented on the date of the enactment of this Act (or at any time within 6 months after such date of enactment) by the operation of any law or rule of law, assessment of such deficiency (to the extent attributable to the application of subsection (a)) may, nevertheless, be made within such 6-month period.

ARMSTRONG (AND WARNER) AMENDMENT NO. 7117

Mr. ARMSTRONG (for himself and Mr. WARNER) proposed an amendment to the bill (H.R. 2163) supra; as follows:

The Internal Revenue Service is currently considering issuing regulations that would reduce mortgage interest tax deductions by military personnel who own their homes and receive fringe allowances; and

Such regulations would be contrary to previous IRS rulings that expressly allowed such deductions (IRS Rulings 62-213m 80-173); and

Such proposed regulations breach pay and benefit commitments made at the time of enlistment; and

Such proposed regulations would undermine efforts to permanently establish all-volunteer armed forces; and

Such proposed regulations would deter efforts to bolster armed service recruitment and retention of highly qualified military personnel; and

The proposed regulations would increase budget deficits because projected revenue increases would be more than offset by higher military payroll costs;

Therefore, it is the sense of the Senate that no disallowance of traditional deductions for homeowner expense be made against military homeowners without the consent of the Department of Defense and before the 99th Congress statutorily resolves the issue.

MURKOWSKI AMENDMENT NO. 7118

Mr. MURKOWSKI proposed an amendment to the bill (H.R. 2163) supra; as follows:

At the end, add the following:

SEC. . CONTRIBUTIONS TO RETIRE THE PUBLIC DEBT.

(a) Any taxpayer may designate on the form for the return of the tax imposed by chapter 1 of the Internal Revenue Code of 1954 for any taxable year—

(1) any portion of an overpayment of such tax for such taxable year, or

(2) any contribution which the taxpayer forwards in money with such return,

as a gift of the United States Government for the purpose of retiring the Federal public debt.

(b) In the case of a joint return of husband and wife, each spouse may make a separate designation under subsection (a) as a gift to the United States Government for the purpose of retiring the Federal public debt.

(c) Space shall be made available for the designation referred to in subsection (a) on the tax return forms in the section dealing with overpayments and refunds.

(d) For purposes of the Internal Revenue Code of 1954, any overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the date prescribed for filing the return of such tax (disregarding any extension) or, if later, the date the return is filed.

(e) There is hereby appropriated to the special account described in section 3113(d) of title 31, United States Code, out of amounts in the general fund of the United States Treasury not otherwise appropriated, an amount equal to the amount of overpayments of tax designated under subsection (a). The amounts appropriated by this subsection shall be transferred quarterly to such special account by the Secretary of the Treasury.

(f) This section shall apply to taxable years ending after the date of enactment of this Act.

EXPORT ADMINISTRATION ACT AMENDMENTS

HEINZ AMENDMENT NO. 7119

Mr. HEINZ proposed an amendment to the amendment of the House to the amendment of the Senate to the bill (H.R. 4230) to extend the authorities of the Export Administration Act of 1979; as follows:

On page 47, strike that part of subsection (m) that follows "Act;

At the end of title I add the following new Sections, Section (130), Section 10(g) of the Act is amended to read as follows:

"(g) SPECIAL PROCEDURES FOR SECRETARY OF DEFENSE.—(1) The Secretary of Defense is authorized to review proposed exports to any controlled country, whether by single or multiple license, of those goods or technology within such types and categories of goods or technology as the Secretary of Defense, in consultation with the Secretary, may determine.

"(2)(A) The Secretary of Defense is further authorized to review, with the concurrence of the Secretary, and at the discretion of the President, proposed exports, whether by single or multiple license, of any goods or technology subject to export controls under section 5 of this Act from such types or categories determined pursuant to subparagraph (B) if the goods or technology are to be exported to a country where there is a risk, on the basis of reliable evidence, that the goods or technology will be diverted to controlled countries. The President may place such limitations and conditions on this authority as he considers appropriate.

"(B) The types and categories of goods or technology referred to in subparagraph (A) and the list of countries referred to in subparagraph (A) to which such goods or technology might be exported shall be those types and categories and countries which the Secretary of Defense proposes to the Secretary and to which the Secretary agrees. If the Secretary of Defense and the Secretary are unable to agree on such types and categories or countries, the matter shall be referred to the President for resolution.

"(C) The provisions of subparagraphs (A) and (B) of this paragraph shall not apply to—

"(i) exports of goods or technology to any country participating in the group known as the Coordinating Committee, except for exports to a particluar country from which the Secretary and the Secretary of Defense, in consultation with the Secretary of state, conclude, on the basis of reliable evidence, that there is a significant risk of diversion of the goods or technology to controlled countries notwithstanding the participation of that country in the Coordinating Committee;

"(ii) exports of any good or technology which is at such a level of performance characteristics that the export of that good or technology, under the agreement of the

Coordinating Committee, requires only notification of participating governments of the Committee, unless the Secretary determines, pursuant to section 5(f) of this Act, that the good or technology is not available in sufficient quantity and comparable quality to controlled countries from sources outside the United States so as to render export controls on the good or technology ineffective in achieving their purpose; or

"(iii) exports of goods or technology to any distributor or end user on the list established by the Secretary pursuant to paragraph (6) of this subsection.

If the Secretary and the Secretary of Defense are unable to agree under clause (i) of this subparagraph, the matter shall be referred to the President for resolution.

"(3)(A) Whenever a license or other authority is requested for the export—

"(i) to any controlled country of any goods or technology within the types or categories determined under paragraph (1); or

"(ii) to any country determined pursuant to paragraph (2)(B) of any goods or technology within the types or categories determined pursuant to paragraph (2)(B);

the Secretary shall notify the Secretary of Defense of such request, and if the request is referred to the Secretary of Defense pursuant to paragraph (1) or (2), the Secretary may not issue any license or other authority pursuant to such request—

"(I) before the expiration of the period within which the President may disapprove such export if the Secretary of Defense recommends to the President, pursuant to subparagraph (B)(I) of this paragraph, that the President disapprove the request for the export of goods or technology and the Secretary of Defense notifies the Secretary of such recommendation; or

"(II) in any other case, before the expiration of the period within which the Secretary of Defense may review such request unless, before the expiration of such period, the Secretary of Defense recommends to the Secretary that the export be approved.

"(B) The Secretary of Defense shall carefully consider any notification submitted by the Secretary pursuant to subparagraph (A) of this paragraph and—

"(i) within the time periods permitted by subsection (e) of this section for exports described in subsection (o) of this section, or

"(ii) for exports not described in subsection (o) of this section, not later than 30 days after notification of the request,

the Secretary of Defense shall—

"(I) recommend to the President that he disapprove any request for the export the export of the goods or technology involved to the particular country if the Secretary of Defense determines that the export of such goods or technology will make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of a controlled country;

"(II) notify the Secretary that he would recommend approval subject to specified conditions; or

"(III) recommend to the Secretary that the export of goods or technology be approved.

If the President notifies the Secretary, within 30 days after receiving a recommendation from the Secretary of Defense, that he disapproves such export, no license or other authority may be issued for the export of such goods or technology to such country.

"(4) The Secretary shall approve or disapprove a license application, and issue or deny a license, in accordance with the provisions of this subsection and in accordance with the time periods and procedures otherwise set forth in this section.

"(5) Whenever the President exercises his authority under this subsection to modify or overrule a recommendation made by the Secretary of Defense or exercises his authority to modify or overrule any recommendations made by the Secretary of Defense under subsection (c) or (d) of section 5 of this Act with respect to the list of goods and technologies controlled for national security purposes, the President shall promptly transmit to the Congress a statement indicating his decision, together with the recommendations of the Secretary of Defense.

"(6) The Secretary, with the concurrence of the Secretary of Defense and in consulatation with the Commissoner, shall, for purposes of paragraph (2)(C)(iii) of this subsection, establish and publish in the Federal Register, not later than 6 months after the date of the enactment of the Export Administration Amendments Act of 1984, a list of reliable end users and distributors. The Secretary, with the concurrence of the Secretary of Defense, and in consultation with the Commissioner of Customs, shall periodically update the list. The Secretary shall establish a procedure for allowing end users and distributors to be added to the list, in accordance with the provisions of this paragraph, by application of United States exporters.".

Sec. 131. (a) Section 203(a)(1) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)(1)) is amended;

(1) by striking out "and" at the end of subparagraph (A);

(2) by inserting "and" at the end of subparagraph (B); and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) impose controls on exports of goods or technology;".

(b) Section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)) is amended—

(1) by striking out "Whoever" and inserting in lieu thereof "(1) Except as provided in paragraphs (2), (3), (4), and (5), whoever"; and

(2) by adding at the end thereof the following:

"(2) Whoever knowingly violates or conspires or attempts to violate any export control imposed under section 203(a)(1)(C) of this Act shall be subject to the penalties set forth in section 11(a) of the Export Administration Act of 1979 for violations under that section.

"(3) Whoever possesses any goods or technology—

"(A) with the intent to export such goods or technology in violation of an export control imposed under section 203(a)(1)(C) of this Act; of

"(B) knowing or having reason to believe that the goods or technology would be so exported;

shall be subject to the penalties set forth in section 11(a) of the Export Administration Act of 1979 for violations under that section.

"(4) Whoever willfully violates or conspires or attempts to violate any export control imposed with respect to a foreign country under section 203(a)(1)(C) of this Act, with knowledge that the exports involved with be used for the benefit of, or that the intended destination of the exports involved is, that foreign country, shall be subject to the penalties set forth in section 11(b)(1) of the Export Administration Act of 1979 for violations under that section.

"(5) Any person who takes any action with the intent to evade the provisions of any export control imposed under section 203(a)(1)(C) of this Act shall be subject to the penalties set forth in section 11(b)(1) of the Export Administration Act of 1979 for violations under that section.".

(c) Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended by adding at the end thereof the following new subsection:

"(c) The provisions of sections 551, 553 through 559, and 701 through 706 of title 5, United States Code, shall not apply to the exercise of the authority granted by subsection (a)(1)(C) of this section, including the declaration of national emergency pursuant to which export controls under that subsection are imposed.".

HOSPICE CARE PAYMENT RATES

DOLE AMENDMENT NO. 7120

Mr. BAKER (for Mr. DOLE) proposed an amendment to the bill (H.R. 5386) to amend part A of title XVIII of the Social Security Act with respect to the payment rates for routine home care and other services included in hospice care; as follows:

At the end of the bill add the following new sections:

PUBLIC PENSION OFFSET PROVISIONS

SEC. . (a)(1) Section 337(b) of the Social Security Amendments of 1983 is amended by striking out "to individuals who initially become eligible" and all that follows and inserting in lieu thereof "for months after June 1983.".

(2) The amendments made by this subsection shall apply to benefits payable under title 11 of the Social Security Act for months beginning after the months of enactment of this Act.

(b)(1) Section 334(g)(1)(A) of the Social Security Amendments of 1977 is amended—

(A) by inserting "(i)" after "(A)"; and

(B) by inserting before the semicolon at the end thereof the following: ", or (ii) who would have been eligible for such a monthly periodic benefit (within the meaning of paragraph (2)) before the close of such 60-month period, except for a requirement which postponed eligibility (as so defined) for such monthly periodic benefit until the month following the month in which all other requirements were met".

(2) Section 334(h)(1) of such Amendments (as amended by section 7 of Public Law 97-455) is amended—

(A) by inserting "(A)" after "(1); and

(B) by inserting before the semicolon at the end thereof the following: ", or (B) who would have been eligible for such a monthly periodic benefit (within the meaning of subsection (g)(2)) before the close of June 1983, except for a requirement which postponed eligibility (as so defined) for such monthly periodic benefit until the month following the month in which all other requirements were met".

(3) The amendments made by the subsection shall apply with respect to benefits payable under title II of the Social Security Act for months beginning after the months of enactment of this Act.

TECHNICAL AMENDMENTS

Sec. . (a)(1) Section 2307(a)(1) of the Deficit Reduction Act of 1984 is amended by striking out "18942 (b)(7)(A)" and inserting in lieu thereof "1842 (b)(7)".

(2) Section 2326(a) of the Deficit Reduction Act of 1984 is amended by striking out "1816(a)(1)" and inserting in lieu thereof "1816 (a)".

(3) Section 2354(b)(1) of the Deficit Reduction Act of 1984 is amended by striking out "last sentence of sections 1814(a) and the last sentence of section 1835(a)" and inserting in lieu thereof "the third sentence of section 1814(a) and the fourth sentence of secion 1835(a)".

(4) Section 2354(b)(23) of the Deficit Reduction Act of 1984 is amended by striking out "1861(v)(1)(E)(ii)" and inserting in lieu thereof "1861(v)(1)(E)".

(5) Section 2354(c)(B)(i) of the Deficit Reduction Act of 1984 is amended by inserting "under" before "section".

(6) Section 2363(b) of the Deficit Reduction Act of 1984 is amended by striking out "1903" and inserting in lieu thereof "1903(g)".

(7) Section 2373(b) of the Deficit Reduction Act of 1984 is amended by striking out paragraph (6).

(b)(1) Section 1814(k)(2) of the Social Security Act, as added by section 2321(a)(2) of the Deficit Reduction Act of 1984, is amended—

(A) by inserting after "public home health agency" the following: ", or by another home health agency which demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this paragraph),", and

(B) by inserting "80 percent of" before "the amount".

(2) Section 1833(a)(2)(A) of the Social Security Act is amended by inserting after "public provider of services" the following: ", or by another provider which demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this provision),".

(3) Section 1833(h)(5)(C) of the Social Security Act, as amended by section 2303(d) of the Deficit Reduction Act of 1984, is amended by inserting a comma after "1842(b)(6)(B)".

(4) Section 1839(f)(2)(A) of the Social Security Act, as added by section 2302(b) of the Deficit Reduction Act of 1984, is amended—

(A) by striking out "for that January after the deduction" and inserting in lieu thereof "for that December after the deduction"; and

(B) by striking out "for that November" and inserting in lieu thereof "for that December".

(5) Section 1842(b)(7)(A) of the Social Security Act, as amended by section 2307 of the Deficit Reduction Act of 1984, is amended—

(A) In clause (ii), by striking out "the amount of the payment exceeds the reasonable charge for the services (with the customary charge determined consistent with subparagraph (B))" and inserting in lieu thereof "the payment is based upon a reasonable charge for the services in excess of the customary charge as determined in accordance with subparagraph (B)"; and

(B) by striking out the last sentence thereof.

(6) Section 1842(b)(7)(B) of such Act, as amended by section 2307 of the Deficit Reduction Act of 1984, is amended by adding at the end thereof the following new clause:

"(iii) If all the teaching physicians in a hospital agree to have payment made for all of their physicians' services under this part furnished to patients in such hospital on the basis of an assignment described in paragraph (3)(B)(ii) or under the procedure described in section 1870(f)(1), the customary charge for such services shall be equal to 90 percent of the prevailing charges paid for similar services in the same locality.".

(7) Section 1861(r)(3) of the Social Security Act, as amended by section 2341 of the Deficit Reduction Act of 1984, is amended by striking out "under subsections (k) and (m) and sections 1814(a) and 1835" and inserting in lieu thereof "under subsections (k), (m), and (p)(1) of this section and sections 1814(a), 1832(a)(2)(F)(ii), and 1835".

(8) Paragraph (11) of section 1881(b) of the Social Security Act, added by section 2323(c) of the Deficit Reduction Act of 1984, is amended by aligning its left margin flush so as to align its left margin with that of paragraph (10).

(9) Section 1886(d)(5)(C)(i) of the Social Security Act, as amended by section 2311(a) of the Deficit Reduction Act of 1984, is amended by striking out "30 days after the date of the enactment of this Act" and inserting in lieu thereof "August 17, 1984".

(10) Section 1902(a)(26) of the Social Security Act, as amended by section 2368(b) of the Deficit Reduction Act of 1984, is amended by inserting subparagraph (C) two additional ems to the right so as to align its left margin with the left margin of subparagraph (A) of that section.

(c) The amendments made by this section shall be effective as if they had been originally included in the Deficit Reduction Act of 1984.

JEPSEN (AND OTHERS) AMENDMENT NO. 7121

Mr. BAKER (for Mr. Jepsen, for himself, Mr. Dole, Mr. Durenberger, and Mrs. Hawkins) proposed an amendment to the bill (H.R. 5386) supra; as follows:

At the end of the bill add the following new section:

FOSTER CARE PROVISIONS

Sec. . (a) Section 474(b) of the Social Security Act is amended—

(1) in paragraphs (1), (2)(B), and (4)(B), by striking out "1981 through 1984" and inserting in lieu thereof "1981 through 1985";

(2) in paragraph (2)(A)—

(A) by striking out "and" at the end of clause (iii),

(B) by striking out the period at the end of clause (iv) and inserting in lieu thereof "; and", and

(C) by adding after clause (iv) the following new clause:

"(v) with respect to fiscal year 1985, only if the amount appropriated under section 420 for such fiscal year is equal to $266,000,000"; and

(3) in paragraph (5)(A)—

(A) by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1985", and

(B) by striking out "fiscal year 1984" in clause (ii) and inserting in lieu thereof "each of fiscal years 1984 and 1985".

(b) Section 474(c) of such Act is amended in paragraphs (1) and (2) by striking out "1981 through 1984" and inserting in lieu thereof "1981 through 1985"

(c)(1) Section 102(a)(1) of the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) is amended by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1985".

(2) Section 102(c) of such Act is amended by striking out "October 1, 1984" each place it appears and inserting in lieu thereof "October 1, 1985".

BYRON G. ROGERS FEDERAL BUILDING AND UNITED STATES COURTHOUSE

THURMOND AMENDMENT NO. 7122

Mr. BAKER (for Mr. Thurmond) proposed an amendment to the bill (H.R. 4700) to designate the Federal Building and United States Courthouse at 1961 Stout Street, Denver, Colorado, as the "Byron G. Rogers Federal Building and United States Courthouse"; as follows:

At the end of the bill, add a new section:

Sec. . The Lowndesville Recreation Area, located within the Richard B. Russell Dam and Lake project, South Carolina and Georgia, shall hereafter be known and designated as the "Jim Rampey Recreation Area". Any reference in any law, map, regulation, document, record, or other paper of the United States to such recreation area shall be deemed to be a reference to such area as the "Jim Rampey Recreation Area."

CRIMINAL FINE ENFORCEMENT ACT

THURMOND AMENDMENT NO. 7123

Mr. BAKER (for Mr. Thurmond) proposed an amendment to the bill (H.R. 5846) to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes; as follows:

(1) Beginning on page 2, delete line 11 through line 2 on page 3, and insert in lieu thereof the following:

"(2) A judgment imposing the payment of a fine or penalty shall, upon the filing of notice of lien in the manner in which a notice of tax lien would be filed under section 6323(f) of the Internal Revenue Code of 1954, be a lien in favor of the United States upon all property and rights of property belonging to the defendant, except with respect to properties or transactions specified in subsections (b), (c) or (d) of section 6323 of the Internal Revenue Code of 1954 for which a notice of tax lien properly filed on the same date would not be valid and except with respect to property that would be exempt from levy for taxes under section 6334(a) of the Code. Such lien shall be valid against any subsequent purchaser, holder of a security interest, mechanic's lien or judgment creditor. A writ of execution may be issued with respect to any property or rights to property subject to such lien.

"(3) Such lien is valid against property referred to in paragraph (2) of this subsection if, but for such paragraph, applicable law would permit enforcement of the lien.

"(4) The effect of any execution, whether by attachment, garnishment, levy or other means, on salary, wages or other income payable to or receivable by a defendant shall be continuous from the date such execution is first made until the liability for the fine or penalty to which the execution relates is satisfied, the liability ceases to exist or becomes unenforceable, or the execution is released. Salaries, wages and other income shall be exempt from execution only to the extent of the exemptions from levy for taxes provided in Section 6334(d) of the Internal Revenue Code of 1954.

"(5) For the purposes of any State or local law providing for the filing of a notice of a tax lien, a notice of lien for a judgment imposing the payment of a fine or penalty shall be considered a notice of lien for taxes payable to the United States. If such notice is not accepted for filing, the registration, recording, docketing, or indexing, of the judgment imposing payment of a fine or penalty in accordance with section 1962 of title 28, United States Code shall be considered for all purposes as the filing prescribed by this subsection.".

(2) On page 9, lines 19 and 21, delete "$1,000,000" and substitute "$500,000".

On page 9, line 23, delete "$250,000 and substitute "$100,000".

On page 9, insert "(1)" after "(c)" on line 24 and add after line 3 on page 10 the following:

"(2) Except as otherwise expressly provided, the aggregate of fines that a court may impose on a defendant at the same time for different offenses that arise from a common scheme or plan, and that do not cause separable or distinguishable kinds of harm or damage, is twice the amount imposable for the most serious offense.".

(3) On page 11, line 21, after "made by" insert "sections 2 through 9 of".

(4) At the end of the bill add the following new sections:

Sec. 11. (a) Rule 12.2 of the Federal Rules of Criminal Procedure is amended—

(1) by striking out "to a mental examination by a psychiatrist or other expert designated for this purpose in the order of the court" in subdivision (c) and inserting in lieu thereof "to an examination pursuant to 18 U.S.C. 4242"; and

(2) by striking out "mental condition" in subdivision (d) and inserting in lieu thereof "quilt".

(b) Section 404(b) and section 404(d) of chapter IV of title II of the Joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes", H.J. Res. 648, 98th Congress, are repealed.

(c) The amendments and repeals made by subsections (a) and (b) of this section shall apply on and after the enactment of the Joint Resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes", H.J. Res. 648, 98th Congress.

Sec. 12. (a)(1) Title 18, United States Code, is amended by striking out chapter 228.

(2) Section 3651 of title 18, United States Code, is amended by striking out the following paragraph:

"If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.".

(3) Section 3651 of title 18, United States Code, as amended by paragraph (2) of this subsection, is further amended by striking out the last paragraph and inserting in lieu thereof the following:

"The defendant's liability for any fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.".

(4) The second paragraph of section 3655 of title 18, United States Code, is amended to read as follows:

"He shall keep informed concerning the conduct and condition of each probationer under this supervision and shall report thereon to the court placing such person on probation.".

(5) The first sentence of section 4209(a) of title 18, United States Code, is amended by striking out "and, in a case" and all that follows through the end of the sentence and inserting in lieu thereof a period.

(6) Section 4214(b)(1) of title 18, United States Code, is amended by striking out "or a failure to pay a fine in default within thirty days after notification that it is in default" each place it appears.

(7)(A) Chapter 227 of title 18, United States Code, is amended by inserting after section 3564 the following:

"§ 3565. Collection and payment of fines and penalties

"In all criminal cases in which judgment or sentence is rendered, imposing the payment of a fine or penalty, whether alone or with any other kind of punishment, such judgment, so far as the fine or penalty is concerned, may be enforced by execution against the property of the defendant in like manner as judgments in civil cases. Where the judgment directs imprisonment until the fine or penalty imposed is paid, the issue of execution on the judgment shall not discharge the defendant from imprisonment until the amount of the judgment is paid.".

(B) The table of sections for chapter 227 of title 18, United States Code, is amended by striking out the item relating to section 3565 and inserting in lieu thereof the following:

"3565. Collection and payment of fines and penalties.".

(8) Section 3569 of title 18, United States Code is amended—

(A) by inserting "(a)" before "when a" at the beginning of the first paragraph; and

(B) by adding at the end the following:

"(b) Any such indigent prisoner in a Federal institution may, in the first instance, make his application to the warden of such institution, who shall have all the powers of a United States magistrate in such matters, and upon proper showing in support of the application shall administer the oath required by subsection (a) of this section, discharge the prisoner, and file his certificate to that effect in the records of the institution.

"Any such indigent prisoner, to whom the warden shall fail or refuse to administer the oath may apply to the nearest magistrate for the relief authorized by this section and the magistrate shall proceed de novo to hear and determine the matter.".

(9) Section 238(i) of chapter II of title II of the Joint Resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes", H.J. Res. 648, 98th Congress, is repealed.

(b) The amendments and the repeal made by subsection (a) of this section shall apply on and after the enactment of the Joint Resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes", H.J. Res. 648, 98th Congress.

AWARDS FOR COST SAVINGS DISCLOSURES

GRASSLEY AMENDMENT NO. 7124

Mr. BAKER (for Mr. GRASSLEY) proposed an amendment to the bill (H.R. 5646) to repeal the expiration of authority for awards for cost savings disclosures; as follows:

That the Congress finds and affirms that—

(1) the Code of Ethics for Government Service charges that any person in government service should expose corruption wherever discovered;

(2) reprisals against employees who report incidents of fraud, waste and mismanagement is prohibited by law;

(3) the Constitution protects the rights of all citizens; and

(4) every person has a right to seek remedies to protect their individual rights.

Sec. 2. Title V is amended by inserting at the end of section 1208 the following new section:

Section 1209. Judicial Review

a. The Special Counsel may obtain judicial review of a final order or decision rendered by the Board in actions brought pursuant to Sec. 1206 and 1207 of this title. Employees affected by an agency action subject to the Special Counsel complaint and who are aggrieved by the final decision may file a petition to intervene as a matter of right and will be considered a party to the proceeding. In corrective actions, the agency responsible for the matter giving rise to the Special Counsel complaint before the Board shall be the named respondent. In disciplinary actions, the respondent employees named in the Special Counsel complaint before the Board shall be the named respondent in the judicial proceeding.

b. Petitions brought pursuant to this subpart shall be filed with the District Court and the right of a trial *de novo* and appellant review shall be preserved.

c. The Special Counsel shall file a petition for enforcement of subpoena and protective orders with the District Court pursuant to investigative and prosecutorial authority granted to the Special Counsel in accordance with this title.

Sec. 3. Section 1209 is retitled as new Section 1210.

STEVENS AMENDMENT NO. 7125

Mr. BAKER (for Mr. STEVENS) proposed an amendment to the bill (H.R. 5646) supra; as follows:

On page 3, below line 16, insert the following new section:

Sec. 4. The first sentence of section 5532(e) of title 5, United States Code, is amended by striking out "after the effective date of the Civil Service Reform Act of 1978" and inserting in lieu thereof "beginning October 1, 1984,".

STEVENS AMENDMENT NO. 7126

Mr. BAKER (for Mr. STEVENS) proposed an amendment to the bill (H.R. 5646) supra; as follows:

At the appropriate place in the bill insert the following: "That the New York International and Bulk Mail Center at Jersey City, New Jersey, shall be known and designated as the 'New Jersey International and Bulk Mail Center'. Any reference in any law, map, regulation, document, or other paper of the United States to such building shall be held to be a reference to the New Jersey International and Bulk Mail Center.".

Sec. 2. "That the United States Postal Service shall cause to be erected alongside the street on its property leading into the employee parking lot at the New York International and Bulk Mail Center at Jersey City, New Jersey, a suitable sign bearing the inscription 'Michael McDermott Place', to dedicate that portion of the street in memory of former postal employee Michael McDermott.".

Sec. 3. "The above two sections shall take effect six months after the date of enactment of this Act.".

GROUP LEGAL SERVICES PLANS

DOLE (AND JEPSEN) AMENDMENT NO. 7127

Mr. DOLE (for Mr. Jepsen) (for himself and Mr. Dole) proposed an amendment to the amendment of the House to the amendment of the Senate to the bill (H.R. 5361) supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. 2. TRANSITIONAL RULE FOR PURPOSES OF IMPUTED INTEREST RULES.

Subsection (b) of section 44 of the Tax Reform Act of 1984 (relating to effective date for treatment of debt instruments received in exchange for property) is amended by adding at the end thereof the following new paragraphs:

"(4) Special rules for sales before July 1, 1985.—

"(A) In general.—In the case of any sale or exchange before July 1, 1985, of property other than new section 38 property—

"(i) sections 483(c)(1)(B) and 1274(c)(3) of the Internal Revenue Code of 1954 shall be applied by substituting the testing rate determined under subparagraph (B) for 110 percent of the applicable Federal rate determined under section 1274(d) of such Code, and

"(ii) sections 483(b) and 1274(b) of such Code shall be applied by substituting the imputation rate determined under subparagraph (C) for 120 percent of the applicable Federal rate determined under section 1273(d) of such Code.

"(B) Testing rate.—For purposes of this paragraph—

"(i) In general.—The testing rate determined under this subparagraph is the sum of—

"(I) 9 percent, plus

"(II) if the borrowed amount exceeds $2,000,000, the excess determined under clause (ii) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

"(ii) Excesses.—For purposes of clause (i), the excess determined under this clause is the excess of 110 percent of the applicable Federal rate determined under section 1278(d) of such Code over 9 percent.

"(C) Imputation rate.—For purposes of this paragraph—

"(i) In general.—The imputation rate determined under this subparagraph is the sum of—

"(I) 10 percent, plus

"(II) if the borrowed amount exceeds $2,000,000, the excess determined under clause (ii) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

"(ii) Excess.—For purposes of clause (i), the excess determined under this clause is the excess of 120 percent of the applicable Federal rate determined under section 1274(d) of such Code over 10 percent.

"(D) Borrowed amount.—For purposes of this paragraph, the term 'borrowed amount' means the stated principal amount.

"(E) Aggregation rules.—For purposes of this paragraph—

"(i) all sales or exchanges which are part of the same transaction (or a series of related transactions) shall be treated as one sale or exchange, and

"(ii) all debt instruments arising from the same transaction (or a series of related transactions) shall be treated as one debt instrument.

"(F) Cash method of accounting.—In the case of any sale or exchange before July 1, 1985, of property (other than new section 38 property) the active business of farming and in which the borrowed amount does not exceed $2,000,000—

(i) Section 1274 of the Internal Revenue Code of 1954 shall not apply; and

(ii) interest on the obligation issued in connection with such sale or exchange shall be taken into account by both buyer and seller on the cash receipts and disbursements method of accounting.

The Secretary may by regulation prescribe rules to prevent the mismatching of interest income and interest deductions in connection with obligations on which interest is computed on the cash receipts and disbursements method of accounting.

"(5) General rule for assumptions of loans.—Except as provided in paragraphs (6) and (7), if any person—

"(A) assumes, in connection with the sale or exchange of property, any debt obligation, or

"(B) acquires any property subject to any debt obligations,

sections 1274 and 483 of the Internal Revenue Code of 1954 shall apply to such debt obligation by reason of such assumption (or such acquisition).

"(6) Exception for assumptions of loans made on or before October 15, 1984.—

"(A) In general.—If any person—

"(i) assumes, in connection with the sale or exchange of property, any debt obligation described in subparagraph (B) and issued on or before October 15, 1984, or

"(ii) acquire any property subject to any such debt obligation issued on or before October 15, 1984,

sections 1274 and 483 of the Internal Revenue Code of 1954 shall not be applied to such debt obligation by reason of such assumption (or such acquisition) unless the terms and conditions of such debt obligation are modified in connection with the assumption (or acquisition).

"(B) Obligations described in this subparagraph.—A debt obligation is described in this subparagraph if such obligation—

"(i) was issued on before October 15, 1984, and

"(ii) was assumed (or property was taken subject to such obligation) in connection with the sale or exchange of property (including a deemed sale under section 338(a)) the sales price of which is greater than $100,000,000.

"(C) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to effect the purpose of this paragraph and paragraph (5), including regulations relating to tax-exempt obligations, government subsidized loans, or other instruments.

"(D) Certain exempt transactions.—The Secretary shall prescribe regulations under which any transaction shall be exempt from the application of this paragraph if such exemption is not likely to significantly reduce the tax liability of the purchaser by reason of the overstatement of the adjusted basis of the acquired asset.

"(7) Exception for assumptions of loans with respect to certain property.—

"(A) In general.—If any person—

"(i) assumes, in connection with the sale or exchange of property described in subparagraph (B), any debt obligation, or

"(ii) acquires any such property subject to any such debt obligation.

sections 1274 and 483 of the Internal Revenue Code of 1954 shall not be applied to such debt obligation by reason of such assumption (or such acquisition) unless the terms and conditions of such debt obligation are modified in connection with the assumption (or acquisition).

"(B) Sales or exchanges to which this paragraph applies.—This paragraph shall apply to any of the following sales or exchanges:

"(i) Residence.—Any sale or exchanges of a residence by an individual, an estate, or a testamentary trust, but only if—

"(I) either—

"(aa) such residence on the date of such sale or exchange (or in the case of an estate or testamentary trust, on the date of death of the decedent) was the principal residence (within the meaning of section 1034) of the individual or decedent, or

"(bb) during the 2-year period ending on such date, no substantial portion of such residence was of a character subject to an allowance under this title for depreciation (or amortization in lieu therof) in the hands of such individual or decedent, and

"(II) such residence was not at any time, in the hands of such individual, estate, testamentary trust, or decedent, described in section 1221 (1) (relating to inventory, etc.).

"(ii) Farms.—Any sale or exchange by a qualified person of—

"(I) real property which was used as a farm (within the meaning of section 6420 (c)(2)) at all times during the 3-year period ending on the date of such sale or exchange, or

"(II) tangible personal property which was used in the active conduct of the trade or business of farming on such farm and is sold in connection with the sale of such farm,

but only if such property is sold or exchanged for use in the active conduct of the trade or business of farming by the transferee of such property.

"(iii) Trades or businesses.—

"(I) In general.—Any sale or exchange by a qualified person of any trade or business.

"(II) Application with subparagraph (B).—This subparagraph shall not apply to any sale or exchange of any property described in subparagraph (B).

"(III) New section 38 property.—This subparagraph shall not apply to the sale or exchange of any property which, in the hands of the transferee, is new section 38 property.

"(iv) Sale of business real estate.—Any sale or exchange of any real property used in an active trade or business by a person who would be a qualified person if he disposed of his entire interest.

This subparagraph shall not apply to any transaction described in the last sentence of paragraph (6)(B) (relating to transaction in excess of $100,000,000).

"(C) Definitions.—For purposes of this paragraph—

"(i) Qualified person defined.—The term 'qualified person' means—

"(I) a person who—

"(aa) is an individual, estate, or testamentary trust,

"(bb) is a corporation which immediately prior to the date of the sale or exchange has 35 or fewer shareholders, or

"(cc) is a partnership which immediately prior to the date of sale or exchange has 35 or fewer partners,

"(II) is a 10-percent owner of a farm or a trade or business,

"(III) pursuant to a plan, disposes of—

"(aa) an interest in a farm or farm property, or

"(bb) his entire interest in a trade or business and all substantially similar trades or businesses, and

"(IV) the ownership interest of whom may be readily established by reason of qualified allocations (of the type described in section 168(j)(9)(B), one class of stock, or the like).

"(ii) 10-percent owner defined.—The term '10-percent owner' means a person having at least a 10-percent ownership interest, applying the attribution rules of section 318 (other than subsection (a)(4)).

"(iii) Trade or business defined.—

"(I) In general.—The term 'trade or business' means any trade or business, including any line of business, qualifying as an active trade or business within the meaning of section 355.

"(II) Rental of real property.—For purposes of this clause, the holding of real property for rental shall not be treated as an active trade or business.

SINE DIE ADJOURNMENT OF THE 98TH CONGRESS

BAKER AMENDMENT NO. 7128

Mr. BAKER proposed an amendment to the concurrent resolution (H. Con. Res. 377) providing for the sine die adjournment of the 98th Congress; as follows:

Strike all after the resolving clause and insert in lieu thereof the following: "That the two Houses of Congress shall adjourn on Thursday, October 11, 1984 or on Friday, October 12, 1984, and that when they adjourn on said day, they stand adjourned sine die."

TECHNICAL AMENDMENTS TO THE FEDERAL COURTS IMPROVEMENT ACT

SASSER (AND OTHERS) AMENDMENT NO. 7129

Mr. SASSER (for himself, Mr. Riegle, Mr. Grassley, Mr. Baker, and Mr. Jepsen) proposed an amendment to the bill (H.R. 4222) to make certain technical amendments with respect to the court of appeals for the Federal circuit, and for other purposes; as follows:

At the appropriate place, insert the following:

Sec. . (a) In addition to urban development action grants for fiscal year 1985 for which the Secretary of Housing and Urban Development has announced awards on October 1, 1984, the Secretary shall make urban development action grants in accordance with the provisions of this section and section 119 of the Housing and Community Development Act of 1974.

(b)(1) Except as provided in paragraph (2), a city or an urban county in a State shall not be eligible for an urban development action grant under this section if an award for such a grant was announced for such city or county or another city or urban county in such State on October 1, 1984.

(2) Notwithstanding paragraph (1), a city or urban country in a State shall be eligible for an urban development action grant under this section if an award of such a grant was announced for another city or urban county in such State on October 1, 1984, and such other city or urban county was only eligible for such a grant under paragraph (2) of section 119(b) of such Act.

(c) The Secretary shall select applications for urban development action grants for fiscal year 1985 from cities and urban counties which—

(1) are eligible for an urban development action grant under this section,

(2) on October 1, 1984, were rated as fundable for such grants under selection criteria established by the Secretary, and

(3) did not receive an award for such a grant for such fiscal year on October 1, 1984.

(d)(1) From cities and urban counties in a State eligible for urban development action grants under this section, the Secretary shall select the city or urban county in such State which, on October 1, 1984, had received the highest rating on its application for such a grant in accordance with selection criteria established by the Secretary.

(2) If the city or urban county selected by the Secretary under the paragraph (1) did not request an urban development action grant in excess of $2,000,000, the Secretary shall, in addition to the application of such city or urban county, select the application of such city or urban county in that State which received the next highest rating under such selection criteria. The Secretary shall make an urban development action grant under this section to both cities or urban counties selected under this paragraph and paragraph (1) if the total amount of the urban development action grants which will be made to both such cities or urban counties for such fiscal year will not exceed $2,000,000. If the total of both such grants for each fiscal year will exceed $2,000,000, the Secretary shall only make an urban development action grant for such fiscal year to the city or county selected under paragraph (1).

(e) For purposes of this section—

(1) the term "Secretary" means the Secretary of Housing and Urban Development;

(2) the term "urban development action grant" means such a grant under section 119 of the Housing and Community Development Act of 1974; and

(3) the term "selection criteria" means criteria promulgated by the Secretary under such section.

ADDITIONAL STATEMENTS

DEFICITS MUST BE ACTED UPON

● Mr. RIEGLE. Mr. President, I want to take this opportunity to state my reasons for supporting Senator Tsongas and opposing the Baker motion to table the Tsongas amendment. The amendment offered by my colleague from Massachusetts would, if adopted, automatically place before the Senate a proposal to freeze Government spending for 1 year prior to any further increase in the debt limit. Under this amendment, the proponents estimate that the debt limit ceiling would be reached by April 15, 1985. We should act to cut the massive deficits before that time.

On May 2, of this year Senators Grassley, Kassebaum, Biden, and Baucus offered an amendment to the Deficit Reduction Tax Act of 1984, which proposed to freeze spending for 1 year, in a manner similar to the budget freeze being proposed by the sponsors of the Tsongas amendment. In May, I voted against this budget freeze as did 64 of my colleagues. At that time, the Senate was considering a series of budget reduction measures and I supported other budget reduction proposals which resulted in greater reduction without unfairly affecting those Americans who can affort it least. In addition, a budget freeze accomplishes all of its deficit reduction by cutting spending and ignores the potenial of new revenues that could be achieved through closing tax loopholes.

On Friday, October 5, 1984, however, I voted against the motion to table Senator Tsongas' budget freeze amendment. My reasons for this vote are not because I now totally support the Kassebaum, Grassley, Biden, Baucus budget freeze which Senator Tsongas proposed. Rather, I supported the amendment on the grounds that it would result in placing a legislative vehicle for deficit reduction automatically in front of the Senate early next year. A that time amendments would be in order to modify the specific proposal and we could provide protection for those who would be unfairly affected by an across-the-board freeze, and to modify the inequitable provisions of the tax code.

Mr. President, I cannot think of a more pressing problem facing our Nation today than the extreme danger awaiting us unless swift and dramatic action is taken to reduce the massive deficits that will result under current budgetary policies. I urge all of my colleagues to support the Tsongas amendment, to demonstrate our commitment to undertake the serious effort required to reduce the deficit.●

S. 1407—ANTIODOMETER TAMPERING LEGISLATION

● Mr. **DANFORTH**. Mr. President, this legislation addresses a serious type of crime. Odometer tampering is a significant problem in this country; the National Highway Traffic Safety Administration estimates that the annual cost of odometer fraud to consumers exceeds $2 billion.

S. 1407 takes steps to address this problem by closing the current loopholes in State motor vehicle titling laws. Section 1 of this bill would create a record which would enable consumers to be better informed about the true mileage on used vehicles.

Mr. President, another important means of discouraging odometer fraud is to make it more difficult to tamper with an odometer.

In 1976, NHTSA issued a proposed Federal Motor Vehicle Safety Standard No. 127, "Speedometers and Odometers." This proposed standard required that vehicle odometers be designed so that they are tamper resistant and indicate when the mileage has exceeded 100,000 miles. In 1978, a final standard was issued to take effect in September 1981. The standard provided that odometers could be designed in any of the following ways:

First, if reversal is attempted, the odometer breaks;

Second, an encapsulation must be pierced or broken in order to get the odometer to reverse;

Third, some definitive indication of reversal, such as the appearance of an otherwise hidden part, must be provided when reversal is attempted;

Fourth, each number of the 10,000 miles/kilometers wheel is marked as or after it disappears from view, so that the mark becomes visible if the wheel is reversed.

The standard also required that replacement odometers be colored to differentiate them from original equipment. By doing this, new replacement odometers with low mileage readings could not be substituted for original equipment odometers with high mileage readings.

However, in May 1981, NHTSA proposed a delay in the effective date. In October 1981, NHTSA issued a notice proposing to rescind the standard, and in February 1982, NHTSA rescinded the standard.

Mr. President, there is no reason for consumers to be without the protection of tamper-resistant odometers. According to NHTSA's own 1981 estimate, the odometer provisions of Standard 127 would cost the ultimate consumer only about $1.30 per vehicle. My amendment to S. 1407, which was added during the Commerce Committee's consideration of this legislation earlier this year, would require the Department of Transportation to reinstate the tamper-resistant odometer standard within 60 days after the date of enactment of this act. The reinstated standard is to be identical to the language of the standard immediately prior to its revocation in 1982. The standard will apply to all passenger motor vehicles beginning with the model year after the date on which the standard is reinstated.

Mr. President, I believe S. 1407 will help to greatly reduce the crime of odometer fraud. I urge my colleagues to join me in supporting this legislation.●

THEY CAME FROM MAINE TO FIGHT WITH G COMPANY

● Mr. **MITCHELL**. Mr. President, on a recent page of reminiscences and recollections of World War II, the Boston Globe published a column by Peter Anderson about the exploits of four soldiers from Waterville, ME, who fought in the Philippines invasion campaign 40 years ago. Steve Massey, Dominic Boulette, Benedict Perry, and Thomas Maroon were members of G Company, 103d Infantry Regiment, Maine National Guard, many of whose members came from Waterville. All four, now retired, still live in that area.

I believe the ordeal of these brave men—so typical of those endured by hundreds of thousands of their fellow soldiers and yet so individual as seen through their eyes and remembered by them—should be noted here. So should the quiet and unassuming way in which each faced his own fate, and the tasks they performed for their country. So I ask that selected portions of the Boston Globe article be printed in the RECORD.

The material follows:

THEY CAME FROM MAINE TO FIGHT WITH G COMPANY

(By Peter Anderson)

WATERVILLE, ME.—Lt. Benedict Perry's platoon was in the first assault wave at Luzon. Two of his Browning Automatic Rifle men stepped into shell craters in the surf and drowned, unable to save themselves because of the weight of their weapons and ammunition. One man was from Livermore Falls, the other from out of state. Perry stepped into a crater himself and was drowning and did what an infantryman is loath to do, let go of his rifle. "A tall man in another platoon grabbed me and gave me a shove and I was able to get some air. It was the only thing that saved me."

Perry got to the beach, got another rifle and got to fight in the Philippines. Forty years later they say he was a good soldier and not a bad ballplayer, either. He and his teammate from the Winslow High baseball team, Thomas Maroon, joined the same day in 1940, two of about 100 men from the Waterville area who made up much of G Company.

The high school coach was in the National Guard and suggested Perry join, told him he would get to see oranges growing because the unit would train in Florida. That was nearly half a century ago, and Maroon doesn't remember that part of it. What he remembers is this: "Ben came down in his father's car, picked me up and we went to join the Army." That was Oct. 15, 1940. They were in G Company from the beginning.

Maroon was first sergeant of G Company that day at Pozorrubio, Luzon, when both company officers were wounded by artillery fire. Maroon used hand and arm signals to pull back the company and regroup the men, and he was awarded the silver star.

Maroon would get a field commission later in Luzon when more officers were killed and wounded and he moved to another company in the regiment. Perry was a platoon sergeant in G Company when his lieutenant was killed on New Georgia. "We were checking lines, and he was bending over talking to someone in a foxhole and got hit by rifle fire. While he was being evacuated on a stretcher he was hit by a mortar shell and was killed. I became the acting lieutenant."

Perry was commissioned and had been transferred to F Company, the Augusta unit, when he waded ashore and nearly drowned at Luzon. But both Maroon and Perry consider themselves part of G Company, 103d infantry regiment, Maine National Guard.

Maroon became first sergeant of G Company when first sergeant Ernest Rutter was killed. Dominic J. Boulette was near Rutter that day at Kaerkuka Bay, Vangunu, in the Solomons. Two barges of Japanese troops attempted to land where, by chance, G Company and two other units were dug in for the night. When the enemy barges lowered their ramps, massed fire killed nearly all the Japanese, about 40 men.

Steve Massey played baseball with Perry and Maroon for the North Vassalboro town team. He was there the day the company killed so many at Vangunu. Sgt. Massey describes the morning after the battle on the beach at Vangunu:

"The next morning we got up and all we could see was Japanese bodies all over the place. We started pulling back [into the jungle], and the Japanese let the first two platoons go through, but the last part of the third platoon, my platoon, was hit by sniper fire. One guy, he was from Chicago, was killed. . . .

"I could see the bullets hitting in the mud and kept looking in the trees for snipers when I got hit [a bullet in the face]. They took me to a CP and sewed me up in the rain without any anesthesia. I had a priest holding one hand and someone else holding the other. A doctor said, 'This is going to hurt.'

"I went back to my squad and helped carry some of the wounded out. Later they put me on a boat with Sgt. Rutter and others and took us out to a hospital ship. We were holding onto Sgt. Rutter so his litter would not tip over. The water was so rough I didn't think we would make it. None of us were in too good a shape to swim."

Sgt. Rutter later died. Massey's wound healed, though the sniper's bullet entered his cheek and came out behind his ear. Massey was awarded the Distinguished Service Cross. "I think it was for staying with the squad and helping with the wounded when I could have been lugged back. I didn't want to take it. They should have given the medals to the guys who got killed."

Sgt. Massey rejoined the company for another campaign but got to go home before G Company went ashore at Luzon. There, platoon sergeant Perry and first sergeant Maroon were lieutenants with other companies in the regiment. Boulette, though, never left the company and was there when G Company took Benchmark 7 on Luzon, a 200-foot hill atop a 600-foot cliff. Benchmark 7 controlled a road, and enemy fire from there endangered the advance.

Later after the Luzon campaign, the rest of Company G sailed back under the Golden Gate Bridge, in October 1945, almost three years to the day the unit had left California. Three Waterville men did not return: Sgt. Rutter, Warren Brooks and Albert LaPointe.

Boullette says the company fared well because: "We were well trained and we were friends and that held us together, and the replacements were good men, too." Perry says: "We were all green at the beginning but got educated pretty fast."●

WATER RESOURCES LEGISLATION

● Mr. STAFFORD. Mr. President, in the waning hours of the 98th Congress, I would like to give my colleagues a report on the situation, as I see it, involving water resources development, and where we must go during the 99th Congress.

The Congress has failed once again in the development of a major omnibus bill we can send to the President for his signature.

In November 1983, the Committee on Environment and Public Works reported S. 1739 to the Senate. Due to a number of reasons, particularly a variety of Senatorial "holds," S. 1739 never came up for debate on its merits.

And, as we have seen, the alternative approach of authorizing a number of big-ticket projects in the continuing resolution also failed.

So no law will pass this year that authorizes new water resources development projects to be undertaken by the U.S. Army Corps of Engineers, nor has any such law passed since 1976.

This is a regrettable situation. It seems to me that it has been the result of two basic miscalculations.

First, let met discuss what I believe has been the role of many persons interested in continuing project development at full Federal cost.

Frankly, I have been convinced for some time that these project proponents have refused to struggle with the difficult issues of cost sharing. They were convinced they could get the major projects they wanted from the appropriations process, without resorting to negotiations with the authorizing committees over the sticky policy issues.

It now appears as if that approach has failed.

It should fail.

They clearly misjudged the will of the administration.

I commend President Reagan for his forceful stand on this important question.

Nor, I am also forced to note, is the record on the part of the administration in reaching compromise legislation blameless.

For months, indeed years, those of us who have been struggling with this issue, most particularly the distinguished Senator from South Dakota [Mr. ABDNOR], have asked the administration—indeed, pleaded with the administration—to work with the Congress to reach a rational, workable compromise.

That request, frankly, was ignored. The response seems to have been: If we ignore the issue, it will vanish.

It has not vanished.

And we have no law.

That situation must be reversed if at all possible.

Mr. President, Federal spending on Army Corps of Engineers construction work totals $890 million for the fiscal year 1985. That represents a program, in real dollars, that has declined 78 percent from the level of construction spending two decades ago.

That drop is regrettable. But the real question is this: How can it be reversed? Can it be reversed?

Do any of my colleagues really believe that the Federal Government will increase that 1985 figure, after eliminating the effects of inflation, significantly in the next several years? Aren't we struggling to reduce Federal spending, to reduce the deficit?

The issue isn't whether the Nation needs sound water resources development. The real issue is this: Where will the money come from?

We must be realistic with ourselves, and with the American people. As noted, I am convinced that there will be no major increase in Federal spending on water resources projects in the coming years. That is not a value judgment, it is a conclusion.

If that assumption is correct, then any major increases in spending must come from non-Federal sources, including beneficiaries, the users, and shippers. Alternatively, we must also seek more efficient use of existing resources.

Unless we do, we will fall farther and farther behind in meeting development needs.

It would be nice to rebuild every aging lock and dam on our 25,000 miles of inland waterways. It would be equally nice to dredge every port to a greater depth, to build every flood protection levee that every local community finds necessary, or to replenish every public swimming beach that nature is eroding.

But unlimited resources no longer exist for water resources development.

As one example of our challenge, let us examine the issue of inland waterways. Current law imposes an 8 cent-per-gallon fuel tax on operators on some of these waterways. That tax will bring in less than $50 million this year, well under 10 percent of the Federal spending on the commercial components of our inland waterways—$650 million.

The administration last year sent up legislation, which I was pleased to introduce by request. That bill was S. 1554.

S. 1554 would require 70 percent cost recovery on all waterway expenditures. Now, in other words, the administration has proposed pushing user charges well above $50 million a year, possibly as high as $450 million a year, with a continuing subsidy of $200 million.

And while we wrangle, the need grows as the system deteriorates.

For years, the commercial waterway operators have argued that they could accept user charges if the charges were brought on gradually, and if the operators had a say in how any user-charge revenue was spent—that is sound. The committee version of S. 1739 sought to provide just such an approach. The waterway interests, in turn, rejected our approach.

Now that the appropriations approach appears dead, we still face the need to put together a policy-and-projects bill.

What we need is a program that, at least to a degree, uses the marketplace to help establish priorities in project implementation, that focuses construction spending on the most cost-effective solutions, not the most grandiose ones.

Let me point out the view of the Congressional Budget Office, which urged the Congress to correct water project inefficiencies by "adjusting Federal user fees both to produce a reliable measure of national needs and to correct present misalignment among users."

The CBO went on to say:

> To the extent that users of services are willing to repay the government for investments made in their behalf, revenues become available to support those projects. But to the extent that higher fees prompt users to reduce demand, investment needs decline. When high fees cause reductions in demand, investments can be tailored accordingly.

Unless a Federal policy can be developed that recognizes and encourages local initiative, the slow and often fruitless pace of development seems certain to continue.

Let me turn to the issue of ports. Anything that involves Congress directly in the process of superport-by-superport authorization and appropriation seems certain to delay improvements significantly.

To obtain a few superports quickly, a politically neutral force—the marketplace—must become a major factor in site selection. A system of local financing, where a port authority or local government must go to the bond market and potential users to test the economic viability of the project, provides such a neutral force. Harbor dredging projects will be achieved in a more timely and economical fashion when the decision is made by the interested parties, rather than the Federal Government.

I ask my colleagues, as well as others interested in water development, to look at our challenge from that practical approach.

I would hope that the lessons learned over the past weeks have been that the authorizing committees, the administration, and the water development interests must begin to work in a constructive manner during the 99th Congress to develop—and pass—a water resources development act that authorizes needed projects and makes the policy changes necessary to obtain a stronger program.

I stand ready to help in that process. I urge my colleagues to join in that process.●

GEORGE D. AIKEN WILDERNESS

● Mr. RANDOLPH. Mr. President, on Sunday, October 7, 1984, the U.S. Forest Service dedicated 5,000 acres of wilderness to our former colleague from Vermont, George D. Aiken, the sponsor of the Eastern Wilderness bill.

Among those present at the dedication ceremonies for the George D. Aiken Wilderness in Vermont was the current senior Senator from Vermont, my cherished friend and distinguished colleague, Senator STAFFORD.

I recall when Senator STAFFORD and Senator Aiken were a team representing Vermont in the Senate, and I know that some of our colleagues still in the Senate also served with Senator Aiken.

For that reason, I am pleased to recommend to all Senators the remarks of Senator STAFFORD at the dedication of the George D. Aiken Wilderness.

I ask that the remarks of Senator STAFFORD be printed in the RECORD.

The remarks follow:

REMARKS OF SENATOR ROBERT T. STAFFORD AT THE DEDICATION OF THE GEORGE D. AIKEN WILDERNESS, WOODFORD, VT

In the great compromise that helped to create our Republic, the Founding Fathers held that United States senators should represent mountains and lakes and forests and farms as well as people.

The wisdom of that decision has been demonstrated many times in the life of this country, but never more than when it gave to this nation the presence of George Aiken in the United States Senate.

It is altogether fitting that George Aiken be honored by the dedication of a simple plaque set into a rock in a clearing of a quiet spot in a Vermont forest that will bear his name.

For this independent New Englander is a son of Vermont whose wisdom grew from his roaming of the hills and valleys of this Green Mountain State that he loves so much.

George Aiken is a man of many parts who retains old-fashioned values even as he stays contemporary in every sense of the word.

He continues to list his occupation as "farmer." He insists that being governor and senator was his avocation. What an avocation! And how lucky we all are that he chose it.

George Aiken was born to politics, and he once told an interviewer: "I think there was an Aiken in the State Legislature about as far back as they had state legislatures."

Indeed, there have been Aikens in Vermont since 1780 when Deacon Edward Aiken settled on a farm high up in the hills of what is now the Town of Windham.

George Aiken followed his father into the family nursery business and farm and then into the Vermont Legislature to begin a public career that will endure as a monument of service and integrity to his state and nation.

Although he was defeated "by a few votes" in his first bid for the Vermont House of Representatives in 1923, George Aiken tried again with more success in 1931.

Thus began an unbroken string of election victories that made him speaker of the Vermont House of Representatives, lieutenant governor, governor and then United States senator.

Through the years, his hair turned white; his collection of red neckties grew to outrageous proportions, and his fame and reputation spread across the land and across the oceans.

What never changed is his civility—an abiding sense of fairness and decency that over the years added a special influence to his opinions on great issues—and on small ones.

What also never changed are his puckish smile and impish manner that are just right for the role he was destined to play in the American political arena—a wise elder who remains always the patriot and never the partisan.

It would take more time and space than is available here to list all his accomplishments to his state and nation.

But, on the occasion of the dedication of the George D. Aiken Wilderness, is fitting to mention his last official legislative achievement in the United States Senate.

In 1974, Congress passed George Aiken's Eastern Wilderness Act, which designated 15 Eastern National Forest areas as additions to the National Wilderness Preservation System and established an additional 17 areas for further wilderness study.

Generations of Americans thus were guaranteed the opportunity to enjoy the benefits and delights of Eastern forests that might otherwise have been lost to development forever.

A short time after passage of that law and after 34 years of service in the United States Senate that kept him from his orchard and wild flowers and berries, George Aiken headed back to Vermont.

This uncommon man, who combines greatness with humility, wisdom with simplicity and gentleness with strength, remarked as he prepared to return to his roots:

"I've never felt at home in Washington. No, no, Washington's not home. Home's up on the mountain in Vermont where I always lived."

Few men better earned the right than George Aiken to return home to enjoy the part of the world he loves so much. And where he is loved so much.

George Aiken remains at home in Putney, Vermont, where he was born.

But, George Aiken's presence extends to all corners of Vermont.

And, perhaps it will always be felt just a bit stronger in the quiet forest of the George D. Aiken Wilderness.●

BARBARA DUBOIS, MINORITY SMALL BUSINESS PERSON OF THE YEAR

● Mr. CHAFEE. Mr. President, the week of October 7-13 has been designated Minority Enterprise Development Week. This is the second time we have set aside a week to honor the achievements and contributions of minority entrepreneurs across the Nation, who have had to surmount countless obstacles in their efforts to succeed. These men and women embody the spirit of enterprise, which has always been the driving force behind innovation, increased productivity, and economic growth. It is fitting that we pause to recognize their accomplishments.

In connection with Minority Enterprise Development Week, the Small Business Administration has chosen a Minority Small Business Person of the Year for each of its districts. I take great pleasure in announcing that Ms. Barbara DuBois, founder and president of Barbara's Office Products in Providence, RI, is one of the outstanding entrepreneurs selected for this honor. In just 8 years, Ms. DuBois has built Barbara's Office Products into a thriving concern, serving customers throughout New England and still growing. Her success is a fitting tribute to her determination, her perseverance, and her willingness to take risks.

Ms. DuBois was born and raised in East Providence, RI. After 5 years as equal employment opportunity coordinator for Textron, Inc., a Fortune 500 company headquartered in Providence, she decided to launch her own business. Being both black and female, she had to approach each hurdle with singular farsightedness and firmness of purpose in order to establish the fine business reputation that Barbara's Office Products now enjoys. She is a valued member of Providence's business and social service communities, serving on the executive boards of the Greater Providence Chamber of Commerce and numerous community organizations.

Mr. President, Ms. DuBois' achievements should be an inspiration not just to those who dream of owning their own businesses, but to all of us. I know all my colleagues join me in congratulating Barbara DuBois and minority businessmen and businesswomen everywhere on a job well done.●

THE MIDDLE EAST

● Mr. KENNEDY. Mr. President, Robert E. Hunter of the Center for Strategic and International Studies of Georgetown University wrote a perceptive analysis of the current diplomatic situation in the Middle East which was recently published in the Los Angeles Times. I request that the entire article be printed in the RECORD.

The article follows:

MIDDLE EAST: STIRRING, BUT NO PEACE—MUCH MORE MUST HAPPEN BEFORE PROGRESS TAKES ON MEANING

(By Robert E. Hunter)

Whatever else can be said about the Middle East, it is never quiet. On the eve of the first visit to Washington by Israel's new prime minister, Shimon Peres, there is diplomatic stirring in the region.

Israel has given up its demand that Syrian forces leave Lebanon at the same time that Israel withdraws. And, to the surprise of some observers, Damascus has not rejected the notion that it must be sympathetic to Israel's security requirements in southern Lebanon.

Meanwhile, King Hussein of Jordan has renewed diplomatic ties with Egypt and received the blessing of Yasser Arafat, chairman of the Palestine Liberation Organization.

Understanding the long-range significance of these developments requires looking at Syria and its ambitions. After the withdrawal from Lebanon last February of U.S. Marines and other elements of the multinational force, Syria became "king of the mountain" in the Arab world. It had bested both the United States and Israel in Lebanon. It forced Hussein to stop flirting with the Reagan Administration's episodic efforts to breathe some life into Arab-Israeli peacemaking.

At the same time, the two natural and traditional rivals for Arab ascendancy, Egypt and Iraq, were politically crippled—Egypt because of its peace treaty with an Israel still occupying southern Lebanon, Iraq because of its preoccupation with the Iran-Iraq war. And Saudi Arabia, always a cautious follower in Arab politics, was disinclined to dispute Syria's new-found leadership. Clearly, 1984 has proved to be Syria's year in the Middle East.

Yet, for its ambitious president, Hafez Assad, this short-term advantage is not enough. Assad wants to consolidate Syria's gains for the next generation of Arab politics. Thus his victory in Lebanon was only an instrument to a broader purpose. As in the children's game, however, the king of the Arab mountain is by definition subject to challenge. Syria's position in Lebanon is itself a mixed blessing for Damascus. Lebanon's competing factions are no more content with Syrian domination in much of the country than they have been with a congeries of earlier occupiers.

For Assad, therefore, there is some value in helping to ease Israel's departure and, in time, to moderate Syria's own role in Lebanon in the interests of concentrating on the broader goal of consolidating Syrian supremacy in Arab politics.

These broader goals are beginning to produce opposition. It is no coincidence that Hussein decided to patch up relations with Egypt's president, Hosni Mubarak, at a time when Syria and Israel are sending signals to one another over Lebanon. After the American elections, the king will want more U.S. weapons, despite renewal of his periodic threats that he will look elsewhere (i.e., the Soviet Union). He can't afford to defy Syria by joining peace talks with Israel, but he also can't afford to continue being a dog in the manger, barking at our every peacemaking effort.

Syria's bow to Israel provides the king with good political cover. For the moment, Damascus is poorly placed to press home its accusations that Hussein is selling out the Arab cause by making up with Egypt. Hussein has coupled this act with denunciation of Israel, but the deed speaks more loudly than the words.

The glimmerings of a new Jordan-Egypt axis—blessed by Arafat, whose followers were savaged by Syria last year—could be the start of an Arab challenge to Syria's dominance. But it is still limited. Syria can, and will, continue to play its trump card—that it alone, among the so-called confrontation states, is standing up to Israel. Despite its hints at flexibility in Lebanon, Damascus is no closer to accepting the renewal of peace talks with Israel, by anyone or in any guise.

Indeed, Syria must now dig in even deeper, since preserving its unnatural position of ascendancy in the Arab world depends on its assertions of Israel's challenge to Arab interests. Nor is either Hussein or Mubarak sufficiently confident of his own future (or of support from other Arab states) to call Syria's hand by moving in Israel's direction.

For its part, Israel is in no hurry to see peace talks resume—either with Egypt over the West Bank and Gaza (as mandated by the Camp David Accords) or on some alternative. Israel's unique experiment in government—Likud's Yitzhak Shamir will replace Labor's Peres as prime minister two years from now—is united on seeking withdrawal of Israel's forces from Lebanon and on doing something about inflation, which is running at 400% a year. But it is split on the best approach to peace, with neither side able to muster a majority for its vision of the future.

Politics in the Arab world, therefore, are hardly more likely than before to produce for Israel a partner willing to negotiate in earnest. And Israel is unlikely to take any initiative other than its appeal to Hussein (more pro forma than practical, and promptly rejected) to join the peace process. A lot more has to happen in the Arab world and in outside diplomacy to challenge Syria's position before Arab-Israeli peacemaking can again become a serious possibility.●

THE 150TH ANNIVERSARY OF THE PUBLICATION OF THE TRIP TO NORTH AMERICA BY ALEXANDER FARKAS DE BOLON

● Mr. HEINZ. Mr. President, Pittsburgh was still a fledgling outpost of the United States when a Transylvanian Hungarian count, Ferenc Beldy, and his secretary, Alexander Farkas de Bolon, visited it in 1831. Alexander Farkas de Bolon's book, "Utazas Eszakamerikaban,"—Journey to North America—was awarded the Grand Prize of the Hungarian Academy of Sciences despite its prohibition by Metternich's censors after the publication of the first edition in Hungarian. This work analyzes our constitutional system and approves it with an enthusiasm shared not even by Alexis de Tocqueville, whose work, "Democracy in America," was published a year later in 1835.

While this book remained unknown in the United States until the 1970's, it is worthwhile today to repeat the testimony of this convinced Democrat and believer in the republican system of government. If I may quote his description of my city, Pittsburgh, in 1831:

> Pittsburgh is located at the confluence of the mighty Allegheny and Monongahela Rivers which form the Ohio here. They originate in opposite directions. The Allegheny in the north at Lake Erie, and the Monongahela in the Laurel Mountains of Virginia. Both are fed by many tributaries forming the Ohio at Pittsburgh, which, following a twisting course for two hundred miles, empties into the Mississippi and ultimately into the Gulf of Mexico. Through these waterways Pittsburgh has the key to the north, south, and the west and now an open route to the east all the way to the ocean by way of the new 300-mile-long Pennsylvania Canal. In addition to this favored location nature lavished on it more of its blessings. In the bowels of its mountains there are rich deposits of iron, coal, and salt. Pittsburgh seemed to have been destined to be an industrial center.
>
> After the War of Independence, Americans quickly discovered its superior location and riches. Craftsmen both American and European flocked to settle here and the population greatly increased in a very short time:
>
> | | |
> |---|---|
> | 1800 | 1,565 |
> | 1810 | 4,768 |
> | 1820 | 7,242 |
> | 1825 | 12,542 |
> | 1830 | 17,000 |
>
> The population outside of the native born are mostly English, Scots, Irish, as well as many Germans, but all these are by now completely Americanized. Where the law does not tear people apart into separate classes, where everyone enjoys equal rights, there, everyone wants to be part of the new freedom and the new fatherland. They rush to learn the language and even change their names to become completely Americanized.

Mr. President, today I salute the American Hungarians, who emigrated to Pittsburgh. These people, immortalized by Alexander Farkas de Bolon, gained both the respect and friendship of their fellow citizens through hard work, honesty, and patriotism. Indeed, their efforts to preserve democracy have been exemplary since the Revolutionary War. It is especially significant that Alexander Farkas de Bolon came from Transylvania where the Hungarians, now forced to live under Romanian rule, are being oppressed by a totalitarian regime which did not shed its chauvinistic prejudices either.

The cultural contribution of Transylvanian Hungarians to history is substantial; let us remember Alexander Farkas de Bolon as a shining example of the enlightened, democratic Transylvania Hungarian people.

It gives me great pleasure to note that an exhibition of the book and the history of his times, collected by Dr. Elemer Bako, is being sponsored by the Library of Congress in the European Reading Room. I hope that my colleagues and friends have an opportunity to visit the exhibition which is still open during the month of October.●

BELGIUM SALE OF NUCLEAR TECHNOLOGY TO LIBYA

● Mr. HART. Mr. President, reports have surfaced recently concerning a pending sale to Libya of 1 billion dollars' worth of nuclear technology from Belgium, our NATO ally. The insistence by the Belgian Government that this equipment is civilian in nature and for peaceful purposes flies in the face of logic and rationality. Libya is a country awash in petroleum reserves, surely with no demonstrable requirements for additional energy sources. Libya is also a country whose avowed ambition to develop or acquire nuclear weapons has been evident for over a decade.

This is a time when all of the leverage available to the United States should be mobilized to influence our ally not to endanger world security with this needless transfer of nuclear technology. However, as reported by the Washington Post, we hear that our Defense Department is already preoccupied with a dispute with our Belgian allies—over the transfer of machine tools to the Soviet Union. As important a goal as the protection of our technology from compromise by the Warsaw Pact may be, surely machine tools pale into insignificance when compared to the potential for nuclear weapons in the hands of Muammar Qadhafi who has often in the past proudly proclaimed his support for terrorist activities. Surely our concern with the threats posed to this country by the Soviet Union cannot divert attention from what is one of the most immediate scenarios for the outbreak of nuclear war—the detonation of a nuclear weapon by a Third World country. Mr. President, I urge the executive branch to redouble its efforts to avert such a development. I ask that the Washington Post editorial on this subject be inserted into the RECORD.

The editorial follows:

[From the Washington Post, Oct. 10, 1984]

REACTORS FOR COL. QADHAFI?

The Belgian government says it is considering a proposal to sell $1 billion worth of nuclear equipment to Libya. It is difficult to think of a worse idea—more irresponsible, more wantonly dangerous, more likely to lead to spectacular violation of the world's fragile rules against the proliferaiton of nuclear weapons. The Belgians can argue that they have very high unemployment and need to export. But high unemployment doesn't begin to justify nuclear sales to Col. Muammar Qadhafi.

The Belgians say, defensively, that they would sell only civilian power equipment and only for peaceful purposes. That's transparent. Once the equipment is delivered, neither the Belgians nor anyone else outside Tripoli will have much control over the purposes to which it is put.

Ever since rising oil prices made them rich in the early 1970s, the Libyans have been trying to buy nuclear weapons. Frustrated in that endeavor, they now appear to be seeking another route to the same goal. To extract plutonium from a power reactor's spent fuel requires a reprocessing plant and, as the Belgians will point out, the Libyans do not have one. Not yet. But there have been reports that Libya has been contributing funds, for purposes that seem self-evident, to Pakistan's attempt to build reprocessing capability.

Libya has no shortage of energy. It is up to its ears in oil. It is a thinly populated country with almost no industry outside the oil fields. Its need for huge and expensive new power sources is not immediately obvious. What do the Belgians suppose the Libyans want reactors for?

Harry Truman once said that, as president, he spent most of his time trying to persuade people to do things that they ought to have the sense to do without being asked. The diplomats who try to preserve the nonproliferation code can say the same thing. Among other governments, the United States has been remonstrating with Belgium.

But, unfortunately, it has not been remonstrating as effectively as it might. The American protests against nuclear sales to Libya come at a moment when the U.S. Department of Defense—which frequently seems to carry on its own independent foreign policy—is embroiled with Belgium over sales of machine tools to the Soviet Union. The machine tools are neither unique nor crucial. They are merely a target in the Defense Department's continuing campaign to deny to the Soviets all imports of any strategic significance whatever—except, of course, American grain.

By even contemplating nuclear sales to Libya, the Belgian government betrays a dismaying confusion in its sense of what's truly important. As for the United States, the disproportionate vehemence of its attacks on the machine tools shipments shows that it is not exempt from the same charge.●

MINORITY ENTERPRISE DEVELOPMENT WEEK

● Mr. WEICKER. Mr. President, I would like to bring to my colleagues' attention that President Reagan has designated this week, October 7 to 13, as Minority Enterprise Development [MED] Week. The week honors and gives special recognition to the significant contributions that minority entrepreneurs across the Nation have made and are making to our Nation's economy. The theme for MED Week is, "Minority enterprise * * * the more it develops, the greater it gets." The Small Business Administration [SBA] and the Minority Business Development Agency [MBDA], the two agencies with primary responsibility for the Federal Government's Minority Business Programs, will coordinate the activities for MED Week. The week will culminate on Thursday with a White House ceremony to designate the Minority Small Business Person of the Year, who will be chosen from among the minority business owners already selected by SBA from each State as outstanding minority business entrepreneurs.

The Minority Small Business Person of the Year selected from my home State of Connecticut is Mr. Brack Poitier, president of Six Carpenters, Inc., a general construction firm in Hamden, CT. During the 12 years Mr. Poitier's firm has been in existence he has provided quality service in the field of construction throughout the State of Connecticut. His success has more than tripled his work force, thereby aiding substantially job creation opportunities for minorities. In 1978, Mr. Poitier's firm was admitted into the SBA 8(A) Program, and I understand that it may be one of the first companies to be awarded a contract under the recently reauthorized 8(a) Pilot Program with the Department of Transportation. I want to congratulate Mr. Poitier on this selection. His firm has a well deserved, outstanding reputation throughout the State of Connecticut, and I wish him continued success and prosperity in the future.

This year marks the second annual MED Week celebration since the President, in 1983, announced that each year he would proclaim the first full week in October for this purpose.

During last week, both MBDA and SBA hosted activities throughout the Nation focusing attention on MED Week. MBDA regional and local offices sponsored seminars and workshops to inform minority entrepreneurs on problems of financing, contracting, insurance, and other aspects of operating a small business. In Washington, SBA sponsored the first national minority procurement fair. At this fair SBA instituted a unique reverse concept in which 200 firms in the 8(a) Program from around the Nation set up booths to display their companies capabilities so that Federal procuring officials and major corporations would be aware of their capabilities and initiate discussion regarding contracting opportunities. The preliminary reports from those who attended the fair are that it was highly productive and successful.

The formal MED Week activities this week will take place in Washington, DC. Honored at various ceremonies will be the Minority Small Business Person of the Year, and other outstanding minority entrepreneurs, large businesses that have assisted minority firms in contracting opportunities and Government contracting officers who have worked closely with minority firms in Federal procurement.

Mr. President for the past 15 years, through both Republican and Democratic administrations, the Federal Government has played an active role in promoting minority business development. I am pleased that this administration has seen fit to continue to support this effort. The minority firms that came to Washington last week, and those who will be honored this week, are but a few examples of the positive results of this effort.

As I noted, the theme of MED Week is "Minority enterprise * * * the more it develops, the greater it gets." There is no question but that the more minority enterprise develops across the Nation, the stronger our economy will be and the more promising the future of this country will be.

Since the Congress will be in session this week, I encourage my colleagues to participate and support the activities that have been scheduled for this important week.●

EMERGING CLEAN COAL TECHNOLOGIES

Mr. JOHNSTON. Mr. President, one of the bright spots in the legislative production of the 98th Congress is the enactment of a promising program to help accelerate the development of technologies to make use of domestic coal in ways that are compatible with protection of the environment.

I sponsored the legislation upon which this program is based in the Senate Appropriations Committee. It provides $750 million to be available for the demonstration of the emerging clean coal technologies that the private sector identifies as the most promising. Private sector expertise in technology would be backed by the Federal Government in order to let us use our domestic coal cleanly.

This effort complements our program to convert domestic coal to gaseous and liquid synthetic fuels. Under the emerging clean coal technology program, private industry will be asked to identify those technologies for coal preparation, coal combustion and postcombustion treatment of combustion products that are closest to commercial feasibility and most appropriate for demonstration.

What we have in mind is a new effort to demonstrate these technologies at a level that will lead to more rapid commercial acceptance of the technologies than would otherwise occur. The aim will be to see that environmentally benign combustion of domestic coal occurs in industrial and utility plants sooner rather than later.

The aim will be to develop better ways to burn coal cleanly and cheaper ways to burn coal cleanly. The emerging clean coal technology program will supplement our current Department of Energy program of fossil energy research and development with a carefully selected series of demonstrations of the most promising technologies nominated by private industry.

Mr. President, amidst all of the deep concern with the effects of acid rain and the persistent demands that the Federal Government do something about the preceived causes of acid rain, the enactment of this program is a hopeful sign. It is a sign that something definitive and potentially very, very helpful can and will be done. Ultimately, of course, technology is the answer to the problem of burning coal cleanly. Congress is exactly on target in insisting that this effort be made. I congratulate my colleagues for their support of the emerging clean coal technology program.

NAVY WIVES CLUBS OF AMERICA

● Mr. D'AMATO. Mr. President, today I rise to cosponsor S. 2956 and to urge my colleagues to support this bill granting a Federal charter to one of our country's most worthwhile nonprofit military organizations, the Navy Wives Clubs of America. S. 2956, introduced by the distinguished senior Senator from Virginia, recognizes the countless contributions made over the years by this organization to our sailors and their families.

In 1936, spouses of enlisted personnel in the U.S. Navy founded the Navy Wives Clubs of America. Today, the organization includes spouses of enlisted personnel in the Marine Corps and Coast Guard and the retired and Active Reserve components from all three services.

The NWCA participates in numerous community projects and charitable programs, but more importantly, they provide support to families often separated for extended periods due to overseas tours. The NWCA, in addition to funding its own activities, cooperates with other nonprofit organizations such as the Salvation Army, Red Cross, March of Dimes, Boys Clubs of America plus hundreds of local civic and charitable groups.

Because of their devoted efforts to aid and support the Navy family, this organization has received official recognition and cooperation from the Department of Navy, which supports the granting of a Federal charter.

Although one might assume that the 2,000 members of the NWCA would gear their efforts and activities totally toward the military, that is not the case. A great deal of their activities support patriotic and civilian projects. One of the more notable projects is their support for the Statue of Liberty renovation. Also many of the individual clubs are involved with nursing or convalescent homes. Others assist local schools, senior citizens, and local firemen's and policemen's groups.

The NWCA, besides promoting a good American image abroad, enhancing morale and encouraging career service, and developing awareness of Navy families of their responsibility to their civilian communities, most importantly, is necessary for Navy wives themselves. The NWCA eases both the adjustment to Navy life and the strain of separation from one's spouse.

The NWCA, through the generous, voluntary contributions of both time and money, has been successful for nearly five decades. I hope that through my support of S. 2956, the NWCA can continue helping Navy families in the future. I urge my colleagues to support this measure and grant a Federal charter to the Navy Wives Clubs of America.●

ADDRESS BY ALLEN E. PAULSON, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, GULFSTREAM AEROSPACE CORP. AT THE AERONAUTICAL SYSTEM DIVISION'S EIGHTH ANNUAL PRICING SYMPOSIUM

● Mr. NUNN. Mr. President, during the 98th Congress the Committee on Armed Services has spent a great deal of time exercising oversight of Department of Defense procurement procedures. Chairman Tower early this year established a Special Task Force on Procurement on the committee. The result was a number of significant legislature initiatives in the fiscal year 1985 Defense Authorization Act designed to improve and streamline the defense procurement process.

Recently, Allen E. Paulson, the chairman and chief executive officer of Gulfstream Aerospace Corp. of Savannah, GA, gave the keynote address at the Air Force Aeronautical System Divison's Eighth Annual Pricing Symposium at Dayton, OH. Mr. Paulson was chosen to deliver this keynote address because Gulfstream Aerospace is a commercial manufacturer that has only recently started doing business with the Government.

Mr. Paulson's discussion of the differences between operating in a commercial market and operating in an exclusively Government market is very illuminating. The recent C-20 proposal and source selection by the Air Force cost Gulfstream over $1.3 million, and Gulfstream delivered 4,000 pounds of written material and data to the Air Force. In contrast, hundreds of other customers, including foreign governments, have bought the C-20 Gulfstream III aircraft based only on a

133-page detailed specification and a 23-page contract.

Mr. Paulson speculates that if Gulfstream Aerospace were to become a pure DOD contractor designing and building airplanes according to military specifications, plus implementing Government cost accounting standards, the price of their product would increase so significantly that they would no longer be commercially competitive.

I know my colleagues will be interested in the observations and suggestions from a successful Georgian in the private sector on the need to streamline the defense procurement process. I ask that the keynote address by Mr. Paulson at the Aeronautical System Division's Eighth Annual Pricing Symposium be inserted in the RECORD at this point.

The address follows:

INDUSTRY KEYNOTE ADDRESS BY ALLEN E. PAULSON, CHAIRMAN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, GULFSTREAM AEROSPACE CORP.

I am extremely pleased to participate in this Eighth Annual ASD Pricing Symposium, and I congratulate you on your theme "War on Cost—Who's Winning". A review of cost trends in military acquisition programs over the past 20, 10 or even just the last 5 years will dramatize the magnitude of the task we all face if this cost war is to be won. It is a war which must be fought by everyone—small businesses, large industries, Department of Defense and Congress.

Both industry and government must not only cooperate but perhaps change the methods in which they do business. Government regulations, procedures, and controls cost both the government and industry a great deal of money. Conducting business with the government costs more money and has less risk for the contractor than conducting business in the commercial marketplace.

I was asked to deliver this Industry Keynote Address because Gulfstream Aerospace is commercial manufacturer that has recently started doing business with the government. Previous keynote speakers have for the most part represented contractors with long-term business relationships with the government, and in many cases, the bulk of their business are government contracts. Perhaps visibility into some commercial practices will provide "some food for thought" or if we're fortunate, some insight into combating spiraling prices for military hardware.

Commercial manufacturers have the same goal as DOD contractors, corporate growth, corporate longevity, corporate profits for the benefit of our stockholders and employees. Beyond these common goals there are some very distinct differences. Let's elaborate on these differences for potentially, therein lies the ingredients that may provide some valuable cost reduction insights.

Let's begin with Research & Development.

The commercial manufacturer finances the total cost of product development. Recovery of these costs is realized after the sale of production units some two to three years following the initiation of the program. The final price of the product includes amortization of these R&D costs over a large number of production units. It may take many years, maybe never, if the product is overpriced or under performs, to fully amortize these R&D expenses. Similarly the commercial manufacturer's criteria for vendor selection includes evaluation points for those vendors or subcontractors who are also willing to invest in the development effort. The absorption of non-recurring cost by a supplier is a favorable factor in the determination of a subcontract. If absorption is not feasible, then it is usually desirable to have the non-recurring cost amortized into the unit price of the initial order quantity. In many cases, this will be a specific requirement of the RFP; however, the supplier is given the opportunity to propose any alternate payment plan which would make his offer more attractive.

Since both engineering design and tool fabrication are accomplished within the first year or two, the supplier is expected to propose firm, fixed, non-escalating prices for those efforts. It is not uncommon to specify that tooling charges will not be reimbursed until inspection of the first article is successfully completed, or that non-recurring engineering costs will be paid only after completion of the original design effort.

Let me remind you of those cost growth factors which have been articulated before this group in past symposiums, and which you experience in your day-to-day activities, that contribute to spiraling costs:

Change in requirements,
Decision and funding delays,
Technical complexity and problems,
Optimistic cost estimates,
Technical advance impacts, and
Inflation.

All of these potential cost growth factors are borne by the commercial manufacturer and its suppliers. Please recognize that the commercial manufacturer is potentially faced with financial ruin if it allows these cost factors to adversely dictate the course of its development program. The buzz words or phrases used to describe spiraling cost drivers are, for the most part, management and administration excuses on why they allowed a given program to get out of control. We all make errors. We all receive erroneous advice and we all have to use these buzz words occasionally. Nonetheless, they are still excuses.

Since R&D costs are amortized into the price of a commercial, off-the-shelf product and since the competitive market place dictates ceiling prices, R&D overruns can make an excellent high-performing product a financial loser. Conversely, lack of product performance or capability achieves the same result. If it isn't any good, people aren't going to buy it.

Whether for product improvements, vendor changes, or productivity, changes to a production aircraft are very expensive. I have heard the words battered around that DOD contractors get well on ECP's. I don't know if it is true or not, but I can tell you this: In a commercial environment where product changes are, like R&D programs, completely funded by the manufacturer and amortized in the price, the total cost impact of change most often cannot be accurately estimated. Perhaps it is optimism, perhaps there are too many variables, but change always costs more than planned. In order to minimize cost risk, production changes should be delayed whenever practical until the change is well proven.

Commercially, product improvement programs are introduced with extreme care. Market research is performed and the sales potential is established before any commitment is made. Prototype installations are made to verify the design if the change is complex. Service experience is accumulated prior to introduction into production. When the change is eventually introduced, it is done as a block or lot change. Even when taking considerable precautions when introducing change into production, it is still expensive, very expensive. A smooth production flow is like Mother Nature, and you "Don't fool with Mother Nature."

Change, while expensive, is also necessary. It is the only method government and industry has to improve a product line or a system. It is the only method to maintain system currency with new developments and military superiority requirements. But, don't be too quick to cast aspersions on a contractor for what appears to be an inordinate high cost for ECPs. Chances are you're getting a bargain. Discipline yourselves to introduce product improvements into production after it's been proven. While it may seem cost effective to introduce a change into production as quickly as possible in order to minimize or eliminate retrofit requirements, this is usually not the case. If you don't have to change it—don't! From a cost standpoint, "better is the enemy of good."

If one single word were to serve as a basis to compare a commercial manufacturer to a DOD contractor, I believe that one word would probably be "risk." (I'm sure there are many out there who will disagree with this statement.) If a commercial manufacturer's development cost for a new product doubles or triples, or if the cost per unit increases significantly as a result of R&D amortization or as a result of increased recurring costs that places the manufacturer in a non-competitive price position in the marketplace, then the corporation would probably cease to exist. At the very least, corporate top management would be replaced. (And quite candidly, folks, I don't particularly like either one of these scenarios.)

Let me switch gears with you from R&D, product improvements, and production to Logistic Support, and more specifically, Spare Parts.

The commercial manufacturer invests heavily in spare parts and is forced to carry an enormous spare parts inventory to support the customer or user. Typically, the customer will stock Line Replacement Units to support day to day operations just prior to taking delivery of the product. The customer relies on the manufacturer to carry the inventory and to have in stock those items the operator doesn't routinely inventory. This commercial practice forces the manufacturer to provide additional services such as component exchange programs, spare rental programs, in addition to new spare part sales. To give you some idea of this commercial commitment to product support, I offer the following examples:

The Gulfstream I fleet consists of 195 in-service aircraft. The airplane has been out of production for over 20 years, yet today it is logistically supported by Gulfstream Aerospace.

The C-20 Gulfstream III Program is another example. Within 75 days following the Air Force contract award for delivery of three aircraft, a full complement of C-20 spare parts and support equipment, valued at over 5 million dollars, was delivered to Andrews AFB. That kind of manufacturer response is only achievable by a corporate commitment to carry the inventory necessary to support its customers, and most every other commercial manufacturer has the same commitment.

This commercial practice of carrying spare parts inventory saves the customer money since the manufacturer carries the inventory instead of the customer, plus the manufacturer buys or builds that inventory in cost effective quantities. We almost never build or buy one unit of anything. Control surfaces and landing gears are prime examples of manufacturer-carried inventory items not usually stocked by customers. These items are very expensive and are normally required to be carried in government inventory since they are somewhat vulnerable and the procurement lead times are quite long. Gulfstream Aerospace did not recommend and the government wisely does not plan to spare these items for the C-20 since they are available if the need arises. Disabled aircraft are given the utmost priority by the commercial manufacturer or supplier. If necessary, a new component will be pulled from a production line airplane earmarked for one customer to support another customer whose airplane is in a disabled condition.

Initial government buys of spare parts and support equipment for a new product are probably heavily influenced by the manufacturer's recommendations. It takes operational experience to determine the range and depth of the spare parts pool. Therefore, the government should institute buyback clauses for initial provisioning until operational consumption usage experience is gained. In addition, don't buy structural items if experience shows that the item is more cost effective to repair rather than to replace. Buy-back provisons will force the manufacturer to be considerably more prudent in his recommendations.

Airlines and business operators of aircraft buy used, zero-time components rather than new parts. There are some great bargains in the used part market that the government could take advantage of.

We all know the News Media, and of late, Political candidates thrive on finding a $900 spare part purchased by DOD which they claim is available in the local hardware store for $10. They reach into a carload of perfect apples and find the only apple that has a worm in it, and then wave that wormy apple in front of the public, implying that all the rest of the apples are bad.

I have zero doubt that there is a valid and legitimate justification for 98% of these alleged misuses of public funds. DOD purchases goods and services from reputable and honest companies run and operated by reputable and honest people. There is no doubt that mistakes happen when dealing with such enormous procurements, and there is also an occasional bad apple. Is the answer to hire 400 apple inspectors and pass 3 or 4 new procurement regulations? There are more procurement rules and regulations now in existence than are needed to administer a cost effective procurement.

Perhaps the real cost abuse is sensationalizing these one or two wormy apples. The cost of the DOD reaction, or perhaps overreaction, forced by the media to protect the taxpayer from these alleged overpricing abuses is probably far greater than the cost savings that will be achieved. As I said before, mistakes will happen but mistakes balance out for there are, no doubt, an equal number of items underpriced which never get media and, ultimately public attention.

Commercially we cannot afford to add more controls or more people to monitor the cost of every nut and bolt we buy. If a vendor overcharges us, mismanages our procurements, or does not support his product, we take our business elsewhere. It usually hurts to replace vendors or subcontractors over the short term. As previously discussed, all changes are somewhat painful but in the final analysis, there is no choice in matters where vendor performance is inadequate or not responsive.

Let's discuss Warranties from a commercial manufacturer's viewpoint.

Material and workmanship deficiency clauses are a standard ingredient in all commercial contracts. They usually cover periods of one year after delivery based on 1,000 flight hours per year. Gulfstream Aerospace is unique in providing a ten year structural warranty. Our customers expect our airplane to have long-lasting structural integrity and therefore we have an obligation to underwrite through warranties that longevity criteria.

As manufacturers, we provide an off-the-shelf commodity that has a proven and measurable capability. Penalties associated with below-specification performance, as well as incentives for greater-than-specification performance, are not elements that we have to normally deal with. If the airplane is better than the specification, it is more competitive. Increased sales is enough incentive for the commercial manufacturer. The exception to this is new products in the development stage where production aircraft positions are being sold to a performance guarantee.

Presently the Gulfstream IV (fourth generation of Gulfstream corporate aircraft) is in the R&D stage and we have over 75 orders with deposits for the airplane. If the Gulfstream IV fails to meet performance guarantees, what is our course of action? Simply stated, our course of action will be to please our customer. That may involve design changes or it could mean canceling a contract and returning a deposit (as a note of interest, we have never failed to meet a performance guarantee); but our customer will be satisfied.

Airplane specifications, especially Government specifications, are extremely detailed covering hundreds of design elements. Commercial specifications are written by the manufacturer and FAA regulations dictate most of the design requirements. Airplane performance capabilities such as range, altitude, and speed are usually the selling features and, therefore, must be guaranteed. Contractors should provide performance warranties for key specification items, but not necessarily for every specification requirement dealing with some nebulous or unrealistic requirement. On the other hand, the government should carefully match specific specification requirements to a specific type vehicle instead of using general specification requirements to fit a variety of different vehicles. A great deal of money can be spent trying to meet a general requirement that has little or no application to a specific vehicle, or does not noticeably improve the product. Again, "better is the enemy of good".

Competition Advocacy—I understand—will be discussed at some length later in this program but let's review competition from the commercial manufacturer's viewpoint. Commercial manufacturers, like the government, procure material and services in a competitive environment. But sole source has its place especially in the area of "off-the-shelf catalog" or market-priced procurements. Justifications for sole sourcing obviously must always be provided.

The Gulfstream III is market priced and it includes, as I previously stated, R&D amortization costs. Inflation, market pressures, product improvements and on-going competition are the only influence on price.

I personally believe that the C-20 program procurement could have been completed in a two to three week period instead of the 8 or 9 months spent in proposal preparation and source selection activity. The C-20 proposal and source selection cost Gulfstream over 1.3 million dollars, and we delivered over four thousand pounds of written material and data. I'm sure the government also incurred considerable expense in concluding this procurement. Compare this to the hundreds of customers, including foreign governments, that buy our aircraft based on a 133 page detail specification and a 23 page contract!

I don't have any quick fixes for your spiraling costs. I have shared with you some of the elements on how Gulfstream, a commercial manufacturer, and recently a DOD contractor, does business, and frankly we do alright. Again, the competitive marketplace dictates the price of a product. No matter how good the product is, if it is overpriced, no one will buy it. Our customers know this, our vendors know this, and our employees know this. I have no doubt whatsoever that if Gulfstream Aerospace were to become a pure DOD contractor designing and building airplanes according to MIL specifications, plus implementing Government Cost Accounting Standards, the price of our product would increase significantly, that we would no longer be commercially competitive.

The Gulfstream III airplane, which as an international reputation for reliability, quality, safety and performance second to none in its class, was designed and built without one cent of government money, control, or participation. When ASD put together the C-SAM Request for Proposal, the benefits of commercial off-the-shelf procurement were recognized. Frankly, I commend ASD for their vision in departing from convention and allowing commercial practices and FAA regulations to be the basis of the RFP.

You have heard me discuss over and over, how commercial manufacturers finance the R&D process, and how we urge our vendors through the selection process to do the same. Conversely, the government underwrites most of the development cost, and as a result, is burdened with the responsibility. You pay for R&D costs, you pay for advance procurements, you pay progress or milestone payments, you pay for facilities, and you pay for proposals. Then because you are spending taxpayers dollars, you must be assured that you are getting something in return so you provide surveillance, approving, auditing and investigative personnel. Hence we have DCAS, DCAA, AFPRO, DODIG, GAO, and probably others that I'm not aware of. (Remember I'm new to this government business.) Perhaps the DOD contractor should bear more of the financial burden and risk during development similar to the risk and the commitment made by the Northrop Corporation in the development of the F-20 airplane. I'm not necessarily advocating this type of commitment for small businesses, but for large DOD contractors who can raise or borrow the capital. Manufacturer's funding of development programs creates corporate risk; risk forces responsibility; responsibility forces improved management; and improved management forces lower costs.

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Consider giving more responsibility to the contractor, that is where it belongs. If the government continues to write the specifications, approve the designs, fund the development and approve the quality, then you have the responsibility and with the responsibility is the burden to pay when things go wrong.

While this commercial approach may sound attractive, it is a two-edged sword. The government would be faced with some difficult decisions, perhaps too difficult to come to grips with, if the financial burden for development is placed on the contractor. Contractors must borrow money to carry this financial burden and, therefore, interest will be incurred. Since interest has been expensed during development years, reducing profits, it must be considered in the price of the later recurring production units with corresponding higher profits. In addition, there will be less need for government on-site surveillance, approval and auditing personnel, as greater responsibilities will be leived on the manufacturer. In short, the requirement for government employees involved with a given program and the burden these employees impose on the contractor will be drastically reduced. If the war on cost is to be won, you must expect casualties.

I appreciate the opportunity to share my thoughts with you, and may this Eighth Annual Pricing Symposium be particularly productive. The aerospace military industrial complex—of which we are all a part—is capable of any achievement including "winning the war" on the control of cost.●

FIRST ANNIVERSARY OF THE BOMBING OF THE BEIRUT MARINE BARRACKS

● Mr. ROTH. Mr. President, October 23 marks the first anniversary of the tragic bombing of the U.S. Marine Barracks in Beirut. This sad occasion should serve to remind us of the tremendous burden that our men and women in uniform must carry, and the enormous risks that they run in the defense of freedom.

Our military personnel who served in Lebanon performed a difficult task with honor and bravery. I was opposed to the deployment of the marines in Lebanon. But, I still salute them for carrying out their responsibilities with professionalism and commitment. All of them are heroes.

I hope that Americans will take time on October 23 to remember these American service personnel and what they did for their country. I am happy that in my home city of Wilmington, DE, there will be a ceremony of remembrance on that evening at 7:30 p.m. on Rodney Square, and I fervently hope that such a ceremony will be repeated throughout the cities and towns of our country.

We cannot forget our brave marines and the price that they paid in the cause of world peace.●

TWO SHOCKING DECISIONS

● Mr. DeCONCINI. Mr. President, to bring the attention of my colleagues in the Senate two shocking decisions by State supreme courts that purport to interpret article V of the U.S. Constitution but have the result of stifling the clear desires of the people.

Faced with the frustration of congressional inaction on the proposed balanced budget-tax limitation amendment, citizens have been petitioning their State legislatures to call for a limited constitutional convention on a balanced Federal budget amendment. Under the leadership of the National Taxpayers Union, the National Tax Limitation Committee and the American Farm Bureau, 32 of the required 34 States have called for such a convention as is provided by article V of the Constitution.

Frustrated citizens attempted to use their power of initiative and referendum to propose a balanced Federal budget initiative in both California and Montana. Unfortunately, both the California and Montana State Supreme Courts, in recent weeks, by judicial decision, removed these initiatives from the ballot. The people of these States were denied their right and opportunity to express their will through the electoral process.

Both decisions were similar. The courts argued that article V of the U.S. Constitution prohibits the use of the initiative process to apply to Congress for a constitutional convention. But what the courts failed to recognize is that these initiatives did not petition directly. Instead, they instructed the legislature to act within a defined time period. In the California petition, the legislature had 20 legislative days to act. After that point, legislators' pay and benefits would be suspended. Certainly it is within the right of the people to reduce the pay of their legislators if they do not represent their views. The Montana initiative proposed a constitutional amendment to provide for a special legislative session to discuss and deliberate the balanced budget convention call resolution, if the legislature had not acted within the normal session provided by the State constitution. During this special session, legislators would have served without pay until the resolution was adopted.

Both the California and Montana courts cite Hawke versus Smith, and other U.S. Supreme Court decisions on ratification. However, these decisions concerned barriers enacted to prevent State legislatures from ratifying constitutional amendments. The U.S. Supreme Court said that State constitutions could not interfere with the State legislatures Federal function of ratifying a constitutional amendment by making ratification more difficult. But these Montana and California initiatives did not enact barriers. They facilitated the constitutional amendment process. They did not prevent action from being taken, nor did they require action be taken.

The main Federal question, therefore, is whether the mandating of legislative consideration of an application by a vote of the electorate conforms with article V of the Federal Constitution. In the California case, Justice Rehnquist, acting as a circuit judge on an application for stay of the mandate of the California Supreme Court in AFL-CIO versus Eu, specifically addressed this question and held that it was an important question. He noted that the California Supreme Court had resolved the question negatively. However, in regard to the U.S. Supreme Court and applicable Federal precedents, he noted that the question was "by no means settled" (Slip Opinion, Sept. 7, 1984, p. 2).

The proper resolution of the Federal question is that the initiative process is in conformity with article V both in letter and spirit. It is not only in conformity with article V, it is protected by article V.

The essential idea of article V was to permit "the people," organized by States and acting by voting representative of the entire State, to participate in the correction of error or omission in the Constitution of the United States. It was a bold idea, an unprecedented idea, for the founders to anticipate the need for amendment of a national constitution. It was equally bold and unprecedented to provide a mechanism by which the people, not the general government, could require consideration of an amendment. It conferred upon the people a fundamental civil liberty, a civil liberty of such basic dimensions that it became one of the seven articles composing the original Constitution. Such a liberty is to be liberally construed.

Even more troubling is the court's decision to strike down the proposed initiatives before the people have had a chance to vote. Imagine the outcry from constitutional scholars and legislators if a court somewhere in America ordered a legislative committee or the legislature itself to not even consider a particular piece of legislation.

It was not argued that the proponents of these initiatives did not legally meet the required signature and distributional requirments.

This dangerous game playing on the part of the courts is sure to increase the frustration level of our citizens and increases distrust of government—particularly the courts.

Both courts also made the incredible interpretation that the initiative was invalid under the respective State constitutions. For example, the Montana court said:

> Although the initiative proports to be a constitutional amendment, it is nothing but a resolution and the initiative power granted the people under the Montana Constitution * * * does not include the power to enact an article V resolution.

Any reasonable reading of the initiative is that the people were amending the Montana Constitution to provide for a special legislative session, not to enact an article V resolution.

Mr. President, for a further and more complete description of the legal issues involved in this process, I ask that an amicus brief prepared by our former colleague Sam Ervin, for use in the Montana case, be inserted in the RECORD. I also ask to have printed the dissenting opinion of Justice Malcolm Lucas of the California Supreme Court in the California case denying the people the right to express their opinion.

The materials follow:

[In the Supreme Court of the State of Montana, No. 84-391]

MONTANA EX REL HARPER, ET AL., PLAINTIFFS AND RELATORS, *v.* WALTERMIRE, DEFENDANT AND RESPONDENT; MONTANANS FOR A BALANCED FEDERAL BUDGET COMMITTEE, REAL PARTY IN INTEREST

INTEREST OF AMICI CURIAE

Sam J. Ervin, Jr. is a former Justice of the Supreme Court of North Carolina (1948-1954), former United States Senator from North Carolina (1954-1974), a former member of the Senate Judiciary Committee, the former chairman of the Subcommittee on Separation of Powers, and a national protagonist of the Balanced Budget Amendment. He is the author of the Federal Constitutional Convention Procedures Act, reported to the Senate by the Judiciary Committee, *Senate Report No. 92-336*, 92nd Congress, 1st. Session, 1981, and the accompanying legislation S. 215, which passed the Senate 117 *Cong. Record* S. 16,569 (October 19, 1971).

Taxpayers' Foundation is a non-profit corporation, incorporated in Washington D.C. It has taken a leading role in the study of the Balanced Budget Amendment and the ways by which such an amendment could be enacted.

SUMMARY OF ARGUMENT

The federal question presented by the case is whether it is in conformity with Article V of the federal Constitution to mandate legislative consideration of an Application to Congress, by an initiative amending the state constitution. Amici note that such a question is "by no means settled," *Uhler.* v. *AFL-CIO* (Slip Opinion of Justice Rehnquist, September 7, 1984, attached as an appendix to this brief), Amici argue that the proper resolution of this question is to find such a mandate fully in conformity with Article V and protected by it. Amici further argue that the First Amendment to the United States Constitution protects the method chosen by the initiative to compel consideration by the legislature.

ARGUMENT

I. The Initiative Conforms With, and Is Protected by, Article V of the Constitution of the United States:

The initiative, by state constitutional amendment, mandates the legislature to consider legislative Application to Congress to call a convention for proposing an amendment on the balanced budget. The initiative does not itself purport to be such an Application. Consequently, much of Plaintiffs' argument is irrelevent. The recent California case of *AFL-CIO* v. *Eu*, attached by Plaintiffs to their memorandum for example, involved, among other issues, an initiative that made direct Application by the electorate to Congress. Such an issue it not before the court.

The initiative does indeed refer to "this constitutional amendment adopted by the people of Montana" and direct its transmission to Congress; but nothing in this section of the initiative indicates a belief that such transmission would be an Application to Congress, nor is there any indication of a purpose to have such transmission treated as an Application. A fair reading of the initiative is that the initiative is focused solely on the Application being made by the state legislature.

Hawke v. *Smith* 253 U.S. 21 (1920) held that as only a legislature could ratify an amendment to the federal Constitution, a state constitution could not subject the legislature's action of ratification to vote by a referendum. *State ex rel. Hatch* v. *Murray* 165 Mont. 90, 526 P.2d 1369 (1974) followed *Hawke* v. *Smith* and removed a referendum on ratification of the Equal Rights Amendment from the ballot. Neither case addressed a state constitutional amendment mandating the legislature to deliberate upon initiation of the amending process under Article V.

The main federal question before this court, therefore, is whether the mandating of legislative consideration of an Application by a vote of the electorate conforms with Article V of the federal Constitution. In *Uhler* v. *AFL-CIO* Justice Rehnquist, acting as a circuit judge on an application for stay of the mandate of the California Supreme Court in *AFL-CIO* v. *Eu*, specifically addressed this question and held that it was an "important question." He noted that the California Supreme Court had resolved the question negatively. However, in regard to the United States Supreme Court and applicable federal precedents, he noted that the question was "by no means settled" (Slip Opinion, September 7, 1984, p. 2).

The proper resolution of the federal question is that the initiative is in conformity with Article V. It is not only in conformity with Article V. It is protected by Article V.

The essential idea of Article V was to permit "the people," organized by States and acting by vote representative of the entire State, to participate in the correction of error in the Constitution of the United States. It was a bold idea, an unprecedented idea, for the Framers to anticipate the need for amendment of a national constitution. It was equally bold and unprecedented to provide a mechanism by which the people, not the general government, could require consideration of an amendment. It conferred upon the people a fundamental civil liberty, a civil liberty of such basic dimensions that it became one of the Seven Articles composing the original Constitution. Such a liberty is to be liberally construed.

Article V set up a channel by which the people could effectively propose alterations in the government. The Petitioners' fear that Congress should know the will of the people is not a basis for judicial intervention. As Amicus Sam J. Ervin, Jr. reported to the Senate, the Framers regarded the Convention . . . as an alternative safeguard available to the States whenever Congress ceased to be responsive to popular will and persisted in a refusal to originate and submit constitutional amendments for ratification.—Senate Judiciary Committee, "Federal Constitutional Convention Procedures Act, *Sen. Rep. No. 92-336*, 92nd Cong., 1st Sess. (1971) 4.

The Convention method was a commitment by the Framers to the proposition so vigorously expressed by Hamilton:

> The fabric of American empire ought to rest on the solid basis of The Consent of the People. The streams of national power ought to flow immediately from that pure, original fountain of all legitimate authority.—*The Federalist*, number 22.

Specifically, as to the Convention method of amendment, the common understanding of what was created was captured by Abraham Lincoln in his First Inaugural Address. Speaking of a possible amendment to the Constitution at a time of turmoil and crisis far greater than any crisis today, he did not suppose that action by Convention would exacerbate the tensions but said:

> This country, with its institutions, belongs to the people who inhabit it. . . . I fully recognize the rightful authority of the people over the whole subject [amendment of the Constitution], to be exercised in either of the modes prescribed in the instrument itself, and I should, under existing circumstances, favor rather than oppose a fair opportunity being afforded the people to act upon it. I will venture to add that to me the Convention seems preferable, in that it allows amendments to originate with the people themselves; instead of only permitting them to take or reject propositions originated by others, not especially chosen for the purpose, and which might not be precisely such as they would wish to accept or refuse . . . —Lincoln, "First Inaugural Address," March 4, 1861, IV *Collected Works*, ed. Basler, 1953), 268-269.

"The people" are those to whom the country belongs. The people are those whom Lincoln sees as originating the amendment to be considered by a Convention. He emphasizes the political nature of the amending process. He is true to Hamilton's insistence that the streams of national power ought to flow from the people.

It is in conformity with this basic understanding of Article V that the people should be able to mandate consideration of an Application by the legislature to Congress. Such a mandate is action by the people to whom the country belongs. Such action gets back to the pure, original fountain of political power.

The process of amending the federal Constitution is a federal process. On this point the words of Justice Brandeis for a unanimous Supreme Court in *Leser* v. *Garnett* are dispositive:

> . . . the function of a state legislature in ratifying a proposed amendment to the Federal Constitution, like the function of Congress in proposing the amendment, is a federal function derived from the Federal Constitution; and it transcends any limitations sought to be imposed by the people of a State. *Hawke* v. *Smith, No. 1,* 253 U.S. 221; *Hawke* v. *Smith, No. 2,* 253 U.S. 231; *National Prohibition Cases* 253 U.S. 350, 356.—*Leser* v. *Garnett* 258 U.S. 130 at 137 (1922).

A State may, as Justice Rehnquist indicated, require conformity with state procedural requirements *(Uhler* v. *AFL-CIO,* Slip Opinion, p. 2). A State may not interfere in the substantive process of making the Application (including mandated legislative consideration of the Application). The federal process, in Brandeis' words, "transcends" the limitations imposed. The proponents of the initiative exercise a federal civil liberty and claim a federal right not to have the process disturbed by the imposition of a new and arbitrary state standard unsupported by federal precedent or federal authority.

II. The First Amendment Insulates the Initiative From the Charge of Criminal Influence:

Plaintiffs ask the Court to interfere with the basic federal right granted by Article V. They also invoke a criminal provision (MCA 45-7-102) which would interfere with a right protected by the First Amendment to the Constitution of the United States.

Who do the plaintiffs suppose would be guilty of the criminal offense if the initiative should pass? Each and ever voter who votes in its favor? Who do they suppose may now be guilty of conspiracy to commit the offense for having put the initiative on the ballot? The difficult of answering these questions shows how far-fetched their contention is.

If their contention were correct there would be a serious conflict between the criminal law of Montana and the Constitution of the United States. It is established that the First Amendment protects from state bribery prosecution the open promise of a candidate of something of value to the voters as a whole, *Brown* v. *Hartlage*, 102 S. Ct. 1523 (1982). As Justice Brennan wrote for the Court:

> Brown's [the candidate's] statement can only be construed as an expression of his intention to exercise his public power in a manner that he believed might be acceptable to some class of citizens. . . . [His] promise to reduce his salary cannot be deemed beyond the reach of the First Amendment, or considered as inviting the kind of corrupt arrangement the appearance of which a State may have a compelling interest in avoiding. See *Buckley* v. *Valeo* 424 U.S. at 27.—*Brown* v. *Hartlage* 102 S. Ct. 1523, 1531 (1982).

A pari, the initiative is the open expression of the voters' intention to exercise public power in a manner they believe beneficial to the State and nation. Its provisions for mandated legislative deliberation on the Application are within the ambit of the First Amendment. A fortiori, the initiative is protected from application of the criminal law of Montana because the initiative is part of a federal process guarnateed as a civil liberty by Article V of the United States Constitution.

CONCLUSION

For the foregoing reasons, the Court should dismiss the application for writ of injunction and other relief.

Respectfully submitted,
John T. Noonan, Jr.,
Counsel for Amici Curiae.

[Supreme Court of the United States, No. A-137]

Lewis K. Uhler et al. v. American Federation of Labor-Congress of Industrial Organizations et al. on Application for Stay

[Sept. 7, 1984]

Justice Rehnquist, Circuit Justice:

Petitioners ask that I stay a mandate of the Supreme Court of California prohibiting the placement on California's November 1984 ballot of a proposed "balanced federal budget statutory initiative." The initiative would have required the California Legislature to request Congress to call a Constitutional Convention for the purpose of amending the United States Constitution to require a balanced federal budget. If the legislature failed to act, the initiative would have directed the California Secretary of State, the nominal respondent in this case, to apply directly to Congress in behalf of the State's voters. At present, 32 of the necessary 34 States have formally applied to Congress to convene such a Constitutional Convention.

The Supreme Court of California ruled at the behest of respondents, the American Federal of Labor-Congress of Industrial Organizations, et al., who filed an original action in that court challenging the legality of the initiative under both state law and the United States Constitution. The constitutional provision at issue is that part of Article V which states that "[t]he Congress. . . on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments. . . ."

The California Court undertook to decide two clearly federal questions relating to the meaning of the word "Legislature" in the above clause: (1) whether that word encompasses the voters of a State who have power to enact laws by initiative, and (2) whether it includes a legislature not acting as an independent body, but forced to act by exercise of the initiative power. The court answered each of these questions in the negative, concluding that the word "Legislature" means the state's lawmaking body of elected representatives, acting independently of restrictions imposed by state law. These federal questions are important and by no means settled; however, because of California Court went on to hold the proposed initiative invalid on independent state law grounds, I am satisfied that a majority of this Court would conclude that there is an adequate and independent state ground for the California Court's decision.

After a detailed analysis of California law and a discussion of the treatment of similar questions by other state courts, the Supreme Court of California decided that important portions of the proposed initiative were not "statutes," as that term is used in the California Constitution, but were "resolutions," and were therefore not a proper subject of the initiative process under the California Constitution. *AFL-CIO* v. *Eu*, S. F. 24746, at 48-49 (Cal. Sup. Ct., Aug. 26, 1984). We have long held that we will not review state court decisions such as this, largely for the reason that decisions on the federal questions in such cases would amount to no more than advisory opinions. See *Michigan* v. *Long*, — U.S. —, 103 S. Ct. 3469, 3474-3476 (1983); *Herb* v. *Pitcairn*, 324 U.S. 117, 125-126 (1945).

Petitioners urge that the foregoing construction of the California initiative provision, although denominated a state law question by the California Court, is actually a "political question" as a matter of federal law and therefore not subject to decision on the merits by a state court. Petitioners base their "political question" claim on the decision of this Court in *Coleman* v. *Miller*, 307 U.S. 443 (1939). In that case four Justices of this Court adopted the position that the Court lacked jurisdiction to rule on questions arising in connection with the ratification of a constitutional amendment because all such questions were "political" in nature. But that position did not command a majority in *Coleman, supra*, and however this Court would presently resolve the issues raised in the *Coleman* case, I do not think a majority would subscribe to petitioners' expansive reading of the "political question" doctrine in connection with the amending process. Acceptance of petitioners' arguments would, in effect, mean that courts in the State of California or elsewhere would be powerless to prevent the placing on the ballot of initiative measures designed to play a part in the process of amending the United States Constitution even though such initiative proposals clearly did not comply with State requirements as to the necessary number of signatures, time of filing, and the like. In the light of later discussions of the "political question" doctrine in cases such as *Powell* v. *McCormack*, 395 U.S. 486 (1969), and *Baker* v. *Carr*, 369 U.S. 186 (1962), I simply do not think this Court would believe that petitioners' claim in this regard raises a substantial federal question. See also *Dyer* v. *Blair*, 390 F. Supp. 1291 (D.C. Ill. 1975) (three-judge court).

The application for a stay is accordingly denied.

American Federation of Labor and Congress of Industrial Organizations et al.; S.F. 24746

DISSENTING OPINION BY LUCAS, JUSTICE MALCOLM

I respectfully dissent. The majority, acting both precipitously and prematurely, has once again deprived the sovereign people of their precious initiative right. (See Legislature of the State of California v. Deukmejian (1983) 34 Cal. 3d 658 [blocking vote on reapportionment initiative].) In my view, the majority errs in at least three separate respects, by (1) selecting this case for preelection review, contrary to the well-settled rule favoring the initial exercise of the people's franchise, (2) misinterpreting the federal constitutional provision (U.S. Const., art. V) pertaining to the calling of a constitutional convention "on application of" the state Legislatures, and (3) strictly and narrowly construing the scope of the people's reserved initiative power under California law, contrary to the rule in dozens of prior cases.

I. Preelection Review:

The dissent of Justice Richardson in the foregoing reapportionment initiative case set forth the pertinent authorities which hold that, in the absence of a showing of "clear invalidity," we should not interfere with a scheduled election on an initiative measure but, instead, we should defer our review until after the people have had the opportunity to express their views. (Legislature of the State of California v. Deukmejian, supra, 34 Cal. 3d at p. 681 [dis. opn.]; see Broshnahan v. Eu (1982) 31 Cal. 3d 1, 4.) Even "grave doubts" regarding the validity of an initiative do not require preelection review. (Gayle v. Hamm (1972) 25 Cal. App. 3d 250, 256.)

Our recent preelection review of the 1983 reapportionment initiative was "the first time in 35 years this court has removed from the ballot a qualified initiative measure, thereby preventing the people of California from voting on a subject of great importance to them . . . ." (34 Cal. 3d at p. 681 [dis. opn.].) Today's decision, filed less than one year later, reflects in my view a disturbing trend of this court to reach out and prematurely decide consititutional issues which might have been rendered entirely moot by the results of the forthcoming election, and which in any event readily could be addressed after the election has been held.

What reason does the majority offer for breaching, once again, the traditional rule of judicial restraint? The majority asserts that "The present proceeding . . . challenges the power of the people to adopt the proposed initiative," supposedly a "proper ground" for preelection review (Ante, p., — [maj. opn. at p. —].) Surely, the mere "challenge" to an initiative is not enough to trigger such expedited, accelerated review, for such a challenge could be made in every case. Instead, we must first satsify ourselves that the initiative is clearly invalid, i.e., clearly beyond the people's power to adopt. No such showing is made here.

As I will explain, the people indeed do have the power to direct the Legislature to apply to Congress for a constitutional convention. But even were grave doubts presented regarding the initiative's validity, there are good reasons for deferring our review until after the people have expressed their views and voted upon the measure. As real parties herein point out in one of their briefs, "Participation in the electoral process and ongoing public debate on this important issue will benefit the citizenry and their elected representatives. It will allow citizens to exercise their first amendment rights to express their opinions." The majority's ruling unfortunately terminates abruptly any widespread public debate by California citizens regarding a matter so crucial to their own, and their nation's, financial well being. Might not the Legislature, the Congress and the voters each have welcomed a public airing of this important issue?

In addition, I question the propriety or necessity of the "rush to judgment" exhibited in this case, resulting from the majority's attempt to file its decision before impending election deadlines. Most of the briefing in this case was completed only a few days prior to oral argument; we filed today's opinion only a few days after hearing that argument. How can this court, already swamped with hundreds of pending cases, expect to reach a reasoned determination of the complex issues presented herein under such adverse circumstances?

Finally, several well respected amici (former Attorney General Griffin Bell, former Senator Sam Ervin, and Professor John Noonan) have raised an additional argument against preelection (or indeed any) judicial review which strikes me as quite persuasive: A court, and especially a state court, should not pass upon the essentially political question regarding the validity of an application for a constitutional convention pursuant to article V of the federal Constitution. (See Coleman v. Miller (1939) 397 U.S. 433 [plurality opn., declining review of validity of state ratification of constitutional amendment].) Instead, we should defer to Congress, the body alone entrusted by the federal Constitution with the responsibility to receive and review such applications. As I indicate in the following part of this opinion, it is quite likely that Congress would conclude that the application is constitutionally valid. What possible harm could result from our deferring to Congress regarding this federal question?

II. Validity Under Federal Law—The Convention Clause:

Article V of the federal Constitution in pertinent part provides that Congress "on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments" to the Constitution. Such proposed amendments "shall be valid . . . when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof . . . ." Contrary to the majority herein, the challenged initiative measure is not in conflict with the foregoing constitutional provision. The initiative simply directs the Legislature to file the requisite application so that California may be counted as supporting the calling of a constitutional convention. Where is the "clear invalidity" under federal law in that procedure?

Thus, section one, subdivision (a), of the challenged initiative measure recites that "The People of the State of California hereby mandate that the California Legislature adopt the following resolution and submit the same to the Congress . . . ." The resolution which follows urges Congress to propose a balanced budget amendment to the federal Constitution and makes "application" to Congress for the calling of a constitutional convention to consider such an amendment. Assuming that, under California law, the initiative process may be used for this purpose (a subject I discuss in part III hereof), what basis exists for holding that the measure contravenes the federal constitutional requirements of article V? That article requires an "application" from the Legislature; the challenged measure is designed to provide such an application.

This is not a case where the voters are attempting to abrogate prior completed legislative action. (E.g., Hawke v. Smith (1920) 253 U.S. 221, 227-230; Barlotti v. Lyons (1920) 182 Cal. 575, 578-584.) In both Hawke and Barlotti, the state Legislatures had already ratified the 18th Amendment ("prohibition") by joint resolution. Nevertheless, referendum petitions were thereafter circulated for the purpose of submitting the question to the voters for their approval or rejection. Both courts quite properly held that, under article V of the federal Constitution, the term "Legislature" refers only to the official representative body or bodies of the various states, rather than to the legislative power itself, as exercised through the referendum. Accordingly, the filing of the joint legislative resolutions exhausted the ratification process. As stated in Hawke, ratification "is but the expression of the assent of the state to a proposed amendment." (P. 229.) Because article V mandated that such assent be expressed by the "Legislation," the referendum process was deemed inapplicable and incapable of abrogating the prior expression of legislative will.

In the present case, in contrast to Hawke and Barlotti, no atttempt is made to "undo" any prior, completed legislative act which already had triggered a federal constitutional process such as calling a convention or ratifying a proposed amendment. Instead, here the initiative process is being used to assure that such an act finally is undertaken by our Legislature. Article V does not purport to prohibit the use of the initiative process as one means of inducing a state legislature to act. Indeed, as the foregoing cases make clear, the sole concern of article V is that the request for a convention call take the form of an application by a state legislature. As previously discussed, that concern is satisfied here.

III. Validity Under California Law—The Initiative Process:

Is an initiative measure which directs the state Legislature to apply for a constitutional convention "clearly invalid" under California law? Clearly not. Before confronting that issue, however, we should first review certain fundamental principles which control our disposition. First and foremost, "All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require." (Cal. Const., art. II, §1.) A corollary to this is that "the legislative power of this State is vested in the California Legislature . . ., *but the people reserve to themselves the powers of initiative and referendum*." (*Id.*, art. IV, § 1, italics added.) Finally, "The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them." (*Id.*, art. II, § 8, subd. (a).)

The majority would apply a narrow construction of the scope of the initiative power under the California Constitution. In the majority's view, directing the Legislature to apply for a constitutional convention involves neither a "statute" nor an "amendment" to the state Constitution. But use of such a narrow construction of the people's initiative right is directly contrary to the teachings of prior decisions of this court which require a liberal construction favoring the exercise of the initiative power.

Justice Tobriner set forth the applicable principles as follows: "The amendment of the California Constitution in 1911 to provide for the initiative and referendum signifies one of the outstanding achievements of the progressive movement of the early 1900's. Drafted in light of the theory that all power of government ultimately resides in the people, the amendment speaks of the initiative and referendum, not as a right granted the people, but as a power reserved by them. Declaring it 'the duty of the courts to jealously guard this right of the people' (Martin v. Smith (1959) 176 Cal.App.2d 115, 117 [1 Cal. Rptr. 307]), the courts have described the initiative and referendum as articulating 'one of the most precious rights of our democratic process' (Mervynne v. Acker [1961] 189 Cal.App.2d 558, 563 [11 Cal.Rptr. 340]). '[I]t has long been our judicial policy to apply a liberal construction to this power wherever it is challenged in order that the right be not improperly annulled. If doubts can reasonably be resolved in favor of the use of this reserve power, courts will preserve it.' (Mervynne v. Acker, supra, 189 Cal.App.2d 558, 563-564; Gayle v. Hamm, supra, 25 Cal.App.3d 250, 258.)" (Associated Home Builders etc., Inc. v. City of Livermore (1976) 18 Cal.3d 582, 591 [135 Cal.Rptr. 41, 557 P.2d 473, 92 A.L.R.3d 1038], italics added, fns, omitted.)

Since Associated Home Builders, we have often followed these admonitions regarding this constitutional right. (See, e.g., Brosnahan v. Brown (1982) 32 Cal.3d 236, 241 [186 Cal.Rptr. 30, 651 P.2d 274] [upholding the "Victims' Bill of Rights" initiative]; Fair Political Practices Com. v. Superior Court (1979) 25 Cal.3d 33, 41 [157 Cal.Rptr. 855, 599 P.2d 46] [upholding, in most respects, the Political Reform Act of 1974]; Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization (1978) 22 Cal.3d 208, 219-220, 248 [149 Cal.Rptr. 239, 583 P.2d 1281] [upholding the Jarvis-Gann property tax initiative]; see also Legislature of the State of California, supra, 34 Cal.3d 658, 683 [dis. opn.].)

Under a liberal construction of the "precious" and reserved initiative power, the people clearly would have authority to direct their own representatives in the state Legislature to apply for a constitutional convention. Such an initiative measure reasonable could be deemed a proposal for the adoption of a "statute."

There is no fixed, immutable definition of the term "statute." The term could refer to any formal, written exercise of legislative power, whether or not codified and placed within the California codes. The Code of Civil Procedure defines "statute" as any "written law" other than a constitution. (§ 1897; see also former Cal. Const., art. IV, § 1 [initiative is the power to propose "laws"].) The people's written directive to the Legislature, mandating it to apply for a constitutional convention, certainly would qualify as a written law, i.e., a statute. Under this interpretation, we do not need to reach the further issue troubling the majority, namely, whether a legislative resolution applying for a constitutional convention is a statute. The statute involved here is the one enacted by the people, directing the Legislature to submit that application.

For example, a recent initiative measure in part required the Legislature to adopt provisions implementing the right of crime victims to monetary restitution. (Prop. 8, adopted at the June 1982 Primary Election, now art. I, § 28, subd. (b).) Is not this procedural mandate from the people to the Legislature a "written law"? If so, then in what respects does the initiative measure before us fail to qualify as proposing such a law? Would it have made any difference if our measure had recited that its text would be formally incorporated into a new section of the Government Code? Surely such formalism cannot prevail over the people's right to be heard on matters of grave importance to them. Indeed, our prior cases require us to resolve all doubts in favor of the exercise of the initiative power, especially where the subject matter of the measure is of public interest and concern. (See Santa Barbara School District v. Santa Barbara Superior Court (1975) 13 Cal. 3d 315, 330 [state initiative measure declaring state policy on forced busing]; Farley v. Healey (1967) 67 Cal. 2d 325, 328-329 [local initiative measure adopting policy favoring immediate ceasefire and withdrawal from Vietnam].) As stated in the Santa Barbara case, "The people of California through the initiative process, have the power to declare state policy." (P. 330.) Surely, then, they have the power to direct the Legislature, as their representatives, to declare such policy on their behalf.

We should bear in mind that, unlike the limited referendum power, the initiative is not confined by any state constitutional restrictions upon its scope or use. (See Cal. Const., art. II, §§ 8, 9; Carlson v. Cory (1983) 139 Cal. App. 3d 724, 728 [repeal of state inheritance and gift taxes].) As Carlson observes, "there is nothing in our state Constitution which prohibits the use of the statutory initiative to repeal tax law." (P. 731.) Similarly, nothing in the state Constitution forbids use of the initiative to direct the Legislature to apply for a constitutional convention.

In a case upholding the validity of another statewide initiative measure (Prop. 13, adopted June 6, 1978, now Cal. Const., art. XIIIA), we acknowledged that the initiative may be viewed as a "legislative battering ram" aimed at "'tear[ing] through the exasperating tangle of the traditional legislative procedure and strik[ing] directly toward the desired end.' [Citation.]" (Amador Valley Joint Union High School District *versus* State Board of Equalization, supra, 22 Cal. 3d 208, 228.) Given the numerous rejected or abandoned bills aimed at accomplishing the end sought by the initiative measure challenged in this case, the foregoing description seems unusually apt. As in Amador Valley, "Although we express neither approval nor disapproval of the [measure] from the standpoint of sound fiscal or social policy" (p. 229), we should uphold it in recognition of the constitutional principle that "All political power is inherent in the people." (Cal. Const., art. II, § 1.) Liberally construed, the initiative power applies here.

IV. Severability:

Time constraints do not permit me to explore at length the validity of those additional provisions of the challenged initiative which impose financial sanctions upon the Legislature in the event of its noncompliance, and which requires the Secretary of State to act in lieu of the Legislature should it fail to adopt the resolution within 40 days of voter approval. Suffice it to say that these provisions are entirely severable from, and do not affect the validity of, the provision directing the Legislature to apply for a constitutional convention. (See In re Blaney (1947) 30 Cal. 2d 643, 655.)

Indeed, each separate section of the initiative measure is made "severable" by the terms of the measure itself, and if any section or subdivision is held invalid, "the remainder of the initiative . . . shall not be affected thereby." I see no reason why the initiative may not be given effect, at least to the extent it directs the Legislature to apply for a constitutional convention. The distinct and severable questions of proper sanctions or alternative procedures in the event of noncompliance may be decided another day.

For all the foregoing reasons, I would deny the preemptory writ of mandate.

LUCAS, J.

AMERICAN FEDERATION OF LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS ET AL. *v.* MARCH FONG EU, AS SECRETARY OF STATE, ETC., ET AL. (LEWIS K. UHLER, RPI), S.F. 24746

COUNSEL FOR THE PARTIES

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For respondent: (Secretary of State): Anthony Miller, Chief Deputy Secretary of State, 1230 J Street, Sacramento, CA 95814, (916) 445-3671 (8-485-6371).

For respondent: (City & County of SF): Thomas J. Owen, Deputy City Attorney, 206 City Hall, San Francisco, CA 94102, (415) 558-3282.

For real party in interest: John Mueller, The Hartford Building, 650 California Street, Suite 2650, San Francisco, CA 94108, (415) 989-6800.●

EQUAL ACCESS ACT

● Mr. HATFIELD. Mr. President, I am very happy today to present to the Senate guidelines that have been developed for the equal access legislation. These guidelines are not intended as legislative history, or necessarily as a mandate for local school administrators. However, since the passage of the Equal Access Act, my office (and I am sure the offices of my colleagues) have been flooded with requests for the proper interpretation of the language of the act, and some direction for local school officials.

Given the controversy over the issue and the concern of a number of groups over the effects of this legislation, I am particularly gratified by these guidelines. I am also pleased over the diversity of the groups that have participated in the formulation of the guidelines, and those that have generally agreed with their direction.

Mr. President, I am talking about groups like: the American Association of School Administrators, the American Civil Liberties Union, the American Jewish Congress, the Christian Legal Society, the National Association of Evangelicals, the Americans for Democractic Action, the Baptist Joint Committee on Public Affairs, the General Conference of Seventh-day Adventists, among others.

Now, I do not want to suggest all of these groups endorse the Equal Access Act, indeed some still have serious reservations. However, all of these groups feel some direction to local officials is necessary to assure that proper implementation of the legislation. No one wants this act to be abused and we believe these guidelines will help dispel any misconceptions of the legislation.

Mr. President, I want to thank all the groups that have participated in the development of these guidelines, and those groups who are in general agreement with their focus, for showing the wisdom and foresight to create this useful tool for local school officials.

I ask that the guidelines and a copy of the act be printed in the RECORD at this point.

The material follows:

THE EQUAL ACCESS ACT GUIDELINES

The organizations listed below were all involved with The Equal Access Act in the 98th Congress. Some actively supported the bill, others remained publicly neutral, and some opposed the bill. All are deeply interested in seeing the equal access concept implemented in the secondary schools of America in accordance with law.

After consideration over a two year period, The Equal Access Act became law on August 11, 1984, passing the Senate 88-11 and the House 337-77. The final version reflects the usual give and take of the legislative process. This brief explanation of the Act is designed to help school administrators, teachers and student groups who must live under the Act in real school situations to understand what this new legislation means. For your convenience The Equal Access Act (Title VIII of Public Law 98-377) follows:

TITLE VIII—THE EQUAL ACCESS ACT

SHORT TITLE

SEC. 801. This title may be cited as "The Equal Access Act".

DENIAL OF EQUAL ACCESS PROHIBITED

SEC. 802. (a) It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

(b) A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

(c) Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that—

(1) the meeting is voluntary and student-initiated;

(2) there is no sponsorship of the meeting by the school, the government, or its agent or employees;

(3) employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;

(4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

(5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

(d) Nothing in this title shall be construed to authorize the United States or any State or political subdivision thereof—

(1) to influence the form or content of any prayer or other religious activity;

(2) to require any person to participate in prayer or other religious activity;

(3) to expend public funds beyond the incidental cost of providing the space for student-initiated meetings;

(4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;

(5) to sanction meetings that are otherwise unlawful;

(6) to limit the right of groups of students which are not of a specified numercial size; or

(7) to abridge the constitutional rights of any person.

(e) Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this title shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school.

(f) Nothing in this title shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

DEFINITIONS

SEC. 803. As used in this title—

(1) The term "secondary school" means a public school which provides secondary education as determined by State law.

(2) The term "sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

(3) The term "meeting" includes those activities of student groups which are permitted under a school's limited open forum and are not directly related to the school curriculum.

(4) The term "noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

SEC. 804. If any provision of this title or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the title and the application to other persons or circumstances shall not be affected thereby.

CONSTRUCTION

SEC. 805. The provisions of this title shall supersede all other provisions of Federal law that are inconsistent with the provisions of this title.

The congressional intent in passing The Equal Access Act was to develop legislation that respects both the Establishment Clause and the Free Exercise and Free Speech Clauses of the First Amendment, so that secondary school students may organize meetings. While Congress recognized the constitutional prohibition against state-sponsored religious activities in public schools, it also believed that student-initiated speech, including religious speech, should not be excised from the school environment. At the same time, Congress affirmed that it is local school boards and administrators who have the right and responsibility to implement equal access in conformity with the Act and the Constitution. Morever, in passing The Equal Access Act, Congress did not intend to prohibit any activity that is otherwise constitutional.

The title—The Equal Access Act—explains the essential thrust of the Act. There are three basic precepts.

The first basic precept is equal treatment. If a public secondary school permits students groups to meet for student-initiated activity not directly related to the school curriculum, it is requried to treat all such student groups equally. This means the school cannot discriminate against any students conducting such meetings "on the basis of the religious, political, philosophical, or other content of the speech at such meetings." Sec. 802(a). This language was used to make it clear that religious speech was to receive equal treatment, not preferred treatment.

The second basic precept is protection of student-initiated and student/led meetings. With respect to religious activities in the public schools, the Supreme Court has held unconstitutional state-initiated and state-sponsored religious activities. (This Act leaves the "school prayer" decisions undisturbed). The Court has not ruled on student-initiated and student-led religious activities that are not state-sponsored but merely given equal access with other noncurriculum related student activities.

The third basic percept is preservation of local control. The Act does not limit the authority of the school to maintain order and discipline or to protect the well-being of students and faculty. It only marginally limits other authority to make policy about student meetings.

While the Act does not specifically cover every situation, an understanding of the three basic precepts of the Act should be a sufficient guide in addressing most situations.

Here are some questions and answers which indicate how the Act is intended to work:

(1) Q. What is meant by "limited open forum"? Sec. 802(a) and (b).

A. A limited open forum is created when a secondary school provides an opportunity during "noninstructional time" for students to organize meetings to discuss subjects matter not directly related to the school curriculum and permits those meetings on school premises. The forum created is said to be "limited" because it is only the school's own students who can take advantage of the open forum. Outsiders are not granted any independent right of access by The Equal Access Act.

(2) Q. Does a school have to provide a limited open forum for students?

A. No. The school or local policy-making body has the exclusive authority to determine whether it will create or maintain a limited open forum. If a school has a limited open forum, it may not discriminate against a student group because of the content of its speech. If a school does not have a limited open forum, the request of a single student group to organize a meeting or a club which is not directly related to the school curriculum requires the school to determine whether it wants to create such a forum.

(3) Q. What are "secondary schools"?

A. The Act explicitly states that this question is to be answered with reference to state law. Sec. 803(1).

(4) Q. Do meetings of curriculum related student groups trigger implementation of The Equal Access Act?

A. No. Only allowing meetings of noncurriculum related student groups triggers implementation of the Act.

(5) Q. What is meant by "noncurriculum related student groups"? Sec. 802(b).

A. A noncurriculum related student group is a group or club which is interested in a subject matter not directly related to the school curriculum. The math club, the Spanish club, the drama club and athletic teams would normally be curriculum related. A religious club, political club or service club would be considered noncurriculum related.

(6) Q. Who determines which student groups are curriculum related?

A. Local school authorities. However, a school cannot defeat the intent of the The Equal Access Act by some all-encompassing definition that arbitrarily results in all but one or a few student clubs being defined as curriculum related.

(7) Q. When can noncurriculum related student groups meet?

A. A limited open forum requiring equal access may be established during "noninstructional time." Sec. 802. 802(b). The Act defines "noninstructional time" as time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends. Sec. 803(4). It includes time before an individual student's school day begins or after it ends even though other students may be receiving classroom instruction at the time because of split, staggered or flexible school schedules. Thus students whose school day has not begun or has already ended may meet together, although other students' school day has already begun or has not yet ended.

(8) Q. Can noncurriculum related student groups meet during the school day?

A. The Act neither requires nor forbids a limited open forum for noncurriculum related student clubs during the instructional day. The constitutionality of equal access for religious clubs during the school day is currently being litigated in the Federal courts.

(9) Q. May a school establish regulations for meetings which take place in its limited open forum?

A. Yes. The Act does not take away a school's authority to establish time, place and manner regulations for its limited open forum. For example, it may establish a reasonable time period on any one school day, a combination of days, or all school days. It may assign the rooms in which student groups can meet. It can enforce order and discipline in the meetings. The key is that regulations must be uniform and nondiscriminatory.

(10) Q. Can a school require a minimum number of students to form a noncurriculum related club?

A. Not if it "limit[s] the rights of groups of students." Sec. 802(d)(6). Care must be exercised that the school not discriminate against numerically small student groups which wish to establish a club by setting a requirement of a minimum number of students to form a club. The key is to be flexible in dealing with small student groups and to accommodate student groups that want to meet. For example, one teacher could monitor several small student groups meeting in a large room.

(11) Q. Should a school formulate a written policy for the operation of a limited open forum?

A. If a school decides to create a limited open forum or if such a forum already exists, it is strongly recommended that a uniform set of regulations be drawn up as soon as possible and be made available to administrators, teachers, students and parents. The importance of having such a document will become clearly evident if the school either denies a student group the opportunity to meet or is forced to withdraw that opportunity. When the rules are known in advance, general acceptance is easier to obtain.

(12) Q. What does "student-initiated" mean? Sec. 802(c)(1).

A. "Student-initiated" is one of the key precepts of the Act. It means the students themselves are seeking permission to meet and will direct and control the meeting. It means that neither a teacher or other employee of the school nor the school itself is initiating the meeting. Further, nonschool persons may not direct, conduct or control student meetings. Sec. 802(c)(5). School authorities may take reasonable steps to assure compliance with these provisions. These provisions do not mean that students are forbidden to seek advice from nonschool persons.

(13) Q. May teachers be present during student meetings?

A. Yes, but there are limitations. For insurance purposes or by local policy or state law, teachers are commonly required to be present during student meetings. In order to avoid any taint of state sponsorship of religion, teachers or employees are to be present at student religious meetings only in a "nonparticipatory capacity." Sec. 802(c)(3). The Act also prohibits teachers or other school officials from influencing the form or content of any prayer or other religious activity. Sec. 802(d)(1). Although the Act could literally be read as prohibiting teacher participation in all clubs, it is doubtful that Congress intended that result. Congress did not intend to prohibit teacher participation in nonreligious student meetings. Thus, for example, a teacher could participate in the chess club or the Future Teachers of America. A school, under the Act, could prohibit teacher participation in political clubs because of the possibility of undue influence.

(14) Q. May outsiders attend a student meeting?

A. Yes, if invited by the students, unless the school adopts a policy barring all "nonschool persons." However, the nonschool persons cannot, in fact, be running the student group. "Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups." Sec. 802(c)(5). A school may decide not to permit any outside resource people to attend any club meetings, or it may determine how many times during a school year an outside resource person may attend any club meetings, or it may limit the number of outside resource people who may attend a single meeting.

(15) Q. Can a teacher or other school employee be required to be present at a student meeting if that person does not share the beliefs of the students?

A. No. Sec. 802(d)(4) provides that no school employee can be required to attend a meeting "if the amount of the speech at the meeting is contrary to the beliefs" of the employee. However, if a school establishes a limited open forum, it is responsible for supplying a monitor for every student group meeting if a monitor is required.

(16) Q. Does the assignment of a teacher to a meeting for custodial purposes constitute "sponsorship of the meeting"?

A. No. Sec. 803(2).

(17) Q. Does the expenditure of public funds for the incidental cost of providing the space (including heat and light) for student-initiated meetings constitute sponsorship?

A. No. Sec. 802(d)(3).

(18) Q. If a school pays a teacher for monitoring a student religious club, does that constitute "sponsorship"?

A. Congressional debate apparently took for granted that payment of a school-required monitor for any club was an "incidental cost of providing the space for student-initiated meetings." Sec. 803(d)(3). However, there are some who maintain schools may not expend money to monitor religious clubs in view of the Establishment Clause.

(19) Q. Does the use of school media to announce meetings of noncurriculum related student groups constitute "sponsorship" of those meetings?

A. The Act does not directly address this issue. If only information about all meetings is given, the use of school media—the public address system, the school paper, the official bulletin board—may not constitute sponsorship of meetings. However, schools should be cautioned that the Act forbids their promotion of these meetings, and the singling out of one or a few of them for special attention would be promoting them. Because a basic precept of the Act is student-initiation, each noncurriculum related student group is responsible for its own promotion.

(20) Q. Do school authorities retain disciplinary control?

A. Yes. The Act emphasizes the "authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that atttendance of students at meetings is voluntary." Sec. 802(f). Furthermore, the school must provide that "the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school." Sec. 802(c)(4). These two provisions do not authorize a school to prohibit certain student groups from meeting because of administrative inconvenience or speculative harm. For example, a group cannot be barred at a particular school because a similar student group at a different school has generated difficulties.

(21) Q. What about groups which wish to advocate or discuss changes in existing law?

A. Students who wish to discuss controversial social and legal issues such as the rights of the unborn, drinking age, the draft and alternative lifestyles may not be barred on the basis of the content of their speech. However, the school must not sanction meetings in which unlawful conduct occurs. Sec. 802(d)(5).

(22) Q. What if some students object to other students meeting?

A. The rights of a lawful, orderly student group to meet are not dependent upon the fact that other students may object to the ideas expressed. All students enjoy free speech constitutional guarantees. It is the school's responsibility to maintain discipline in order that all student groups be afforded an equal opportunity to meet peacefully without harassment. The school must not allow a "hecklers' veto."

(23) Q. What about so-called "hate" groups?

A. Student groups which are unlawful, Sec. 802(d)(5), or which materially and substantially interfere with the orderly conduct of educational activities, Sec. 802(c)(4), can be excluded. However, a student group cannot be denied equal access because its ideas are unpopular. Freedom of speech includes ideas the majority may find repugnant.

(24) Q. Must noncurriculum related student groups have an open admissions policy?

A. The Act does not address this issue. It is an open constitutional question whether a requirement that all group meetings during the limited open forum be open to all students without regard to race, gender, religion or national origin could be enforced against a group with restrictive policies. The answer to this question may in part turn on whether a State's civil rights laws require an open attendance policy.

(25) Q. What may a school do to make it clear that it is not promoting, endorsing or otherwise sponsoring noncurriculum related student groups?

A. A school may distribute a disclaimer which plainly states that in affording such student groups an opportunity to meet it is merely making its physical facilities available, nothing more.

(26) Q. What happens if a school violates The Equal Access Act?

A. The law contemplates a judicial remedy. An aggrieved person could bring suit in a U.S. district court to compel the school to observe the law. No cutoff of federal funds is involved. Sec. 802(e).

(27) Q. Does the Act have any impact on the after-hours rental of school facilities to non-student groups?

A. No. Such rentals would continue to be governed by local regulations and general constitutional principles.

(28) Q. What about situations not addressed in this explanation?

A. At the present time, indications are that the Department of Education will not issue regulations with respect to this Act. Questions about its implementation may arise. The groups below are available for advice:

American Associaton of School Administrators, 1801 N. Moore, Arlington, VA 22209, 703-528-0700, Bruce Hunter.

American Civil Liberties Union, 600 Pennsyvlania Ave., S.E., Washington, DC 20003, 202-544-1681, Barry W. Lynn.

American Jewish Congress, Commission on Law and Social Action, 15 E. 84th St., New York, NY 10028, 212-879-4500, Marc Stern, Lois Waldman.

Christian Legal Society, P.O. Box 1492, Springfield, VA 22151, 703-941-3192, Sam Ericsson.

National Association of Evangelicals, 1430 K Street, NW., Washington, DC 20005, 202-628-7911, Forest Montgomery.

In addition to the above groups, the following also participated in the formulation of these guidelines.

Americans for Democratic Action, Mitch Edelstein.

Baptist Joint Committee on Public Affairs, John W. Baker.

General Conference of Seventh-day Adventists, Gary M. Ross.

National Education Association, Joel Packer.

The following groups are in general agreement with the guidelines:

American Federation of Teachers.

Catholic League for Religious and Civil Rights.

Christian Educators Association.

National Council of the Churches of Christ in the U.S.A.

People for the American Way.

October 1984.●

THE RESTORATION OF ST. FRANCIS XAVIER CHURCH

● Mr. SARBANES. Mr. President, on October 21 the historic St. Francis Xavier Church in St. Mary's County, MD, will be reopened and rededicated marking not the end but the beginning of the Archdiocese of Washington's ambitious restoration project. This represents a major step toward the restoration of the church and nearby manor house site, Newtown Neck. Surrounded on three sides by Breton and St. Clements Bays and the Potomac River, Newtown is located near the landing site of the Ark and Dove, St. Clements Island. The St. Mary's County Commissioners have designated this site and certain adjacent property as the first historic district in St. Mary's County. Having survived many chapters in Maryland and American history, the church is extremely significant from a religious and historical point of view. The site and its structures are listed on the National Register of Historic Places but more important, the restoration of this church is critical to preserving a reminder of colonial history. It is the oldest Catholic Church in the original 13 colonies. It is indeed fitting that this dedication coincides with the same year during which Maryland is celebrating its 350th anniversary.

The building has been successfully restored, in late 18th and early 19th century styles, as the place of worship for the parish and has provided access to the public after having been deemed unsafe for use over 7 years ago. The title to a tract of land at Newtown, owned by the Jesuits since 1668, was transferred to the Archdiocese of Washington in 1967. In June 1981, Archbishop James A. Hickey appointed Father John T. O'Neill as director of restoration for the church and adjacent manor house and so, after many years of neglect, the building's rebirth began.

After 2 years of study of the site and buildings, including an archeological survey and the use of dendrochronology, a scientific analysis using structural timbers that determined the age of the structure, plans were finalized and construction commenced in September 1983. The analyses made three interesting discoveries: The church was 35 years older than originally thought; the foundation of a brick dwelling constructed around 1720 was found near the manor house; and the remains of eight Jesuit priests were unearthed under the church vestibule.

Due to Father O'Neill's extensive research, the history of Newtown has become more comprehensively understood. The physical structure clearly reflects different phases of our American history.

Newtown Neck appears to have been initially settled only a few years after the establishment of St. Mary's City in 1634. By 1638–40 a Jesuit mission was established in the area and in 1640 a parcel of 750 acres, almost the entire peninsula, was granted by Cecelius, Lord Baltimore, to William Bretton, the clerk of the assembly. Bretton and his family immediately occupied the area and in 1658 he patented an additional 100 acres of land located just to the north of his holding on Newtown Neck. Newtown became the site of St. Mary's County Court in 1644 and remained so until it was later moved to St. Mary's City. The Jesuit mission in Newtown continued in existence during the 1640's and the 1650's, establishing a school there in 1653. Around this period William Bretton transferred 1½ acres of land to the Jesuits to serve as the site of a chapel and cemetery. Until this time there had been no church and Catholics gathered in private homes for mass. It is believed that the parish cemetery that is presently located just north of the narrowest point of the neck may well be the site of the chapel built by the Jesuits in 1662 and 6 years later Mr. Bretton sold his 850 acre tract for 40,000 pounds of tobacco to the Jesuits who continued to cultivate the farm. In the years following the Protestant rebellion of 1689, Catholic religious activities in Maryland were officially proscribed but the Jesuits did retain ownership of the area.

Research of records kept during the 18th century indicated a period of extensive building activity during the decades just before and after the Revolution. In addition to the barns, there were other outbuildings such as the blacksmith shop, a tannery, flour mill, and shoemaker's shop. The account book refers to the farming and manufacturing enterprises under the title of Newtown Factory, meaning it was an establishment for traders carrying on business in a foreign country.

As part of the restoration project, a strong emphasis was placed on the verification of dates of construction for the church and manor house standing on the property. Based on the analyses mentioned earlier, the date of the manor presently standing was 1789, while the date of construction of the nave or main body of the church was 1731. The nave was built first as a simple wood frame structure that did not resemble a place of worship. This design was most likely dictated by the religious persecution of the time. The vestibule-choir section was constructed in 1767. Soon after the War of 1812, additional construction work was begun at Newtown, including a sacristy that was added to the church in 1816. During the late 19th century the official Jesuit residence was relocated to Leonardtown and from that time until the present, the property has been utilized primarily as a working farm, with St. Francis Xavier continuing as an active parish.

St. Francis Xavier parish began with heroic pioneers who made sacrifices necessary to preserve their faith and built a viable religious community. Today many individuals have continued to sacrifice in order to keep the tradition alive. The restoration would not have been possible without the most generous gift from the Archdiocese of Washington and contributions from private donors, national foundations and parishioners of St. Francis Xavier. I extend by best wishes to Archbishop Hickey for the continuation of this noble project and thank him for the State of Maryland for his vision in saving this significant relic from our past.●

MR. MONDALE IS TOO OLD TO BE PRESIDENT

● Mr. McCLURE. Mr. President, we all know that Sunday night was the first debate between President Reagan and his opponent, who asked to be called Mister Mondale. I understand that this Mister Mondale is the man we used to know as Vice President Mondale. The same Vice President Mondale who followed the hyphen in the last Democratic administration, the Carter-Mondale one. The same Vice President Mondale who was second in line in an administration that left America in shambles at home and in disrepute abroad. People remember these things.

Most pundits seem to have concluded that Mister—formerly Vice President—Mondale "won" the debate. I am not so sure that I agree with that conclusion, but I do know that the President's opponent won the hearts of many Democrats who are now rediscovering their candidate.

In some circles, "Who won?" is no longer the relevant question. The newly relevant question is "Who is too old to be President?" Several of the Nation's newspapers, and the television networks, have carried recent stories about the "age issue." Leading Democrats think they found a new campaign issue. For example, Congressman TONY COELHO, chairman of the Democratic Congressional Campaign Committee, is quoted in Tuesday's Washington Post as saying that President Reagan "looked old and acted old" in the debate. COELHO was then asked if the President "acted doddering," and COELHO's response was, "Well, he didn't quite drool."

The Post does not say if Mr. COELHO drooled when he uttered this sensitive statement, but it was surely the Congressman's first opportunity to salivate since the nomination of Mister Mondale.

Nor does the Post explain why it and the other great institutions of America communication are focusing on the President's alleged lapses and ignoring Mister Mondale's. I am not speaking of factural errors which I think we all acknowledge were made by both parties. I am speaking of Mister Mondale's mental errors. When Ronald Reagan trips on a syllable the press thinks it has evidence of his impending senility; when Walter Mondale wanders off into irrelevancy the press declares the candidate's new dynamism.

It occurs to me, Mr. President, that Walter Mondale may be too old, or too tired, for the Nation's top job. Consider these examples of Mister Mondale's mental slips:

The California abortion case. When asked about abortion, the President said:

> There is a strange dichotomy in this whole position about our courts ruling that abortion is not the taking of a human life. In California some time ago, a man beat a woman so savagely that her unborn child was born dead . . . and the California legislature unanimously passed a law that . . . said that any man who so abuses a pregnant woman that he causes the death of her unborn child shall be charged with murder.

Mister Mondale must have had something more important on his mind than the Presidential debate because his response was absolutely irrelevant. Here is the Mondale reply:

> Now the example that the President cites has nothing to do with abortion. Somebody went to a woman and nearly killed her. That's always been a serious crime, and always should be a serious crime.

Mister Mondale missed the President's point totally. The point was not that a crime had been committed against the woman. The point was that a crime had been committed against the unborn child. Therefore, the defendant could be prosecuted for both the battery of the woman and for the death of the child.

"Fritz" Mondale is a member of the bar, a former practicing lawyer, and a former Minnesota attorney general. Ronald Reagan is, as his detractors delight in saying, a former actor. How is it that this former actor can give a legal explanation that entirely eludes the former attorney general?

Maybe Mister Mondale is just too old for this kind of intellectual jousting.

The repeal of indexing. In Sunday's debate, Walter Mondale said:

> As soon as we get the economy on a sound ground as well, I would like to see the total repeal of indexing. I don't think we can do that for a few years, but at some point we want to do that, as well.

Mister Mondale's statement shows either a lapse of memory or a failure of principle. In either case, is this man fit for the Presidency?

The original Mondale deficit reduction plan called for partial, not total, repeal of indexing. Mister Mondale either forgot the centerpiece of his candidacy—higher taxes to reduce the deficit—or, in the excitement of the moment, just blurted out the truth: He approves of inflation driving taxpayers into higher tax brackets.

It is curious, though, because just last month Walter Mondale said he was "committed to the principle of indexing." Mister Mondale's commitment did not last from last month to last Sunday.

Last month, Walter Mondale was "committed to the principle of indexing." Last Sunday, Walter Mondale favored "the total repeal of indexing."

Either the gentleman's memory is failing or his prinicples are. I wish to give him the benefit of the doubt, so I say the failure is in his memory.

You know, they say the memory is one of the first things to go.

Politics and religion. One of the reporters said to Mister Mondale:

> You've complained now about Jerry Falwell and . . . about other fundamentalists in politics. Correct me if I'm wrong, but I don't ever recall your ever complaining about ministers who are involved in the civil rights movement or in the anti-Vietnam war demonstrations, or about Black preachers who have been so involved in American politics. Is it only conservative ministers that you object to?

The Mondale reply:

> No. What I object to is someone seeking to use his faith to question the faith of another, or to use that faith and seek to use the power of government to impose it on others. A minister who is in civil rights or in the conservative movement because he believes his faith instructs him to do that, I admire. . . . It's when you try to use that to undermine the integrity of private political, or private religious faith, and the use of the state is where—for the most personal decisions in American life—that's where I draw the line.

Everybody—even Mister Mondale, I believe—knows that the Moral Majority on the right is doing only what the National Council of Churches on the left has been doing for years. Walter Mondale thinks that he sees a difference between the two—but there is no difference. Walter Mondale thinks that the agenda of the religious left is just good, clean, moral politics while the agenda of the religious right is an impermissible mixing of politics and religion—but there is no difference.

School prayer is as legitimate as the nuclear freeze, but Mister Mondale refuses to say so.

Mondale's position is a muddle from first to last. People who talk in muddles are not qualified for the Presidency.

The qualification of judges. Mister Mondale had the audacity to say twice that the Republican platform calls for a religious test for Federal judges and to say thrice that Jerry Falwell will select those judges.

Perhaps Mister Mondale has entered his decrepitude for whenever Reverend Falwell is mentioned his words lose all connection to reality. His response appears to be Pavlovian: At the mere mention of Jerry Falwell, Walter Mondale will speak total nonsense.

Neither the Mondale-Ferraro headquarters nor the Moral Majority has been able to provide me with any evidence that Jerry Falwell said anything about "selecting" or "getting" or "appointing" justices of the Supreme Court. If Mister Mondale has such evidence I will be happy to review it. Even if it exists, it would, of course, be irrelevant since the President said he would appoint future justices in "the same manner that he did in selecting" Justice O'Connor. And, speaking as a Member of the U.S. Senate which must confirm the President's nominations, I can say the same for the Senate.

But what about this alleged religious test? There is no such thing.

The Republican platform does call for certain standards, however:

> We commend the President for appointing federal judges committed to the rights of law-abiding citizens and traditional family values. We share the public's dissatisfaction with an elitist and unresponsive federal judiciary. If our legal institutions are to regain respect, they must respect the people's legitimate interests in a stable, orderly society. In his second term, President Reagan will continue to appoint Supreme Court and other federal judges who share our commitment to judicial restraint. . . . We applaud President Reagan's fine record of judicial appointments, and we reaffirm our support for the appointment of judges at all levels of the judiciary who respect traditional family values and the sanctity of innocent human life.

Where is the religious test? There isn't any. Any atheist can meet the platform's so-called tests. If Walter Mondale will not hold Federal judges to these same standards then he doesn't want judges, he wants black-robed social reformers with life tenure.

The prohibition against religious tests is one of America's finest traditions. It is enshrined in article VI of the Constitution. Walter Mondale, a lawyer and a man who has been bound by oath to support the Constitution as article VI commands, once knew better than to call something like the Republican plank a religious test. But that was years ago.

Mr. President, the "age issue" is going to be with us for the remainder of this campaign. This may work against the Democratic nominee who no longer appears to be the vigorous Fritz Mondale that we once knew here in the Senate.

He can't keep the simplest distinctions in mind. If he were practicing law again he would be overwhelmed by the greenest district attorney. Mister Mondale wouldn't be able to understand why his client was being charged with manslaughter when all the defendant did was beat up a pregnant woman. Can we trust this man to negotiate with the Soviets?

He can't remember whether he favors indexing or not; or whether he favors it only some of the time; or whether he actually favors it in principle but never in practice. Is this the man who can deal with the House and Senate on fiscal matters? And on the monetary side, Paul Volcker's cigar smoke has more substance than Mondale's position on indexing.

He makes a muddle of ministers. According to Walter's gospel, ministers can legitimately press for a nuclear freeze or social welfare spending, but voluntary school prayer is "out of bounds." It seems that nothing aggravates liberals these days like a conservative cleric trying to horn in on the moral high ground the liberals staked out years ago. Mister Mondale wants to know why Rev. Jerry Falwell won't stick to original sin and leave Father Robert Drinan free to instruct the Nation on moral behavior.

Perhaps somewhere is that fabled elixir of youth. Let us hope so, for Walter Mondale needs to drink deeply. Fortunately, after the election he will have a great deal of time to go in search of it.

Meanwhile, President Ronald Reagan will probably continue his impetuous practice of challenging political opponents to arm wrestle.●

ON THE CENTENNIAL OF THE BIRTH OF ELEANOR ROOSEVELT—"FIRST LADY OF THE WORLD"

● Mr. SARBANES. Mr. President, in 1982 we honored the centennial of the birth of Franklin D. Roosevelt, and this year, indeed today, we honor the centennial of the birth of Anna Eleanor Roosevelt, his wife. Their contribution to American life, together and individually, was extraordinary and indelible. Themselves inspired by spirit, principle, and courage, they inspired the Nation, and gave new and expanded meaning to the enduring dream of America as the "land of opportunity."

The privilege to which she was born might well have led Eleanor Roosevelt to lead a comfortable, retiring life even in the White House; certainly there was no precedent for the responsibilities she undertook as the wife of the President. Nor could her emergence, following President Roosevelt's death, as a leader in her own right at the United Nations and in the Democratic Party have been predicted. President Harry Truman's description of Mrs. Roosevelt as "The First Lady of the World" aptly expressed the admiration, respect, and affection which Americans, and people everywhere, felt for her.

Mr. President, Nathan Miller, author of "F.D.R.: An Intimate History," has summed up eloquently the many aspects of Eleanor Roosevelt's contribution to our society in an article appearing today in the Baltimore Sun. I ask that Mr. Miller's article be printed in the RECORD.

The article follows:

ELEANOR ROOSEVELT: FIRST LADY OF THE WORLD

(By Nathan Miller)

WASHINGTON.—"There goes the greatest lady in the world!" A woman in the second-floor window of a West Baltimore row house shouted that as Eleanor Roosevelt walked by below, a tall, slightly stooped figure in black, campaigning for John F. Kennedy in the autumn of 1960. I don't know if Mrs. Roosevelt heard what the woman shouted—she had grown increasingly deaf with age—but the words summed up the feelings of millions of ordinary people, not only in the United States but around the world.

Yet, Eleanor Roosevelt was probably more surprised than anyone else by the extent of her fame, for throughout her life she was haunted by self-doubt and loneliness. Today, the centennial of her birth, is a good time to consider the endlessly fascinating drama of her reluctant reach toward greatness.

"I never wanted to be a president's wife," she told a friend shortly after Franklin D. Roosevelt's election to the presidency in 1932. All her predecessors as first lady had led circumspect and self-effacing lives and she feared that living in the White House would "mean the end of any personal life of my own."

For Anna Eleanor Roosevelt, life was a continuing series of such struggles. She had survived a childhood among the New York aristocracy that was Dickensian in its bleakness. "I was a shy, solemn child . . . and even when I danced, which I did frequently, I never smiled," she recalled with a curious sense of detachment in her autobiography. She painted a self-portrait of a sensitive child, full of fears—"afraid of being scolded, afraid that other people would not like me"—hungering for praise from her beautiful but disapproving mother and secure only in the company of her alcoholic father.

After her parents died she went to live with her maternal grandmother, where, repressed and introverted, she grew into a tall, gawky girl with long blonde hair. One of the few people who showed her affection was her uncle, Theodore Roosevelt. When Uncle Ted learned she could not swim, he dealt with the problem in typical fashion. He told her to jump off a dock, which she did with her eyes shut—her fear of displeasing him overcoming her fear of the water.

Even as a child, Eleanor showed traces of a lacerating social conscience. "Very early I became conscious of the fact that there were men and women and children around me who suffered in one way or another." she said. Her father took her to visit such family charities as the Newsboys Lodging House for homeless and abandoned children and the New York Orthopedic Hospital. "Of course, I did not really understand many of the things I saw, but I still think I gained impressions that have remained with me all my life."

Undoubtedly, the person who had the greatest effect on Eleanor was Marie Souvestre, the French headmistress of Allenswood, the school in England she attended for three years. There, she was "shocked into thinking" by the liberal doctrines expounded by Mlle. Souvestre and was recognized for the first time as a leader.

Eleanor returned to New York for her formal debut into society and renewed an acquaintance with her distant cousin Franklin, a dashing Harvard man. Over the objections of his domineering mother, they became engaged and were married on March 17, 1905. On the surface, it would be difficult to find two more dissimilar young people than Eleanor and Franklin Roosevelt. He was fun-loving, dressed with a stylish flair and was something of a ladies' man; she was serious, a self-described "ugly duckling" who had seemed destined for spinsterhood and a life of good works.

Nevertheless, Franklin found himself drawn to her. Undoubtedly part of Eleanor's attraction was that she was the niece of the president of the United States, but she also was intelligent, and not without a certain physical appeal. She had a good figure, masses of golden hair and luminous eyes. And for Eleanor, the handsome young man may have reminded her of her father whose memory she worshipped.

Over the next decade or so, as Franklin Roosevelt's political career took him from the State Senate in Albany to assistant secretary of the Navy during World War I, Eleanor was under the hand of her imposing mother-in-law, and was always either pregnant or just getting over have a child. But in wartime Washington she learned that her husband was having an affair with her social secretary, Lucy Mercer, and it was the pivotal event of her life.

Eventually, the Roosevelts reconciled, but they no longer had a husband-and-wife relationship. The episode added to Eleanor's self-doubt and loneliness and she nursed her wound, never letting it completely heal for the rest of life. Over the years, they struck up a partnership arrangement that, according to their children, became close and affectionate, but there were very few light moments.

Having issued her personal declaration of independence, Eleanor built a career of her own. She became active in politics and charity work and a leader in the fight for social reform. "I was thinking things out for myself and becoming an individual," she said.

Despite misgivings over her role, Mrs. Roosevelt exhibited a tireless energy and warm humanity in the White House that quickly captivated a nation beaten down by the Great Depression. Typically, she held her first news conference even before the president had met the press. "I feel that my job is to help him as much as possible and to do whatever falls within my scope," she declared.

And she lived up to this broad mandate. Having overcome the prejudices of her class against Jews, blacks and recent immigrants, she became the New Deal's prickly conscience. While she claimed to have no influence on administration policies, she acted as a spur to her husband "even though spurring was not always wanted or welcome."

Far from being a prisoner in the White House, Eleanor traveled some 40,000 miles during the first year and reported to the president on what she had seen and heard. He had complete confidence in her observations and would often tell the Cabinet: "You know my Missus gets around a lot and she says . . . "

Eleanor's travels soon became part of American folklore and radio comedians joked about where she would turn up next. Soon, life imitated art. The New Yorker published a cartoon in which a startled coal miner tells another: "Good gosh, here comes Mrs. Roosevelt!"—and before people stopped chuckling, she did visit a coal mine.

One morning without stopping in to see Franklin she left the White House to visit a prison in Baltimore. He asked her secretary where his wife was and was told: "She's in prison, Mr. President," "I'm not surprised," mused FDR, "but what for?"

There were times, however, when the Roosevelts were in conflict over policy. Eleanor was considerably ahead of the president—and the nation—in support of civil rights for blacks and equal rights for women. She tried to persuade him to appoint blacks and women to high places in the administration and to support anti-lynching and other federal laws banning discrimination.

Roosevelt was no racist. But, because he worried about losing the support of Southern committee chairmen for his legislative programs, he resisted his wife's efforts to force him into an overt stand against white supremacy. When she asked whether she should soft-pedal her views, he told her to continue to speak out. "I can always say, 'Well, that's my wife; I can't do anything about her.' "

Following FDR's death in 1945, Eleanor came into her own. As the champion of her husband's ideals, she played an important role in the liberal wing of the Democratic Party and on the international scene. President Truman appointed her to the American delegation to the United Nations where her wide-ranging humanitarianism would be most effective.

A few observers questioned her ability to stand up to the Russians, but she displayed a toughness that surprised admirers as well as enemies. "She was in fact, a tough old bird who saw earth as well as stars," observed Arthur M. Schlesinger, Jr. Some of the positions adopted by Eleanor were considerably in advance of American policy, including a ban on nuclear testing in the atmosphere, the recognition of Red China and the establishment of a Jewish state in Palestine.

Eleanor's most important work was as chairman of the U.N. Commission on Human Rights. She guided the drafting of the Declaration of Human Rights and secured its approval, becoming, as Truman called her, "The First Lady of the World." She was under no illusions about the effectiveness of the declaration in a world dominated by dictatorships, but she regarded it as the standard by which all nations could be judged.

"When you cease to make a contribution, you begin to die," Mrs. Roosevelt once said. "I think it is a necessity to be doing something which you feel is helpful in order to grow old gracefully and contentedly." She followed this advice to the end, which came on November 7, 1962.

Adlai E. Stevenson, her friend and protege, summed up her life well. "She thought of herself as an ugly duckling," he said in a tribute to her, "but she walked in beauty in the ghettos of the world . . . And wherever she walked, beauty was forever there."●

MACHINE TOOL PETITION

● Mr. PERCY. Mr. President, I rise today once again to call the attention of my colleagues to the situation facing the U.S. machine tool industry. This industry which has been struggling through very trying economic times, "wrenching times" according to the Chicago Tribune of September 2, 1984, has been virtually ignored by Washington policymakers. Or at least, that is the way it appears to most of those in the industry and many of us here on Capitol Hill.

In fact, this industry has been the subject of extensive interest to many Members of Congress and the executive branch. Over a year and a half ago, the industry filed a petition under section 232 of the 1962 Trade Expansion Act suggesting that the national security was jeopardized by imports of machine tools and asking for some sort of import relief. In November 1983, I held joint hearings of the Committee of Foreign Relations and the Subcommittee on Energy, Nuclear Proliferation and Government Processes of the Governmental Affairs Committee on this subject in Rockford, IL. During those hearings the Under Secretary for International Trade of the Department of Commerce Lionel Olmer stated the case succinctly when he said:

> Imports are killing the American machine tool industry, and I think that that is not arguable.

Not long after Commerce Secretary Baldrige recommended that the President grant import relief to the industry in reponse to the 232 petition. And that Mr. President was as far as the industry's case ever got. Since February of this year, Secretary Baldrige's recommendation has been lost in a tangle resulting from bureaucratic infighting.

As I mentioned in a colloquy with the distinguished chairman of the Finance Subcommittee on Trade, Senator DANFORTH during the Senate consideration of this year's trade bill, it is unthinkable to me and many of my colleagues that the President's own advisor for national security issues has gone out of his way to keep this recommendation from his attention. And this Mr. President despite the support of over 180 members of Congress for action on this petition.

Meanwhile, the industry remains in limbo and conditions continue to deteriorate. As evidence, I submit for my colleagues attention the above mentioned article published in the Sunday Chicago Tribune of September 2, 1984, entitled "Wrenching Times for U.S. Machine Tool Firms: Distressed Industry Gears for the Future," and ask that it be printed in the RECORD.

The article follows:

[From the Chicago Tribune, Sept. 2, 1984]

WRENCHING TIMES FOR U.S. MACHINE TOOL FIRMS: DISTRESSED INDUSTRY GEARS FOR THE FUTURE

(By Len Ackland)

ROCKFORD.—Tom Powell's favorite picture hangs on his office wall. It shows Buster Keaton nonchalantly sitting on a chair, with an elephant behind him, its trunk curling around Keaton's left arm. The caption says, "What Elephant?"

"That picture is like Washington's attitude toward the machine tool industry," said Powell, the balding 45-year-old president of Ex-Cell-O Corp.'s manufacturing systems subsidiary here.

He says that, on the one hand, federal officials ignore the significance of this country's machine tool industry and the mammoth troubles that have beset it in recent years. Although its total sales account for less than 1 percent of the U.S. gross national product, the industry is considered the linchpin of manufacturing, since it makes the machines used to cut and shape metal into everything from doorknobs to automobile bodies to ballistic missiles.

Powell complains that, on the other hand, policy-makers are equally unaware of the exciting technological innovations at some U.S. tool-making plants.

"It makes me upset to hear people say the American machine tool industry has been sitting on its duff," Powell said during a walk through the highly computerized 14½-acre facility that has absorbed $17 million of Ex-Cell-O investment in the last five years.

If Powell's double-barreled blast at federal policy-makers seems somewhat contradictory, it accurately reflects the often confusing mix of problems and achievements that characterizes the industry today:

It's an industry still in the doldrums of its worst economic times since the Depression. New orders last year amounted to $1.7 billion, far below the record $5.6 billion in 1979.

Although the pace of tool orders has picked up this year, analysts say no boom is in sight. The big automakers have completed the major machine tool purchases needed to build smaller engines and transmissions, according to John Scicluna, Ford Motor Co.'s director of machine tool purchasing. The nation's farm-implement, mining and construction firms have been slow in recovering from the recession.

The machine tool industry has shrunk because of business failures and mergers. In the last three years, the number of U.S. tool-makers has decreased 30 percent to fewer than 500 bona fide tool-making companies, according to industry estimates, while employment has dropped 25 percent to 73,900. Communities such as Rockford, long known as the "machine tool capital of the world," have been particularly hard hit by layoffs.

Despite the recent recession, some companies have been developing sophisticated, automated machine tools using robots, vision sensors and computerized controls to produce manufacturing systems flexible enough to make different parts on the same machines. Some of the newest offerings will be unveiled at the International Machine Tool Show in Chicago this week.

U.S. tool-makers have been battered by imports, particularly from Japan, that dominate certain types of standard machine tools and account for as much as half of total U.S. sales. Apart from strengthening their own production, some U.S. firms, including Kearney & Trecker Corp. in Milwaukee, are responding by slapping their own labels on Japanese-made tools to be marketed in the U.S.

The traditionally entrepreneurial machine tool industry also is responding to the import challenge by seeking government import quotas. The National Machine Tool Builders Association, over the protest of some members, filed a petition in March, 1983, asking the government to fix imports at a maximum 17.5 percent of total sales for five years.

The association's filing, which led Ingersoll Milling Machine Co. in Rockford to drop out of the organization, rests on Section 232 of the Trade Expansion Act of 1962, which calls for protection of industries vital to national security. Despite widespread congressional support, the White House has taken no action.

"This is a peculiar situation, because nobody wants to be protectionist," said Paul Haas, a vice president at Kearney & Trecker, a subsidiary of Cross & Trecker Corp. "No one wants to be against free trade if it's fair trade."

Haas cites industry reports claiming that the Japanese have made their tremendous inroads primarily because of underpricing and other practices targeted at grabbing U.S. market share. He attributes lack of Reagan administration action to "a number of people in the administration who ideologically favor free trade."

Some experts, though, say the machine tool industry's problems weren't caused by the Japanese.

"I don't ascribe the major problems to Japanese policy," said Harley Shaiken, a technology analyst at Massachusetts Institute of Technology. "The major failures have been on the U.S. side."

Shaiken said U.S. tool-makers made a strategic marketing mistake by concentrating on large machines for big companies and leaving the lower end of the market to imports. "The industry targeted the high value-added market, such as $3 million systems for McDonnell Douglas, rather than the $150,000 lines," he said. "That approach gave foreign competitors an entry."

In addition, he says, machine tool demand by Defense Department contractors, who don't need to be cost-conscious, has been problematic. "The military has played a significant role in exacerbating the problems of the industry," he said. "If you can sell a $2,000 wrench, you can sell any kind of machine tool."

Shaiken adds that he's not opposed to import protection for the industry "because it's the linchpin of an industrial economy, and trouble there travels fast through the rest of the industrial sectors." He says, though, that the Section 232 petition is flawed, because it doesn't require tool-makers to address their own marketing, investment and pricing troubles.

Many executives in the industry admit some blame for its problems.

"In the late '70s, when we were making money, more should have been invested in R&D and manufacturing," said Mike Jennecke, vice president of Litton Industries Inc.'s machine tool operations. Also, ironically, the industry itself opened the door to a rush of imports in 1979, when delivery times stretched to 18 months and buyers began looking to foreign suppliers.

Yet, Jennecke says, the criticism is overblown.

"People are ready to criticize any industry when it's in the doldrums and ready to criticize when they don't know the facts," he said. "To some degree, the critics are right that we're not competitive, but there are a lot of reasons."

Two of them, Jennecke says, are the strength of the dollar abroad and the Reagan administration's export control policies. The dollar's high exchange value makes U.S. exports expensive and imports cheap, a situation exacerbated by the undervalued Japanese yen, he said.

"And the export regulations on high technology are giving us fits," he said. "We have trouble sending machines to our own plants in foreign countries."

While emphasizing that the tool making industry needs government help, Jennecke notes that companies are pursuing various strategies to recover. For example, Litton's New Britain [Conn.] machine tool division made a licensing agreement in July to acquire technology from a West German toolmaker and last week Litton brought a 14.3 percent interest in the firm, Gildemeister AG.

In addition, Litton's Lucas division in Cleveland has developed a $6 million flexible manufacturing system [FMS] that will be demonstrated for the first time in Chicago this week.

"FMS will be the future, although it won't grow into a booming business overnight," Jennecke said.

Kearney & Trecker, the nation's largest producer of such systems, also thinks they are the way to go. The company will be presenting its newest developments at its Milwaukee facility in a private show running concurrently with the big Chicago machine tool show.

"We're now working on our 30th FMS system since 1972," said Haas of Kearney & Trecker. He says such automated systems, where the metal pieces to be worked on are transported on computer-controlled carriers from one machine tool to the next, are being considered by manufacturers much smaller than early FMS purchasers such as Deere & Co.

An FMS system is a combination of standard, stand-alone machine tools and the huge, specialized transfer lines used by auto, aerospace and other large manufacturers, says Ex-Cell-O's Powell. A key feature is computer control of the systems, including the most modern, numerically controlled machine tools, whose movements are defined by computer tapes that can be modified by the tool operators.

The stand-alone machines and machining centers are designed for relatively low production volumes of various metal products, such as different sizes of gear boxes. Transfer lines produce high volumes of a single metal part, such as an automobile door panel, transferred from one machine tool station to another.

"We've developed a machine to let the little guy into this field," Powell said.

In mid-August, Ex-Cell-O employees were putting this machine, called the FlexCenter, through a final test before dismantling it for shipment to the Chicago show. Like new systems being produced by other toolmakers, the concept behind FlexCenter—which could fit in a high-ceiling, oversized two-car garbage—is to offer modules enabling buyers to start small and expand.

Powell describes the progression that a small firm could use to get into FMS gradually as follows:

Using estimated prices, he says, the buyer could first purchase the $250,000 machining center that includes cutting tools to be used on the metal block being worked on.

Later, the firm could buy peripherals such as an automatic tool conveyer system and an overhead, or gantry, robot. The total system, Powell says, will cost about $900,000. This FMS "cell" could then be added to other cells to complete a large FMS system.

While Ex-Cell-O designed the system, simulated the parts on its computer-aided design equipment and built most of the parts, it also made use of other vendors. For instance, the gantry robot was supplied by GCA Corp., and the computerized controls by Allen-Bradley Co.

"It's almost impossible for a company in the machine tool field today to be 100 percent home grown," said Powell, a mechanical engineer before entering the executive ranks.●

SOUTH AFRICA AND U.S. POLICY

● Mr. KENNEDY. Mr. President, I have been deeply concerned by the recent unrest and repression in South Africa. The institutionalized racism of South Africa's apartheid system has provoked widespread protests and riots, which have been met by thousands of police and soldiers from the South African defense forces. The turmoil in South Africa raises troubling questions about the stability of the whole African subcontinent so long as apartheid continues to exist.

Yesterday, I expressed my concern about the situation in South Africa and the effects of U.S. policy in that country in a letter to President Reagan. I urged the President to speak out against the brutality of the recent repression and to adopt a course that would help bring majority rule to the people of South Africa and independence to the people of Namibia. I ask that the text of the letter be printed in the Record at the conclusion of my remarks.

I also want to draw the attention of the Senate to four items about South Africa that I have came across this past week. The first is a prepared statement by Dr. David A. Hamburg, president of the Carnegie Corp., on poverty and development in South Africa. This statement was to be delivered at a public forum on South Africa that I was planning to hold last Friday. Unfortunately, because I had to be present on the Senate floor at the same time that the forum was scheduled, the forum had to be canceled. Dr. Hamburg was good enough, though, to provide me with a copy of his prepared testimony, which reports the findings of the Carnegie Corp's second inquiry into poverty and development in South Africa, held at the University of Cape Town from April 1982 through the present. I found his statement so powerful and incisive that I ask that it be printed in full in the RECORD.

I was particularly disturbed by the Inquiry's finding that 80 percent of the families in the black "homelands" live in poverty. Poverty in the rural areas, according to the Inquiry, "is so acute and so widespread that the situation can only be described as a rural crisis." This poverty, as the director of the inquiry, Francis Wilson, noted, is the direct result of the racist political structures in South Africa, inasmuch as "the people who are poor in (South Africa) are poor because they are on the wrong side of apartheid." Not surprisingly, as the forced relocation of blacks to homelands has accelerated in the past 20 years, there has been a "radical increase" in poverty in South Africa.

Dr. Hamburg's testimony goes on to describe the appalling conditions under which blacks must live and the shocking indifference of the South African Government to the millions of impoverished black families. His statement is an eloquent and forthright account of the brutality of apartheid, and I strongly recommend it to my colleagues.

The next item I wish to have printed in the RECORD is an article from Tuesday's Washington Post, which brings the pervasive repression of apartheid into sharp relief. The story, by Allister Sparks, describes the ordeal of a small 12-year-old boy in Sharpeville who was arrested when he accidentally stumbled into a crowd that was being charged by riot police. The boy, Isaac Raboyame, was struck on the head by a police rifle butt and herded into a crowded prison for more than 3 weeks, before a court finally ordered his release. Isaac's experience, tragically, was not an isolated case, for, as Sparks points out, two-thirds of the thousands who have been arrested in recent weeks are under the age of 18. Indeed, some children under the age of 10 have reportedly been arrested. I was deeply moved by the story of Isaac Raboyame, and I hope other Senators will take the time to read it carefully.

The final two items I want to have printed in the RECORD are editorials from the New York Times and the Washington Post. Both editorials deal with U.S. policy toward South Africa under the Reagan administration. The administration's policy of "constructive engagement" has been a dismal failure, having achieved nothing either in South Africa itself or in Namibia. Indeed, the situation in South Africa has become steadily worse. Even more disturbing, as the Times editorial points out, "the administration's attempts to wheedle relaxations from Pretoria have left the false impression that Americans regard the claims of oppressor and oppressed with fine impartiality."

The Times editorial supports two sanctions that were agreed to in conference last week: a ban on U.S. bank loans to the South African Government and its entities, and a requirement of State Department monitoring of U.S. businesses' compliance with the Sullivan Principles of fair employment. Unfortunately, the Senate did not get a chance to consider the first and more important of these measures. Reversing the stance he had taken last week, the chairman of the Committee on Banking, Housing, and Urban Affairs yesterday decided to present an emasculated version of the proposed title III amendment to the Export Administration Act. I deeply regret that we did not have the opportunity to consider the original legislation in this Congress, and I intend to work for its passage in the 99th Congress.

The Post editorial offers a disturbing footnote to the case of the six fugitives in Durban, an incident which I discussed at length in a Senate floor statement yesterday. The Post points out that the South African Government had warned the U.S. Government not to grant sanctuary to the six fugitives before a decision had actually been taken in Washington. This raises the troubling possibility that the U.S. denial of sanctuary, whether influenced by the warning or not, may have "contributed to a calculation by the South African Government that it could safely rearrest the fugitives without fear of an untoward American reaction .* * * (The U.S. decision) quite possibly conveyed a deadly impression of bowing to South African intimidation." Of course, as the Post notes, "regardless of whether the South Africans took the American stance into account when they rearrested the three on Saturday, the rejection of the sanctuary plea, was a wrong decision."

The Durban incident revealed, once more, the inefficacy of the Reagan administration's approach in South Africa. It is time for the United States to reassert its long-held ideals and democratic values by strongly opposing apartheid and by using whatever influence we have to help bring about majority rule in South Africa and independence in Namibia.

Mr. President, I ask that my letter, Dr. Hamburg's testimony, and the three newspaper articles be printed at this point.

The materials follow:

U.S. SENATE,
Washington, DC, October 10, 1984.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I have just completed a meeting with Bishop Desmond Tutu and Reverend Allan Boesak from South Africa. We discused the recent violence inside their country, and they talked with me very openly about their fears and their hopes for their people. They told me about their profound distress at the adverse impact of U.S. Foreign policy on the well-being of the black population of South Africa and Namibia, and they expressed their great concern at the role of the United States with respect to the recent repressive measures and violence being employed by South African authorities. They told me that there is a growing tide of anti-Americanism in South Africa which if left unchecked may well be irreversible. This would be a great tragedy for both countries.

I am writing to urge you now to speak out against the brutality of the policies being pursued by the South African government in response to this most recent crisis. We have now been witness to almost a month of turmoil inside South Africa in which scores of Africans, many of them children, have been killed. And the South African government now seems bent on taking even more repressive measures. Last Friday, the Minister of Law and Order, Louis Le Grange, announced that units from the South African Defense Force would support the police in riot control. The decision to call in the army against the people is widely viewed as being a decision to crack down with even greater force and violence.

Just two days ago, the South African authorities occupied the building of the South African Council of Churches and went through the offices of the United Democratic Front in Johannesburg. The UDF, as you know, is a nation-wide, multi-racial coalition of groups dedicated to non-violent change in South Africa. This action is not only troubling to those of us who support the objectives of the UDF; it also threatens the personal safety and freedom of Reverend Boesak when he returns.

These actions by the South African authorities—particularly the killings over the past few weeks and the more recent decision to resort to even greater force—call for condemnation in the strongest possible terms by the United States of America. I was disappointed that the United States was unwilling to provide sanctuary for the six leaders who sought safety in the British consulate in Durban. And so I urge you now to speak out.

Throughout our history, the United States has been an example to the rest of the world, a reason to have faith that, so long as the United States is strong and secure and true to its ideals, the freedom-loving peoples of the world can have the hope that their aspirations and their concerns are shared by the most powerful nation on earth. In this way, the influence of the United States transcends the reach of our military power and touches the hearts and minds of common people throughout the globe.

But today in our approach to South Africa and Namibia, the United States seems to have turned its back on our most fundamental principles. Our policy of "constructive engagement" is widely perceived as being collaborationist with the Botha regime in South Africa and supportive of apartheid. Statements of support by U.S. officials for the new constitution, for example, were regarded by most non-white South Africans as a betrayal of basic democratic principles.

For all these reasons, Mr. President, I urge you to change course. It is not too late to return the United States to a path that supports full and meaningful participation of all the people of South Africa and independence for the people of Namibia. To remain silient about recent events in South Africa would confirm the suspicion that the United States of America only cares about the human rights of white people, that when black people are killed, beaten and arbitrarily imprisoned, the United States can be expected to remain silent. This is of course inconsistent with everything that we hold dear about our country and our country's history.

Very truly yours,

EDWARD M. KENNEDY.

TESTIMONY OF DAVID A. HAMBURG, M.D., CARNEGIE CORP. OF NEW YORK

SECOND CARNEGIE INQUIRY INTO POVERTY AND DEVELOPMENT IN SOUTHERN AFRICA

Overview of scope and significance

The Second Inquiry into Poverty and Development in Southern Africa was initiated by Carnegie Corporation of New York in April of 1982. Based in South Africa at the University of Cape Town, it is directed by Dr. Francis Wilson, a labor economist and head of the Southern Africa Labour and Development Research Unit (SALDRU) at the School of Economics.

The Inquiry has three main objectives:

To collect and collate up-to-date facts about poverty and the process of impoverishment in Southern Africa;

To generate public debate on the causes, nature, and extent of poverty in Southern Africa;

To stimulate thinking and action on strategies against poverty and on ways of facilitating equitable development in the region in both the short run and the long run.

The aim ultimately is to contribute toward shaping a more just society in Southern Africa.

The Inquiry is drawing upon the knowledge and research of a network of scholars and professional persons in law, medicine, economics, religion, and other fields throughout the country, as well as community leaders, teachers, and social workers who have first-hand knowledge of poverty and the process of impoverishment at the local level. The intention is to ensure the widest possible participation in the study from all segments and races in southern African life. More than 20 universities in the region have thus far participated in the study.

The Inquiry was begun in January 1980 with a 15-month period of extensive consultation and travel by Francis Wilson to assess the feasibility and role of the study. Out of these discussions the scope and decentralized structure of the Inquiry emerged.

The research phase was launched in April 1982.

The Inquiry is billed in South Africa as the most exhaustive and prestigious survey of the causes and consequences of poverty in southern Africa since the Corporation-sponsored study of poverty among whites in South Africa carried out 50 years ago. Popularly known as the Carnegie Poor White Study, the earlier study succeeded in stimulating actions that helped the Afrikaner poor overcome their conditions and become part of mainstream South African society.

The current study is not confined to the study of the people of any one race classification in southern Africa, although poverty in the 1980s is endured almost entirely by black people—African black, Coloured, and Asian.

The geographical scope include the old Union of South Africa and also Botswana, Lesotho, Swaziland, and even Mozambique—all countries intimately tied to the South African economy. In S.A. terms, it includes all areas contained within the single economy that is central to the Vaal Triangle and that lies between the Cape of Good Hope and the Limpopo River. For all practical purposes, the Inquiry is a study of poverty in South Africa, where the roots of the problem mainly lie.

It was decided that there should be no single definition of poverty in this Inquiry. Rather, the aim was to find out through fieldwork what poverty means in different situations. Certainly, the primary indicator of poverty is income and earnings, but money is not sufficient to portray "the full dimensions of proverty." Proverty is thus being studied at both the macro and micro level in relationship to land use, law, food and nutrition, health care, education and training, transport, housing, social welfare, and other quality-of-life indicators. It is also being studied for its effects upon families, migrant workers, women, children, and the elderly. Overshadowing all is the role and impact of the official policy of racial separation known as apartheid.

Interim findings of the Inquiry were presented at a Conference on Proverty and Development held in Cape Town April 13 through 19, 1984, to which more than 300 papers were presented by participants. The conference also exhibited a collection of photographs of the southern African poor, entitled *The Cordoned Heart.* A film festival taking as its theme "Signs of Hope" brought together a great deal of information about development lessons from other countries. There was in addition a video workshop, slide show, an art exhibition, and a "draw-in" for children.

The conference is understood to be part of an on-going process. Under Francis Wilson's direction, working parties are now assembling collections of the papers into group reports. These reports will incorporate the analyses and strategies for change in such areas as law, education, food and nutrition, rural development, water and fuel, influx control, and the like. The emphasis will be on short-run strategies of nongovernment institution-building—measures that can be taken here and now and yet are consistent with the long-run goals of abolishing the "pillars of apartheid."

It is very much in the thinking of the Inquiry leaders that the shape of South African society in the future will depend on the foundations that are laid down now for combatting what Wilson says must be one of the most unequal distributions of national wealth in the world. The need to lay the foundation for a just and democratic society indeed is the purpose to which the Inquiry is committed.

As part of the task of generating public debate about the Inquiry's findings and recommendations, Wilson and his colleagues have planned an intensive public education campaign in South Africa (later in the United States and England). The findings presented at the conference have already created a storm of comment and controversy in South Africa, provoking complaints in Parliament from Prime Minister Botha that South Africa is being singled out and that the Inquiry would have done better to focus its attention on the rest of Africa where, he said, poverty is much worse. The press attention has been mainly in the English-language papers, but widespread coverage has also been given the Inquiry in the Afrikaner press. Wilson et al plan extensive travel throughout southern Africa to make presentations before businessmen, church leaders, politicians, and community groups, to share with them the facts, the analyses, and the thinking about strategies and to try to stimulate independent thinking and action on the recommendations.

Reports planned for publication under the auspices of the Inquiry are the following: The 300 conference papers are already being circulated to libraries in Africa and throughout the world. Monographs of some papers will be separately published. The reports of the working parties scheduled for publication at this time cover education, law, water and fuel, rural development, and influx control. Other products of the Inquiry will include a book of photographs from the exhibition, with a 15,000 word summary by Francis Wilson of the major features of the Inquiry and its findings, which should be published by April 1985. The photographic exhibition is currently on tour in Britain, starting in Westminster Abbey. Discussions are under way to bring the exhibition to the United States.

The most important and final report will be the *Overview* of the major facts, analyses, and strategies for change emerging from the Inquiry. Projected to be about 90 pages long, the manuscript will be available by October 1985, with publication slated for early 1986. Arrangements for co-publishing the major reports and the book of photographs are under discussion with British and American publishers.

Carnegie Corporation's support of the Inquiry thus far totals $556,000. The contribution of the South African scholars and researchers and of the University of Cape Town itself cannot be measured in money. Most of the work on the Inquiry has been voluntary.

The research and investigative phase of the Inquiry ends in the summer of 1985, but the follow-up work will go on.

Preliminary findings

The more than 300 papers submitted at the conference in April constitute the preliminary findings of the Inquiry. The product of as many minds, the papers defy encapsulation. They are mainly area studies of poverty in all its manifestations, and although in the aggregate they add up to a week bleak picture of life for South Africa's majority population, they do not easily lend themselves to statistical generalization. One of the great strengths of the Inquiry—its catalytic role in generating new research, in drawing together existing research, and in identifying research needs—will present formidable problems of integration in order to provide a comprehensive look at the causes and consequences of poverty in the region.

A major difficulty the Inquiry has had to confront is the paucity of existing information on the income and earnings of the poor. There are serious gaps in knowledge about what the economic situation really is for black people in South Africa, and more broadly, southern Africa. No official statistics or even income shares by race or other grouping are published; in fact, until the 1980 census, the government specifically ignored the personal incomes of blacks. All studies to date have been made by academics using various definitions and data sources and assumptions. Data on aggregate incomes in homeland agriculture are sparse. A comprehensive analysis is therefore impossible and reliance has had to be placed on surveys in representative areas.

One of the important contributions of the Inquiry will be an attempt at a national "mapping" of poverty and income in South Africa. This is having the effect of opening up whole new areas of scholarly exploration. As one reviewer of the conference put it, "I have no doubt that whatever else may come out of the investigation, the detailed factual research on poverty (incomes, material living standards, and quality of life of those in the lower range of the South African distribution of income) that it has sponsored, or simply provided a platform for or coordinated, will justify its existence. For years to come the Carnegie papers will be mined for information."

The following pages concentrate on the broad economic picture and then turn to the relationship between poverty and illness.

Poverty in South Africa is mainly a problem of rural black poverty. The proportion of families who live below the poverty line is about 7 percent in the cities, 13–14 percent in the platteland, and 80 percent in the reserves (or homelands). Ninety-three percent of the poverty in South Africa is therefore outside the major cities. There is poverty all over South Africa, but it is the rural areas, where most black people live, that it is most acute. This is not to say that there are not enormous problems concerning the quality of life in the cities, particularly for working women with young children and for men without their families. But what is seen around Cape Town or Johannesburg pales in significance to what is found in the Karoo or in the Ciskei. The Inquiry has found that in the rural areas, including Lesotho, "poverty is so acute and so widespread that the situation can only be described as a rural crisis."

Poverty in South Africa, according to the conference papers, is "decisively affected by apartheid." Its dimensions are particularly affected by land laws, pass laws, and the housing policy of the Nationalist government and earlier governments. "The people who are poor in this country are poor because they are on the wrong side of apartheid," says Francis Wilson. Unforeseen circumstances like drought might play their part, but acute poverty in South Africa has a deeper origin in the economic and political structure of the society.

The Inquiry reports that there has been a "radical increase" in poverty in South Africa over the past 20 years, largely as a result of the accelerated implementation of "Grand Apartheid," wherein blacks are deprived of their South African citizenship and deported to the reserves set aside for their particular ethnic affiliation. These reserves, or homelands, have become "dumping grounds" for "economically redundant" people. (One paper referred to these people as "the discarded and dispatched.") According to the Inquiry reports, the number of people made destitute by landlessness and unemployment has risen from 250,000 in 1960 to 1.43 million in 1980. The number living below the poverty line but having some income has reportedly increased from 4.9 million to 8.9 million—about one-half the population of blacks in South Africa.

A current example of this forced impoverishment is the case of KwaNgema, an established black farming community near the border of Swaziland. The S.A. government has declared it a "black spot," which must be removed. The residents have been told they must move to one of three settlement camps in the arid, rocky homeland set aside for the Swazi ethnic group. The possibility of gaining employment or of eking out a living from subsistence farming on this land is virtually nil.

Eleven million blacks comprising 72 percent of South Africa's population are being crowded into the ten officially autonomous homelands that make up only 13 percent of South Africa's land area. There is insufficient arable land or infrastructure to yield an adequate income for the families living there. Traditional subsistence agriculture is collapsing with the overcrowding. There is no space for cattle. There is little work in the homelands, where an expanding government bureaucracy is described in one of the conference papers as "the only growth industry." The explosion of population is "little short of terrifying" in places like Qwa-Qwa in the Eastern Transvaal or in the northern Ciskei, brought about largely by the removal of people from the farms.

Generally speaking, there are four sources of household income for people in the homelands: transfer payments, notably old-age pensions, disability grants, and grants to the blind; remittances from a father, brother, or son doing migrant work in a city on a one-year contract; subsistence agricultural production; and earnings of people employed in the homelands or as "commuters" close to homeland boundaries. Remittances account for 66 percent of employment earnings in the Transkei. In Mhala, only an estimated 2 percent of persons are now able to make their living from the land; most of the families lost their property during forced resettlement.

These sources of income have enabled some groups to improve their circumstances, particularly in the past ten years. As Charles Simkins' paper points out, there has been a fall in the proportion of the population in the reserves living below the "minimum living level"—from 99 percent in 1960 to 81 percent in 1980. This is due possibly to three trends: 1) increasing urbanization of the edges of the homelands where people are working in manufacturing; 2) the once-and-for-all tripling of wages in the gold mines, due to the rise in the price of gold; and 3) the sudden once-and-for-all rise in wages of the rural bureaucracy.

The Inquiry studies indicate that there has been a substantial rise in real black incomes in some sections of the economy, but most of it is in the urban areas where approximately five million blacks live. There has also been a marked increase in the share of total income going to blacks in the South African economy. However, the proportion of the population receiving no (visible) income rose from 5 percent to 13 percent between 1960 and 1980. The actual number of households with no income rose by 5½ times. (It should be remembered that the homelands population increased by six million during this period, with the incidence of poverty rising accordingly.)

Simkins suggests that if wage increases and employment continue at the rate of the past ten years, absolute poverty could become a minority phenomenon by the year 2000 in the homelands. There are no signs, however, that this will happen. Quite the contrary. The Inquiry has painted a discouraging picture of future employment for blacks. South Africa is moving into large-scale land ownership, and more and more people are being pushed off the land. A circular process is at work here: families are pushed off farms by mechanization, fencing, and drought. The pass laws, however, deflect the flow of people off this land back to land that is even less able to absorb the people than the large white-owned farms they have left. Job opportunities in factories, the mines, and the black civil services are unlikely to grow. Partly as a consequence of influx control, South Africa is making more capital-intensive, as opposed to labor-intensive, investments in productivity.

One of the main findings is the need to focus attention on the forgotten area of South Africa that is neither a metropolitan area nor "homeland," namely, the platteland, which constitutes about 80 percent of the land on which 20 percent of black South Africans live. Of these, about two-thirds live on the white-owned farms and one-third in the dorps (villages). Conditions on the farms vary widely, but poverty definitely remains a problem.

Inquiry studies of the migrant labor system reveal its devastating impact on families. One-quarter of black women in South Africa are separated from their husbands because of influx control regulations and the pass laws that regulate the movements of workers. The children of some homeland areas are growing up with little descipline and without really knowing their migrant laborer fathers who visit home only once a year. Poor socialization and high crime rates offer no foundation on which to build a community. Quite apart from the mental health consequence for families of such family fragmentation, it is more costly to maintain split families than a united Family. As frequently happens, the migrant worker has two families, one in the countryside and one in the town. Estimates of migrant income seldom take into account the extra costs to workers of bearing split families and of travel to the homeland to renew contracts and visit families.

In light of my medical background, I have been especially struck by the documentation of links between poverty and disease. Examples include tuberculosis, amebiasis, vitamin-deficiency diseases, cholera, malaria, measles, lead poisoning and rheumatic fever, among others.

In short, impoverished people are at high risk of suffering from a wide variety of diseases, prominent among which are infectious diseases. This latter point is tragically ironic in view of the fact that infectious diseases have been drastically diminished in technically advanced societies—and South Africa is after all a technically advanced society, at least in part. In Europe, North America, and Japan, infectious diseases have yielded to a constructive combination of adequate nutrition, clean water, efficient sanitation, decrease of over-crowding, immunizations and antibiotics. Altogether, this decline in infectious diseases represents the greatest health progress made in human history.

South Africa could catch up in health with other technically advanced countries in a relatively short time—to the great benefit of its own people and its future as a nation.

There are many useful interventions for this purpose that are not expensive. Indeed, their efficacy has been demonstrated scientifically and in large-scale practice in many countries all over the world, some of which are less technically advanced and less affluent than South Afrcia.

What are examples of useful interventions to diminish the scourge of infectious—and other—diseases? Let me briefly give a few:

1. Pre-natal care, especially early in pregnancy, with emphasis on simple measures to prevent disease.

2. Education during pregnancy, focusing on good care of Mother and infant, with special attention to nutrition; birth spacing with respect to any subsequent pregnancy; self-care regarding future health in the framework of simple disease prevention; and orientation to improving life chances for the young Mother beyond her pregnancy.

3. The encouragement and facilitation of prolonged breastfeeding.

4. Immunization.

5. Oral rehydration for diarrheal diseases, including the education of mothers about when and how to do it.

6. Guidance in the use of indigenous weaning foods, adapted to local circumstances.

7. The use of simple growth charts in community groups to detect early warning signs of malnutrition.

8. Community-organized pre-school education with concomitant nutrition supplementation and on-site immunization.

9. Community-based clinics, primarily staffed by community health workers, based in accessible sites, with a core of essential vaccines and antibiotics—not the most exotic ones—and oriented to educating people on how best to take disease-preventing measures in their own communities.

You will note that such measures draw heavily on local initiative, community organization for health, and public education for health. Poor communities all over the world are moving in this direction, and I have had the privilege of seeing remarkable human ingenuity along these lines in even the poorest South African communities. The human spirit and talent are there.

The human costs of poverty are truly disheartening. In particular, the burden of early death and long-term disability is exceedingly heavy. Severe and common infectious diseases take the lives of a great many South African infants before they reach one year of age, and handicap for life many of those that survive. Susceptibility to a wide range of diseases is heightened by the marginal character of subsistence which characterizes rural South Africa. And research presented in the Inquiry demonstrates that child health is worsened by the widespread breakup of the family structure, with one parent—and sometimes both—separated from their children for long and indefinite periods of time, measured in years. In my view, poverty is partly a matter of income and partly a matter of human dignity. It is one thing to have a very low income, but to be treated with respect by your compatriots; it is quite another matter to have a very low income *and* to be harshly depreciated by more powerful compatriots. Let us speak then of human impoverishment: low income plus harsh disrespect. This condition jeopardizes survival in the most fundamental terms—e.g. it drastically increases infant mortality, increases the burden of illness in many ways, and shortens life expectancy. But it does even more. It gravely jeopardizes the most fundamental human attachments to family, friends, home and community; it undermines self-respect and a sense of belonging; it makes life profoundly unpredictable and insecure; it erodes hope for future improvement and the sense of worth as a human being.

Thus, to speak of impoverishment in this sense is to speak of human degradation so profound as to undermine any reasonable and decent standard of human life—measured by whatever religious, scientific, or humanitarian standard. Any outlook of human decency in any part of the world is inconsistent with the persistence of such impoverishment in the twenty first century.

Agriculture, as it came to be gradually implemented worldwide in the past few thousand years, gradually diminished human vulnerability. But the most drastic change in the long history of our species occurred only about two centuries ago with the onset of the industrial revolution: essentially the acceleration of technical advance and its application to human problems of adaptation. As it happened, and for reasons that may always remain obscure, this revolution occurred in the northern hemisphere—a fact which was to have profound repercussions over the ensuing two centuries, some of which are painfully visible in South Africa today.

In short, light-skinned people in Europe developed powerful tools before dark-skinned people elsewhere. These tools permitted an explosive increase in the production of worldly goods during the past two centuries. For the first time in our long and arduous history as a species, we could achieve considerable control over our environment, far-reaching protection against old vulnerabilities, and many opportunities that never existed before. Think for a moment what it means to have antibiotics and immunizations, science-based agriculture, airplanes and automobiles, radio and television, computers, temperature controlled-homes, safe and abundant water.

The potential benefits of modern technology for human wellbeing are profound in every sphere: in food, water, health, comunication, transportation, energy and human understanding in all its variegated splendor. This could mean the virtual elimination of human impoverishment in the next several decades.

But technology can be used in many ways. It can increase human suffering as well as relieve it. So far, technical advances have been both for better and for worse. Everywhere, those who have technical skills and advanced technology are powerful. They can, if they wish, turn their power against fellow humans who are weak, vulnerable, powerless or preceived as menancing to them. The temptation to use power in this way has been almost irresistible in the modern world. Such behaviour could be readily observed almost anywhere in centuries past—and right now! The Inquiry has powerfully documented the presence of such behaviour in South Africa. It is a problem here of exceptionally grave dimension.

Please recall that the power of modern technology evolved first in Europe among light-skinned people. From that time to the present moment, there has been a tendency for light-skinned people not only to become more technically advanced and affluent, but also to depreciate, exploit, and even subjugate their dark-skinned brethern. This in my view is one of the most serious problems in the modern world, a root cause of human impoverishment, and a dilemma that has reached crisis proportions in South Africa.

In this context, it is useful to have another look at the first Carnegie Inquiry in South Africa. As you recall, it dealt with poverty among poor whites and is widely credited with having helped considerably in the process by which their poverty was overcome. So we of Carnegie are proud of it. Presumably it also says something encouraging about the South African society of that era—after all, the poor whites emerged from poverty.

Yet that first Inquiry was only a partial success. It failed, like most of mankind in that era, to recognize fully the humanity of black Africans. It had little to say about them. They were, like so many dark-skinned people across the world, dimly viewed as peripheral to human society, almost as non-persons. And so the first inquiry largely left them out. One wonders how much impact that dilemma had on President Keppel of Carnegie, for within a decade he invited Gunnar Myrdal, a brilliant then-young Swedish scholar to examine racial problems in the United States.

The result was the classic study published in "The American Dilemma." It had a remarkably constructive impact on American social progress. Why are there still widely prevalent threats to survival when modern science and technology had made such powerful contributions to South African society? And what can be done to diminish the kind of vulnerability that leads to desperation? The present Inquiry provides some answers to these questions in the structure and function of South African society.

The plight of the poor whites in the Twenties and Thirties had to be contended for in a hostile political atmosphere, in many respects as divisive and contentious as politics today. Indeed, the similarities between the reinforcing mechanisms of poverty fifty years ago, falling largely on the rural Afrikaner, and those of today, falling largely on the black community, are striking. But consider these basic differences of social and political condition: whites could own land in 1934, Africans cannot, by and large, in 1984; whites could move to the cities, with their families, at will, while today black South Africans are restricted by law from free movement or the opportunity to maintain an intact family life; and, not least of all, considering the successful rise of Afrikaner nationalism, whites had the right to express themselves politically, to vote. And, whites were not physically moved from place to place, in implementation of rigid segregation. These are painful facts, and they cannot be avoided in any serious effort to address human impoverishment in South Africa.

Let me make it clear that the Carnegie Corporation is not "picking on" South Africa, not selecting it for unique prejudicial scrutiny. We are supporting work in our own country and elsewhere that aims to illuminate and overcome human impoverishment. Here we are fundamentally trying to be helpful to all South Africans, just as our predecessors tried to be helpful to the poor whites a half-century ago. To do so, we must support honest and penetrating inquiry, letting it go wherever the evidence takes it. We must be true to our heritage, placing great value upon democratic institutions, universal education, equal opportunity, health for all the people, and compassion for human suffering. We recognize that these values are very hard to implement—anywhere. But they are no less applicable to South Africa then to any other nation.

The work of the present Inquiry, taken together with research and experience in other parts of the world, suggests to me several basic ingredients in the emergence from poverty. All are technically feasible and well within human capacities. Yet, putting these ingredients together in a way that permits fulfillment of the human potential is an exceedingly difficult task.

Very briefly stated, I think the ingredients are as follows:

1. *Adequate health.* This is not a counsel of perfection, let alone immortality. It is a condition in which most people in all societies have the vigor to carry on those functions we regard as centrally human; and in which

we can learn to cope with the inevitable limitations of the human organism.

2. *Education for crucial skills.* While I value education deeply for its own sake in every conceivable sphere of human inquiry, I emphasize here those skills that are most salient for survival and well-being in a particular setting, most likely to earn income and respect. I include not only cognitive and technical skills but interpersonal and organizational skills as well.

3. *Mutual support.* It is doubtful whether we can achieve good health and crucial skills, let alone a zest for living, without some dependable social support network: family, friends, reference groups, community—with the immense cultural variability that we must learn to respect. Whatever their cultural forms, such support networks tend to provide mutual aid in the face of the inevitable stresses of living, to facilitate health and education, and to provide opportunities for individuals.

4. *A structure of opportunity.* Given the immense biological variability among individuals in every human group, there will be a diversity of aptitudes and talents among children—and a *lot* of talent in every human population.

For these latent qualities to come to fulfillment, open paths are needed. Life chances can be enhanced by an intact family—up to a point. But a larger structure of opportunity is also necessary—not only a mutually supportive network in the community of origin, but also in the larger society—protected by law. The child, and especially the emerging young adult, needs a social context in which individual capabilities can be brought to bear on real-world circumstances. Otherwise, healthy child development—despite all its intrinsic merits—will accelerate the person into a brick wall. Where a structure of racial or other discrimination is entrenched, those of us who wish to overcome human impoverishment must find openings in the wall, parts of the wall that can be removed, then ways to bring down the walls of obstruction based on prejudice, ethnocentrism, and racism altogether.

I do not think we have the luxury any longer to indulge our prejudices and ethnocentrisms. They are anachromisms of our ancient past. The world-wide historical record is full of hateful and destructive indulgences based on religious, racial, and other distinctions—holy wars of one sort or another. I know there are "tough-minded" people who believe that this is the human condition and we must make the most of it. But technology has passed them by, made their position unrealistic—if not today, then tomorrow.

If we cannot learn to accommodate each other respectfully—within nations and across nations—we will destroy each other at such a rate that humanity will soon have little to cherish—if indeed there is any humanity left on earth.

In such a world, South Africa has special significance. If the accommodation of diversity can occur there, it can occur anywhere. If entrenched hostilities can be reconciled there, the world will notice. If the structures of impoverishment can be changed there now as they were a half-century ago, this time to foster development for all people, it would indeed be cause for rejoicing everywhere. Let us fervently hope that the second Carnegie Inquiry will provide a landmark on this path.

[From the Washington Post, Oct. 9, 1984]

YOUNGSTERS HELD IN SOUTH AFRICAN UNREST

(By Allister Sparks)

SHARPEVILLE, SOUTH AFRICA.—When 12-year-old Isaac Raboyame disappeared during the unrest that shook this black township south of Johannesburg last month, his grandmother was frantic.

For four days Eva Raboyame, 72, with whom the boy lives, searched the ghetto's dusty streets looking for him. He was nowhere to be found.

Then word reached Raboyame that her grandson had been arrested and was in police custody. For more than three weeks, the 12-year-old was kept locked in a cell at the nearby Vereeniging Police Station. On Sept. 28 a court ordered his release and a lawyer took him home.

Young Isaac is one of dozens of children who have landed in prison cells as the South African police have sought to quell the disturbances that have erupted during the past month, according to lawyers involved in the cases.

Their tactics have been to detain large numbers of people for several weeks while interrogators seek the "agitators" they believe must be behind the unrest.

The process, itself rough-and-ready in the midst of the disturbances, has been accompanied by many allegations of brutal treatment in the cells.

A police spokesman in Pretoria, Lt. H.J. Beck, said last week that he did know how many children had been arrested since the unrest began. Asked why children as young as Isaac Raboyane were kept in custody, Beck said: "When you arrest someone in the street you can't just warn him then and there to appear in court. They are kept until their parents can be traced, then they are released into the custody of their parents."

Lawyers handling the cases estimate that as many as two-thirds of the 2,000 or more people who were arrested during the unrest have been under the age of 18.

Isaac Raboyame said there was another 12-year-old, Sile Matsile, in the cell with him. Lawyers involved in the cases say they know of a boy of 9 and another of 10 who were detained, and "quite a number" aged 12 to 14.

The unrest in the black townships during the past month, like that in Soweto in 1976, when more than 600 persons died, has been largely a revolt of the young. Students have taken the lead in demonstrations protesting what they regard as their inferior system of segregated education, and a new constitution introduced by the white minority government that extends limited political rights to some non-whites but not to the black-majority population.

The students also have been boycotting classes, and last week all black schools in Johannesburg and the heavily populated areas to the east and south were empty. More than 220,000 students were said to have joined the boycott, which continued Monday amid new clashes between police and protestors.

Youngsters like Isaac Raboyame are a different matter, however. He is in the third grade.

On Friday, Isaac was playing soccer in the street outside the overcrowded matchbox house where he lives with his grandmother, three small cousins and another family of five. His father is dead, and his mother works as a live-in servant for a white family in another town.

He is small for his age and seemed afraid when a white reporter arrived to ask him about his experience in custody. But one of the adults living in the house took him on his knee and, reassured, the boy told his story.

He was going to play with a friend, he said, when suddenly he found himself in the middle of a mob that was being charged by riot police. Isaac said he tried to run, but a police officer grabbed him and shoved him into the back of a van.

The officer hit him on the head with a rifle butt, Isaac said, taking off a brown woolen cap to reveal a gash that still has not healed.

"I was very frightened," Isaac went on, "and I cried when the man hit me." At the police station, he said, he was locked in a cell with seven other persons. He and Matsile were ordered to clean the cell each day.

THREE JUDGES REJECT FUGITIVES' PLEA

JOHANNESBURG, OCTOBER 8.—Three judges rejected today an application by six South African political fugitives, who took refuge in the British Consulate in Durban a month ago, to declare invalid government notices issued for their detention without charges. A spokesman for the six, Pravin Gordhan, said in a telephone interview from Durban that they would appeal the judgment.

[From the New York Times, Oct. 6, 1984]

PINCHING PRETORIA'S PURSE

Regarding South Africa, the Reagan Administration has insisted that its quiet, firm approach would somehow moderate that country's racial tyranny. But the fruits of "constructive engagement" look sour even to the Republican-led Senate, which has yielded in conference to a House bill that gives symbolic expression to America's abhorrence. The measure would bar American bank loans to South Africa's Government and require the State Department to comment on the racial policies of American companies doing business in South Africa.

Two hurdles remain: a final vote once conferees resolve unrelated differences in an omnibus export bill, and a Presidential signature. The Administration objects to the measure but may have to let the President sign to get the reforms in export licensing to which it is attached.

It would be only a slap at the hateful system of apartheid. Of the $4 billion in outstanding loans to South Africa by American banks, only $388 million is to the Government or its entities. Pretoria can doubtless raise this money elsewhere. As for monitoring employment practices, many American companies in South Africa aleady adhere voluntarily to the fair practices code propounded in 1977 by the Rev. Leon Sullivan of Philadelphia.

Still, this measure sends a message of concern for the 21 million blacks who are legally and often brutally kept aliens in their own country. The Administration's attempts to wheedle relaxations from Pretoria have left the false impression that Americans regard the claims of oppressors and oppressed with fine impartiality.

South Africa's white rulers have responded to a more sympathetic White House with only a pretense of change. Prime Minister P.W. Botha is now called President, but only 4.5 million whites may vote for him. A limited franchise has been granted to 2.8 million persons of mixed race and to 800,000 Indians, but their delegates sit in segregated chambers debating laws they cannot really alter.

Most Asian and colored voters boycotted the election. Six of their leaders sought asylum in a British consulate. Blacks in townships and gold mines rioted just as the new Parliament that again excludes them was assembling.

The only diplomatic fruit of "constructive engagement" is a precarious truce between South Africa and Marxist Mozambique. What was to have been the great prize—a deal ending a bush war in Angola and South Africa's illegal occupation of Namibia—proved beyond reach.

So the Senate swallowed its doubts and agreed to some of the sanctions first proposed by Representative Stephen Solarz of Brooklyn. The final version wisely eliminates making compliance with the Sullivan code mandatory and having it policed by the State Department. But some concern for elementary justice in the workplace is no more intrusive than the United States' insistence that Nicaragua meet some democratic standards in its forthcoming election.

Somber Footnote

A somber American footnote must be appended in the case of the three South African political fugitives who on Saturday walked out of the British consulate in Durban, where they had enjoyed sanctuary for nearly a month, and were promptly detained without charges by the police. The three, and three others who remain in the British consulate, had found refuge there after leading a boycott of South Africa's new constitutional system.

A statement issued by the three still in British care said that their comrades had walked out to expose the South African government's disrespect for the rule of law. What the South African government obviously is intending to say is that, although a majority of Indians and Coloreds reject the new system and the black majority entirely rejects it, the regime means to hold fast. The three who are back in detention have bravely made their point.

The statement issued by the three still in the British consulate also included a harsh attack on the Reagan administration. This is our special concern. The United States had protested the earlier detention of the six fugitives, and the prospect—for three of them now a reality—of their further detention if they left the consulate. But last week, when lawyers for the six asked the United States and a few other Western governments for "sanctuary and every possible assistance," the American Embassy denied sanctuary on grounds that the customary standard of imminent physical peril had not been met.

In general, requests for sanctuary are extremely difficult for U.S embassies, forcing them to choose between honoring the American tradition of humanitarianism and hospitality to political dissent and getting along with the host government and conducting business as usual. In this case, however, it is necessary to ask how the South African government interpreted the embassy's rejection of the request—a rejection handed down *after* Petoria had declared that U.S. assistance to the fugitives would amount to encouraging a criminal act. Did that rejection contribute to a calculation by the South African government that it could safely rearrest the fugitives without fear of an untoward official American reaction?

Actually it is not at all clear that last week the American Embassy needed to reply directly to the fugitives' request for sanctuary, since at that point the six were still in the British consulate. Saying no, however, and on the bureaucratic and lawyerish grounds cited, quite possibly conveyed a deadly impression of bowing to South African intimidation. Regardless of whether the South Africans took the American stance into account when they rearrested the three on Saturday, it was a wrong decision. What is the United States government now planning to do to secure their release?●

HOWARD HIGH SCHOOL—NOMINATION TO THE NATIONAL REGISTER OF HISTORIC PLACES

● Mr. ROTH. Mr. President, it has come to my attention that the State of Delaware has proposed Howard High School in Wilmington for placement on the National Register of Historic Places. As my colleagues are aware, the National Register of Historic Places was established in 1966 to enroll properties representative of our history and culture. The establishment of the National Register has led to a national effort to identify and protect thousands of sites which either because of their architectural significance or association with lives of persons or events significant in our past, are important to our overall understanding of the American experience. I am pleased to note the nomination of Howard High School to the National Register in this context.

The nomination of Howard High School has been submitted for all of the aforementioned criteria. The construction of the school in 1927 was an integral part of the city wide school building program of modernization based on the premise that an improved environment might provide a better learning experience—a novel concept at the time. The building itself is considered representative of the neo classic 1920's style of utilitarian buildings.

Howard High School has additional significance, however, in that it was the first black institution of higher learning in the State of Delaware. The school was founded in 1867 with a total contribution of $10,000 during a period when there were few educational opportunities for black education in Delaware. Until Howard High School graduated its first class and entered a new incarnation as part of the New Castle County vocational education school district, Howard High School provided educational opportunities and a legacy of distinguished alumni who have gone forward to serve Delaware and their Nation well and who have contributed to all aspects of our community. The period of its existence as the primary secondary school for black education was one of tremendous change in our society, and in education the historic Brown against the Board of Education case in which the State of Delaware was one of the plaintiffs, led finally to the desegregation of our school system, thereby closing the final chapter on the original mission of the school.

I join with the city of Wilmington and the State of Delaware in recognition and appreciation of the outstanding contributions of Howard High School toward the betterment and enrichment of our society which places a high value on educational fulfillment.●

JOHN W. WHITE

● Mr. CHILES. Mr. President, I rise today to congratulate Mr. John W. White, a native of Florida who resides in Tallahassee. John was installed as the new president of the National Association of Retail Druggists on October 4. He is the first independent retail pharmacist from Florida to hold this post in its 86-year history. John has been a personal friend of mine since I went to Tallahassee in 1959 to serve in the State legislature. I personally know of the leadership role he has played in Tallahassee and in Florida prior to assuming this national role.

John graduated in 1941 from the University of Georgia's School of Pharmacy. He served in the U.S. Army Air Corps as chief of pharmacy of the Dale Mabry Field Station Hospital before opening a retail pharmacy in 1953. John later was president of the Florida Pharmaceutical Association and board of directors of Health Care of Tallahassee from 1968 to 1973. He is a member of the Faith Presbyterian Church, Elks Club, Rotary Club, as well as many other civic committees. John realizes that when your peers elect one to serve as president there is no higher honor. I admire John White's attitude, for he is aware that any profession which is good to you requires that you be good to the profession. I know John is grateful of the trust shown him in granting the privilege to serve as their president. I am confident John W. White will do an outstanding job as National Association of Retail Druggist's president.●

ACTION NEEDED ON ACID RAIN LEGISLATION

● Mr. LAUTENBERG. Mr. President, as the 98th Congress draws to a close, I would like to make a few comments on the pressing environmental problem of acid rain. I deeply regret that the 98th Congress has not been able to approve an acid rain control program, The Senate Environment and Public Works Committee has twice approved strong acid rain control programs as part of the reauthorization of the Clean Air Act. It is my hope that the Senate can take up an acid rain control program as early as possible next year.

Every day that we delay, another 100,000 tons of sulfur dioxide pollution is spewed out over our cities, our forests and crops, and rivers and streams. While the evidence amasses that this pollution causes slow, but pervasive, degradation of our natural resources and damages buildings, bridges, and priceless monuments in the United States, the Congress has remained immobilized.

Mr. President, it was my hope that 1984 would be the year that an acid rain control program would be enacted in the United States. Instead, the United States, once a leader in environmental protection, is slipping woefully away from its goals and our achievements during the 1970's.

Under the ill-fated guidance of Mrs. Burford, emission limits at many of the country's dirtiest powerplants were relaxed and the cumulative increase in allowable sulfur dioxide emmissions topped 1.5 million tons per year. Every legal attempt under the provisions of the current Clean Air Act to halt these relaxations were rebuffed at the Agency's door. While the EPA was busy denying the petitions of numerous Northeastern States to stop acid rain pollution, the Administrator of the Environmental Protection Agency was traveling the country challenging scientists to prove to her that reducing emissions of sulfur dioxide would save one fish.

At the same time, the National Academy of Sciences, scientific work groups set up by the United States-Canada Memorandum of Understanding on Acid Rain, and the 1982 Stockholm Conference on the Acidification of Environment issued authoritative warnings. They found acid rain was responsible for the degradation of thousands of lakes and the fragile aquatic ecosystems they support. Further, they found that acid rain, and the metals it was immobilizing, posed a substantial threat to our forests. A national survey in West Germany has found that 34 percent of its famous Black Forest and other forests were dead or dying from a combination of acid rain and air pollution.

In May 1983, a new Administrator of EPA was sworn in by the President. He was charged by the President to tackle the issue of acid rain head on. Administrator Ruckelshaus immediately assembled prominent scientists, established a special task force, and met with every group with an interest in the acid rain issue. The National Academy of Sciences released additional studies underscoring the dangers associated with acid rain. A panel of scientists chosen by the President recommended that immediate action should be taken to reduce acid rain. The Administrator has refused to widely disseminate the panel's report and funding to the public. Within days of the panel's recommendations, the National Academy of Sciences released a second report confirming that reductions in sulfur dioxide and nitrogen oxide emissions would reduce acid rain. The NAS estimated that if emissions of sulfur dioxide were reduced by 50 percent, the acidity of rainfall would be reduced by 50 percent, an NAS goal.

After pressure from the White House and OMB, EPA recommended nothing more than a demonstration program which would reduce emissions by only 10 to 15 percent. Even this program was rejected by the President's Cabinet Council on Natural Resources, with David Stockman, Director of the OMB, playing a pivotal role in its defeat.

Mr. President, since last fall, the administration has essentially put a hold on developing an acid rain program. EPA's task force is silent. What happened? What did the task force find? What control options did it recommend? The public will probably never know.

The administration's disinterest in reducing acid rain was evident when EPA announced in August that it would deny petitions filed by Pennsylvania, New York, and Maine seeking reductions in sulfur dioxide emissions in Midwestern States.

Meanwhile, Canada and Europe have moved forward. Canada is pledged to a 50-percent reduction of its smelter and powerplant sulfur dioxide emissions. Three other countries in Europe have joined the call for a 50-percent reduction. Two of the countries represent the industrial hub of Europe: France and West Germany. The third country is Norway. All together 10 countries have pledged to reduce their emissions by at least 30 percent over the next decade in a cooperative effort to stem the most urgent international environmental problem of the 1980's. Mr. President, we have the evidence and the know-how to put an acid rain program in place. What is needed is the political will to do so. I hope we will demonstrate this will next year.

Mr. President, I ask that an editorial from the New York Times and an article by David Moore, executive director of the New Jersey Conservation Foundation, printed in the News Beacon of Fairlawn, NJ, be printed in the RECORD.

The materials follow:

[From the New York Times, Sept. 2, 1984]

ACID PROCRASTINATION

Throughout the Eastern seaboard, the acid brought by rain, snow, dew and fog is stretching the natural resilience of lakes and soils to their breaking point. The poison is so diffuse and gradual that overt damage is hard to pinpoint. But already the warning signs—dead lakes, damaged crops, forests of stunted trees—presage and massive natural disaster. The Administration's undeviating response to each new danger signal is to call for another study.

Last week the Environmental Protection Agency turned down another opportunity for action by rebuffing a petition for New York and other states to curb the sources of acid rain in the Midwest. Lack of definitive proof of harm, the agency says, bars taking steps under the Clean Air Act to control acid pollutants.

How much proof does the Administration need? It finds a few dubious samples sufficient evidence of yellow rain, the toxin it alleges the Soviet Union supplied for use in Southeast Asia. But with acid rain that threatens half of America, the conclusions of impartial experts based on innumerable studies are somehow inadequate.

Some 27 million tons of sulfur dioxide and 21 million tons of nitrogen oxides are emitted annually, much of it from the tall stacks of coal plants in the Midwest. The gases are carried east by the prevailing winds, and converted in passage or on arrival to potent acids. This massive chemical burden cannot always be fully neutralized by soils and water. Widespread damage then ensues, even though the precise mechanisms of harm have yet to be determined.

Reviewing the evidence of ecological damage, the National Academy of Sciences in 1981 advocated a "prompt tightening of restrictions" on the emissions from coal plants that contribute to acid rain. Unhappy with that and other scientific reports, the White House commissioned its own review, which urged a curb on acid rain in even stronger terms.

The Administration has delayed publishing the full report of its acid rain panel, but a summary was released last year. It concludes that the damage from acid rain is potentially so serious that action should begin now *even though* absolute proof of cause and effect remains elusive. It may take decades for a damaged ecosystem to recover, the panel observed; hence "actions have to be taken despite incomplete knowledge."

A thorough investigation by the Congressional Office of Technology Assessment concluded this June that 17,000 lakes and 112,000 miles of streams are threatened by acid rain. Broad areas of forest exposed to acid rain and ozone, a byproduct, are also at risk. Ozone also damages crops, and reduces American agricultural productivity by 6 to 7 percent, in the report's estimate.

An acid rain program, even if begun now, would take 7 to 10 years to produce a significant reduction. Such a program would cost $3 billion to $6 billion a year, and could be financed affordably by a Superfund-style levy on utilities. Acid rain is the gravest environmental threat of the decade but the Administration has already wasted four years in stubborn refusal to acknowledge it.

[From the Fair Lawn (NJ) News-Beacon, Aug. 10, 1984]

ACID RAIN PROBLEM REQUIRES IMMEDIATE ATTENTION IN NEW JERSEY

(By David F. Moore)

What a difference two months can make! In May it looked as though enough votes could be mustered in Congress to begin dealing with the acid rain problem which New Jersey shares with the rest of the northeast. Then, early that month, the House Subcommittee on Environment and Health killed the best chance we had, H.R. 3400, California Congressman Henry Waxman's bill to control acid rain as part of a reauthorization of the Clean Air Act.

Any hope remaining at this time must be lodged with the Senate. There, New Jersey's Senators Bill Bradley and Frank Lautenberg are pushing for a strong version of the Clean Air Act renewal. If the Senate does a good job, and differences are worked out in favor of all of us who breathe, we can hope that we can still do something about acid rain and cleaner air.

A lot of us are watching the acidity of rain and snow falling here in this state we're in, and further delays in corrective measures seem little short of criminal.

The Association of New Jersey Environmental Commissions (ANJEC) has been monitoring acid rainfall statewide with financial backing from the Fund for New Jersey.

Rutgers University, through its office of Pinelands Research, is about to repeat a comprehensive study conducted in 1970-78 which measured how much acid, both wet and dry, was coming down on the Pinelands. It also tabulated how much acid was transported in streams and underground waters.

My own organization, the New Jersey Conservation Foundation, recently obtained a grant from the J.N. Pew Jer. Charitable Trust to repeat the Pinelands study. We contracted with Rutgers to do the job. The two-year study will be used to compare todays acid conditions with those of over a decade ago.

So if anybody, in New Jersey or elsewhere, thinks more studying is needed on acid rainfall, I beg to differ. What we now need is for Congress to grapple with the problem of reducing emissions!

At the beginning I noted the demise of the Waxman legislation, H.R. 3400. That bill would have reduced U.S. emissions of sulfur dioxide, a major contributor to acid rain, by 10 million tons through 1993. It would have zeroed in on the top 50 polluting power-generating plants, with a second enforcement phase requiring other polluters to clean up their acts.

Waxman's bill recognized that the midwest would be stuck with the lion's share of corrective actions, when it came to reducing sulfur dioxide emissions, so it embodied a hefty monetary incentive for states it would hit the hardest. Under that system, Ohio, for example, would have been eligible for $3 billion in special federal aid. But it didn't happen.

Lautenberg and Bradley are among 37 Senators who joined in a letter to Senator Howard Baker of Tennessee, the Senate Majority Leader, urging him to schedule consideration of S. 768, the Senate's Clean Air Act Amendments of 1984, "as expeditiously as possible." This bill would retain the framework of the existing Clean Air Act but include modifications which its sponsors feel are needed in light of the experience of the past five years.

The evidence of acid rain damage, first limited to the northeastern U.S. and eastern Canada, is spreading. The latest news is that high forests along the Smoky Mountain ridges of the southeast are showing alarming impacts where no concerns about acid rain had been evident before.

How much damage to our life support systems must be done before this politically hot potato can be dealt with in a statesmanlike manner? Leach enough metals, like aluminum, from native rocks via increased acidity, and we can forget about fresh-water fishing in many areas. We can also worry about introduction of metal levels into our own potable water supplies.●

WATER RESOURCES LEGISLATION

● Mr. ABDNOR. Mr. President, as the 98th Congress draws to a close I believe that I should take this opportunity to summarize the problems which have let yet another year go by without the enactment of water resources development legislation.

For the last 4 years I have spent an inordinate amount of my time meeting with, debating, and discussing every aspect of the water resource bill with dozens of my colleagues, and literally a hundred or more concerned interests from farm groups and barge operators to port directors and mayors from cities with severe flood problems. I believe I have also spent more time discussing this matter with representatives of this administration than all of my colleagues combined.

And today as the hours of this Congress draw to a close, I look back on all of this, Mr. President, with a sense of great sadness and frustration.

We should have been able to pass a water resources bill this year, Mr. President. We should have been able to agree that the common national good required that all of us make some compromises in order to instill new vigor into our national water programs.

Instead, Mr. President, I must sadly report that many of those most concerned with water resources development both within and outside of the Congress steadfastly refused to make those compromises necessary to attain enactment of a bill.

Mr. President, the opposition of the barge industry to realistic cost-sharing proposals for new inland projects has been unyielding. For 3 years I sought compromise on the issue of cost recovery for inland navigation, and the closer the Committee on Environment and Public Works came to passage of a bill, the more intense became the barge industry opposition to any legislation.

Similarly, Mr. President, many of the ports around the country found cost-sharing reforms unacceptable, in spite of the fact that they represented the best, and perhaps the only opportunity for American ports to expand in an atmosphere of partnership with the Federal Government. Many ports still expect port improvements to be fully funded by Federal appropriation, but that simply is not realistic.

Mr. President, it is time for everyone, but the barge interests and port interests in particular, to realize that there are not going to be any more project authorizations until such time as Congress enacts new cost-sharing policy. Period.

To be fair, Mr. President, there are some who have contributed constructively to the debate on water legislation: The Large Port Coalition, the National Association of Urban Flood Management Agencies, the National Council on Farmer Cooperatives, the National Grain and Feed Association, and the Association of General Contractors have conscientiously worked for the acceptance of compromise and concensus. I hope they will continue to assume the leadership next year in supporting responsible financial reform for water resource projects.

And while I am pleased, Mr. President, that the administration held firm in its opposition to the inclusion of project authorizations in the continuing resolution without financial reforms, the administration has not provided the leadership necessary to achieve water development legislation this year.

For 2 years now, Mr. President, the administration has dug in its heels on cost sharing and user fees. Mr. Stockman seems myopically concerned with attaining immediate new revenues to the exclusions of any consideration of other meaningful reforms, both financial and administrative. This penny-wise and pound-foolish attitude needs to be replaced with a determination to work with the 99th Congress in an honest effort to attain reasonable and responsible reforms.

Mr. President, I want to put everyone on notice that I will be back next year seeking a water bill. But I will seek it on realistic terms.

Mr. President, those terms are as follows: Everyone must be willing to listen to each other; no one has a monopoly on truth here. Everyone must be willing to compromise; everyone must be willing to accept less than what they would consider a whole loaf. And most importantly, everyone must understand that a new cost-sharing policy is a requirement for new projects.

To achieve passage of legislation, Mr. President, moving forward with a full blown omnibus bill may no longer be viable. It may be necessary to move several smaller pieces of legislation as the individual policy issues are resolved. Thus, if it proves relatively easy to address flood control cost sharing, for example, a bill with new policy and projects for flood control alone might be a way out of the all-or-nothing trap of an omnibus bill.

I intend to examine any new possibilities for financing water projects which can be uncovered. I intend to move very quickly when the 99th Congress convenes next January, and I make a final plea with my colleagues on the subject of water development legislation: Become involved.

Mr. President, sometimes I think, focused so often on dollar figures, deficit projections, and budget estimates, that we forget what economics is really about. The primary goal of an economy is not to generate money, it is to

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develop industry, infrastructure, and society in the most beneficial way.

The improvement, protection, and beneficial use of our water resources is an important element of the economy of every nation including ours. We don't control floods, improve our water transportation, or develop water supplies as ends in themselves. We do these things because they are necessary; society requires that they be done in order to improve our lives and environment.

Perhaps the greatest frustration I have felt over the inability to pass this legislation is that it has become apparent to me that the level of knowledge and interest in this subject on the part of many of my colleagues is very low. Water bills are casually dismissed by some as pork barrel legislation, without examining the level of reform in the bill, or it is assumed that cost-sharing changes are opposed by local interests, without evaluating whether local constituents understand the cost-sharing provisions, or the consequences of inaction.

I urge my colleagues to invest the time necessary to become familiar with this legislation. Only with the involvement of all the Members of this body can the Senate enact the policy reforms essential to the future of water resource development in the country. We have failed the country in not passing a water bill this year, Mr. President, and I do not propose to fail again next year.

Senator MOYNIHAN, the ranking minority member of the Water Resources Subcommittee, and I are committed to making this the first legislation reported by the Committee on Environment and Public Works next year. I sincerely hope that we can count on the active support of our colleagues in seeing this important and long overdue legislation enacted into law.●

COMPUTER SOFTWARE PIRACY

● Mr. LEAHY. Mr. President, let me begin a quotation:

> I don't know anyone with a personal computer who doesn't have about $500 worth of free (pirated) software.

Those are the words of Softalk magazine publisher Allan Tomervik. They are illustrative of the high level of illegal copying of computer software that is taking place in this country. This is a problem that threatens to wipe away all profit margins for many small, innovative software producers. It also threatens to limit future software development to programs that will turn a very high rate of profit, eliminating small, but important programs that without piracy would sell enough to realize a profit.

There is little doubt that computer software is today a healthy and growing industry. Approximately 3,000 corporations in this country alone are producing and marketing software. Sales of software have leaped from just $2.7 billion annually 3 years ago to $10 billion this year. Business Week magazine expects this growth to continue at a rate of 44 percent annually for personal computer software over the next 5 years.

The current health of the industry does not change the fact that computer software is copyrighted material, given protections by law to prevent unauthorized copying. But current protections do not suffice. Stanford Computer Science Prof. John Gill cites estimates that for every nongame disc sold, four or five pirated copies are passed. Statistics for game discs are just as bad—or worse.

S. 3074 is legislation that will limit an industry, whose existence relies primarily upon the illegal copying of computer software by their customers. That industry is computer software rentals. Marv Goldschmitt, vice president of Lotus Development Corp., recently stated:

> We (Lotus) believe one of the main reasons people rent is to avoid purchasing the software. You have to be suspicious of why anybody would want to rent our software. An investment of time has to be put into it, to learn it and develop applications for it. You can't do that in a week.

A brief examination of the practices of the rental industry shows the likelihood of extensive illegal copying. Typically, a rental agency offers several hundred business and game software titles which may be rented for 7 to 10 days at approximately 25 percent of the cost of purchasing the program. Rental agencies argue that this service is necessary to allow people to test various programs before buying. However, only 1 in 5 rentals usually result in a sale. Furthermore, rental agencies are not required to, nor do they, place their rental programs on secure, uncopiable discs.

As a service to potential buyers, whose true purpose is to test, but not to copy, the software industry provides demonstration programs that offer the opportunity to examine and try out various software programs. These programs are complete except for one command necessary to run them. They are available at a cost of $5 to $15. One organization even offers 10 erasable discs, each containing an erasable demonstration program, for $40. They are not readily copyable. Thus, a demonstration program offers a product to the consumer that is as informative as a rental program, is much less expensive, and which cannot be pirated. A real potential buyer would thus be more likely to buy a demonstration disc than to rent the same one.

Unauthorized copying of computer software will not be overcome without initiatives from both the public and private sectors. Like the publishing and recording industries, the computer software industry involves products which are difficult and expensive to develop and market, but easy and inexpensive to duplicate. In fact, software reproduction is quicker, better and much more cost-effective than taping records or copying books. It is quicker because software copying requires only 1 or 2 minutes per disc; better because the reproduction is identical to the original, down to the copyright mark, with no loss of quality from prior playings; more cost-effective because software programs costing from $20 to $1,000 can be reproduced on a single, blank $4 disc.

The bill Senator MATHIAS and I have introduced recognizes that computer software copyright law presently has little or no deterrent value. These laws must be strengthened. Our bill requires authorization from the copyright for any rental, lease or lending of computer software for commercial purposes. It dictates that the copyright owner has the power to decide when, how, and how much should be charged the rental agency or commercial user for each use. In doing so, this bill simply reinforces rights which copyright owners have held traditionally. It parallels closely recent legislation passed by this body regulating record rentals. Given the fact that software rental often leads to illegal pirating, this provision is necessary for the protection of the copyright owner.

I should add that record rentals and software rentals, on the one hand, present far different issues from video rentals, on the other. It is not true that piracy is the dominant reason for video rentals, and that industry must be considered apart from sound recordings and software.

This Senate initiative to overcome this problem complements strong industry efforts to stop copying. The software producers have encoded their software with encryptions to make them uncopiable. This stops the individual who simply wants to borrow a disc from a friend and quickly make a copy. However, it does not stop much of the illegal copying.

The software industry is clearly doing its part in overcoming this problem. It is now the time for the Senate to do its part. I recognize that the bill we propose does not address or answer all important piracy concerns.

But it will be an excellent beginning, and I look foward to proceeding on a broad agenda of related concerns in the 99th Congress.●

HUMANITARIAN ASSISTANCE FOR INDOCHINESE REFUGEES

● Mr. WARNER. Mr. President, several weeks ago Secretary of State George Shultz announced in conjunction with the administration's fiscal year 1985 Refugee Admissions Program several new initiatives aimed at resolving pressing refugee problems in Southeast Asia. In Secretary Shultz' statement, he acknowledged congressional intent through the Refugee Act of 1980 that the U.S. Resettlement Program is intended for refugees of special humanitarian concern to the United States, in accordance with a determination made by the President after appropriate consultation. He reported that the President is proposing an overall worldwide admissions ceiling of 70,000 for 1985 including 10,000 for a separate Orderly Departure Program for political prisoners in Vietnam.

Mr. President, on behalf of myself and my Virginia colleague in the other body, Representative FRANK WOLF, we would like to bring this program to the attention of our colleagues. Of the 700,000 Indochinese refugees who have been resettled in the United States since April 1975, many—perhaps as many as 50,000—Vietnamese have settled in our State of Virginia. With 20,000 of those refugees in Virginia having been integrated into American society in the northern Virginia area which Congressman WOLF represents, we are greatly interested in the refugee program as set forth by the administration.

Included in the 1985 refugee admissions proposal is a restructuring of the U.S. Orderly Departure Program from Vietnam into three separate subprograms which will link two new initiatives with the regular program. The three subprograms would be:

The Regular Program, for spouses and children of American citizens, ex-U.S. Government employees, and ethnic minorities of special humanitarian concern; and two new programs:

The Asian-American Program, which will accept for admission all Asian-American children and the qualifying family members presently in Vietnam; and

The Political Prisoner Program, for current and former political prisoners and specified family members.

The new Asian-American Program is of particular humanitarian concern to the United States because of the undisputed ties of Asian-American children and their family members to the United States. This new program is both an acknowledgment of American responsibilities and a humanitarian undertaking on behalf of children subject to ostracism through no fault of their own.

The second new proposed program within the U.N. High Commissioner for Refugees' Orderly Departure Program from Vietnam will allow for the resettlement of political prisoners currently and previously confined in the reeducation camp prisons in Vietnam and their qualifying family members.

According to Secretary Shultz, various spokesmen for the Communist regime in Vietnam have claimed they would be willing to release all of these political prisoners for resettlement. But despite 2 years of efforts to arrange for their departure under the UNHCR's Orderly Departure Program, the Vietnamese have released for resettlement only a handful of these persecuted people. The administration's proposed Political Prisoner Program has as its goal the departure from Vietnam of 10,000 of these current and former political prisoners for resettlement in the United States over the next 2 years.

Representative WOLF and I have been given some insight into this issue through some of our constituents of Vietnamese origin who have banded together into an informal Action Committee for Vietnamese Political Prisoners. Its membership ranges from U.S. citizens who have been in America since before Saigon fell, to refugees who were in Communist concentration camps only months or even weeks ago. They tell a depressing story about the thousands held in the so-called reeducation camps. These prisoners are former junior officers in the military, school teachers and social workers, intellectuals and religious leaders whose sole offense is to have an opinion different from the Communists. The administration is pursuing humanitarian initiatives to provide some relief to those who seek to escape the Communist tyranny.

Over the years, the U.S. refugee program has enjoyed broad bipartisan support with the resettlement of refugees drawing upon the idealism and dedication of Americans from all walks of life. As Secretary Shultz noted in his statement, the United States is recognized throughout the world for its leadership in humanitarian assistance to and protection of refugees. The Secretary also observed that while we have given much to help the refugees of the world, we have also benefited from the talents and hard work of the many refugees whom we have accepted for resettlement in the United States.

Representative WOLF and I commend these proposed efforts to address the critical needs of the world's refugees to our colleagues' attention.●

AMENDMENTS TO COMPUTER CRIME LEGISLATION (H.R. 5616)

● Mr. MATHIAS. Mr. President, H.R. 5616 would create two new sections of the Federal Criminal Code (title 18 United States Code). New section 1029 addresses fraudulent use of credit cards and similar access devices, while new section 1030 deals with computer fraud and abuse. The amendment that I now offer, along with the Senator from Vermont [Mr. LEAHY], and the Senator from Massachusetts [Mr. KENNEDY], concerns only the latter of these sections. The amendment makes the changes needed to conform H.R. 5616 to the changes made by the conference committee on the continuing resolution (H.J. Res. 648), to which a computer crime provision was appended. However, the amendment does not stop there. It goes on to make two additional changes which are necessary to correct serious flaws in the version passed as part of the continuing resolution.

First, proposed subsection 1030(a)(3) (as included in the continuing resolution) makes it a crime to "knowingly use * * * or disclose information in [any] computer * * * operated for or on behalf of the Government of the United States," so long as the computer is accessed without authorization, or if the scope of authorized access is exceeded. By its terms, this provision applies even if disclosure of information is mandated under the Freedom of Information Act. Since more and more of the vast store of Government information is held in computer data bases, the scope of proposed section 1030(a)(3) is extremely broad. It may be read, in effect, as a blanket antidisclosure statute, and its enactment in its current form threatens to impede the efficient administration of the Freedom of Information Act.

I have been advised that the primary intent of the authors of this provision is to prevent the disclosure by computer trespassers of personally identifiable information of the kind protected by the Privacy Act of 1974, and not to graft an inquiry as to access authorization onto existing FOIA procedures. But I am skeptical that this result can be achieved without explicit statutory language restricting the scope of the prohibition against disclosure of data base information. Accordingly, this amendment revises proposed subsection 1030(a)(3). While the prohibitions against destruction, modification, or prevention of the use of computerized information are unchanged, the prohibitions against the use or disclosure of such information are limited to individually identifiable information protected by the Privacy Act.

The second flaw in the continuing resolution version of this legislation has been brought to our attention by representatives of the intelligence community. They argue forcefully that the literal terms of the legislation, as passed in the continuing resolution, will impede and perhaps even require the termination of certain intelligence activities. They suggest the inclusion of a statutory exception for lawfully authorized law enforcement and intelligence activities. Our amendment provides such an exception, in language borrowed from the False

Identification Crime Control Act of 1982, now codified at 18 U.S.C. 1028(e).

This amendment makes no changes in the fine levels authorized in the continuing resolution for computer offenses. However, it is my understanding that the maximum fine levels appearing in this computer crime measure will be superseded by the higher fine levels prescribed by the new Sentencing Reform Act of 1984 when the provisions of the Sentencing Reform Act go into effect 2 years from now.

Mr. President, I wish I could say that, with the amendents I now propose, this bill deserves immediate enactment. I cannot say that because, as I have noted elsewhere, the Senate has never made any serious examination of the merits of this complex and potentially far-reaching proposal. However, today we do not find ourselves in a position to give this bill the careful scrutiny it ought to have. One version of it has already passed both Houses, and is on the way to the President, as a rider on the continuing resolution. Action on H.R. 5616 is essential simply to correct the most evident flaws in the bill we have already passed. It would be most unfortunate if, in the headlong rush to adjournment, we left undisturbed provisions that threaten to roll back the gains in open government that we have achieved under the Freedom of Information Act, and to jeopardize intelligence activities that affect our national security. Because the amendment before us would minimize those unsettling possibilities, I urge its immediate adoption.●

THE 1984 TAX REFORM ACT

● Mr. BRADLEY. Mr. President, I ask that copies of correspondence between my office and Mr. David Brockway, staff director of the Joint Committee on Taxation, pertaining to the background and legislative history of a provision in the 1984 Tax Reform Act, be printed in the Record.

The correspondence follows:

U.S. Senate,
Washington, DC, October 2, 1984.

Hon. David H. Brockway,
Chief of Staff, Joint Committee on Taxation, U.S. Congress, Longworth House Office Building, Washington, DC.

Dear Mr. Brockway: At the request of the New Jersey Transit Corporation, I am writing to confirm the background and legislative history in relation to Section 31 (relating to tax-exempt entity leasing) of the Tax Reform Act of 1984 (Public Law 98-369), enacted July 19, 1984 (the "Act") regarding Pennsylvania Railroad Station in Newark, New Jersey.

Section 132 of the Senate Bill (S. 2062, Calendar No. 537, dated November 4, 1983), and Section 22 of the final Senate Finance Committee Print of the "Deficit Reduction Act of 1984" (S. Prt. 98-169, dated April 2, 1984, Vol. II, pages 19-59) contain the Senate version of the provisions that ultimately became Section 31 of the Act. Section 22(g)(8) of the Senate Finance Committee Print and Section 132(g)(8) of S. 2062 both contained language excluding by specific name the effect of the tax-exempt leasing amendments on the Pennsylvania Railroad Station in Newark, along with various other specifically named projects throughout the country. (See pages 49-54 of the Senate Committee Print). However the corresponding House Bill (Section 32(g) of H.R. 4170, dated March 5, 1984, Rept. 98-432, Part 2) did not include provisions excluding projects by specific name. Instead, the House Bill contained generic transition rules.

During the meetings of the conferees between the House and the Senate to reconcile differences between the two houses of Congress, I understand that it was decided to delete reference to specific projects and to effect all exclusions through the use of generic transition rules. Representatives of my office forwarded to your office a proposed generic transition rule, the purpose of which was to preclude the applicability of Section 31 of the Act to the Pennsylvania Railroad Station in Newark. The substance of the proposal forwarded by my office to yours now appears in Section 31(g)(17)(L) of the Act and reads as follows:

(L) Property is described in this subparagraph if such property is used by a tax-exempt entity, and—

(i) Such use is pursuant to a lease with a taxpayer which placed substantial improvements in service;

(ii) on May 23, 1983, there existed architectural plans and specifications (within the meaning of Sec. 48(g)(1)(C)(ii) of the Internal Revenue Code) in existence; and

(iii) prior to May 23, 1983, at least 10 percent of the total cost of such improvements was actually paid or incurred.

It is my understanding that the conferees agreed to insert the foregoing transition rule in order to respond to my request to exclude Pennsylvania Railroad Station in Newark from the effect of Section 31 of the Act.

I understand that LaBrenda G. Stodghill, Esquire, an attorney on your staff, is familiar with this matter. I would appreciate your confirmation of the circumstances set forth in this letter at your earliest convenience.

Sincerely,

Bill Bradley,
U.S. Senator.

Joint Committee on Taxation,
Washington, DC, October 11, 1984.

Hon. Bill Bradley,
U.S. Senate,
Washington, DC.

Dear Senator Bradley: This is in response to your letter, dated October 2, 1984, in which you requested confirmation of your understanding of the background and legislative history of section 31(g)(17)(L) of the Tax Reform Act of 1984 (the "Act"), relating to tax-exempt entity leasing. Section 31(g)(17)(L) of the Act provides a transitional rule for property that is used by a tax-exempt entity if such use is pursuant to a lease with a taxpayer that placed substantial improvements in service, architectural plans and specifications (within the meaning of section 48(g)(1)(C)(ii) of the Internal Revenue Code) were in existence on May 23, 1983, and, prior to May 23, 1983, at least 10 percent of the total costs of such improvements was actually paid or incurred.

It is correct that the Senate version of the tax-exempt entity leasing provisions contained language that specifically identified the Pennsylvania Railroad Station in Newark, as well as other projects, as being excluded from the application of these provisions. The corresponding House bill contained generic transition rules, without identifying specific projects. The Conference Committee, in reconciling the differences between the two bills, deleted all references to specific projects, but included transitional rules to cover projects that were identified in the Senate version. The transition rule provided in section 31(g)(17)(L) of the Act was adopted in response to your request to exclude the Pennsylvania Railroad Station in Newark.

Sincerely,

David H. Brockway.●

RESPONSIBLE LEGISLATION

● Mr. ANDREWS. Mr. President, S. 1300 proposed a fair and honest solution to ensure the solvency of REA's revolving fund by increasing the interest rate on REA loans. S. 1300 would have resulted in a major change from the present Rural Electrification Act which fixed the REA rate at a maximum of 5 percent. After extensive study rural electric and telephone leaders from across the country agreed to give up the 5 percent interest rate and to accept whatever interest rate would be required to balance REA's revolving fund. Like most correct and responsible solutions, S. 1300 required significant sacrifices.

The opponents of rural electric and telephone cooperatives were not content to increase the REA interest rate sufficient to balance the revolving fund as proposed by S. 1300. These opponents proposed legislation to curtail the REA Program and increase the REA interest rate to levels far beyond those needed to balance the revolving fund. These proposals included the administration's bill, H.R. 5816, and the Simpson/Bethune bill, S. 2646.

H.R. 5816, the administration's bill, would have cut the REA Loan Program to about half of its present size, and increased the REA interest rate from the current 5 percent to the cost of money to the U.S. Treasury plus an administrative fee. This proposal would have crippled rural areas through large and damaging increases in electric and telephone bills.

S. 2646, the Simpson/Bethune bill, would have also resulted in punitively high REA interest rates damaging to rural electric and telephone systems. In addition, careful study of this legislation showed that it was technically flawed and poorly thought out.

First, S. 2646 was based on the assumption that the entire capital needs of REA's revolving fund should be provided through equity capital. This capital would be obtained by increasing the REA interest rate. As a result all capital needed for new loans would have been obtained by increasing the electric and telephone bills of rural consumers. This violates prudent and permitted utility practices. Utilities rely primarily on debt to finance investments because, first, their capital needs are too large to finance out of earnings, and second, they can only charge consumers for costs incurred in providing a service.

Second, S. 2646 would have forced today's consumers to subsidize future consumers. Under S. 2646 REA interest rates would have increased to more than 9 percent thereby forcing immediate increases in consumer electric and telephone bills. This 9 percent was more than needed to balance REA's revolving fund, and as a result a surplus would have been generated. Consumers in the year 2020 would be paying perhaps as little as 5-percent interest on REA loans. This cross-subsidization among consumers is contrary to the fundamental principles of rate setting.

Third, S. 2646 would have reduced or eliminated Federal support for the REA Program. In fact under S. 2646 the Government could have earned a profit from the REA programs as a result of overcharging rural electric and telephone consumers.

Fortunately, the administration's bill, H.R. 5816, was supported by only one Member of the House. Not even one Senator has been willing to introduce this bill. The Simpson-Bethune bill, S. 2646, was soundly defeated in the House of Representatives by a vote of 289 to 107.

S. 1300 proposed a fair and straightforward remedy that would have ensured the continued balance of REA's revolving fund. The S. 1300 solution involved significant sacrifice and compromise on the part of rural electric and telephone systems. Those that rejected S. 1300 have rejected a fiscally responsible solution.●

WINDOWS OF OPPORTUNITY

● Mr. BENTSEN. Mr. President, the economy will be a plus for President Reagan in next month's elections. But that rosy expectation should not obscure the fundamental need to reduce our deficit and shed our dependence on foreign capital. Since steps to shrink the deficit slow economic growth, the best time to take them is during the early stages of a recovery. Congress tried to do just that. In 1982, we took steps to reduce the deficit trend largely over White House objections. In 1983, those objections effectively killed congressional action on the deficits. Once again this year, White House footdragging hobbled bipartisan congressional action on the deficits. And we took only a small step for lower deficits when a giant step for fiscal responsibility was blocked by the White House.

Next year, opportunities to attack the deficits may not be available. There is an uneasy feeling on Wall Street and increasingly on Main Street that the recovery is slowing too hard and too fast—that odds are growing against the type of sustainable recovery we need to continue reducing unemployment and to shrink the deficit. If so, the window of opportunity to reduce deficits is rapidly closing. By January, it may be firmly closed by fears that lower deficits mean another recession. Our recovery is like a freight train hurtling down the track. It starts slowly, has great power when wide open, but slows inevitably when the power is reduced despite substantial momentum. And right now, the economic power provided by consumer spending, housing, our foreign trade sector and business spending for capital goods and inventories is ebbing.

THE SLOWING ECONOMY

The blue chip indicators show a decidedly downward shift in bullish sentiment for next year. And respected forecasters like the Conference Board, Morgan-Stanley, DRI, Chase Econometrics, and Albert Sommers are openly predicting scant growth or a near recession within 6 months to 9 months. They marshall a host of indicators to buttress their arguments for an ebbing recovery, including:

Sagging consumer sentiment;

Weak or no growth in employment since early summer depending upon which Labor Department survey you accept as most valid;

A decline in retail sales beginning in July;

A stagnation in durable goods orders since June;

A decline in total new construction started since the spring;

A drop of 2.5 percent in the index of leading economic indicators since July;

A sharp rise in inventories for all types of goods in August which, for the first time since the recovery began, appears to be involuntary. Inventories have now ballooned to levels higher than during the 1982 recession;

A sharp 10-percent fall in new home sales since July;

A fall in orders for manufactured goods in August, the second drop in 3 months;

A shortening of vendor-delivery times;

An increase in August of unsold homes to a 7.3-month supply, the largest inventory on hand since August 1982 during the most severe postwar recession; and

A sharp drop of 4.9 percent in orders for nondefense capital goods in August, the third monthly fall in a row.

Moreover, the sentiment of corporate executives shifted sharply over the summer towards caution in planning further capacity expansion. Their plans for the fourth quarter now call for only a 1-percent real increase in new plant and equipment spending—well off the heady 12-percent pace maintained over the most recent four quarters. Capital goods spending has already dropped below levels attained this spring.

The White House certainly would place these forecasters in the "doom and gloom" category. And plenty of others disagree with them and remain optimistic about the coming christmas season and 1985. Spending by State and local governments remains strong as do defense orders. Auto production remains strong, as well, as dealers rebuild depleted inventories. And inflation remains at relatively low levels. Yet, there is virtual unanimity in a profession best known for its hedges that economic growth is ebbing well below the 5.5-percent rate needed to stabilize and reduce the deficit.

So much for White House claims that its economic policies will generate substantial growth at a level sufficient to reduce the deficits.

In fact, the real question is whether the administration's do-nothing policy on the deficit will sustain any level of real economic growth, much less a robust 5-percent growth rate—whether they are simply leading us into yet another recession.

As the statistics mount that growth is slowing sharply, I am growing increasingly uneasy about administration claims that it has repealed the business cycle. What its foot-dragging on the deficit may have done is exaggerate it, not repeal it.

THE DEFICITS ARE BAD NEWS

I am an optimist. I want the recovery to continue. And I want it to continue at a rate sufficient to render moot any talk of deficit reduction packages and diminishing windows of opportunity. Because deficits are just plain harmful. By keeping interest rates high, they sap key sectors of our economy like agriculture, exports, housing, and import-competing industries. They sap expansion abroad, as well, by luring tens of billions of foreign funds to the United States, when they are badly needed overseas to spur foreign economic growth.

Skyhigh deficits constitute a real and present danger to our long-term economic health in two ways: First, by creating uneven growth with some sectors lagging far behind others, deficits promote business cycles rather than smoothing them out into an economic expansion. The result is sharp swings in R&D and capital spending which severely weaken long-term productivity trends. Second, the deficit-bloated dollar encourage U.S. firms to shop abroad for cheaper capital goods. The result is to boost R&D and new equipment investment abroad at the expense of the competing and critical U.S. capital goods industry. The share of capital goods being imported has doubled since the 1970's, for example, and over one-half of numerous key capital goods, the building blocks of our economy, are imports now.

Lower deficits and balanced Federal budgets are necessary to ensure lower interest rates, promote stable and robust productivity growth, and an expanding domestic and world economy. Failure to reduce the deficits spells a future of exaggerated business cycle swings between booms and busts, with the dollar, interest rates, and unemployment far too high.

Everyone dislikes deficits. The problem is that the White House dislikes doing much about them even more. Consequently, the deficit debate has focused on how to achieve lower deficits, not whether they should be lower. And far and away the best option is to grow out of our deficits.

ECONOMIC GROWTH: THE BEST CURE

That will be hard to do. The administration's midsession review of the 1985 budget, for example, presented one path to low deficits achieved by growth averaging 5.5 percent for the balance of the decade. The deficit shrank to $21 billion by 1989 as falling interest rates and declining unemployment held Government outlays down. But turning that rosy scenario into reality depends critically on a halving of interest rates to 5 percent by 1989—an unlikely event. Moreover, the U.S. economy has achieved sustained growth of that magnitude only once before. From 1962 through 1966, real GNP growth averaged 5.4 percent. That growth pace was sustained primarily by a robust 3 percent-plus annual productivity growth rate, a nonagricultural labor force which grew an astonishing 3 percent annually as marginal workers fled farming for factories, and interest rates which stayed generally below 4 percent. Exports and housing contributed strongly to that boom, as well.

Because of the deficit, 1985-89 scarcely appears at this point to share many of those characteristics. Indeed, it shares none of them. It is questionable, in any case, whether any combination of fiscal and monetary policy can reverse our sagging economy very quickly—much less enable it to attain a 5.5-percent growth rate. Indeed, the great challenge now is to avoid tumbling into a persistent no-growth or recession period over the next several years which will exacerbate the deficit and slash real per capita incomes.

THE FOREIGN CAPITAL CONNECTION

The overly large tax cuts in 1981 and White House inattention since then to the resulting deficits will confront the President inaugurated next January with a sagging economy hooked on foreign capital to finance its deficits. Nearly one-third of the deficit last year was financed by foreigners. And over one-half of this year's deficit will be financed directly or indirectly with foreign loans. This flood to the United States has been matched by an outflow of credit from foreign countries, especially from Europe. Unable to stem this hemorrhage of capital lured by deficit-driven U.S. interest rates, our European allies have chosen thus far not to offset it with bursts of inflationary domestic monetary expansion. Their economies are experiencing little or no growth, as a consequence, however. Industrial production in the United Kingdom, Germany, and France, for example, is no higher now than 1 year ago. But that at least has kept interest rates abroad relatively low and enabled the United States to finance deficits cheaper than would otherwise be the case. The prime interest rate in Germany is 7.75 percent, while it sits at 6 percent in Switzerland.

The present slowing of U.S. growth and associated widening of the budget deficit guarantees that the U.S. addiction for foreign credit will not ease in the foreseeable future. It will grow. Moreover, the flood of foreign capital lured here since 1981 must be retained, as well. In short, the U.S. addiction for foreign capital can only be maintained with real domestic interest rates which continue to exceed those abroad by a substantial margin. Real interest rates here will continue to be held hostage at high levels by the need to attract and hold foreign exchange. Thus, the addiction to foreign credit has placed a floor under U.S. interest rates which will prevent their decline to anywhere near the low levels needed to shrink the deficits purely through economic growth. The only way interest rates can be substantially reduced is to get the Treasury out of capital markets and reduce the U.S. addiction to foreign credit. That means lowering the deficits with spending and tax policies.

THE POLITICAL WINDOW OF OPPORTUNITY

If we do not lower the administration's deficits, our long-term economic outlook is grim. Yet, lowering the deficits will cut growth for several years. The window of opportunity to reduce the deficit without risking recession is closing as quickly as the recovery is ebbing. But a window of another sort will open this next month, a political window of opportunity. Early in their terms, Presidents typically have some period to establish their own agendas and to carry them out. Our economic future depends in substantial measure on that window of opportunity not being frittered away by the next President.●

NICARAGUA: THE UNTOLD TRUTH

● Mr. QUAYLE. Mr. President, recently two important articles appeared in the New Republic concerning Nicaragua by Robert Leiken and Joshua Muravchik. Mr. Leiken is perhaps best known for his Carnegie endowment study, "Central America: Anatomy of a Conflict," which criticized the Kissinger Commission report and its conclusion that the Sandinistas should be dealt with firmly.

Certainly, Mr. Leiken is no apologist for our current policies. Yet, in his most recent article, "Nicaragua's Untold Stories," Mr. Leiken writes that although he still supports negotiations to end conflict in El Salvador, each succeeding trip to Nicaragua has drained his initial reservoir of sympathy for the Sandinistas.

The picture of Nicaragua he paints from his experiences is one of economic desperation compounded by political corruption and dictatorial Communist heavy handedness. The people, he writes, dislike Sandinista rule and, in fact, openly complain that they are worse off than they were under the brutal rule of Somoza.

This, then, leads to the second New Republic article, "Free Elections to Prevent a Civil War: The Cruz Alternative," by Joshua Muravchik. In this piece, Mr. Muravchik argues that normalcy for Nicaragua can come only if the Coordinadora—the democratic moderate forces now led by Arturo Cruz—are given the opportunity to participate fully in fair, open elections.

Mr. President, when liberals argue that Sandinista rule is not working, it is important that we listen. I ask that the full text to both these articles be printed in the RECORD.

The articles follow:

NICARAGUA'S UNTOLD STORIES

(By Robert S. Leiken)

The 72-year-old señora lives in a solid stone house constructed by the Sandinista government. Her son, German Pomares, was a founder of the Sandinista National Liberation Front (F.S.L.N.) who perished leading the final offensive against Somoza in 1979. Set off by a well-kept garden from the shacks of the cotton field workers of El Viejo, Mrs. Pomares's home appears comfortable. But inside, the mother of the nationally revered martyr sleeps on a cot covered with rags, and she hobbles through bare, unfurnished rooms. She lives on a pension equivalent to $10 a month. She has made four trips to the local hospital, but has yet to succeed in getting a doctor's appointment. Three times she has requested an audience with Comandante Tomas Borge, now the sole surviving founder of the F.S.L.N. Each time, her son's old comrade has refused to receive her.

For one who has sympathized with the Sandinistas, it is painful to look into the house they are building, but it is unwise not to. I spent ten days in Nicaragua in August, accompanied by my brother, a trade unionist from Boston. It was my sixth visit since the revolution, and my longest since 1981. I have testified in Congress against aid to the contras and have supported (and continue to support) negotiations to end the civil war in El Salvador. Yet each succeeding trip to Nicaragua drains my initial reservoir of sympathy for the Sandinistas. Last year I wrote in my introduction to a book treated by the press as the "Democratic altenative to the Kissinger Report" that the Sandinistas' "failure to preserve the revolutionary alliance with the middle class and small producers as well as sectarian political and cultural policies [had] polarized the country, led to disinvestment, falling productivity and wages, labor discontent, and an agrarian crisis." This visit convinced me that the situation is far worse than I had thought, and disabused me of some of the remaining myths about the Sandinista revolution.

Everywhere we went we confronted the disparity between these myths and the unpleasant truth. The Sandinistas blame Nicaragua's economic crisis on the *contra* war and U.S. economic sanctions. Yet the standard of living in Nicaragua was deteriorating well before the U.S.-backed *contras* turned to economic sabotage in the spring of 1983. A December 1981 internal staff memorandum of the International Monetary Fund found that real wages had fallen 71 percent since July 1979. They have continued to decline in succeeding years. And even with the U.S. "economic boycott," over 25 percent of Nicaragua's exports still go to the United States, not much less than under Somoza. Nicaragua can no longer sell sugar at subsidized prices to the United States, but what it has lost in this market it has sold to Iran at prices above those of the world market. The war and U.S. sanctions have compounded a mess created by the Sandinistas themselves.

Nicaraguans themselves do not seem to accept Sandinista claims that *Yanqui* aggression is responsible for the general scarcity of consumer goods. Peasants are obligated to sell their goods to the Ministry of Commerce and Industry, and contend that its prices are too low to enable them to make ends meet. A large portion of the peasantry is now producing only for its own consumption, and the resulting shortages have dramatically driven up prices. The marketplace, once the bustling center of Nicaraguan life, is now a daunting experience for buyers and sellers alike. As shoppers make the rounds looking for rice, beans, milk, toilet paper, soap, or light bulbs, the shopkeepers' constant reply is "No hay" (There isn't any). For anyone unable to afford the inflated prices or without the foreign exchange to shop at the new foreign currency stores, Eastern European-style queuing is now routine.

One of the most depressing aspects of our trip was to hear from so many that their lives are worse today than they were at the time of Somoza. Before the revolution Nicaraguans ate well by Central American standards. Thanks to the country's fertile soil and its small population, even poor Nicaraguans were accustomed to beef and chicken. Now consumer goods available to the masses in other Central American countries are no longer obtainable. Barefoot children are hardly uncommon in the region, but I had never seen so many completely naked. As we encountered them, their distended stomachs displaying the telltale signs of malnutrition, Nicaraguans would bitterly recall the government slogan, *"Los miños son los mimados de la revolucion"* ("Children are the spoiled ones of the revolution").

The shortage of basic necessities is also breeding pervasive corruption. When we asked a rural storekeeper why he was able to sell Coca-Cola while many restaurants in Managua were not, he said that he had obtained the soft drink with a bribe. We later met Ramiro, a Coca-Cola deliveryman in León and a former member of the F.S.L.N., hitchhiking home from the city of Chinandega. He was returning from his five-hour weekly excursion after work to procure the three bottles of milk his children need. The milk cost him 150 cordobas, 30 percent of his weekly wages. (The official exchange rate is 28 cordobas to the dollar; the real, or black market, exchange rate is 250 to 1.) To get the money, he told us, he accepts bribes from some of his customers for extra cases of Coke. "This system is corrupting me against my will," he said.

Ramiro's desperate measures hardly merit censure. But others, especially high-ranking Sandinistas, are turning big profits from the scarcity. Members of a leather workers cooperative in Masaya told us that they are officially allotted 10,000 meters of leather a month; they receive between 5,000 and 7,000 meters. The cooperatives' Sandinista directors sell the remainder in Managua's Eastern Market and pocket the money. It is now a general practice for coordinators of the neighborhood Sandinista Defense Committees (C.D.S.) to sell part of the provisions allotted to them by the government on the private market. The people are then informed that provisions have run out.

In the village of El Transito, two hours northwest of Managua, most of the people belonged to the C.D.S. at the outset of the revolution. Now there is but one member, the coordinator, formerly the village's leading Somocista. (The transformation of Somocistas into Sandinistas and of Sandinistas into oppositionists is very common. In every town we visited we were told that former Somoza officials are now running C.D.S.s.) The coordinator enriches himself by selling C.D.S. foodstuffs and supplies in the Eastern Market. As we passed his house, we were able to peer through the window and see him standing there in his dark glasses, isolated and reviled.

The life-styles of the new rich contrast vividly with that of the rest of the country, and with official rhetoric. A Sandinista nomenklatura has emerged. Party members shop at hard-currency stores, dine at luxury restaurants restricted to party officials, and vacation in the mansions of the Somoza dynasty, labeled "protocol houses." Vans pull up daily at government and party offices, to deliver ham, lobster, and other delicacies unavailable elsewhere. In a private state dining room, I ate a sumptuous meal with a comandante at a long table, attended by five servants. The image of the protruding stomachs of the "spoiled ones of the revolution" intruded while we consumed our lemon meringue pie.

Intellectuals and former officials claim that decadence is endemic in upper government and party echelons. A former Sandinista diplomat recounted tales of high jinks and extravagance by Sandinista officials on foreign junkets, and women state employees complained of the same sexual harassment and blackmail that is common elsewhere in Central America. The swinging Sandinista leadership cynically presents an image of revolutionary asceticism to the outside world while being addicted to the very vices that it routinely denounces in "degenerate bourgeois society."

The widespread corruption from the lowest to the highest levels of government makes it hard for Nicaraguans to accept the notion that their problems originate from abroad, or that they should endure futher sacrifices "to confront the imperialist enemy." A jobless worker in the Indian town of Monimbo complained, "The C.D.S. insists that we unscrew the street lights to conserve energy in the fight against imperlialism. People are falling in holes while the Sandinistas get rich on our misery. What are their sacrifices?"

Those Sandinistas who have refused to be corrupted recognize that their dreams have turned into a nightmare. One government official, a good friend, told me, "We have given birth to a freak. But we must keep him alive." Yet what is to be done when the freak becomes a menace to its people and neighbors? There is a general impression among those in the United States properly aghast at the C.I.A. mining of ports and U.S. support for the professional torturers among the contras that the Sandinistas are the victims, not the victimizers. Inside Nicaragua, however, the image is reversed.

The word Nicaraguans employ the most frequently to describe the Sandinista government is engaño (hoax or trick). In the city of Chinandega, we talked with transport workers from an opposition union who on their own time and with their union dues had painted road signs to make the city safer for driving. The Sandinista government took credit for the improvement. The national literacy campaign is one of the most vaunted achievements of the revolution, praised even by many of the government's critics. Yet two "graduates" of the literacy program in a peasant village told us they could not read their diplomas. We couldn't find one student from the campaign there or in the neighboring village who had learned to read. The campaign did somewhat better in the larger cities such as León, where, we were told, some had learned to read in follow-up courses. But most had forgotten the little they had learned, and at best could now only sign their name for election registration.

The most outrageous engaño occurred during Pope John Paul II's visit to Managua in March 1983. According to Sandinista accounts, the Pope's mass had been "spontaneously" interrupted by the crowd, offended by the Pope's failure to heed the request of mourning mothers who wanted him to pray for their sons killed in the battle against the contras. Two former government officials, who are still Sandinista supporters, told us a different story. They had been appalled at the interruptions made by cadre from the Sandinista women's organization, furnished with microphones and loudspeakers. After the Pope left, the crowd departed in disgust and the Sandinista leadership was left awkwardly standing on the platform. The two officials, depressed by the spectacle, retired to a bar located next to the offices of the F.S.L.N. radio station. They overheard a group of Sandinista radio employees at an adjoining table bragging about how they had played pre-recorded tapes of crowds chanting Sandinista slogans into the sound system.

The Sandinista engaño has been most successful among the resident foreign press. Journalists familiar with the atrocities of the right-wing tyrannies of Central America wish to believe, quite understandably, that the Sandinistas present an alternative. In today's Nicaragua it is easy to confuse desire with reality. The resident press also frequently merges with the larger population of "internationalists," a term which embraces all those foreigners expressing solidarity with the Sandinistas, from Bulgarian and Cuban apparatchiks to idealistic North Americans and West Europeans. It is the general feeling among Nicaraguans that the foreign press in Managua strongly sympathizes with the government, and that it is dangerous to speak openly with them. Disaffected Sandinista intellectuals, friends of friends, who poured their hearts out to me in Managua were afraid to meet with reporters from the U.S. press. We spoke with a resident of Monimbo, where a spontaneous insurrection had ignited the revolution against Somoza in February 1978. We had spent an evening together a year before with a mutual friend, yet initially he was still distrustful. He told us that the revolution had produced "many advances for the people"; two hours later, he was saying, "Monimbo appears to be sleeping, the way it was during the time of Somoza, but the people are united. One day soon they will stand up again."

One of the most common means of sustaining the myth of popular support is the Sandinistas' use of the rationing system as a lever. In numerous villages and cities, we learned that ration cards are confiscated for nonattendance at Sandinista meetings. In Masaya we were told that before one of the "Face-the-People" meetings (in which comandantes meet with local residents) the ration cards of the members of cooperatives were collected; their return was made conditional on attendance. At one such meeting in Chinandega, Ortega branded talk of inflation "a counterrevolutionary plot." A pound of beans could still be purchased for five cordobas, he claimed. A man in the audience stood up and shouted, "Comandante, here's ten cordobas. Please get me a pound of beans." According to his neighbors, he was imprisoned later that day.

Although Nicaraguans still for the most part bow to government pressure, they do so sullenly and without conviction. We witnessed two Sandinista demonstrations, one in Masaya and the other in Chinandega, two historically pro-Sandinista cities. The Chinandega rally, held at 10 on a Wednesday morning, celebrated the fifth anniversary of the literacy campaign. It was attended entirely by students obligated to go by school authorites. As they marched through the streets chanting slogans distributed to them on small pieces of paper by their Sandinista instructors, pedestrians did not so much as turn their heads. None of the presumably grateful, presumably literate, people came to greet the comandante sent from Managua.

In Masaya the demonstration did not even benefit from student participation. As we approached the gathering in the fading afternoon, a large group of students stood on the steps of the Catholic school. They had refused to join the demonstration because the Sandinistas had removed several of their Catholic teachers. The small group of demonstrators had glazed looks in their eyes as the last speeches wound down. I asked a campesino in attendance whether any of the comandantes had come. He answered, "I don't know. I slept through it."

The Nicaraguan populace has been saturated with Sandinista bombast which issues from radio, television, newspapers, local and national political meetings, and block committees, and which is propagated in the schools, the factories, and the cooperatives. The people resist in different ways: with the indifference and boredom we saw in Chinandega and Masaya; with a resurgence in religious feelings which has filled churches and Catholic schools; with suspiciousness and bitter humor.

Jokes and wisecracks against the Sandinistas are proliferating. The two pro-Sandinista newspapers, Barricada and Nuevo Diaro, are referred to as Burricada (as in bore) and Nuevo Diablo. The F.S.L.N. is "the Somocista National Liberation Front." "Why do people prefer Tona [one of the two Nicaraguan beers]? Because the other, La Victoria, is bitter." Suspicions of the government are so deep that families of the war dead no longer believe that the government coffins shipped back from the front contain the bodies of their sons. (The coffins are sealed as a matter of policy.) People believe, improbably, that the coffins hold rocks or banana tree trunks. In Monimbo we were told that when a family and friends tried to open a coffin with a hammer and chisel, they were carried off by the police.

Nor is popular discontent restricted to these forms of passive resistance. Sympathy with the contras is becoming more open and more pervasive. I was stunned to hear peasants refer to the contras as "Los Muchachos," the boys—the admiring term used to describe the Sandinistas when they were battling the National Guard. It was apparent that many Nicaraguans are listening to the "Fifteenth of September," the contra radio station. It must be noted, however, that the contras do not operate in the areas we visited, and sympathy toward them may well be proportionate to absence of direct contact.

Draft resistance has become a mass movement in Nicaragua. The government passed legislation last September under which Nicaraguan men between the ages of 16 and 40 can be drafted for two years. When we were in Nicaragua, four hundred women gathered outside the draft board in La Paz Centro, a trading town thirty-five miles northwest of Managua, to protest forced recruitment of their sons. The demonstration was the latest in a string of anti-draft demonstrations in cities and towns throughout Nicaragua. New York Times correspondent Stephen Kinzer, one of the few resident reporters to sniff out the engaño of Sandinista policies, reported on June 26 that "draft evasion is widespread," and found that high school attendance in six major provinicial capitals had declined by as much as 40 percent. A student in León said that his high school class of forty-five had fallen to fourteen during the past year. Honduran researchers say Nicaraguan draft evaders pay 25,000 cordobas to be transported across the border, part of the money going to Nicaraguan Army officials in bribes. The demand is so great that border smugglers are now requiring groups no smaller than five. Draft resistance strikes a powerful blow at the myth of widespread popular support for the government. Young poeple have historically been the mainstay of Sandinista support.

Perhaps the most illuminating political event in the five years of Sandinista rule was a rally held for opposition presidential candidate Arturo Cruz in Chinandega on August 5. On that Sunday morning, Sandinista chicanery, censored domestic and lackadasical international press coverage, and the growing vigor of the opposition converged.

Chinandega, a city of approximately 60,000, was historically the heart of Sandinista organizing efforts and support. These efforts radiated out to the surrounding cotton and sugar fields, to the country's two largest sugar refineries, nearby, to the stevedores at Corinto, Nicaragua's largest port, and down to León, another center of anti-Somoza resistance. One would have expected that here the opposition would be weakest, the government strongest.

The Chinandega demonstration was the last series of six held in support of Cruz. Each rally had been larger than the last. The organizers were denied access to Sandinista-controlled TV stations. They were able to place an ad on the one local non-Sandinista radio station but they relied chiefly on two vehicles with loudspeakers, and on word-of-mouth. Two days before the rally three "angels," as members of the state security are commonly known, called on the organizers of the demonstration and accused them of being C.I.A. agents. The turbas divinas, "divine mobs" of Sandinista supporters, circled their houses at night beating sticks against cans and chanting until the small hours of the morning. (Somoza's version of the turbas—the Nicolasa—used to employ the very same method against the opposition.) Meanwhile, Sandinista newspapers and television branded the opposition as consisting of contras and agents of American imperialism, and announced that further "aggressions" by them would not be permitted. Local authorities implied that the demonstration would be declared illegal. The day before the rally, Daniel Ortega, the head of the Sandinista government and the Sandinista presidential candidate, spoke to two hundred youth in El Viejo, a village three miles away. El Viejo's residents later claimed that the youths had been incited against the demonstration's leaders.

Fearing an attack by the turbas, organizers did not put up the banners or placards until early on the morning of the demonstration. But as they were working, fifty turbas burst into the soccer field, tearing down the banners and dispersing the organizers. They returned later during the day to try to repair the damage.

We spoke with two organizers—middle-class, professional women who had belonged to the F.S.L.N. before the revolution. (According to one, "the F.S.L.N. says that the opposition is Somocista. But most of the old Somocistas are working with government. The opposition has remained the same. It is the F.S.L.N. that has changed.") They told us that after the turbas' night-time serenading, they went to complain to the offices of the party representative, the chief of police, and the chief of state security, and to the Sandinistas. They were assured that the turbas would be controlled and that the demonstration would not be obstructed. After the early-morning attack, the two women went to the house of the local party leader. The door was open, and they entered. In the next room they heard the turbas informing him of the success of their mission.

There is no question that many who wished to go to the Cruz rally stayed at home. On the day of the rally, local authorities impeded traffic from outlying areas into Chinandega. As Cruz marched through the city, many people opened their doors, gave him the "V" for victory sign, and then ducked back into their homes to avoid the everpresent eyes of the C.D.S. One woman said she did not go to the demonstration because she lived too close to the Sandinista youth office. She told of others who received threatening phone calls. Two weeks after the demonstration, a gas station attendant in Managua told us he had gone to the rally and that three friends who had accompanied him were in jail.

As might be expected, estimates of the turnout vary. Opposition figures soared as high as 20,000; local newsmen said 7,000. Given Sandinista efforts to reduce attendance, even 7,000 seems an impressive number, especially since three months before, the F.S.L.N. only managed to get 2,500 to Chinandega for the country's principal May Day rally. NBC taped the entire Cruz demonstration. Should this tape ever be shown publicly, experts will be able to make an accurate judgment about the number of demonstrators. When I viewed the tape it was evident that these thousands of demonstrators were hardly "bourgeoisie," as the Sandinistas claimed. They were overwhelmingly workers, peasants, and young people. I learned later that workers had hired their own trucks to come from the San Antonio Refinery and from the port of Corinto. They chanted slogans like "El frente y Somoza son la misma cosa." ("The Sandinistas and Somoza are the same thing.")

When Cruz began to speak, dozens of turbas armed with sticks, stones, and machetes surrounded the field. They came in on what appeared to be army trucks chanting, "Power to the people." They proceeded to break the windows and puncture the tires of demonstrators' cars. The police seemed to make no serious effort to restrain them. When the turbas attacked the demonstrators themselves, opposition youths dispersed, only to return wielding their own sticks and stones. Out numbered, the turbas were routed.

The almost complete absence of foreign and domestic press coverage enabled Sandinista officials to characterize the demonstration their own way. We encountered a Sandinista official drunk at midway on the streets of El Viejo. He told us that the demonstration had taken place at the private home of a bourgeoisie and was attended only by a handful of plutocrats. In Managua, the Sandinistas told us that there had been several hundred demonstrators. The following day the Nicaraguan press carried no mention of the events except for one photograph in the official newspaper Barricada which purported to show the turbas attacked by "fascist" demonstrators. La Prensa had devoted several articles and photographs to the demonstration and the clashed, but these were all censored, and the paper did not appear. This was the very day that Daniel Ortega had announced the lifting of press censorship.

The demonstrations for Cruz's candidacy tested the popular mood and the prospects for "the first free elections in Nicaragua," as the Sandinistas' slogan puts it. Among the conditions that Cruz and his supporters have laid down as indispensable for participation are guarantees of freedom of movement, assembly, and equal access to the press and television; sufficient time to campaign; international observes; and, most importantly, guarantees that if he won the election he would be allowed to take office. What happened at Chinandeaga strongly suggests that neither a genuine election nor a genuine campaign can take place.

Chinandega also exposed the Sandinistas' electoral stratagem. Their decision to hold elections in November was based on a rudimentary political calculation. They judged that the external legitimacy provided by elections would more than compensate for their internal cost. They knew that power does not often change hands in Central America through elections. Somoza's elections had proven that, and the Sandinistas are in a far better position to control elections than Somoza ever was.

Yet their calculations were wrong on two counts. First, they failed to account for the Nicaraguan people. High-level Sandinista officials to whom I have spoken seem to live, along with their international supporters, in a dream world. They deem that the "anti-imperialist sentiments" of the Nicaraguan people allow them to bear any sacrifice even when their "anti-imperialist" leaders bear none. They receive favorable reports from lower-level cadre whose jobs depends on the perception of success. The Sandinistas knew that after five years of enforced political paralysis, the opposition was poorly organized, divided, and amateurish. The spontaneous popular reception for Cruz took them by surprise. Second, they failed to recognize the degree to which they have alienated progressive opinion in Latin America and Western Europe. Cruz's recent highly successful trip to Costa Rica, Venezuela, and Colombia, and his support from European Social Democrats like Spanish Socialist Prime Minister Felipe Gonzalez, has confounded the F.S.L.N.'s electoral plans.

Thus the Sandinistas find themselves in a quandary. Will they back down and permit Cruz to run under reasonable conditions, or will they go ahead with a discredited election? Thus far at least, the Sandinistas seem unwilling to pay the price of submitting their rule to a popular test. One Sandinista official, whom I have always considered a moderate, told me privately that they would prefer a U.S. intervention because it would "vastly accelerate the Latin American revolution against U.S. imperialism." He told me that the Nicaraguan Army would immediately invade Honduras and Costa Rica and be greeted as "liberators" by the people.

One can only hope that cooler Sandinista heads will prevail. Authentic elections may be the last chance to avert full-scale civil war. If democratic channels cannot be opened, the civilian opposition will be forced to link up with the armed opposition—which is exactly what happened in the 1970s in El Salvador after fraudulent elections. The United States, which has a monstrous record in Nicaragua, can do something to help. What is needed now most urgently is a bipartisan effort in support of authentic elections in Nicaragua.

As we pulled out of Managua in the fading light of a Sunday afternoon, we found ourselves directly behind an army convoy made up of about twenty vehicles. But unlike the army convoys I have seen in El Salvador, Honduras, and elsewhere, it would not permit traffic to pass. A large vehicle with a blinking light occupied the left lane, forcing vehicles coming toward us off the road. A soldier with a machine gun was poised on the rear truck. It took us four hours to cover the fifty miles to León. It was a grueling microcosm of Nicaragua today: the Sandinistas in the "vanguard" preventing the normal flow of traffic, whether out of real fear, paranoia, or bullying. Behind them the rest of the population followed, inconvenienced, irritated, and enduring another pointless "sacrifice" for the Sandinistas' militarism. Our inconvenience was only four hours: the Nicaraguan people experience this twenty-four hours a day. Their patience has worn thin.

THE CRUZ ALTERNATIVE

(By Joshua Muravchik)

The last best hope for a peaceful and humane resolution to Nicaragua's recent agonies may be slipping away. The hope arises from the government's plan to hold national elections on November 4 and the unprecedented cooperation, in response to that plan, that has been achieved among various elements of the opposition.

Three centrist political parties, two labor federations, and the organization representing businessmen and professionals banded together to form the Nicaraguan Democratic Coordinator, known as the "Coordinadora." It chose Arturo Cruz as its presidential candidate, and announced it would not participate in the elections unless the government consented to a "national dialogue" about the terms of the elections and their aftermath.

The Sandinista government originally refused this demand, citing one of the Coordinadora's conditions for the talks: that representatives of the anti-Sandinista guerrillas also be included. But in August that demand was dropped. Both principal rebel groups—the Frente Democratico Nicaragüense (F.D.N.), and the Alianza Revolucionario Democrático (ARDE) have pledged to lay down their arms if an agreement is reached through the dialogue.

Shorn of the demands for including the rebels in the national dialogue, the nine-point program of the Coordinadora is so manifestly reasonable that the Sandinista government has had trouble justifying its resistance. But thus far it has shown no signs of moving toward an agreement; indeed, it has underscored its tough stance by depriving the three parties that belong to the Coordinadora of their legal standing as political parties.

But the opposition believes that the last word is yet to be heard, and Cruz and his colleagues are hoping to bring international pressure to bear on the Sandinistas. They recently visited five other Latin American countries and were received by the President of each. They are also looking for support from the United States and from Europe. Their immediate demand is for a postponement of the elections so that fair terms can be negotiated.

The Coordinadora program rests on the simple premise that there are elections and there are "elections." It embodies two goals. The first is to win assurances that the elections themselves will be fair and free. The second, more far-reaching, goal is summed-up by Cruz in the phrase, "respect for the results of the election."

To secure the first, Cruz and his colleagues are calling for international oversight of the elections by either the O.A.S. or the Contadora group, or by representatives of the Socialist International or other Latin American states agreeable to both the opposition and the Sandinistas. They have requested that all polling places be organized so that citizens do not have to cast their ballots, as Cruz puts it, "under the eyes and ears of the so-called 'Committees for the Defense of the Revolution,'" the Sandinistas' internal surveillance network. In addition, the Coordinadora seeks guarantees of freedom of expression, information, and movement; an end to censorship of the press, freedom of assembly; and equal access to the airwaves.

The Coordinadora's second set of conditions focuses on what will follow the elections and poses perhaps an even more important test of the Sandinistas' willingness to share power with the Nicaraguan people. "Basically," says Cruz, "it's the separation of party and state. What if the opposition wins the elections? We have to be sure that we have the capacity to govern. If you have the army as it is now an instrument of the Sandinistas, how can you expect that?" Cruz is referring to the fact that Nicaragua's overgrown army is officially the army of the Sandinista Party. If Cruz is elected President, will the army then belong to the opposition? An analogous situation applies in other crucial institutions such as the militia, the police, and television.

In a fair election, the Sandinistas might find Cruz a formidable adversary. Against him they would have difficulty sustaining the argument that opposition to them is tantamount to "counterrevolution" and the posthumous restoration of Somocismo. Cruz himself served two prison terms under the Somozas, and was one of a group of prominent citizens, called "The Twelve," whose public alliance with the Sandinistas was crucial to the overthrow of Somoza. He served as head of the Central Bank during the early months of the revolutionary government. After Alfonso robelo and Violeta Chamorro, the two original non-Sandinista members of the revolutionary junta, resigned from it in protest, Cruz accepted a seat on it in their place, thereby demonstrating his willingness to walk the extra mile with the Sandinistas. That was something he demonstrated a second time by agreeing to come to Washington as ambassador. For most of a year he labored to secure U.S. acceptance of the revolution even while his own differences with the Sandinista government were widening.

The Coordinadora's platform aims not at repealing the revolution, but at fulfilling its original promises.Cruz says: "We want the revolution to really go to the three parameters on which it is predicated—nonalignment, mixed economy, and pluralism."

The touchstone of Cruz's policy of nonalignment would be a strong focus on relations with the rest of Central America. He twits the Sandinistas for pursuing an ideological foreign policy that has engaged Nicaragua in unlikely causes ("It was not until the Sandinistas came to power that we heard of the Frente Polisario in North Africa"), and that has left it as entangled as ever in its relations with the United States. He would "demilitarize Nicaragua completely," leaving only a police force. "For the protection of the country against aggression, we would do as the Costa Ricans do, invoke the Rio Treaty of collective security."

The Coordinadora's case in a good one, and it deserves more attention from North Americans than it has gotten. Not only does it offer a basis for bringing peace to Nicaragua, it also can be the basis for a cease-fire in the battle within the United States over policy toward Nicaragua. Indeed, one reason for the lack of attention to the Coordinadora's struggle may be that elections are approaching in North America too, and all political factions here are looking to sharpen their differences with their opponents. The Coordinadora's stance offers neither hawks nor doves much that they can disagree with or disagree about.

But the United States now has a moment of opportunity in Nicaragua, and it will not wait for the U.S. elections to pass. Those who have been advocating a more conciliatory U.S. policy toward Nicaragua ought to wield the stick, pressing the Sandinistas to meet the demands of the Coordinadora. Those who have supported aid to the contra rebels ought to proffer the carrot—an end to that support if the Sandinistas agree to genuine dialogue resulting in free elections.

The Sandinistas now have power, the kind that grows out of the barrel of a gun. In the end, they may decline to put it at risk. But they can't have it both ways. An election without the participation of the Coordinadora would be an empty exercise conferring no legitimacy on its predictable victors. This is a message that the Sandinistas ought to be hearing over and again from those in Latin America, Western Europe, and the United States, of whatever political stripe, who hope for a peaceful resolution to Nicaragua's turmoils.●

PERSECUTION OF SOVIET JEWS

● Mr. MOYNIHAN. Mr. President, while the Congress is in adjournment during the next several months, it is important to note that some important issues will nevertheless be very much at the center of the Senate's continuing concern. Not least among these is the continuing, and in certain respects worsening, persecution of Soviet Jews by their government.

Indeed, I think it is important to record before we adjourn that this body is in fact continually apprised of the plight of Soviet Jews, and is in particular aware of the recent escalation of harassment of religious Jews by authorities in Moscow and elsewhere in the Soviet Union.

The Greater New York Conference on Soviet Jewry has recently released a formal statement drawing our attention to this most recent campaign. I ask that the complete text of this statement, entitled "Religious Jews: the Newest Soviet Target," be printed in the CONGRESSIONAL RECORD at the conclusion of these remarks.

This is not an altogether novel occurrence, that the Soviet authorities would undertake to intimidate and persecute a distinct part of the Soviet Jewish community in this manner. But it is significant that it is done now. If the Kremlin thinks that Americans, in both public and private life, are preoccupied with our own electoral process, and therefore disinclined to take account of new outrages in Moscow, then it is absolutely wrong. For there is a continuing and profound commitment to ensuring that the Soviet Union is held accountable for its actions. There will be no diminishment of that concern during an election period, nor afterwards.

The 99th Congress will be no less devoted to this matter than has been its predecessors.

The statement referred to follows:

RELIGIOUS JEWS: THE NEWEST SOVIET TARGET

A new Soviet wave of oppression, launched at the end of this summer, has targeted religious Jews and resulted in numerous searches and several arrests. With undisguised anti-Semitic hostility, the KGB agents involved in these searches have ripped mezuzahs off doors, confiscated tefillin and other items of Judaica, and taunted refuseniks and their families. Those currently awaiting trial on trumped-up charges as a result of this campaign include Aleksandr Kholmiansky, Yuli Edelshtein and Yakov Levin, and a profile of each is enclosed.

The most recent apartment searches to come to our attention were directed against Dan Shapira and Inesa Brokhins of Moscow on September 20th. In Shapira's case, the authorities ripped the mezuzah from his doorpost and tore it apart, claiming that they expected to find drugs inside. They confiscated his tefillin, and all of his books printed in Hebrew, including a Talmud, a Bible published in Berlin in 1917, and even translations of works by Pushkin and Tolstoy. When Shapira's mother asked to see an official document authorizing the search, she was rudely shoved aside. According to Shapira's father, the KGB behaved throughout like the Gestapo.

Commenting on the search, Dan Shapira declared: "These provocations are extremely primitive and are probably an exercise to see how much pressure can be exerted on us. Even Hitler did not start to destroy the Jews immediately; only when he began to understand that no one in the free world would protect them."

Inesa Brokhina's apartment met with a fate similar to Shapira's. The items confiscated from her included Hebrew books, a Bible, a certificate of Israeli citizenship, and a tape recorder and cassettes. The investigator claimed to be looking for drugs, but when none were found, he indicated that it didn't matter, because "it is a well-known fact that Jews use drugs in religious rituals." Inesa, who is three months pregnant, took ill during the search.

The searches of Shapira and Brokhina were reportedly linked to the official investigation of Yuli Edelshtein, whose Moscow apartment was searched previously. Edelshtein is now being detained on trumped-up charges of drug possession, and Shapira and Brokhina may also face arrest sometime soon.●

PAY EQUITY

● Mr. EVANS. Mr. President, I rise this morning to affirm my strong support for the principal agreement reached yesterday between the Senator from Alaska [Mr. STEVENS] and the Senator from California [Mr. CRANSTON] regarding a pay equity study of the Federal Government.

This agreement is the culmination of long deliberations and intense efforts to bring about Senate consideration of pay equity. There are four parts to the agreement.

First, I intend to join Senators STEVENS and CRANSTON in requesting that the General Accounting Office provide, not later than March 1, 1985, a detailed report on the most appropriate methodology to be used for conducting a comprehensive pay equity study of the Federal classification system. In essence, this report will lay much of the groundwork necessary for executing a study of such magnitude.

Second, the Senator from Alaska has given his commitment to hold hearings on the GAO report by the end of April 1985. Mr. President, I might add that I think such a commitment is a major step forward. During this past session, I tried repeatedly to have a hearing on the pay equity legislation I introduced last November. There has never been such a hearing and Mr. President, for the record I would like to point out that proponents of the pay equity issue have not tried to subvert the committee process in their efforts as pointed out by the Senator from Utah [Mr. HATCH] in his statement on the pay equity amendment to House Joint Resolution 648. I know for a fact that supporters of the legislation welcome with open arms hearings on the pay equity issue. We have been ready, willing and able to participate in committee deliberations and I commend Senator STEVENS for his commitment to hearings and look forward to participating actively.

The third part of the agreement is that legislation will be introduced to authorize the study based on the findings of the GAO report. Mr. President, although I fully support this agreement I do not believe it is necessary to wait until after GAO has conducted its study to prepare legislation. Thus, I intend to introduce legislation at the beginning of the 99th Congress calling for a pay equity study of the Federal classification system. It is my expressed hope that this legislation will serve as the vehicle for incorporating relevant findings of the GAO report.

Finally, Senator STEVENS has given his commitment that should efforts to reach an agreement on the findings of the GAO report prove unsuccessful he will do his best to provide the appropriate vehicle by which this body can vote on the merits of the pay equity issue.

Mr. President, I want to affirm my strong support and personal commitment to the pay equity issue. The first piece of legislation I introduced as a U.S. Senator called for a pay equity study of legislative branch agencies covered by title VII of the Civil Rights Act of 1964. As Governor of Washington State in the early 1970's I convened the first comparable worth study in the Nation of the State's personnel classification system. As a U.S. Senator I now pledge my commitment to convene the first study for sex bias that has ever been done of the Federal classification system.

Mr. President, if government decides to lead in a new system and if because leading in a new system raises the job classifications and salaries of positions filled primarily by women, and if the result is that the best qualified for those positions choose to work for government, I think industry will have to respond in the marketplace.

Mr. President, for us to perceive comparable worth as a threat is a mistake, a potentially costly mistake which will put the Federal Government at a competitive disadvantage to other employers who will provide the cutting edge. I, therefore, invite my colleagues to join me in this effort of such great importance to the Nation. My staff will be happy to work with any interested offices in preparing the legislation I will introduce at the beginning of the 99th Congress.

In closing, I am extremely pleased to note that the pay equity issue will be a top legislative priority next session for a majority of the membership.●

RIVER PROJECTS IN ARKANSAS

● Mr. PRYOR. Mr. President, I am very hopeful that the Senate will approve legislation to see that a number of distinguished Arkansans are recognized by having river projects, and particularly locks and dams, named in their honor. I can think of no more deserving or distinguished citizens of our State than these public servants.

H.R. 3162 would name dam No. 2 on the Arkansas Waterway after former Representative Wilbur D. Mills of Kensett, who for many of us will always be known as "Mr. Chairman." Wilbur D. Mills served a total of 16 terms in the House of Representatives. During that time he was the distinguished chairman of the Ways and Means Committee. He was also a major supporter of water resources development and, year after yar, he saw that Arkansas received her fair share in funding for river projects. It would be most appropriate that his name be attached to this structure.

H.R. 3163 would rename lock and dam, "Joe Hardin Lock and Dam" a just and highly deserved recognition of a fine Arkansan and a friend of mine. Joe Hardin has long been an active member of the Arkansas Basin Association and has spoken on behalf of river development many times in Washington and elsewhere. Joe Hardin is a longtime friend of mine. I never miss going to summer fish fries when they are held every August in Joe Hardin's backyard. And several hundred other friends of his in southeast Arkansas join him for these events. Personally speaking, I can think of no one more deserving of this honor than Joe Hardin.

H.R. 3164 would name lock and dam No. 13 on the Arkansas waterway for the late James W. Trimble, former Representative from Fayetteville. My friend Jim Trimble served 11 terms in the U.S. Congress and was a distinguished defender of water projects not only in north Arkansas, his hime district, but throughout the State. This is most appropriate, and I join my colleagues from the State in remembering Jim Trimble and in recognizing the importance of this action.

H.R. 3165 would recognize, Mr. President, that lock and dam No. 9 hereafter be named for Arthur Ormond, in every way a distinguished Arkansan and a splendid native of our State. It was Arthur Ormond who served as president of the Arkansas Basin Association and who continually fought for development of this crucial waterway. He served as a member of the five-State Arkansas Inter Basin Committee, and as a member of the Water Resources Congress. In fact, Arthur Ormond received the Department of the Army's highest civilian award for the time and effort he spent on behalf of river development. It is most appropriate that Arthur Ormond have his name attached to this project.

Nothing, Mr. President, could be more appropriate than naming a reservoir created by a dam on the Arkansas River as the "Winthrop Rockefeller Reservoir," as H.R. 3166 would provide. For many years Mr. Rockefeller was a staunch defender of water projects in the State. He was Governor of Arkansas for two terms, from 1967 to 1971, and his farm on Petit Jean Mountain commands one of the most impressive views of the Arkansas River. The reservoir which would be named for him lies in this section of the river, and I know that all Arkansans will join me in recognizing the appropriateness of this Action. I especially commend his family in the State for carrying on his commitment to river development.

H.R. 3167 would provide that lock and dam No. 4 on the Arkansas waterway hereafter be known as the Emmett Sanders Lock and Dam. I join my friends in Pine Bluff and Jefferson County in recognizing the appropriateness of this action. For many years Mr. Sanders has worked to develop the Arkansas River. He served as mayor of Pine Bluff and distinguished his tenure in that office for the dedication he brought to water projects. His leadership, in fact, was instrumental in bringing about the completion of the Arkansas River waterway system. This is a most appropriate and justified recognition of his leadership.

H.R. 5817 would name the Calion Lock and Dam, the "H.K. Thatcher Lock and Dam." H.K. Thatcher of Camden, AK, my hometown, has for over 40 years been the single most important factor in the development of the Ouachita River in Arkansas and Louisiana. As a young man growing up in Camden, I came to know at an early age that this man, who had devoted his entire adult life to the economic development of Ouachita River basin, was the most respected authority on river navigation in the area, and perhaps within the State of Arkansas. He is well known by the congressional committee chairmen before whom he has testified for so many years. I should add, Mr. President, that Mr. Thatcher was a very effective spokesman for the interest that he represented, and the development that we now see on the Ouachita River is proof of his influence in the Congress.

Mr. President, I urge the Senate to approve these bills.●

FORENSIC COACH JACK RHODES

● Mr. HATCH. Mr. President, while we wind down our debates during the

98th Congress, college and high school debaters across the Nation are gearing up for another season of interschool competition. Hundreds of thousands of students participate in forensics competition, and the skills they practice there often carry over to benefit them in their later endeavors; often, their oratorical skills are put to work for the betterment of all of us.

But I take this opportunity to pay tribute to one of the people who instruct and coach these young people. Beginning this year Dr. Jack Rhodes is the new director of forensics at Augustana College in Sioux Falls, SD. That is wonderful news for Augustana, and I wish Dr. Rhodes success in Sioux Falls; but it also carries a sad note for Utah, where Dr. Rhodes has spent the last 14 years building a great power in intercollegiate forensics at the University of Utah, and, not coincidentally, educating young citizens.

As an indication that these competitive debate programs help to produce good citizenship in good citizens, I point to the fact that our friend and colleague, Senator PRESSLER, is not only a product of such an outstanding forensics program at the University of South Dakota, but that he was, while an undergraduate, a debating partner of Dr. Rhodes. Some of the students Jack Rhodes has tutored over the years have risen to similar posts of influence—I note that the current race for the U.S. Senate seat in Texas features a former student of Dr. Rhodes, Lloyd Doggett—and no doubt others will rise to prominence. And from my personal experience, having employed the services of several people who studied debate under Dr. Rhodes, both in my campaigns and in my Senate offices, I can tell you that an education in public speaking is a valuable asset.

Dr. Rhodes is an outstanding scholar and teacher. In addition to the time-demanding job of director of forensics at the University of Utah, he also taught argumentation and several other speech courses at both the undergraduate and graduate levels, and for several years he taught one of the most popular sections of a course required of all freshman students, concerning intellectual traditions of western societies. Despite his reputation as a "stern grader," Dr. Rhodes' classes were frequently filled to crowding. The University of Utah granted him early tenure, in recognition of his outstanding teaching, his numerous scholarly publications and his contributions to administration—but that outstanding performance had become normal operations for Jack Rhodes who had, as a doctoral candidate at the University of Texas at Austin, set a record for the speediest earning of Ph.D. in the English department. After 4 years of forensics and teaching at Colorado College, he accepted the position at the University of Utah, when he was only 27 years old.

At the University of Utah, Dr. Rhodes established what has grown to be one of the largest and most prestigious collegiate forensics tournaments in the world, the Great Salt Lake Invitational. In 1972—he brought the National Debate Tournament, which crowns the national champions—to the Rocky Mountains for the first time. He has served as president of the American Forensics Association, and holds or has held several other posts with the Speech Communication Association. He has several times served on the committee which selects the topics to be debated nationally in the high schools and colleges.

Debate squads at Utah have ranked among the strongest in the country, year after year—making the top 10 several times. At least 12 individual two-person teams from Utah have qualified for the national championship tournament since he started coaching there—a record unequalled by any other school in the Rocky Mountain area.

In sum, South Dakota is gaining a valuable asset in the new debate coach at Augustana—Utah's loss is South Dakota's gain. But we are not sore losers, and we wish Dr. Rhodes and his teams great success. We hope that his teams will, year after year, finish second to a team from a Utah college or university at the National Debate Tournament.

Mr. President, I ask that three articles regarding debate at the University of Utah and Dr. Jack Rhodes be inserted into the RECORD.

The articles follow.

[From the Daily Utah Chronicle, Feb. 3, 1984]

UNIVERSITY DEBATERS VIE FOR NATIONAL HONORS

(By Jeff Arrington)

University debaters Ron Gardner and Bryon Benevento significantly improved their chances for a first round at-large bid to the National Debate Tournament (NDT) last weekend with an impressive performance at the Great Salt Lake Invitational Debate Tournament.

First round bids are given to the top 16 teams in the nation, as determined by a national board of coaches. Teams who receive those bids automatically qualify for the NDT and do not have to go through district competition.

The Great Salt Lake, or GSL, tournament was sponsored by Utah and directed by Utah debate coach Jack Rhodes. It was the largest forensic competition in the nation this year. More than 150 debate teams from 75 different institutions participated.

Benevento and Gardner, debating in senior division, posted a 7-1 record in the preliminary rounds. They defeated highly-regarded Emory University, the University of Arizona, and Baylor University for three of those wins. Because of a tournament rule prohibiting host teams from advancing, the pair did not participate in elimination rounds.

Gardner, in his third year of competition, said he was pleased with the results. "We proved to people in our district that we have what it takes to be among the top 16 teams in the nation," he said. He said the showing was one more bright spot in a productive season.

"We've done better this year than we expected, but as well as we had hoped," he said, "I don't think at the first of the year we expected that two weeks before bids we would still be in the running for one."

Those bids, considered by competitors to be the most prestigious awards in intercollegiate debate, will be announced in three weeks. Gardner said that while the University's prospects have improved, it must still be considered an underdog.

When asked what the probability was of the team getting a bid, Gardner said, "It's hard to say. Our chances have definitely gone up. I would put us between 15th and 18th in the country right now, so things are probably 50-50," he said.

The tandem will have one more shot to improve their season record before they have to submit it to the coaching panel. During the weekend of Feb. 11 the team will be at Northwestern University for one of the nation's largest tournaments. Gardner said he expects the top five teams in the country—Harvard, Dartmouth, Northwestern, Georgetown and Emory—to attend. Historically, strong performances at Northwestern heavily influence the bid selection process.

At the GSL, with Utah out of the running, Emory University went on to claim top honors. The team of Reggie Smith and Scott Siegel emerged from preliminary rounds with a 7-1 record, then breezed through Samford University, Augustana College, Southern Utah State College and Northern Iowa enroute to the tournament championship.

Cliff Barry of Arizona was named the tournament's best individual debater, followed by Siegel, Phil Voight of Augustana, Scott Spicer of Utah, and Emory's Lee Gregory. Gardner was named the sixth best speaker and Benevento the ninth.

Southern Utah State won the sweepstakes award, symbolic of strong performances through all events and divisions, by a healthy margin over the Air Force Academy.

Assistant Coach Ann Burnett, who helped direct the tournament, said the GSL benefited the University community. "It brought top-quality students from throughout the country to the campus," she said. "A lot of University students watched the rounds, and they seemed to enjoy it."

Burnett said that more than 500 people were entered in the speaking events at the tournament. That established a new national record. Despite the huge turnout, though, Burnett said things "ran really smoothly. We didn't have any difficulties."

This weekend, the University's second team, Spicer and Pete Bsumek, is competing at two tournaments: the Texas Round Robin, and the Baylor University Invitational. They went 4-4 at Utah's tournament. If they had won their last round they would have qualified for eliminations rounds.

[From the Daily Utah Chronicle, Feb. 16, 1984]

DEBATE COACH RESIGNS, PLANS MOVE

(By Jeff Arrington)

After spending 14 years building the University's debate program into one of the strongest in the nation, Director of Forensics Jack Rhodes wants a new challenge. Last week he announced his resignation to accept the head coaching job at Augustana College in Sioux Falls, SD.

The College of Humanities has formed a search committee and plans to fill the vacancy by May. Rhodes will remain in charge of the debate squad for the rest of the year.

Rhodes said he had been looking for a new opportunity for two years, and when the position at Augustana opened up he could not pass it by.

"I've been looking around for a liberal arts college that was a four-year school in a smaller town where I could concentrate on the National Debate Tournament (NDT) program," Rhodes told the *Chronicle.*

"When you match up all the liberal arts colleges in the country with those that have a long tradition of debate excellence, there aren't so many," he said. Rhodes said Augustana was one of the few institutions that satisfied his criteria. There he hopes to get back to coaching.

"I like to coach. In the last few years my efforts have been diverted from coaching," Rhodes said. "I've been diverted because of important responsibilities to forensic organizations, and I've been on many University committees. All of this has deflected my attention from the team. I am interested and concerned that I get back to coaching. It didn't seem possible to do that here. I really look forward to that."

"I have administered a large program with a tournament, now I simply want to administer a small program, with one or two teams, dedicated to trying to win the NDT," he said.

"I've done all these other things in intercollegiate forensics, I just thought I would like a different challenge. It's just a matter of a new challenge."

Rhodes became disenchanted with Utah for two reasons, he said. First, as a major research institution, the University environment is not as intimate as he would like.

"The University has a very benign bureaucracy," he said. "You deal with a big institution. We're just a very small part of a campus of 24,000 students and it is difficult to relate to the institution. That's a real reason for me."

Second, he said at Utah he has had a hard time extracting the kind of commitments from students required to win a national championship.

"There is a real difficulty coaching debate at a commuter school," Rhodes said. "That is one thing that has worn me down. It is hard to extract a commitment from people who are concerned about their job, about their car, about their parents and girlfriends and church. They aren't able to commit themselves to the type of intensive competition NDT debate requires. For me, that has been a frustrating experience."

To a lesser, but significant degree, Rhodes said increasing academic pressures at the University force his hand. He said his assistant coaches have been swamped with graduate work.

"These academic pressures have been hardest on teaching assistants. They have trouble taking trips as a result of increased, intense academic pressure. That has put more pressure on me. At Augustana I would anticipate making no more than seven or eight trips a year; here I make easily 15 to 18. That's too much," Rhodes said.

He said Utah needs a younger, more energetic coach who can deal with those problems. "It's time for a youngster to come here and take charge and give the program some fresh blood and think of ways to straighten out the program and do things differently and recruit some more high school students," Rhodes said.

The search for such a person is underway. Rhodes said the University is "committed to continuing the forensics program, and they're committed to continuing it at a pretty high level." He expects them to "look for someone who is strong in NDT debate."

In his 14 years at Utah, Rhodes has qualified more than 12 teams for the prestigious National Debate Tournament and four of them reached the elimination rounds. Three of his teams reached the quarterfinals of the NDT. Under Rhodes, four Utah teams received first round at-large bids to the NDT, an honor bestowed upon the top 16 teams in the nation, according to a national board of coaches.

Rhodes came to Utah in 1970 after serving as an assistant professor at Colorado College for four years. He received his B.A. from the University of South Dakota in 1963, and his doctorate from the University of Texas at Austin in 1966.

JACK RHODES MOVES TO AUGUSTANA COLLEGE

(By Randy Shoeck)

"Professor Rhodes is a perfectionist, very organized," says University debate team member Scott Spicer. "He saw every competition through from start to finish, whether it was in Salt Lake or Chicago, anywhere. It's hard to see such a fine instructor leave our school after helping us reach top standing."

Jack Rhodes left the University in June after accepting a position with Augustana College in Sioux Falls, South Dakota. He had instructed debate in the Department for 14 years.

I have enjoyed all the time I spent teaching and living here, but there is just one thing the U of U isn't—a four-year liberal arts college," Rhodes says. "Augustana is a school with 1,900 students and is differently paced than a campus with 25,000 students. They have an excellent liberal arts program, and that, to me, is one of the most important parts of an education."

Rhodes received his bachelor's degree in 1963 from the University of South Dakota where he majored in English and Latin. After earning his doctorate in English literature from the University of Texas in 1966, Rhodes taught English and assisted the debate coach at Colorado College. In 1970, at the age of 27, Rhodes took an offer to coach debate at the University of Utah.

Former University debaters before Rhodes took over include Governor Scott M. Matheson and Ed Darrell, press secretary for the U.S. Senate Committee on Labor and Human Relations.

Rhodes integrated a strong liberal arts background, which stressed discipline and analytical thought, into coaching debate. He explains thus, "I believe in debate. People are able to advance ideas, communicate and persuade through rational decision making as an alternative to violent action."

"I weeded out students I thought were really putting their hearts into it and worked on them with a tailored approach. I'm the kind of coach who doesn't let every kid go up to bat," he continues.

Many students may have found his style of teaching too disciplined. "I guess I am kind of hard-nosed, maybe even single-minded. But I figure, if a person is going to be committed to the principles of debate, he should go all th way and work hard at it. I wanted everybody to take it very seriously, and most did," Rhodes explained.

After Rhodes honed the skills of those most committed to achieve, he found his teams competing with some very tough company. "We have gone up against and defeated teams from Harvard, Baylor, Northwester, Georgetown and Dartmouth."

For most people, the word debate conjures up images of political candidates discussing or arguing public issues on TV.

"Those aren't even close," Spicer said. "We get into some pretty intense, emotional tournaments."

Each debate round consists of 92 minutes and is broken up into equal time allotments for each team to argue a topic of public concern. Rhodes pairs up members whose opinions and ideas closely match, and whose public speaking ability would best present the issues.

The opposing team from another school takes 10 minutes to introduce and present their stand on an issue; the University of Utah team then follows with 10 minutes from the other side of the issue, similar to court proceedings. A panel of judges decides on a victor based upon delivery, thoroughness of research and familiarity with the issue.

Spicer explains, "A committee establishes a resolution at the beginning of the year. This year's read, 'Resolve that any and all injury resulting from the disposal of hazardous waste should be the legal responsibility of the producer of that waste.' From that we select a topic from within that issue by the wording of the resolution. That's where Jack comes in."

"I help the students with the research materials and making briefs, but where my expertise comes in is knowing what the judging members want to hear. I know what the debaters will and won't be able to sell." Rhodes said. "I usually travel to all the tournaments with the team, and give both moral and professional support."

With his training program, Rhodes has placed and qualified more teams to the national tournaments than any other school in the Rocky Mountain District's history. The University debate teams have ranked among the top 20 schools in the nation.

Rhodes' replacement is Gregg Walker, who received his doctorate from the University of Kansas. He will begin this fall. Of Walker, Rhodes says, "Gregg is an excellent teacher. I have known him from several other tournaments in which he has judged and participated. He will do an outstanding job for the University."●

PEACE IN NORTHERN IRELAND

● Mr. RIEGLE. Mr. President, I rise to address the continuing troubles of Northern Ireland, with an eye specifically to the use of plastic bullets in the Province. While initially this issue may not seem to be an extremely important part of the difficult question of how to achieve peace in Ireland, the misuse of this ammunition, and the resulting injuries and death, constitutes yet another problem which, if solved through cooperation on both sides, may advance the efforts to end the violence in Ulster.

Plastic bullets, which are 4 to 6 inches in length, and 1½ inches in diameter, were introduced in 1975 solely for the purpose of crowd control. In recent months, however, they have been used in a much more lethal manner, causing the death of at least one person and wounding countless others. This abuse of a supposedly nonlethal crowd control devise is intolerable. All reasonable people, regardless of their views on the larger issues confronting the area, must realize that banning the use of plastic bullets is essential to achieving progress toward the goals of peace and the recognition of human rights in Northern Ireland.

In May of this year, a significant step was taken toward establishing a dialog between the Unionists and the Nationalists. The meeting of the New Ireland Forum, and their ensuring report, is evidence of the realization by both sides that cooperative and dislomatic action can, and must, be taken in Ulster. While the proposals presented by the forum have not been met with enthusiasm by all sides, it is universally recognized that the report's moderate language and reasonable tone are indicative of a new willingness to negotiate. This is heartening news.

Having achieved a more conciliatory atmosphere, it is appropriate that we now lay to rest the controversy over the use of plastic bullets. A critical and humane step toward ending the violence and promoting peaceful discussions in Northern Ireland would be the final banning of this destructive weapon.●

FDA'S REVIEW OF PHENYLPROPANOLAMINE

● Mr. D'AMATO. Mr. President, the Senate committee report (98-566) to accompany this bill (H.R. 5743) expressed concern about the pace of the FDA's review of over-the-counter weight control drugs containing phenylpropanolamine [PAA]. In conducting this review affecting millions of Americans, it is important that the FDA fully consider all available and valid scientific data.

I have learned that there is critical new information, including the results of FDA sponsored research which is not yet complete, which should be fully considered before a final decision is made. I am certain the committee does not in any way wish to impede the FDA from conducting a thorough review of this matter by placing restrictive time constraints on the FDA. I am told by the FDA that they would not be able to meet the deadline in the report and still be within the requirements of their regulatory processes.

I am certain the committee does not presume to be a judge of the scientific merits of the safety and efficacy of products containing PPA. That is the job of the FDA and its outside scientific review panels. PPA has been used in the United States for 50 years. More than 50 clinical studies indicate that PPA is safe and effective. The only negative data is from two seriously flawed Australian studies. It is highly probable that the drug tested in Australia was not even PPA, but rather some other substance.

Therefore, Mr. President, I hope the committee will fully support the FDA taking all the time it needs to do its job properly.

Thank you, Mr. President.●

DIESEL-ELECTRIC LOCOMOTIVES AND ENERGY CONSERVATION

● Mr. PERCY. Mr. President, I have this date been added as a cosponsor to S. 3057, legislation providing for an energy conservation investment tax credit to purchases of diesel-electric locomotives. This legislation would encourage the conservation of energy, stimulate capital investment, and restore a substantial number of jobs in an industry which has suffered near depression and has fought back with many recent advancements and improvements

The domestic locomotive industry reached a peak in sales during the late 1960's and early 1970's. Following the energy crisis of the early 1970's, sales dropped from a high of 1,600 per year to a present level of between 200 and 500 per year. This decrease in sales meant a loss of approximately 19,000 jobs throughout the locomotive industry and such other supply-related industries as steel.

Indeed, in La Grange, IL, where one of the diesel-electric locomotive plants owned by General Motors Corp. is located, there was a loss of between 5,000 and 6,000 jobs between the late 1970's and 1983.

Nevertheless, the diesel-electric locomotive industry fought back following the energy crisis of the 1970's, and recent improvements have now made diesel-electric locomotives 15 to 20 percent more fuel-efficient than those produced in 1970 and presently in service. Other recent advancements in the industry have also included turbocharging, parasite load reduction and microcomputer control.

Now, however, the reduction in locomotive purchases during the early 1980's has meant that the older operating units presently in service must be replaced with newer fuel-efficient units to the extent that it is projected that 1,500 new locomotives will be needed each year to meet traffic growth and replacement.

I sincerely believe that this tax credit will go a long way toward furthering our Nation's need to conserve energy while stimulating capital investment and employment. Enactment of this bill could mean a savings of 72 million gallons of fuel annually. It could also restore an estimated 11,600 jobs, not only at diesel-electric locomotive plants, but also at steel industry plants which have suffered greatly from foreign competition.

Mr. President, this legislation will help us toward the goals outlined above with a minimal impact on the Federal Treasury due to offsetting increases in tax revenues paid by individuals whose jobs have been restored.

I fully believe that this legislation is worthy of consideration by the Congress and will urge hearings and further studies be conducted with respect to its goals during the remaining months of this year and in the next Congress.

Mr. President, I compliment my colleague, Senator SPECTER, for his foresight in introducing this bill, and I commend the legislation to this body.●

CHILD NUTRITION LEGISLATION

● Mr. HUDDLESTON. Mr. President, I have worked hard over the last year to obtain Senate consideration of needed improvements in, and extension of authorizations for appropriations for, important child nutrition programs. However, it is now apparent that the Senate will adjourn sine die without considering the proposed improvements or legislation extending five important child nutrition programs—S. 2722.

I feel disappointment and frustration not just for myself, but for the large bipartisan group of Senators who cosponsored my child nutrition legislation—S. 1913—and, especially, for Congressman CARL PERKINS, who in his last year developed two child nutrition bills that the House sent to the Senate for its consideration but that, quite simply, have been ignored.

For nearly 40 years, the Senate has seen fit to timely reauthorize the child nutrition programs. The programs have always had bipatisan support in the Senate, and I believe that an overwhelming majority of the Senate continues to support them.

Unfortunately, the Senate's failure to consider the child nutrition legislation this year will hurt all WIC clinics in the country, all State educational offices, many schools, and, most of all, American children in need of nutrition assistance.

LEGISLATIVE HISTORY

On September 30, 1983, I introduced S. 1913. The legislation was designed to make needed restorations and improvements in the school lunch and other child nutrition programs. It had the bipartisan support of 51 other Senators who joined me as cosponsors of the bill.

The House of Representatives passed a bill similar to S. 1913 by an overwhelming majority—306 to 114—on October 25, 1983. The House bill, H.R. 4091, was placed on the Senate calendar on October 26, 1983. Both my bill and H.R. 4091 are targeted to help the children from the working poor and, among other things, to provide funds to schools participating in the School Breakfast Program so that they could provide nutritionally adequate breakfasts.

On April 30, 1984, I submitted an amendment in the form of a substitute to S. 1913 because five child nutrition programs needed to be reauthorized. The substitute would reauthorize for 4 years those programs with authorizations due to expire at the end of fiscal year 1984. The affected programs are summer food service, commodity distribution, nutrition education and training, the funding for State administative expenses, and the special supplemental food program for women, infants, and children [WIC]. In addition, the amendment provided for program changes to meet emerging needs and improve program administration. The amendment also incorporated many of the provisions of S. 1913.

On May 3, 1984, the House Passed, by a vote of 343 to 72, H.R. 7, legislation similar to my substitute amendment. H.R. 7 was referred to the Committee on Agriculture, Nutrition, and Forestry.

On May 25, 1984, the Agriculture Committee reported S. 2722, a simple 2-year extension of the expiring child nutrition programs.

On August 6, 1984, Senator Boschwitz filed an amendment to S. 2722 lengthening the extension of the programs to 3 years and making several other modest, but important, program changes. This amendment has strong bipartisan support and is well within the congressional budget.

CONCLUSION

Although the Congress has provided funds to carry out the expiring child nutrition programs for 1 year, it is most regrettable that the Senate will adjourn sine die without considering any child nutrition legislation.

When Congress reconvenes in January, I will work with other interested Senators in supporting the child nutrition programs, which are so vital to the welfare of our Nation.●

SUPPORT OF HOUSE SOLAR CREDIT BILL

● Mr. PACKWOOD. Mr. President, I salute Congressmen Fowler, Gibbons, Pickle, Thomas, and others for introducing H.R. 6416, new legislation to extend solar tax credits. The legislation makes significant changes and improvements in the present solar tax credit. This legislation will help us achieve energy independence by fostering development of environmentally sound, alternative energy resources.

I am especially pleased with our House colleagues' action in the wake of the 1984 Tax Reform Act, because the bill is a reaffirmation of a sound tax system-based energy policy. The existing solar and other renewable energy tax credits which were enacted in the Windfall Profit Tax Act of 1980 will expire at the end of 1985. Since their enactment these credits have encouraged individuals and businesses to invest in alternative energy resources. This, however, is just a start. Although thousands of American households and businesses are now equipped with solar and other alternative energy devices, we have barely scratched the surface of the vast potential offered by these resources.

Demand for petroleum products and electricity is currently slack. But this state of affairs will not last forever. Our Nation's enormous need for energy makes us susceptible to supply disruptions and price shocks like those that rocked the economy in the 1970's. Today, during this period of low demand, we are presented with an opportunity to let the marketplace develop clean, decentralized alternative energy sources with incentives provided by our tax system. These resources can be developed without new Government programs or direct expenditures, at a minimal cost to the Treasury.

The legislation introduced in the House complements S. 1305, which my colleagues and I introduced on May 17, 1983. Hearings on that bill were held in Senator Wallop's Subcommittee on Energy and Agricultural Taxation on July 18, 1983. There are differences between the House and Senate bills and I know that each House will work its own will. Nonetheless, I look forward to the 99th Congress, when we will again seek enactment of legislation to extend and improve solar tax credits. The action of our House colleagues is a welcomed step along this path.

Mr. MATSUNAGA. Mr. President, I concur in the statement of my distinguished colleague from Oregon and express my hope that the Congress will also enact legislation in the 99th Congress extending the energy tax credits for wind geothermal, ocean thermal and biomass.●

CREDIT ASSISTANCE FOR FARMERS

● Mr. HUDDLESTON. We all realize that many farmers, today, are in a desperate financial bind because of high interest rates, stagnant farm prices, rising production costs, and an erosion in the value of farm equity.

As a result of a weak farm economy, it has been estimated that perhaps as many as 125,000 farmers are experiencing severe financial problems and could be forced out of business in the coming year. That level of farm liquidations would be far above the level of liquidations considered normal.

The President has acknowledged that as many as 4 percent of all farmers could go out of business this year. His spokesmen tell us that this number of farmers going out of business is nothing to be alarmed about. However, I find it very alarming that the administration officials responsible for developing and implementing agricultural policy are not concerned that, at the present rate of farm liquidations, in less than a generation, we will have one-half the number of family farmers we have today.

Although for 3 years the administration hasn't shown any real interest in addressing farm credit problems, the political ramifications of this neglect are now being considered by the President's political advisers. That appears to be the administration's motivation for announcing, 8 weeks before the election, a farm credit plan that includes a deferral program that reverses its longstanding policy against such programs. Similar proposals offered by Congress during the past 3 years have been threatened with veto.

It is unfortunate for our Nation's farmers that the administration's plan for addressing farm credit problems has been so long in coming. To put that plan in proper context, I think it is important that we review the administration's record on farm credit.

ECONOMIC EMERGENCY LOANS

The Agriculture and Food Act of 1981 extended until September 30, 1982, the authority for the Secretary of Agriculture to make economic emergency loans under the Emergency Agricultural Credit Adjustment Act of 1978.

With the extension made by the 1981 act, the Secretary had authority to make up to $600 million in economic emergency loans in fiscal year 1982. The funds for those loans would have come from repayments of outstanding economic emergency loans; and, therefore, the program wold not have involved new budget expenditures.

The economic emergency loan program is intended to be a supplemental source of credit for farmers facing temporary financial difficulties through no fault of their own. Economic emergency credit assistance, first authorized in 1978, has enabled many farmers who were unable to obtain operating credit from other sources to continue thier farming operations.

Economic emergency loan assistance primarily has been in the form of operating credit targeted to family farmers who meet a test for credit. Economic emergency loans can also be used by such farmers for refinancing purposes.

Notwithstanding the program extension provided by law, the administration failed to take steps to carry out the program. As a result, on February 24, 1982, 14 Members of the Senate wrote to the Secretary of Agriculture urging him to implement the program. On March 15, 1982, the Secretary replied, in a letter to me, that he had established guidelines to determine if an economic emergency exists and that he was preparing regulations to implement the guidelines.

Yet, after that, the administration did not take another step in 1982 to implement the program. Despite the obvious stress in the agricultural economy at that time, not a single economic emergency loan was made in fiscal year 1982.

Late in 1983, however, the District Court for the District of Columbia held that the administration had acted improperly by not implementing the economic emergency loan program during 1982 and ordered the Farmers Home Administration to implement that program in 1984.

Acting under the court's order, the administration announced in December 1983 that $600 million in economic emergency loan funds would be made available, through the Farmers Home Administration, to assist farmers facing severe economic conditions. On the basis of that announcement and with the encouragement of administration officials, thousands of farmers applied to FmHA for economic emergency loans. However, the administration, in January, decided to alter its earlier announcement by severely limiting the availability of FmHA direct loans under the program.

At the direction of the Office of Management and Budget, FmHA stated that, in place of direct loans, it would rely, for the most part, on Federal guarantees of bank financing, if such financing could be obtained by the hard-pressed farmers eligible for assistance under the court order. The OMB plan was to make only $57 million available for economic emergency loans and provide up to $543 million in guarantees for bank loans. The economic emergency loan program, if implemented under the OMB plan, would have been of no benefit to many farmers and not have fulfilled the intent of Congress in authorizing the 1982 program.

This belated policy decision was a classic attempt by administration bureaucrats to circumvent the court order and stall the delivery of credit assistance mandated by Congress. However, as part of emergency agricultural credit legislation—Public Law 98-258—that was approved in the spring of 1984, the administration was required to release an additional $253 million in direct economic emergency loan funds.

In the 1983 Agricultural Appropriations Act—Public Law 97-370—Congress provided $600 million in loan guarantee authority for the economic emergency loan program for fiscal year 1983. In February 1983, I sent a letter to Secretary Block urging him to implement the program. But once again, despite the severe stress in the agricultural economy, the administration refused to implement the program.

LOAN DEFERRALS

Over the last several years, this administration has refused or ignored many requests to implement a loan deferral program under authorities provided by Congress.

The Senate, on December 11, 1981, passed Senate Resolution 257, calling on the administration to extend and defer Farmers Home Administration loan repayments and avoid unnecessary foreclosures. The administration was unmoved and refused to use its authority to assist borrowers to the extent practicable. The result was a record number of farm loan liquidations by the Farmers Home Administration in fiscal year 1982. That record has since been broken in 1983.

At a March 22, 1982, meeting with congressional leaders on agricultural matters, the President asked Members of Congress for their recommendations on agricultural policy. On April 5, I led seven other members of the Senate Agriculture Committee in responding to this request and forwarded to the President and Secretary of Agriculture an outline of our recommendations. The April 5 response include the recommendation that certain farmers with Farmers Home Administration farm loans be permitted to defer loan repayment. Our recommendation was ignored.

That same year, during hearings and markup of legislation reauthorizing the Farmers Home Administration farm and rural development programs, the administration repeatedly stated its opposition to any loan deferral legislation and insisted that the agency had all the authority and funds needed to meet the needs of its borrowers.

The same was true in 1983 when I introduced S. 24, the Emergency Agricultural Credit Act, and the Agriculture Committee held hearings and a markup on the legislation. Again, the administration stated its strong opposition to any deferral provision. This opposition extended to the deferral provision of S. 24, which would have simply put into law what the administration said was its policy on granting loan deferrals.

When presenting the administration's testimony on S. 24, Under Secretary of Agriculture Frank Naylor stated that if S. 24 or similar legislation was enacted, the Secretary of Agriculture would recommend that the President veto the bill.

In addition, during the markup of S. 24, members of the Agriculture Committee received letters signed by Secretary John Block that stated, and I quote, "the precedent set and potential damage done to the good credit standing of our agricultural industry by imposition of mandatory deferral/moratorium legislation coupled with budget impact and administrative burden of the aforementioned sections leave us no choice but to strongly oppose their inclusion in this bill."

I note that in the President's recent announcement of the administration's farm credit plan—which included a deferral program—there was no mention of the credit standing of our agricultural industry or of the budget impact or of the administrative burden of such program.

GUARANTEED AND INSURED OPERATING LOANS

The administration would have farmers believe that its recently announced credit program will provide much needed loan guarantee assistance that would not otherwise be available. That is not the case.

In light of the dismal credit situation in U.S. agriculture, it has been clear to Members of Congress for some time that there will be a greater need for operating and refinancing credit for farmers through the Farmer's Home Administration in fiscal year 1985. For that reason, in August, Congress approved a proposal I sponsored to increase FmHA loan guarantee authority for fiscal year 1985. The $650 million in loan guarantees announced as part of the administration's credit assistance plan represents the funds already earmarked by Congress under my proposal.

Further, the requirement under the administration's plan that a lender write off part of the principal owed, as a condition of securing a loan guarantee, effectively makes the program more restrictive than Congress intended.

The Independent Bankers Association of America—representing thousands of banks in rural areas that specialize in agricultural lending—issued the following statement about the administration's writeoff proposal:

> Forgiveness, generally, is the church's beat, not the bank's. Forbear? By all means. Forewarn? Of course. Forestall? Wherever possible. Foreclose? If absolutely necessary. But forgive? Difficult when you've got to make payroll.
>
> And this is not forgive and forget. Forgiveness, in political theology, has a memory. It is precedential timber. If ag loans are forgiven, small business loans may someday be also. And if ag loans are forgiven to the tune of 10-20 percent this time, it may be at 25-30 percent next time. There's a powerful message in that: If a banker cannot depend on a loan being repaid in full, he's far less likely to make the loan in the first place.
>
> The FmHA is not forgiving a portion of its loans; it is temporarily setting them side. If the administration is serious about giving bankers religion, how about "go and do likewise"?

The administration would also have farmers believe that the operating loan program lending level it endorsed for fiscal year 1985 is $660 million more than was budgeted for operating loans during fiscal year 1984. That is very misleading.

Most of this increase is in the form of operating loan guarantees and merely incorporates guarantee authority already provide by Congress through the efforts of several Senators, including myself, to greatly expand the loan guarantee program as part of a larger effort to assist farmers in meeting their credit needs during fiscal year 1985.

However, increasing operating loan guarantees in fiscal year 1985 is simply not enough. Putting the fiscal year 1984 and proposed fiscal year 1985 lending levels in proper context and considering the severe credit problems of U.S. farmers, it becomes clear that more must be done to assist farmers through the Farmers Home Administration during fiscal year 1985.

First of all, as I have explained, the Farmers Home Administration was ordered by a Federal court to open up to farmers the economic emergency loan program for fiscal year 1984 that should have implemented in fiscal year 1982, but was not.

Under that court-ordered program, $600 million in loans were made available to farmers this past winter and spring in addition to the amounts budgeted for the fiscal year 1984 operating loan program. The funds allocated to the States under the court-ordered program were quickly used up. At this time, the administration does not plan to provide economic emergency loan assistance in fiscal year 1985.

Second, despite repeated assurances from the administration that the Farmers Home Administration had adequate operating loan funds for fiscal year 1984, several weeks ago, Congress was informed that the Department of Agriculture found it necessary to use emergency interchange authority to transfer $150 million in insured loan funds and $100 million in loan guarantees from other essential FmHA programs to the operating loan program.

So, as we review the status of the FmHA farm lending programs, the increase of $660 million in operating loan authority for fiscal year 1985 is not as significant as first appears, and Congress had already provided for it prior to the announcement of the administration's credit plan. By comparing the fiscal year 1985 recommendation to only the 1984 appropriation for operating loans, the administration does not take into account the $600 million in economic emergency loan funds provided during fiscal year 1984, nor the $250 million funds that were transferred to the operating loan program.

Also, with respect to insured loans alone, the allocation for fiscal year 1985 under the 1985 Agricultural Appropriations Act, when enacted as part of the continuing resolution, will actually represent a decrease of $40 million from the $1.96 billion of insured operating loans that was obligated during fiscal year 1984.

In addition, we must take into account that the demand for Farmers Home Administration farm loans has increased greatly during the course of fiscal year 1984, both with respect to the size of loans requested and the number of applications, and will likely to continue to increase in fiscal year 1985.

Because of the ever-increasing costs in operating a family farm, a few months ago, Congress found it necessary to increase the individual loan limit for FmHA-insured operating loans from $100,000 to $200,000. That higher loan limit means that farmers are now applying for larger insured operating loans.

Also, commercial and cooperative lenders are growing increasingly worried about the quality of the farm loans in their portfolios. The fact is that many lenders are simply not extending credit to many of their traditional borrowers. This lending policy and higher interest rates are sure signs of tighter credit conditions.

LONG-TERM SOLUTIONS TO FARM CREDIT PROBLEMS

In an effort to develop long-term solutions to agricultural credit problems, the Senate approved Senate Resolution 287 on May 2, 1984. The resolution calls on the President to appoint a special task force to study agricultural credit problems and make recommendations on the most effective ways of addressing the problems. To date, the administration has failed to appoint the task force.

As a result of this inaction, I suspect that next year administration policymakers will still be debating the best way to assist farmers, while, in the meantime, our farmers will continue to go out of business in unprecedented numbers.

ADVERSE CLASSIFICATION OF LOANS

Almost 1 year ago, when the idea of a Presidential task force and other farm credit proposals were being discussed, I predicted that unless steps were taken immediately to resolve the credit crisis that threatened many individual farmers, these problems would lead to difficulties for agricultural lenders and farm-related businesses. Unfortunately, the administration failed to heed that warning and my fears are now being realized.

We are all familiar with the numerous reports in the media describing the pressure being put on agricultural lenders. Already this year, 56 banks have failed. That is the largest number of bank failures in any year since the Great Depression.

To assist farmers and their commercial lenders, I introduced Senate Concurrent Resolution 99 on March 21, 1984. The legislation is designed to relieve some of the stress being felt by agricultural lenders in today's troubled economy. It would curb the number of farm loans being classified as "problem loans" by Federal bank examiners.

The adverse classification of farm loans is a serious problem for banks and farmers. This is so because bank examiners take a dim view of any lender who carries too many classified loans even though, in the long run, the loans may be sound. A policy of adverse classification of farm loans could lead to a wave of loan foreclosures that would further depress farmland values and the value of other farm assets.

Although administration officials at first failed to see the merits of this legislation, I am pleased to report that Federal bank regulatory agencies have responded to the concern that has been expressed on this matter.

For example, Paul Volcker, Chairman of the Board of Governors of the Federal Reserve System, in testimony before Congress on July 25, 1984, stated that the Federal Reserve System has "introduced supervisory procedures to assure that examiners refrain from criticizing banks for exercising forbearance on agricultural credits when consistent with safety and soundness."

In addition, C.T. Conover, Comptroller of the Currency, in a letter responding to the concern I expressed to him about the classification of agricultural loans, stated that "we have encouraged examiners to support well-reasoned workout plans. We recognize that in these situations, bankers must decide how to handle such loans based upon their experience and knowledge of specific circumstances."

Further, William Isaac, Chairman of the Federal Deposit Insurance Corporation, has shared with me a memorandum sent to all bank examiners regarding analysis of agricultural loans. The memorandum states that "in these periods of stress, it is especially important that examiners be realistic, fair, and objective in the analysis of agricultural credits."

COUNTY COMMITTEES

As part of the administration's credit proposal, it was announced that local credit and farm management experts will be asked to consult with Farmers Home Administration borrowers to assist with their problems. That proposal is similar to one I suggested in a letter to the President urging him to direct the Department of Agriculture to use existing authorities to assist farmers.

Working with local experts is not a new idea. Dr. Don Paarlberg, a respected agricultural economist, has noted that local committees were established during the Great Depression to help farmers address their credit problems. Dr Paarlberg has suggested that economic conditions in rural areas once again warrant the creation of such committees.

Further, the Department of Agriculture undertook a similar initiative 1 year ago. In a statement issued by the Secretary of Agriculture, John Block, on October 9, 1983, concerning a proposed "grassroots initiative", Secretary Block ordered every Farmers Home Administration county supervisor to meet with local bankers, production credit association officials, and other private lenders to discuss credit needs and to work out local solutions to farm credit problems.

SUMMARY OF THE ADMINISTRATION'S RECORD

I believe the record shows that for the past 3 years, the administration has tried to avoid the issue of farm credit. The administration has persisted in arguing that farm credit problems were exaggerated. When Congress provided the means to address the problems, the administration response was to delay using the tools or to ignore their existence. When Congress questioned the administration's policies, the administration responded by saying that adequate funds were available and that existing authorities were sufficient and being fully used.

That is a refrain that Congress has heard many times in the past 3 years. Nonetheless, in 1983 and 1984, the administration has found it necessary to use emergency authorities to transfer funds from the housing or rural development programs to the farm loan programs. And, of course, if all of the existing authorities were being fully used to assist farmers with their credit problems, there would be no need for the President to announce a farm credit plan that uses existing authorities. I suggest that our Nation's farmers have been right all along when they charged that FmHA was not providing the assistance needed.

The record I have reviewed today is only part of the story. The administration has taken many other counterproductive actions. For example, the administration has:

Proposed on several occasions legislation to abolish the limited resource farmer programs;

Proposed legislation to limit funding for the natural disaster emergency loan program, as if Congress or the administration could program the occurrence of natural disasters so that their damage not exceed certain budget limits;

Imposed by regulation a policy designed to make it tougher for farmers to qualify for disaster loans: the policy requires farmers to assume they had normal production on acreage set aside for conservation use when determining production losses due to natural disasters;

Failed to advise borrowers of loan servicing actions that could be taken to avoid foreclosure; and

Politicized the natural disaster emergency loan program by allowing candidates for public office—with no official capacity—to announce Presidential disaster designations.

Despite this record, I believe that certain elements of the administration's recently-announced credit assistance plan—if properly administered—represent an important step toward providing farm credit assistance. However, the administration's farm credit plan, by itself, simply does not provide enough assistance to turn back the rising tide of farm liquidations.

For that reason, I will continue to support a proposal that several of my colleagues have joined me in suggesting to the President. Last month, in a letter to the President, we urged him to direct the Secretary of Agriculture to use the authorities and programs already provided by Congress to lower the interest rates on loans to our Nation's hard-pressed farmers.

INTEREST RATE REDUCTION PLAN

Although market rates currently show no sign of abating, the Farmers Home Administration could, if it chose to, use its existing authorities to lower the effective costs of credit to many farmers. This can be accomplished by the Farmers Home Administration using its direct loan and loan guarantee programs in participation with other agricultural lenders.

For example, a farmer who has obtained his operating credit in past years from a commercial lender may find that—because of successive years of farmland value decreases and low commodity prices under this administration's economic policies—he no longer has the equity or repayment ability needed to obtain a $200,000 loan at the going rate of 14-percent interest.

Under current law, the Farmers Home Administration could participate with other lenders to meet that farmer's credit needs. FmHA could extend the farmer a loan for $80,000 at 5-percent interest. A commercial or cooperative lender would provide the remaining $120,000 at the market rate of 14 percent. FmHA could also guarantee up to 90 percent of the credit provided by the commercial or cooperative lender. The blended rate of interest in this example would be 10.4 percent on the entire $200,000, which would save the farmer about $7,200 in annual interest expenses.

Under this program, the Farmers Home Administration would not have to assume all servicing responsibility or liability for the entire debt. Another advantage of the program I just outlined would be that borrowers would not be abandoned by their commercial or cooperative lenders. This would facilitate the borrowers' return to their normal sources of credit as conditions in the farm economy improve.

CONCLUSION

The private sector agricultural lenders, and even their regulatory agencies, understand the serious problems in the agricultural economy. It is only prudent that the administration provide temporary emergency credit assistance to qualified farmers. A failure to provide that assistance will result in the liquidation of thousands of basically sound family farming operations.

I strongly urge the administration to recognize the plight of our Nation's farmers and provide short-term relief by fully using existing authorities to make available essential credit assistance for our Nation's farmers through the Farmers Home Administration.

Further, I strongly urge the President to take an important step toward developing long-term solutions by acting on Senate Resolution 287 and immediately appointing the special task force on agricultural credit.

I ask that the text of the letter to the President relating to providing credit assistance under existing authorities be printed in the RECORD.

The letter is as follows:

U.S. SENATE,
Washington, DC, September 13, 1984.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We urge you to direct the Secretary of Agriculture to take action to use the authorities and programs already provided by Congress to provide credit assistance to our Nation's hard-pressed farmers. Under current law, the Farmers Home Administration has broad discretionary authority to lower the interest rates for farm loans made through its major loan programs, provide loan guarantees to commercial and cooperative lenders, restructure existing debt, carry out a policy of forbearance, and work with local farm credit and management experts to resolve individual credit problems.

A great many farmers in this country are in a desperate financial bind because of high interest rates, stagnant farm prices, rising production costs, and an erosion in the value of farm equity. This critical situation has led to the development of a number of proposals for legislation to assist farmers with their credit problems.

While remedial legislation is one possible alternative, we believe that the Secretary of Agriculture already has authority to take effective steps to ensure that adequate credit assistance is provided to farmers. Further, the cost of providing assistance through existing programs will be much less than the cost of the legislative remedies that have been proposed.

One immediate action that is needed is a reduction in interest rates. Although market rates currently show no sign of abating, the Farmers Home Administration could, if it chose to, use its existing authorities to lower the effective cost of credit to many farmers. This can be accomplished by the Farmers Home Administration using its direct loan and loan guarantee programs in participation with other agricultural lenders.

For example, a farmer who has obtained his operating credit in past years from a commercial lender may find that—because of successive years of farmland value decreases and low commodity prices—he no longer has the equity or repayment ability needed to obtain a $200,000 loan at the going interest rate of 14 percent.

The Farmers Home Administration could extend that farmer a loan for $80,000 at 5 percent interest. A commercial or cooperative lender would provide the remaining $120,000 at the market rate of 14 percent. The Farmers Home Administration coud also guarantee up to 90 percent of the credit provided by the commercial or cooperative lender. The blended rate of interest in this example would be 10.4 percent, which would save the farmer about $7,200 annually in interest expenses.

If the Farmers Home Administration carried out such a plan, the existing FmHA county committees could make recommendations, on a case-by-case basis, as to the amount of funds that Farmers Home Administration would provide and the interest rate for those funds.

Another advantage of such a program is that borrowers would not be abaondoned by their commercial or cooperative lenders. This would facilitate the borrowers' return to their normal sources of credit as conditions in the farm economy improve.

The program we have outlined does not require any new authorizing or appropriations legislation. The Secretary of Agriculture now has discretionary authority to provide for beneficial interest rates on Farmers Home Administration direct loans, and loan guarantees to commercial and cooperatives lenders, under the operating, real estate, and natural disaster emergency loan programs.

We strongly urge you to recognize the plight of our Nation's farmers and instruct the Secretary of Agriculture to fully use existing authorities to provide this essential credit assistance for our Nation's farmers.

Sincerely,

Senators Walter D. Huddleston, David L. Boren, John Melcher, John C. Stennis, Edward Zorinsky, Thomas F. Eagleton, Jim Sasser, Max Baucus, Wendell H. Ford, Lloyd Bentsen, Alan J. Dixon, David Pryor, Patrick J. Leahy, Sam Nunn, J. James Exon.●

ICE LEGISLATION

● Mr. PRESSLER. Mr. President, I am extremely disappointed that the interstate cost estimate [ICE] legislation did not pass the Congress this session.

This legislation is critical to the maintenance and repair of interstate highways and bridges in South Dakota and the entire Nation. House opposition to continuation of the present funding formula has made it impossible to approve this essential legislation. Indeed, we cannot move forward with the letting of construction contracts until Congress approves the ICE.

This situation has not only transportation and economic consequences, but also safety consequences. To the extent that States like South Dakota are unable to plan ahead in the budgeting of highway construction and repair projects, the lives of travelers everywhere are threatened.

It may be true that the 99th Congress can pass the ICE and other highway legislation at an early date, but the bid-letting process should have begun by now. This unnecessary delay in approving the ICE will probably cost millions of dollars and will especially harm lower income, sparsely populated States like South Dakota which, because of its size, has an unusually large mileage of highways.

Disputes over funding formulas and "pork barrel" projects connected with the ICE, which had previously been a routine approval process, have led to an almost impossible situation with regard to our National Highway System. States rely on this important federal aid. Now that some Members of Congress have decided to inject needless political squabbles into this essential function, the States are left in a situation where they cannot effectively plan for the long-term future of their own highway programs, not to mention the national transportation policy planning impossibilities.

For this reason, Mr. President, I want to state for the record that I plan to take a very serious look, as soon as we return next January, at taking this essential function out of the political arena to insulate it from the problems connected with home State "pork barrel" projects and partisan politics. Our Nation's construction industry, which is so vital to a healthy national economy and the traveling public deserve no less. Thank you.●

TAX CONSEQUENCES TO CONTINUING CARE FACILITIES

● Mr. CHILES. Mr. President, section 7872 of the Internal Revenue Code, as added by the Deficit Reduction Act, requires certain interest-free or low-interest loans to be characterized for tax purposes as if market rate interest were paid by the borrower, and rebated by the lender to the borrower. The statute requires this treatment of certain categories of loans—including loans to employees or independent contractors, and loans made for tax avoidance purposes—and also authorizes the issuance of Treasury regulations bringing additional categories of loans within the scope of the statute, where the failure to recharacterize the loans would have a significant tax effect on the lender or borrower.

The legislative history indicates that one example of a significant tax effect would be the ability of a taxpayer to exclude from income the value of what would otherwise be a nondeductible payment—for example, dues to a country club—by making an interest-free loan or deposit. The conferees explicitly recognized that entrance fees paid by prospective continuing care retirement facilities residents could be determined to be interest-free loans between the facilities and the residents of such facilities and therefore could be affected by the new statute. In order to avoid adverse effects on existing residents of continuing care retirement communities, the conferees exempted from the statute any such loans contingent upon continuing residence made by residents before June 6, 1984.

Senator HEINZ, the distinguished chairman of the Aging Committee, and I, are concerned that uncertainty surrounding the treatment of certain partially refundable continuing care facilities fees or deposits could create a hardship for such facilities that may have difficulty attracting new residents until the tax consequences of these deposits is clarified. We are also concerned that application of the new rules to new residents of existing facilities may make it impossible for the facility to attract new residents, resulting in insolvency as vacancies rise, and frustrating the objective of the Congress to protect existing residents from untoward adverse consequences under the new law. I would like to ask the Senator from Kansas whether these problems can be addressed.●

● Mr. DOLE. Mr. President, I am advised by the Acting Assistant Secretary of Tax Policy that a number of decisions remain to be made in the interest-free loan regulations. But Mr. Pearlman assures me that any regulations bringing continuing care retirement fees, deposits, or loans within the category of loans having a significant tax effect will not apply to loans made by residents of facilities in existence on June 6, 1984, that are contingent on continuing residence and made prior to the date of issuance of proposed regulations. Moreover, to the extent this type of fee or loan is covered by the regulations, they will not be subject to the rule regarding loans to independent contractors.

I am also advised that in the case of a deposit or loan which after the passage of a period of time is only partially refundable, or not refundable at all after a period of time, the deposit will not be considered to be a loan for periods in which it is not refundable, or with respect to amounts which are not refundable.

Finally, I am advised that the Treasury Department staff will be happy to meet with representatives of the nursing home and life care industries together with staff of Senator CHILES, Senator HEINZ, and the Finance Committee staff, in the next few weeks to discuss their views on the possible impact of the statute on the existing residents of existing facilities, notwithstanding the exemption of existing loans from the provision. The statement of managers indicates that the

Treasury Department is expected to consider such factors as the size of a loan, the possibility of offsetting deductions for imputed payments—such as medical expense deductions—the cost of taxpayer compliance, and nontax reasons for using an interest-free loan in determining whether recharacterizing a loan would have a substantial tax effect. Detailed and up-to-date information pertaining to current practices in the mursing home industry, and the incomes of existing and potential nursing home residents, would be of great value in evaluating these factors. I hope industry representatives will cooperate in making such information available to the Treasury Department.

The Congress decided to exempt existing loans, rather than existing facilities, in the expectation that existing facilities would be able to adjust to the new law without untoward adverse effects on the existing residents of the facilities. I am aware of the argument that this exemption may not fulfill its intended purpose, if the new law raises the overall cost of operating so drastically as to make it impossible to attract new residents as vacancies arise. The Congress rejected the notion that the expenses of nursing home care or life care should effectively be made tax deductible, by exempting loans for such purposes from the interest-free loan rules.

I am advised by Mr. Pearlman that the Treasury Department will discuss concerns regarding existing facilities with representatives of the nursing home industry, and carefully review the issue before issuing proposed regulations. I am also advised that at or before the time the regulations are issued, Treasury will provide us with its own evaluation of the merits of the argument that a broader exemption is needed to adequately protect existing residents from the effects of cost increases for new residents, which could allegedly force some existing homes into insolvency.

Of course, as you know, whenever a tax preference is eliminated, the individuals and industries taking advantage of the preference may have to make reasonable adjustments in the way they do business. When unintended tax subsidies are reduced or eliminated, the cost of a previously subsidized product or service may go up. Moreover, I will be happy to schedule a hearing for early next year on this issue.●

● Mr. CHILES. Mr. President, I thank the Senator from Kansas. From my perspective, the primary concern should be ensuring that cost increases for new residents attributable to the new law are not so prohibitive as to make it impossible for existing facilities to attract new residents to fill vacancies that arise.

I appreciate his recognition that Congress, in focusing only on the potential tax liability of existing residents, may not have gone far enough to assure that these residents are not adversely effected by implementation of the below market interest rate provisions of the Deficit Reduction Act. In my view, the impact on the financial solvency of the facilities themselves should be taken into account by Treasury when it drafts its regulations.

Senator Heinz and I intend to encourage representatives of the life care industry to cooperate with the Treasury Department in supplying the information they need to write the regulations. We will, however, encourage them to recognize that some reasonable adjustments in their way of operating with respect to new residents may be necessary if the intent of Congress in the Deficit Reduction Act is to be fulfilled. We further look forward to a hearing early next year at which time a full public discussion of this matter can occur.●

● Mr. HEINZ. Mr. President, I thank my distinguished colleague from Kansas for his willingness to clarify an uncertainty that has created a great deal of concern for those caring for and providing services to the more than 200,000 frail elderly in continuing care communities throughout the country. I appreciate his earnest effort to assure current residents of these facilities that the promises made to them when they entered these communities will be kept.

I am pleased also that Senator Dole acknowledges the argument that section 7872 of the Internal Revenue Code could create potential problems for existing life care communities and that this issue will be taken into consideration by the Treasury Department in drafting its regulations. It is my understanding that the Treasury Department staff will meet with members of my staff and that of Senator Chiles, that they will carefully consider this problem.

The assurance provided by the Treasury Department should allow facilities to continue their operations and successfully attract new residents. Specifically, these assurances include protection from any significant tax impact for those entrance fees paid by residents who entered existing facilities between June 6, 1984, and the date that proposed regulations are issued, and that only the refundable portion of resident's entrance fees will be subject to taxation and then only for the period that they are refundable.

I look forward to working with Senator Dole and Senator Chiles, and the Treasury Department to develop rules that are fair, reasonable, and that protect an important component of this Nation's continuum of care system.●

REPORT ON SOVIET SALT TREATY VIOLATIONS

● Mr. SYMMS. Mr. President, I submit for the Record several important letters and newspaper articles relating to the General Advisory Committee on Arms Control Report on Soviet SALT violations. Several of my colleagues played important roles in gaining administration agreement to release the "GAC Report" on Soviet SALT violations, and I congratulate my colleague, the distinguished senior Senator from Idaho, Jim McClure, and the distinguished senior Senator from North Carolina, Jesse Helms. These friends led the effort to secure the GAC Report, and I congratulate them again.

Mr. President, here is a list of the materials to be printed in the Record:

First, letter to President Reagan on status of SALT II, July 2, 1984, by Senator Symms and Senator East;

Second, letter to President Reagan (with enclosure) on status of SALT II, July 25, 1984;

Third, letter from President Reagan to Senators Symms and East on status of SALT II, dated August 6, 1984;

Fourth, letter to all Senate and House colleagues, from Senators Symms, McClure, Mattingly, East, and Congressman Jim Courter, together with enclosure, a series of three articles from the New York Tribune dated August 31, 1984 through Sept. 5, 1984;

Fifth, letter to President Reagan requesting the GAC Report from Senators Symms, McClure, Mattingly, East, Helms, and Congressmen Jim Courter and Jack Kemp, dated September 7, 1984;

Sixth, letter to President Reagan requesting the GAC Report from Senators Symms and East, dated September 8, 1984.

Seventh, article in Foreign Policy, fall 1984, entitled "Moscow Is Cheating" by Colin S. Gray;

Eighth, article in the Wall Street Journal, September 8, 1974, entitled "Pandering to Public on Arms Race Won't Wash," by Kenneth Adelman;

Ninth, article in the Wall Street Journal entitled "Spotting Soviet Strategic Advances," dated September 5, 1984;

Tenth, article in Washington Inquirer entitled "Report Cites Soviet Cheating," by Peter Samuel, dated September 21, 1984;

Eleventh, article in Washington Inquirer entitled "Soviet Gain by Cheating," by Peter Samuel, dated September 14, 1984;

Twelfth, article in the Washington Post, entitled "Conservatives Press for Data on Arms Pact Transgressions," by Walter Pincus, dated September 13, 1984;

Thirteenth, article in the New York Times entitled "Study Says Soviet

Broke Arms Pacts," by Wayne Biddle, dated September 11, 1984;

Fourteenth, the letter from President Reagan, to the Speaker of the House on the GAC Report, dated Wednesday, October 11, 1984, together with the report of the General Advisory Committee on Arms Control and Disarmament, dated October 1984, entitled "A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983."

The material follows:

U.S. SENATE,
Washington, DC, July 2, 1984.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We remain adamantly opposed to the unratified SALT II Treaty. We agree with your statement in January 1980 that: "the Soviets only see weakness in a President (i.e. Carter) who clings to the unilateral observance of the fatally flawed SALT II Treaty."

As you know, the Bumpers-Leahy Amendment to the FY 1985 Defense Authorization Bill passed the Senate on June 19, 1984. Undoubtedly, there will be those who will seek to claim that the Bumpers-Leahy Amendment, should it eventually become law, would be further affirmative legislation authorizing U.S. compliance with the unratified SALT II Treaty. Both of us voted against the Bumpers-Leahy Amendment, because in the Summer of 1982 we participated in hearings before the Judiciary Subcommittee on Separation of Powers demonstrating that a similar measure proposed then was unconstitutional. It attempted to circumvent the Treaty-making powers. A treaty can not be converted into an executive agreement by either the President or Congress. The Senate's debate on the Bumpers-Leahy Amendment was cursory, and did not even consider the 1982 hearing record. Moreover, the Senate was handicapped in the debate by having an incomplete understanding of the diplomatic, Constitutional, and legal status of the SALT II Treaty. The Senate needs more background in order to more knowledgeably debate SALT II.

More importantly, we remind you of the vote on June 20, 1984, in which the Senate affirmed 99 to 0 on a roll call vote that the U.S. had no obligation under international law to comply with any arms control agreement that the Soviets are violating. You yourself have already certified to Congress that the Soviets are violating SALT II in four ways. Accordingly, in light of your report on Soviet SALT violations and the 99 to 0 vote on the Symms amendment, we are writing to ask that you withdraw the SALT II Treaty from the Senate.

We do not understand why Secretary of State Shultz was authorized to state recently, in an unclassified cable to all American embassies abroad, that the United States will comply with SALT II through late 1985:

"Sea trials for the seventh Trident submarine are not scheduled to begin until *late 1985* * * * The issues this event raises regarding the SALT I and SALT II Agreements [sic] will be addressed at the appropriate time. * * * When the time comes for a decision, it will obviously be taken in the context of the international situation and U.S. national security requirements. Among other things, our assessment of the Soviet commitment to a corresponding policy will be relevant to our considerations." (Emphasis added.)

This statement means that the Executive Branch is planning to comply precisely with the expired SALT I Interim Agreement and with all of the provisions of the unratified SALT II Treaty until it also expires in late 1985, and the Secretary of State has taken that position despite your confirmation to Congress that the Soviet Union is clearly violating SALT II. In our judgment, the implications of an American policy of prolonged unilateral compliance with an unratified SALT II Treaty are serious.

Continuation of the position cabled by the Secretary of State could easily be interpreted as appeasement of the Soviet Union through open and official toleration of gross Soviet strategic superiority and violations. It is a position of pronounced weakness, it is not justified by circumstances, and it is dangerous to American security.

During the past several months, we have given careful study to your classified January 23, 1984 Report to Congress on Soviet Non-Compliance with Arms Control Agreements. Based on that material and other data made available to us, we have reluctantly concluded that the Department of State in late 1981 and early 1982 reached on behalf of the United States Government an unauthorized and undisclosed Executive Agreement with the Soviet Union pertaining to matters covered in the unratified SALT II Treaty.

Yet notwithstanding non-disclosure in the United States, Soviet Foreign Minister Gromyko commented in Bonn, Federal Republic of Germany, on January 19, 1983 about the secret Executive Agreement. Gromyko said:

"It should be borne in mind that the SALT II Treaty was not ratified by the United States of America. Consequently, the sides have no strict obligations to act in accordance with that treaty, though there was *an exchange of verbal statements* that the sides will abide in general by its provisions." (Emphasis added.)

This imprecise remark is the most authoritative public Soviet description of mutual obligations to comply with SALT II, and although omitting much, it does confirm the existence of the unauthorized secret Executive Agreement which is the principal subject of this letter.

The original terms of the Executive Agreement greatly alter the provisions and limits specified in the SALT II Treaty, and grant the Soviet Union significant strategic advantages in a mutual contract binding at international law, but contrary to the domestic law of the United States. The secret Executive Agreement allows the Soviets to declare obsolete their obligation to dismantle strategic nuclear forces to an equal level with the United States, and in effect allows the Soviets instead to increase their forces. Fortunately, however, the secret Executive Agreement is voidable at international law because of Soviet breach, and voiding the Agreement is the action the United States must take to avoid putting American security at further risk.

As we presently understand the terms of the secret Executive Agreement (we are attaching a chronology and analysis), we believe that it formalizes United States acquiescence in a profound shift in the strategic balance in favor of the Soviet Union.

In that regard, Defense Secretary Weinberger's FY 1985 report to Congress confirms that the SALT II Treaty has been converted into an Executive Agreement, and further, that the agreement is disadvantageous to the United States.

Secretary Weinberger stated:

"The SALT II agreement would have codified that unilateral [Soviet] buildup and allowed additional growth in Soviet forces, thereby permitting even further deterioration of the military balance."

On May 26, 1982, Secretary Weinberger stated:

"* * * SALT II would irreversibly seal the advantage the Soviets currently enjoy . . . and did not reduce arms or even limit their effectiveness."

But far worse than codifying the fatally flawed SALT II Treaty, the Executive Agreement also allows the Soviets to cancel the 2,250 ceiling of the SALT II Treaty on total delivery vehicles and possibly also the 820, 1,200, and 1,300 ceilings on ICBM and SLBM Launchers with Multiple Independently-targetable Re-entry Vehicles and bombers with long range cruise missiles. Through these cancellations, the Soviet Union is already almost 1,000 strategic nuclear delivery vehicles and well over 1,000 warheads ahead of the United States. Last year alone, the Soviets added 50 bombers to their forces, and they have added 3,850 warheads since 1979. These Soviet advantages ignore the effects of their SALT II violations. With these gross inequities, the existing agreement, besides putting our country at risk, also totally undermines any real prospects for mutual arms control and arms reductions.

On January 3, 1980, just after the brutal Soviet invasion of Afghanistan and the discovery of the Soviet Combat Brigade in Cuba, former President Carter wrote to Senator Robert Byrd asking that Senate consideration of SALT II Treaty be delayed. President Carter stated that:

"The purpose of this request is not to withdraw the Treaty from consideration, but to defer the debate so that *the Congress and I as President can assess Soviet actions and intentions.* * * * (Emphasis added.)

Soviet actions since then have been to commit genocide in Afghanistan, foment revolution in Central America, and violate SALT and other arms control agreements, and their intentions to violate SALT can be traced all the way back to 1972. It is reasonable to conclude that your Presidential Report to Congress of January 23, 1984 on Soviet SALT Violations constitutes the required assessment of Soviet actions and intentions.

Finally, and as is more fully explained in the memorandum we are attaching, in our judgement the SALT II Executive Agreement may violate:

1. The Treaty-making provision of the Constitution;

2. Section 33 of the Arms Control and Disarmament Act, which specifies that no President can bind the United States to any arms control agreement except through the exercise of the Treaty-making power or pursuant to specific Congressional authorization by public law;

3. The Jackson Amendment to SALT I—Public Law 92-448, which specifies United States arms control objectives as not less than equality with the Soviet Union;

4. The Case Act, which requires the President to report promptly all Executive Agreements to Congress.

Accordingly, in presenting this letter to you, we respectfully ask why Congress, pursuant to the Case Act, was not advised by message of repeated actions converting and modifying an unratified treaty into a wholly

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new secret Executive Agreement, which under United States law can not remain unreported to Congress nor, in the case of an arms control agreement, solely within the purview of the Executive Branch?

As you recall, Mr. President, on November 2, 1983, well over one third of those Senators present and voting—37 percent— rejected President Carter's unequal SALT II Treaty. That vote occurred before you confirmed the four Soviet SALT II violations, and also before we fully comprehended the terms of the undisclosed Agreement.

Mr. President, taking account of the proposal by Senators Bumpers and Leahy, we may at any time be obliged to take the initiative and seek another Senate vote, this time on the undisclosed Executive Agreement absolving the Soviet Union from compliance with the principal limits of SALT II. In short, the Executive Agreement your Administration has negotiated is far more disadvantageous to America than former President Carter's unequal SALT II Treaty. For that reason, we feel an obligation to the American people and to our States to address the issue.

We also feel a duty to ask you to end the delay in reporting to Congress, and for that matter to the citizens of the United States, on the other 40 or more Soviet SALT and other arms control violations. The law on that subject asked for a comprehensive public report but did not specify a deadline; however, its legislative history did specify that "*all*" Soviet arms control violations should be reported promptly in an unclassified message. That has not been done.

We respectfully suggest that the two volume, 275 page Arms Control General Advisory Committee report would be a good basis for this submission. But if some action is not taken soon, then Congress might reasonably conclude that there is need for further legislation with a specific reporting deadline, and even more specifically requiring a complete and unclassified report on Soviet arms control violations. Otherwise, our 1980 Republican Party campaign pledge to end the Carter-Mondale "cover-up" of Soviet violations of SALT II could go unfulfilled.

Mr. President, we have a series of recommendations which we respectively offer:

First, we strongly urge that you declare the 1981-1982 secret SALT II Executive Agreement void, because of Soviet breach as already reported to Congress.

Second, we recommend that you ask the Senate to return the SALT II Treaty which you reportedly wanted done back in May, 1981. But even without a formal request, since the Soviet Union has been notified that the United States will not ratify the treaty, we urge your support for a Senate initiated resolution sending the treaty papers back to you.

Third, we recommend that you end the delay in the Department of Defense on reporting to Congress on the military implications on all 40 of the Soviet arms control violations.

Fourth, we recommend that you propose urgent strategic "quick fixes" in both the offensive and defensive areas, including the continued production and deployment of the ALCM-B, the Trident I, and the low-cost replacement of 100 Minuteman II with Minuteman III ICBMs, acceleration of the F-15 ASAT system, and a near-term, space based strategic defense against Soviet missiles.

Fifth, we recommend that you take decisive action to enforce the Monroe Doctrine in Central America and in Cuba, before the strategic balance becomes any more unfavorable and further constrains American action.

Sixth, in order to compensate for Soviet arms control violations, we recommend that you refuse any further cuts in the defense budget, which is already below what even former President Carter considered necessary and which without strong personal involvement by you will be even more drastically reduced.

Seventh, we recommend that you advise the Soviet Union that further progress in arms control negotiations is unlikely unless and until they undo their many violations of already existing arms control treaties.

Mr. President, we respectfully request also that you personally respond to this letter, our questions contained in the attached chronology and analysis, and our recommended actions as soon as possible within the next few weeks.

We assure you of our deep regard for your judgment. Our intentions in addressing this letter to you arise only out of our desire to insure that you are aware of these matters as we see them, to seek your advice and action, and finally to ensure that the lives and freedoms of the American people are being fully protected.

With warmest personal regards.

Sincerely,

STEVE SYMMS.
JOHN EAST.

ANNEX: CHRONOLOGY AND ANALYSIS

We are listing hereafter the relevant events pertaining to the SALT II Executive Agreement—as best at least we are able to determine them from the incomplete record available to us at present.

a. On June 18, 1979, former President Carter signed the proposed SALT II Treaty on behalf of the United States, and soon thereafter submitted the treaty papers to the Senate for advice and consent to ratification;

b. On January 3, 1980, former President Carter wrote to the Majority Leader Byrd, requesting that Senate consideration of the SALT II Treaty be indefinitely deferred, pending a joint Executive Branch—Congressional assessment of Soviet "actions and intentions" following their invasion of Afghanistan. Such an assessment was never made until your January 23, 1984 Presidential Report to Congress on Soviet SALT violations.

c. In March, 1980, President Carter ordered the Department of Defense to comply with the terms of the SALT II Treaty even though the treaty had neither been approved by two thirds of the Senate nor subsequently ratified by the President acting for the United States (and even though the Senate Committee on Armed Services found that the proposed treaty was "not in the national security interests of the United States");

d. In February, 1981, the Secretary of the Navy, The Honorable John Lehman, stated publicly that compliance by the United States with the unratified SALT II Treaty and the expired SALT I Interim Agreement was illegal and unconstitutional;

e. In May 1981, you are reported to have indicated in a National Security Council meeting that it was your desire that SALT II be withdrawn from further consideration in the Senate, that the treaty papers be returned to you by the Senate, and presumably that the illegal Carter directive to the Department of Defense be rescinded;

f. Sometime during 1981, the Department of State formally notified the Soviet Union that the United States would not ratify the SALT II Treaty—ratification being an executive action within the exclusive perogative of the President, subject to Senate advice and consent but not direction;

g. In June, 1981, you are reported to have reversed your underlying position and to have indicated to the National Security Council that perhaps the United States should comply with SALT II without ratification so long as the Soviet Union did likewise;

h. In September and October, 1981, Secretary of State Alexander Haig and Soviet Foreign Minister Andrei Gromyko appear to have engaged in a series of classified diplomatic exchanges in cable and other form which resulted in the secret Executive Agreement which is the subject of this letter (and there were further classified exchanges during Summer, 1982);

i. In late 1981 or 1982, during the negotiation of the Executive Agreement, the Soviet Union informed the United States that the Article XI provision of SALT II requiring the Soviets to dismantle strategic delivery vehicles in excess of 2250 was "obsolete," and the U.S. acquiesced, thus allowing the Soviets an unlimited number of strategic nuclear delivery vehicles.

j. In late 1981 or early 1982, the Department of State declined a Soviet request that the parties define and enumerate precisely each provision of SALT II deemed "obsolete" in the Executive Agreement, but the Department did accept the general definition of that term as both stated and implied by the Soviet Union;

k. On May 30, 1982, you did *not* acknowledge the existence of the secret Executive SALT II Agreement, but did announce publicly, "As for existing strategic arms *agreements*, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint.";

l. On October 27, 1983, the Soviet Union advised the United States in the Standing Consultative Commission that it did not consider it necessary to observe the MIRV limits of Article V of SALT II, presumably because under the terms of the Executive Agreement the Soviet Union also deemed those limits also to be obsolete.

m. In November, 1983, the Soviet Union clarified its statement of October 27, which the Soviet General Starodubov claimed the U.S. had "misunderstood." Starodubov asserted that the Soviet Union had no obligation to "dismantle" systems under Article XI of SALT II in order to meet the Article V limits on MIRVed launchers. This revised statement amounted in practice to the same position as that taken on October 27—a voiding of the three MIRV ceilings;

n. In November or December 1983, the U.S. acquiesced in the Soviet position on MIRVed launchers (as "clarified"), thus modifying by conduct the underlying Executive Agreement to permit the Soviet Union to deploy new MIRVed launchers—the SS-24, SS-25, and the TU-95 H with long range cruise missiles—at aggregate levels *in excess* of the 820, 1200, and 1320 MIRVed launcher limits of Article V SALT II;

o. On January 23, 1984, the Senate was indirectly informed by message *for the first time* that the Executive Branch had formally notified the Soviet Union in *1981* that the United States would not ratify SALT II;

p. On January 23, 1984, the Senate was formally notified by message that the Soviet Union is clearly violating two provisions of the unratified SALT II Treaty and is probably violating two other provisions of the unratified SALT II Treaty. Yet in the same report you stated that the U.S. would continue to comply with SALT II. You omitted the previously used qualification (derived from the Executive Agreement) "as long as the Soviets show equal restraint," thereby seeming to have converted SALT II first into and Executive Agreement worse than the unratified treaty and next simply into an exercise in American unilateral disarmament and limitation in the face of unrestrained Soviet growth.

q. On March 14, 1984, a senior member of your Administration stated at a hearing before the Senate Committee on Armed Services that the violations you formally reported to Congress were "illustrative only," and he mentioned "20 to 25" other possible Soviet arms control treaty violations. He also stated that since the signing of SALT II in 1979, the number of Russian nuclear warheads aimed at the people of the United States had increased by "3,500" or by "almost 75%."

Mr. President, as we understand the terms of the 1981-1982 Executive Agreement, the Soviet Union is explicitly exempted from dismantling over 500 strategic intercontinental delivery vehicles, and is allowed under the agreement over 898 more strategic nuclear delivery vehicles and 1000 more warheads than permitted the United States. And these numbers on the Soviet side are allowed *unlimited* growth.

We also understand that in November or December, 1983, we acquiesced in, and thus accepted by conduct, a modification of the Executive Agreement which permits the Soviet Union to disregard Article XI of the Treaty with respect to Article V, thereby permitting the Soviet Union to proceed in the deployment of additional new MIRVed launchers such as the SS-24, SS-25, and TU-95H with long range cruise missiles in excess of the three launchers limits on MIRVed systems—820, 1200, and 1320. Under the Executive Agreement interpretation in which the United States acquiesced, these new deployments of MIRVed launchers can continue until the MIRVed launcher limits of SALT II are reached by exclusively *new* systems, without a current obligation to dismantle any launchers from any "old" systems *like the SS-18*.

Thus, not only was just the total aggregate ceiling lifted by the original Executive Agreement, but *all* four of the SALT II ceilings can now be exceeded by the Soviets with U.S. acquiescence. The Soviets have been excused from dismantling any old delivery vehicles in order to reduce their forces down to 2250, and instead can deploy effectively unlimited numbers of SS-24s, SS-25s, Backfire bombers, and TU-95 Hs, until the original aggregate ceiling of 2250 may be reached by exclusively *new* systems. And, as noted, the same freedom applies to Soviet compliance with the 3 MIRV ceilings: 820 ICBM MIRVed launchers, 1200 MIRVed launchers for ICBMs and SLBMs and 1320 MIRVed ICBM and SLBM launchers and intercontinental bombers equipped with long range cruise missiles. In addition, the Soviets are violating the new type ICBM provision, the prohibition on SS-16 deployment, the encryption prohibition, and the Re-entry Vehicle to Throw-Weight ratio provision.

In sum, SALT II has been converted from an unequal treaty already "not in the national security interests of the U.S." into a mere hollow shell for the Soviet Union and into a constraining straitjacket for the United States. We repeat, the Soviets are permitted to exceed *all four* of the ceilings of SALT II, with apparent U.S. acquiescence, and they are violating *all* of SALT II's other *major* provisions. But the U.S. is still unilaterally and strictly complying with SALT II in every aspect of all of its original provisions. Thus SALT II has become an exercise in U.S. unilateral arms control bordering in practical effect on unilateral disarmament.

In 1979, the original SALT II Treaty was, as noted, judged "not in the national security interests of the United States" by the Senate Armed Services Committee. And as the FY 1985 Defense Posture Statement explains with unusual lucidity:

"The SALT II Agreement would have codified that unilateral [Soviet] buildup and allowed additional growth in Soviet forces, thereby permitting even further deterioration of the military balance."

The Defense Department has also testified recently that "this Soviet buildup of strategic nuclear forces shows no sign of slowing." Under Secretary of Defense De Lauer has testified recently that: "We see no let-up in the rate of deployment of Soviet [strategic] systems over the next ten years." Defense Secretary Weinberger stated on May 26, 1982 that SALT II "would irreversibly seal the advantage the Soviets currently enjoy." Secretary Weinberger is correct.

But if SALT II was already unequal in 1979, then how much worse off are we in a situation in which all the four ceilings are in practical effect removed for the Soviets, who are building up their nuclear forces with no end in sight and as fast as their economy and resources will permit?

In our judgment, both the original Executive Agreement and the agreement as apparently modified in 1982 and 1983 are militarily unacceptable, fundamentally dangerous to the American people, and contrary to law.

We also believe that the attempt to characterize the agreement as simply a "political commitment" is at best inaccurate, and at worst a subterfuge invented by the Department of State to circumvent the Constitution, the Jackson Amendment (Public Law 92-448), Section 33 of the Arms Control and Disarmament Act, and the Case Act, a law of the United States which requires the President to report promptly to Congress all Executive Agreements.

The following analysis is the basis for our belief that the Executive Agreement does not satisfy the requirements of the Constitution or Public Law.

In the *Fact sheet* which was provided to Congress along with your Report on Soviet SALT violations, the status of SALT II was defined as follows:

"SALT II was signed in June, 1979. It has not been ratified. *In 1981 the United States made clear its intention not to ratify the Treaty.* Prior to 1981 both nations were obligated under international law not to take actions which would 'defeat the object and purpose' of the signed but unratified treaty; such Soviet actions before 1981 are violations of legal obligations. Since 1981 the U.S. has observed a political commitment to refrain from actions that undercut SALT II as long as the Soviet Union does likewise. The Soviets have told us that they would abide by these provisions also. Soviet actions contrary to SALT II after 1981 are therefore violations of their political commitment."

To our knowledge, this statement was the first time that the Senate had been informed that "in 1981 the United States made clear its intention not to ratify the Treaty." Even though it was clear to most political observers that the Senate would never give its consent to you or to any President to ratify the treaty, we were not aware that the Administration had notified the Soviet Union that the United States would not ratify the proposed treaty.

We do not understand why the Senate was not also notified contemporaneously of that action, because the notification given the Soviet Union clearly relieved the United States of any possible obligation under international law (as perceived by the State Department) to take no action to "defeat the object and purpose" of the proposed treaty. Moreover, a logical and usual consequence of giving such notice to the other party would have been a concurrent request from the Executive Branch to the Senate asking for the return of the treaty papers to the President, the only proper procedural action when the President does not intend to ratify a treaty and has so notified the other signatory.

But the Senate was not advised of the notification to the Soviets. Thus, at the time in 1981 we were understandably puzzled by the announcement that the United States would refrain from actions that "undercut" SALT II as long as the Soviets did likewise. And in that regard, we are now not unmindful of the unseemliness of the Senate having before it during three full years, for advice and consent to ratification, a proposed treaty that the Executive Branch had specifically and secretly notified the other contracting state that the Executive Branch had no intention of ratifying. One of our requests in this letter, therefore, is that you inform us when and under what circumstances the United States made clear its intention in 1981 not to ratify the treaty.

The *Fact Sheet* previously mentioned also attempts to exploit in domestic law an important new concept in the understanding of arms control, namely, the distinction between a "legal" international obligation and a "political" international obligation. According to this distinction in your report, violations of the terms of SALT II which occurred previous to 1981 were violations of a "legally" binding obligation, while those which occurred after 1981 were violations of a "politically" binding obligation. Candidly, we do not accept this distinction, and we believe that it is simply a contrived (and transparent) effort by the Department of State to justify circumvention of the Congressional approval requirements in Section 33 of the Arms Control and Disarmament Act and the reporting requirements of the Case Act.

In any event, the secret diplomatic record, at least insofar as we have been apprised of it, and the public record, amply support our conclusion that in 1981 and 1982 a secret Executive Agreement binding in international law but contrary to the domestic statutory and constitutional law of the United States, was negotiated by the Department of State and the Soviet Union. Again, your recent report on Soviet SALT violations is strong evidence for that conclusion:

"Since 1981, the United States has observed a political commitment to refrain from actions that undercut SALT II *as long as the Soviet Union does likewise.*" (Emphasis added.)

Putting aside the fact that you have reported to Congress the precise fact that the Soviet Union is *not* doing likewise, the foregoing statement is effectively an offer by the United States containing a conditional promise binding the conduct of the United States if accepted by the other contracting state, the Soviet Union. And apparently there was either conditional acceptance in 1981 and 1982 followed by a modification in 1983, or alternatively, simply a Soviet counter-offer in 1981 and 1982 which was eventually accepted by the United States and subsequently modified in 1983.

Here again, we know there was Soviet acceptance of our offer (or a Soviet counter-offer subsequently accepted by the United States), because we are advised by your report:

"The Soviets have told us they would abide by these *provisions* also." (Emphasis added.)

This statement brings us to the central point we are asserting, namely, the Soviet Union, in consideration of our conditional promise to abide by the provisions of SALT II, also promised to do likewise so long as the United States did the same, thus clearly creating a bilateral Executive Agreement between the two contracting states. And the Administration reached this Executive agreement with the Soviet Union by acquiesing in a higher level of strategic nuclear delivery vehicles and effectively an unrestrained rate of growth in total forces for the Soviet side under the agreement terms as finally accepted.

The Constitutional and statutory imperfections of the agreement are clear to us, and so are the national security implications. But as Senators, we need to weigh the precise effects of the agreement reached on future arms control negotiating prospects, as well as on the security of the United States.

We need to know, therefore, the full record of diplomatic exchange involved and the present form and status of the agreement, whether described euphemistically as mutually contingent "political commitments" or accurately, as an unreported bilateral Executive Agreement between contracting sovereign nations.

We need to know these details because the existence of significant alterations in a basic mutual commitment to observe the terms of SALT II has been implied in a series of press background briefings given by high Administration officials.

As early as May 23, 1982, former Secretary of State Haig stated on national television that the USSR continued to observe "some" of SALT II's constraints, and on Jume 24, 1082, another Department of State official stated: "We're not requiring that . . . the Soviets reduce their forces . . . ." The significance of that statement did not become clear until another such background briefing held *this year,* when a senior State Department official said that in *June, 1982,* the Soviet Union established that it had no obligation to dismantle:

"I might say that in one particular area, the Soviets made clear that they did not feel obliged to adhere to the SALT II Treaty, and that was on the obligation to *reduce down to 2250* strategic nuclear delivery vehicles which was meant to take place as we were observing the Protocol." (Emphasis added.)

The obligation not to exceed 2250 strategic delivery vehicles is a provision in the SALT II Treaty and is *not* linked to the Protocol. We find very puzzling, therefore, the fact that the United States would accept an apparent Soviet counter-offer containing a unilateral definition of a key—perhaps the key—provision of the treaty as "obsolete." Yet on June 20, 1982, Soviet spokesman Zamiyatin suggested in *Izvestia* that there was a U.S.-Soviet agreement on complying with SALT II, and Zamiyatin was quoted in a similar statement in *Time* magazine about the same time. We therefore find it logical to assume that as early as September or October of 1981 (and later in the summer of 1982) the Soviet Union made clear that any agreement to observe the terms of SALT II was conditional on the United States observing those terms *and* on the United States accepting that Soviet Union would not observe certain terms it deemed obsolete among which was, incredibly, the central feature of the treaty—the overall aggregate limit on strategic delivery vehicles.

But, Mr. President, we do not have at this time the negotiating record of the Executive Agreement. Therefore, the status of the treaty, as well as the status of the agreement and underlying diplomatic interchange is crucial to understanding the significance of the United States commitments under the agreement.

If we did indeed notify the Soviet Union in 1981 that we did not intend to ratify the treaty, then, under any interpretation of customary international law, all obligations on both sides, were finished and the treaty is irrelevant. But no notification was sent to the Senate at that time, and no request was sent forward for the Senate to return the treaty papers to the Executive Branch.

On the other hand, if we did not notify the Soviet Union of our intention not to ratify then, the Department of State, at least, continues in the belief that under customary international law, the parties are still bound not to undercut the treaty terms. Yet if we speak of a "political obligation" to respect the terms as long as the Soviets do likewise, that obligation is contractual and binding at international law since it depends on Soviet acceptance, both in the course of diplomatic interchange and in conduct.

But the Soviet attitute towards obeying the provisions of SALT II is contradictory. Mr. President, you, yourself, pointed out in your report on Soviet arms control violations that the Soviet Union was guilty of violations of the unratified SALT II Treaty in at least four areas, namely, telemetry encryption, the rule on ICBM modernization, the prohibited "new type" SS-X-25, and clandestine deployment of the SS-16. But in addition to violation of terms which both sides have, it appears, mutually agreed to observe, there is the far more serious question of whether there is mutual agreement on the central term of SALT II, that is to say, whether there is any limit whatsoever on the number of Soviet strategic nuclear delivery vehicles and, after our conduct in the SCC during late 1983, on MIRVed launchers.

Against the background of fact, amusingly, there are repeated Soviet statements in diplomatic channels to the United States that the Soviet Union is strictly complying with the provisions of SALT II. For example, this curious dialogue:

"The Soviet Union has stated that if the U.S. observed the *provisions* of the unratified SALT II Treaty, the Soviet Union would abide by the *provisions.*" (Emphasis added.)

The Soviets then reportedly added:

"The Soviet Union is not taking any actions that would run counter to the SALT accords that have been achieved."

Yet the Soviets have also stated in diplomatic channels that

"The sides have *no* strict obligation to act in accordance with the *provisions* of the SALT II Treaty, as would have been the case had it been ratified." (Emphasis added.)

Taken together, these statements suggest a Soviet posture indicating that they are complying *in some fashion* with SALT II in accordance with a mutually understood agreement, even though they have no strict treaty obligations to do so. Yet their indication that they are acting in accordance with a mutual agreement must be read in the light of their assertion that they consider "obsolete" the SALT II ceiling on strategic nuclear delivery vehicles and the MIRV ceilings.

The unratified SALT II Treaty specifies that neither side can have more than 2,250 strategic nuclear delivery vehicles. That ceiling was the keystone, indeed, the foundation of the treaty. At the end of 1981, the Soviets had over 2,500 operational strategic delivery vehicles.

The Carter-Mondale Administration claimed that the Soviet obligation to dismantle at least 250 delivery vehicles was one of the principal U.S. benefits of the SALT II Treaty. Even so, the Senate refused to act on the treaty because, Mr. President, many agreed with you that it already greatly favored the Soviet Union and was "fatally flawed." The Senate Committee on Armed Services formally reported to the Senate that the treaty was not in the national security interest of the United States, because it was unequal and destabilizing. The Committee was right. You were right.

Yet under the unreported Executive Agreement concerning SALT II, the situation has grown far worse than we would have anticipated even if the Senate had consented to ratification and you had subsequently taken that unwise step. Under the Executive Agreement the Department of State has negotiated, at the present time the Soviets have reached well over 2,754 operational strategic nuclear delivery vehicles *without counting* several regiments of SS-16s and other systems which are almost certainly deployed.

Thus, just to meet the already unequal terms of SALT II, the Soviets would now have to dismantle over 500 strategic vehicles. Yet the question of meeting the 2,250 ceiling of SALT II is a central issue, not only in future arms control negotiations, but in whether, on military grounds alone, we can further risk American security by observing an agreement so clearly unequal, disadvantageous as well as unconstitutional and contrary to United States law.

And there can be no doubt that the military consequences of the secret Executive Agreement are enormously dangerous. While on our side of the agreement we have strictly adhered to the terms of SALT II as if it were a ratified treaty (and in fact have unilaterally dismantled strategic delivery vehicles well below the strict requirements of SALT II), the Soviet Union has *increased* the number of Soviet ICBM and SLBM nuclear warheads aimed at the people of the United States from about 6,000 to over 9,500.

As one senior member of your Administration, Richard Perle, has testified to the Senate, "Since SALT II was signed, the number of Soviet nuclear warheads aimed at the U.S. has increased by 75%." He later added that this number increased by 3,500 warheads, and that this did not even count Soviet refire missiles. Thus the Soviets now have over 898 more strategic delivery vehicles and over 1,000 more strategic warheads than the U.S., not even counting the advantages gained from their SALT II violations. The Soviets could have other 600 illegal strategic delivery vehicles carrying over 1,600 illegal warheads from their SALT II violations alone. And if all probable Soviet arms control violations are tabulated, the Soviets may have deployed over 4,000 more illegal delivery vehicles carrying over 10,000 more illegal warheads. Thus, including their advantages gained from SALT cheating, the Soviets have over an *order of magnitude* more forces than they are allowed by SALT II.

This continued increase is set against a background that is even more disturbing. During your Presidency the number of American operational strategic delivery vehicles has actually decreased from about 2,058 to about 1,814. In addition, the U.S. is planning to deactivate two Poseidon submarines carrying 32 SLBMs and 320 warheads, and 90 B-52G bombers carrying 1,080 ALCMs, all in order to continue complying with SALT II.

The Soviets have already seen the U.S. explicitly acquiesce in allowing them a still growing 2,754 to 2,250 superiority in permitted delivery vehicles under SALT II. They have also observed the gratuitous U.S. unilateral deactivation of 292 delivery vehicles carrying over 500 warheads. They are waiting for the U.S. to continue its plans to deactivate 32 Poseidon SLBMs carrying 320 warheads and 90 B-52D bombers carrying 1,080 ALCMs.

Thus, the Soviets have no incentives to agree to negotiated reductions at all, let alone to equal levels, when they already have a superiority acknowledged by the U.S. and can simply wait for the U.S. to continue its unilateral deactivations.

We, of course, recognize that when you took office the U.S. aggregate number of strategic vehicles was already far lower than the comparable number in the Soviet Union. Indeed, the only way the Carter-Mondale Administration could preserve the illusion of U.S.-Soviet parity in SALT II was to count in the U.S. aggregate total 258 unflyable, moth-balled B-52 bombers abandoned and in storage. The Carter-Mondale Administration spent over $10 million trying to make our oldest, obsolete B-52 bombers appear operational to Soviet spy satellites, or perhaps to impede public discussions of their conditions. This program was called "Operation Crested Dove" and it lasted from 1977 to 1980. It was a serious impediment to rational public discussion of the SALT II Treaty.

Yet, bad as these conditions were, we believe they have grown unimaginably worse through a chain of events which has undermined the Constitution and public law. In March, 1980, President Carter issued a directive requiring the Defense Department to comply fully and precisely with all the provisions of the unratified SALT II treaty. This action constituted *de facto* Presidential ratification of the Treaty, without the advice and consent of the Senate. And bad led to worse because President Carter's unconstitutional action was the origin of the February 1981 statements concerning our obligation not to undercut the terms of the treaty. And that action was in turn also the orign of the Executive Agreement based on a modified understanding of SALT II through which certain of its terms are deemed "obsolete".

President Carter's directive to the Defense Department to abide by the provisions of SALT II has never been rescinded. Under this order, the United States now has less than 1,900 operational strategic nuclear delivery vehicles compared to more than 2754 on the Soviet side. Moreover, the United States is in the process of unilaterally deactivating 292 strategic delivery vehicles; when this program of unilateral deactivation is completed, the United States will only have slightly above 1,800 operational strategic nuclear delivery vehicles. In addition, the United States is planning addtional deactivation of 90 ALCM-equipped B-52 G bombers and 32 Poseidon MIVRed SLMBs *In* order to comply with the terms of SALT II which is apparently our part of the Executive Agreement.

The result of the Carter directives, your commitment not to undercut SALT II and the Executive Agreement accepting the Soviet determination of "obsolete" provisions in SALT II is that the United States is reducing strategic nuclear delivery vehicles to 1,800 out of a formerly allowable 2,250 while the Soviets never reduced theirs at all and have, in fact, increased to 2,754 with every prospect of fielding even more systems either through violations of the Executive Agreement or in accordance with the apparent common understanding that insofar as concerns the Soviet Union there is no ceiling, even on MIRVed systems.

We believe that the proper response to the Soviet postion effectively declaring the SALT II 2250 ceiling "obsolete" would have been to abandon publicly your 1981 commitment not to undercut SALT II and to rescind the 1980 Carter directive.

The SALT II Treaty itself was unequal and destabilizing; the Carter order to the Department of Defense was unwise and a usurpation of Senate power. The 1981 declarations were even worse since they bound us to obligations without the legal sanctions of treaty or of customary international law. But the 1981-1982 agreement was the worst of all since it constituted the acquiesence of the United States in a further degrading of the treaty's alleged benefits, without any quid pro quo return at all. Moreover, the Senate was not informed of this development, which would have cast the 1981 decision in an even worse light.

The Constitution requires that treaties be ratified by the President by and with the advice and consent of the Senate given by two-thirds of those present and voting. The SALT II treaty was sent to the Senate, but was not debated on the Senate floor since it was obvious even to the proponents that the necessary two-thirds support for a resolution of consent to ratification was not available. The decision of President Carter to require the Department of Defense to abide by the unratified treaty placed the Executive Branch in conflict with the requirements of the Constitution and under the domestic law of the United States was an illegal order—even though undoubtedly the lawyers at the Department of State would argue that such action was required by customary international law for a reasonable time during the pendency of the treaty.

If so, the Carter action placed international law above the Constitution.

But because the U.S. gave notification to the Soviet Union in 1981 (albeit in secret) that the United States did not intend to ratify the treaty, there was no longer any requirement even under certain interpretations of customary international law to abide by the treaty restrictions. The eventual conclusion of the Executive Agreement, therefore, appears to be further violation of the Constitution and, since the agreement has not been submitted to the Senate, is certainly contrary to statute. In addition, whatever appearance of propriety that certain interpretations of customary international law might have lent to the illegal Carter directive of March 1980, those already shaky underpinnings were removed by the 1981 notification to the Soviet Union that the Executive Branch did not intend to ratify the treaty.

In summary, the Executive Agreement appears to have embodied tacit acquiescence in the Soviet interpretation of SALT II eliminating one of the major purported achievements of the treaty. The effect of accepting that Soviet interpretation was to relieve the Soviet Union of the obligation of reducing its strategic nuclear delivery vehicles from 2,500 to 2,250 and to allow it to increase the number further to over 2,754 without further apparent legal restraint until the original ceiling is reached by counting only new systems. The prudent reaction to this Soviet position, rather than accepting it as we did, would have been to reject the public commitments of 1981, which were unconstitutional anyway.

But we did not reject the 1981 commitments and we did accept the Soviet position; and we continued to respect SALT II and have continued to reduce our own strategic nuclear delivery vehicles to a planned level of about 1,800. Those actions aggravated the fundamental strategic inequality between the United States and the Soviet Union, giving the Soviet Union a superior level of operational intercontinental forces.

Yet, in 1972, the Jackson Amendment to SALT I mandated that—

"The Congress recognizes the principle of United States-Soviet Union *equality* reflected in the Anti-Ballistic Missile Treaty, and urges and requests the President to seek a future treaty that, *inter alia,* would not limit the United States to levels of intercontinental strategic forces *inferior* to the limits provided for the Soviet Union." (Public Law 92-448, Emphasis added.)

And even though the Executive Agreement was not in the form of a treaty, it has had the effect of a treaty, at least on the actions of the United States. Clearly, then, the Executive Agreement violates the intent of the Jackson Amendment.

Moreover, the Executive Agreement controls American strategic forces in over ten ways. Yet Section 33 of the Arms Control and Disarmament Act specifies that there are only two ways for the United States to become party to an arms control agreement: (1) through the treaty-making process of the Constitution, involving the advice and consent of the Senate; (2) or through further affirmative authorizing legislation, involving the agreement of both Houses of Congress.

The treaty-making power has been completely side-tracked, and there has been no authorizing or approving legislation from Congress or any request for approval as required by statute. Yet the Administration has achieved the practical results of a treaty *de facto,* by the Executive Agreement of 1981 and 1982, as apparantly modified in 1983.

Although the 1981 public commitment was purportedly the result of a unilateral declaration on each side, the nature of the circumstances suggest that the declarations were mutual and mutually contingent (hence an agreement), as tacitly admitted by the 1984 Fact Sheet. We believe therefore the purported unilateral public declarations did not emerge spontaneously. We accordingly ask that you provide us with copies of any diplomatic correspondence, cables, memoranda of conversations, minutes of meetings, position papers, or talking points generated with regard to the 1981 mutual commitments described in the Fact Sheet as a "political agreement".

Similarly, it is clear from the available record that in 1981 or 1982 the United States accepted (either through acceptance of a counter offer or as a modification of an already existing agreement) the Soviet interpretation of SALT II eliminating the overall ceiling on the number of Soviet strategic nuclear delivery vehicles. That step was a major change, yet the United States has continued to maintain the policy of strict compliance with SALT II, and apparently because of prior agreement has not objected on the public record to the Soviet interpretation.

Also, apparently because of the Executive Agreement, clear Soviet violation of the aggregate ceiling in SALT II was *not* included in the 1984 report to Congress on arms control violations, we believe, precisely because it was, in fact, not a violation of the 1981-1982 accord. Therefore, we ask additionally cables, memorada of conversations, minutes of meetings, position papers, or talking points generated with regard to the 1981 Soviet position on voiding the aggregate ceiling and on the 1983 Soviet position on voiding MIRVed launcher limits.

We ask further that you specifically give your opinion as to whether the Executive Agreement has any force in international law, whether it is consonant with the Constitution and the intent of the Jackson Amendment, and whether it is in accord with Section 33 of the Arms Control and Disarmament Act. We also respectfully ask for an explanation of why it has not been reported under the Case Act.

We also ask you whether, in your opinion, we should continue to observe strictly the constraints of SALT II even though (a) it is our intention not to ratify the treaty, (b) the Soviet Union has succeeded in eliminating (with Department of State agreement) all of the ceilings of the treaty and violates many of the remaining provisions, including the most important remaining provisions, and (c) the result has been a rapidly increasing and dangerous inferiority in the U.S. position with regard to intercontinental strategic weapons. Specifically, we ask whether U.S. security is enhanced by a State Department policy which has beyond any reasonable doubt proven to be inherently destabilizing.

Mr. President, the future of arms control must be with massive reductions on both sides in an equal and effectively verified manner or with rapid deployment of high technology defensive systems. If arms reductions can not be achieved, then we must acknowledge that hard fact because our freedom is too precious to risk further in the slavish pursuit of goodwill and trustworthiness in an opponent who holds the United States in increasing contempt while remaining committed to the practice of deception and tyranny. The unwise Executive Agreement negotiated by the Department of State has undeniably resulted in a situation where the Russians feel free to increase their strategic nuclear delivery vehicles (including MIRVed systems) and to violate even the already unequal terms of the agreement at will, while we feel required to dismantle unilaterally and gratuitously our systems and to adhere precisely to all of the original provisions of the unratified treaty.

In short, we ask you, Mr. President, whether in truth any productive purpose is served by accepting these risks to national security and by continuing to speak of SALT II as an "agreement"—even as a "political agreement"—when there is absolutely no agreement with Russia whatsoever on fundamental goals? Has SALT II indeed become an exercise in U.S. unilateral disarmament?

Mr. President, we have just received authoritative testimony that twelve years ago in 1972, the Joint Chiefs on Staff and the U.S. Senate were not informed that the Soviet Union intended to violate the SALT I Treaty and Agreement even before they were signed. The Nixon Administration reportedly withheld this information from our military leaders and the Senate, and according to our reports actually lied to the Senate in 1972. Thus it seems that the SALT I Treaty and Agreement were ratified under false pretenses. But a much worse situation has occurred with regard to the SALT II Treaty, which is an even greater affront to the Senate.

U.S. SENATE,
Washington, DC, July 25, 1984.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are your stalwart supporters and always will be. As you know, earlier this month, we reluctantly stated our view that the conduct of Administration officials had bound the United States at international law to an unauthorized Executive Agreement concerning the unapproved SALT II Treaty, and that the agreement was disadvantageous to the United States in that it permitted the Soviet Union to exceed ceilings specified in the SALT II Treaty which itself you had characterized as "fatally flawed." We still agree with your October 30, 1980 debate statement that "SALT II is illegal."

We now understand that the Administration asserts that there is no such Agreement involving SALT II, and although we believe there is a substantial basis for determining otherwise, we are gratified that the present position of the Administration is that no such agreement exists. Since our recent letter, various statements have appeared in the press from spokesmen for the Administration, denying that any Executive Agreement involving SALT II exists.

The statements from the spokesmen further confuse the difference between a "treaty" and an "Executive Agreement." For example, the New York Times of July 7, 1984, stated that "An Administration official said it was absurd to call the decision to comply with the Treaty an Executive Agreement with the Soviet Union." Further, Presidential spokesman Larry Speakes stated on July 11, 1984, that there was "no secret Executive Agreement . . . it did not exist."

It is ironic, however, that in denying the existence of a SALT II Executive Agreement, Larry Speakes went on to reaffirm the U.S. "interim restraint policy for existing strategic arms Agreements," including the SALT II Treaty. If there is no Existing Agreement, then how can we have a restraint policy based on Existing Agreements?

Unfortunately, the Bumpers-Leahy Amendment to the Defense Authorization Bill also refers repeatedly to the "SALT II Agreement" described in our letter. The Bumpers-Leahy Amendment would, therefore, if enacted into law, tend to give legislative authority for an Agreement which your Administration now insists was never made. Accordingly, we very respectfully urge you to take whatever steps may be appropriate to ensure that the Bumpers-Leahy Amendment is not enacted, since it would codify an international Agreement which under the analysis of your Administration was never consummated.

Even though, Mr. President, we still are of the firm belief that there is substantial evidence that there was a meeting of the minds between the Soviet Union and the U.S. concerning the applicability and non-applicability of the provisions of SALT II, we, of course, defer to your better knowledge of the surrounding circumstances of those discussions with the Soviet Union. We feel that in view of the present position of the Administration it is imperative that any legislation giving a contrary interpretation to those events, such as the Bumpers-Leahy Amendment, be vetoed if necessary, to prevent an erroneous statement of fact in the laws of the United States.

Further, in our judgment, such action on your part would be particularly necessary to preserve the Constitutional doctrine of separation of powers. The Judiciary Subcommittee on Separation of Powers, when reviewing in 1982 a resolution similiar in content to the Bumpers-Leahy Amendment, found that Congressional action affirming an Executive Agreement based on a pending treaty would be "an unconstitutional exercise in Congressional power." The 1982 resolution, S.J. Res. 212, also referred to a "SALT II Agreement."

Moreover, we also urge that in clarifying the non-existence of any Executive Agreement involving the SALT II Treaty, you should direct Administration officials to cease referring to the proposed treaty in official communication as a "Agreement." We are enclosing as an example a copy of a cable sent by Secretary of State Shultz to all U.S. embassies world wide in which such "agreement" is referenced as extant.

In sum, the original recommendation of the earlier letter concerning this matter still seems to us to be the best course of action to clarify fully the actual current status of the proposed SALT II Treaty. Since you have notified the Soviet Union that the Executive Branch will not ratify the Treaty, even if given consent to ratification by the Senate, the proper course now would be to request the return of the Treaty papers since continued consideration in the Senate is moot.

Moreover, we again renew our request for all aides memoire, memoranda of conversation, or other documents or records pertaining to commitments by the United States to abide by provisions of the unratified SALT II Treaty. We point out, in that connection, that these materials could be of far greater significance than they might appear, since they might reflect the incorporation by reference of complex terms and procedures embodied in SALT II even though the materials themselves may be brief and appear to lack formality.

Finally, we point out that the 1984 Democratic Party Platform states that: "a Democratic President will pursue deep, stabilizing reductions in nuclear arsenals within the framework of SALT II, observing in the meantime the SALT II limits ourselves and insisting that the Soviets do likewise."

This provision is the same demagogic language that appears in the Bumpers-Leahy Amendment.

We hope that you will not support enacting as law the key Democratic Platform provision, which is based on wholly false premises. It is flawed in four respects:

(1) The Soviet Union refuses to reduce nuclear weapons and daily adds new nuclear forces;

(2) According to your spokesmen there is neither a SALT II Agreement, nor a Treaty intended for ratification, which in any event would be unequal and contrary to the national security interests of the United States;

(3) The United States has already scrapped 5 still serviceable missile submarines, deactivated 5 more, and even plans to scrap 2 perfectly operational Poseidon submarines in order to comply with the expired SALT I Interim Agreement and the nonexistent SALT II Treaty, while the Soviets have a still growing 50% strategic submarine superiority over the U.S. and are illegally converting some of their equivalent submarines into even more lethal missile carriers; and

(4) The Soviet Union is in blatant violation of the terms of every major arms control treaty, is not observing SALT II, and no amount of U.S. insistence will cause Russia to act otherwise.

After all, former President Carter portrayed the 1980 election as a national referendum on his SALT II Treaty, and he lost.

We consider this issue of such criticality, both in a narrow political sense, and more importantly in terms of our viability as a free country in the future, that we urgently request a meeting with you as soon as possible to outline face to face why we believe these questions must be resolved without any further delay.

With very best personal regards,

We remain,

Very respectfully,

STEVE SYMMS,
U.S. Senator.
JOHN EAST,
U.S. Senator.

[Telegram]

DEPARTMENT OF STATE,
March 31, 1984.

From: Secretary of State.
To: All diplomatic posts priority.
Subject: U.S. policy on SALT interim restraint.

Interagency cleared guidance on U.S. policy on SALT interim restraint follows. The Department released the first Q-and-A on March 29, the second on March 30.

TRIDENT AND SALT LIMITS

Q. When will continued Trident submarine construction put the U.S. above the SALT II MIRV sub-ceiling of 1209 launchers? When will the Trident Program cause us to exceed the SALT I Interim Agreement limits? What is the U.S. position on continuing to observe these limits? When would they have expired had SALT II been ratified?

A. U.S. policy on interim restraint was set by the President in 1982, when he stated that, "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint." The U.S. is continuing to carry out its obligations and commitments under relevant agreements, including our no undercut policy on existing arms control agreements. In keeping with this policy, compensating dismantlements for new Trident launchers in excess of SALT I Interim Agreement limits have been completed or are programmed using polaris and TITAN II strategic ballistic missile launchers that have been deactivated, and we have programmed sufficient money through the end of fiscal year 1985 for continued dismantlement of these launchers in accordance with SALT I procedures.

The SALT II Treaty as written would have expired in December 1985, had it been ratified. It is the seventh Trident that will bring into play the possible applicability of both SALT I and SALT II limits. However, sea trials for the seventh Trident submarine are not scheduled to begin until late 1985, i.e., during FY 86. Thus, no decision need be taken at this time regarding compensation for the seventh Trident. The U.S. will carefully evaluate both the international situation and our own national security requirements in reaching such a decision.

Q. Is it true that the U.S. is considering revoking its "no undercut" policy for SALT II?

A. The President's policy on interim restraint has not changed. We are continuing to implement this policy with respect to the SALT Interim Agreement and the unratified SALT II agreement, and we are proceeding to implement the President's strategic modernization program.

As the President stated on January 23, "the United States is continuing to carry out its own obligations and commitments under relevant agreements."

Sea trials for the seventh Trident submarine are not scheduled to begin until late 1985, that is, in fiscal year 1986. The issues this event raises regarding the SALT I and SALT II agreements will be addressed at the appropriate time.

It would be misleading to infer that the absence of a decision before one is required implies anything about what course of action will eventually be taken.

When the time comes for a decision it will, obviously, be taken in the context of the international situation and U.S. national security requirements. Among other things, our assessment of the Soviet commitment to a corresponding policy will be relevant to our considerations.—Shultz.

SANTA BARBARA, CA,
August 6, 1984.

Hon. STEVEN D. SYMMS,
U.S. Senate, Washington, DC.

DEAR STEVE: This is in reply to your letters to me of July 2 and July 25, expressing concern about this Administration's policy of not undercutting the provisions of SALT II.

It is incorrect to say, as your letter states, that this Administration has turned SALT II into a mutually binding secret executive agreement with the Soviet Union. We have neither negotiated nor signed a secret agreement. What we have done is to adopt a policy of refraining from actions which would undercut SALT II so long as the Soviet Union shows equal restraint.

I have stated on many occasions that SALT II did not provide a sound basis for arms control and that a new treaty was necessary. On May 31, 1982, I publicly enunciated our no-undercut policy at the same time that I announced the beginning of the START negotiations. The confidential diplomatic exchanges referred to in the annex to your letter have been carried out solely for the purpose of informing the leaders of the Soviet Union of our policy and seeking an understanding of their policy with regard to SALT II. Nothing has been said to the Soviet Union that goes beyond this policy.

Since the Administration made clear that it did not intend to seek ratification of the SALT II Treaty, there has remained no legal obligation on either party to refrain from acts which would defeat the object and purpose of the agreement. Thus our policy statement with respect to SALT II represent a political commitment rather than a legal obligation. As such, SALT II is not an executive agreement and carries no legal obligations.

The intent of our policy has been to promote an atmosphere of mutual restraint which is conducive to strategic nuclear arms negotiations while not jeopardizing U.S. national security. This policy is compatible both with our START objectives and our defense modernization program.

Your letter takes note of the significant concerns that have arisen in recent years about Soviet adherence to a comparable policy of restraint. I indicated in my January 23, 1984, report to the Congress that we have determined that the USSR has violated or probably violated several provisions of existing arms control accords—both those which are in force, and those to which the Soviet Union claims to be adhering as a matter of policy (as you note in your letter, the Soviets do not claim to be reducing to the 2400/2250 SNDV limits in SALT II). Additional studies of Soviet compliance behavior are in progress. Concurrently, we are endeavoring through diplomatic channels to resolve with the Soviet Union our concerns about such behavior and are seeking explanations, clarifications, and corrective actions. We have stressed that if we are to retain confidence in the continuing utility of our arms control agreements, compliance must be rigorous.

We have made clear to the leaders of the Soviet Union our unequivocal preference for an environment characterized by mutual restraint pending the accomplishment of significant mutual and effectively verifiable reductions in destablizing nuclear systems. We believe this is in our national security interest as well as theirs.

While we strive to realize this goal, however, we are continuing our policy of pursuing needed strategic force modernization while preserving all necessary options to ensure flexibility in our defense programs. This includes the steps, to which you referred, related to the deployment in the fall of 1985 of the seventh Trident submarine. We believe that if we are to succeed in accomplishing these objectives, full funding by the Congress of our defense modernization program is essential.

I hope this explanation of our policy is helpful. As I noted in my report to the Congress last January, the Executive and Legislative branches of our government have long had a shared interest in the arms control process. Finding effective ways to ensure compliance is central to that process. Continued Congressional understanding and support for our approach to arms control is essential.

Sincerely,

RONALD REAGAN.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 1984.

Hon. RONALD REAGAN,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As supporters of your arms control and defense policies, we respectfully urge you to release an unclassified version of the report of your General Advisory Committee on Arms Control and Disarmament, entitled "A Quarter Century of Soviet Compliance Practices Under Arms

Control Commitments 1958-1983." We believe that the release of this report would serve the public interest and illuminate the issue of Soviet compliance, which is the most important element of today's arms control debate.

We commend you for ordering the Committee to conduct this study. We have been briefed on it, and we believe that the distinguished members of the Committee have produced an excellent report. Further, we believe that the American people, who share our concern about arms control and Soviet behavior, should be given the opportunity to review the findings of the report.

The House and Senate have unanimously passed amendments to the 1985 Defense Authorization bill which will require the General Advisory Committee report to be transmitted to the Congress both in its classified form, and in an unclassified form suitable for public disclosure. We are advised that the unclassified report has been prepared in anticipation of this requirement of law.

In recent weeks, numerous newspaper articles based on selective leaks have described the contents of the Committee's report. To give the public an accurate idea of the report's contents, and to comply with the intent of Congress, we urge you to release the unclassified General Advisory Committee report immediately.

In the same interest of furthering public understanding of the Soviet compliance record, we also urge you to issue the second report of your interagency committee on arms control verification and compliance. This second report was requested by the Senate by September 15, 1984 and Secretary Weinberger, in a letter to Senator Helms, has indicated that the Administration will meet this deadline.

By releasing both of these reports, we believe that you will help the American people understand the need for your realsitic arms control policies, and add to the excellent work your Administration has already done to increase public understanding of arms control and Soviet compliance.

With warm personal regards,

Sincerely,

Jim Courter.
Jim McClure.
Mack Mattingly.
Jesse Helms.
Jack Kemp.
Steve Symms.
John P. East.

U.S. Senate,
Washington, DC, September 8, 1984.

The President,
The White House,
Washington, DC.

Dear Mr. President: As your stalwart supporters, we still strongly agree with your 1980 Republican Party Platform, which stated:

"The Republican Party deplores the attempts of the Carter Administration to cover-up Soviet non-compliance with arms control agreements . . . We pledge to end the Carter cover-up of Soviet violations of SALT I and II . . ."

We also strongly agree with your 1984 Republican Party Platform, which states:

"Carter-Mondale efforts to cover-up Soviet violations of the 1972 Strategic Arms Limitation agreement and Anti-Ballistic Missile Treaty emboldened the Soviets to strengthen their military posture. We condemn these violations . . . We insist on full Soviet compliance with all treaties and executive agreements . . . We will press for Soviet compliance with all international agreements . . . The Soviet Union, by engaging in a sustained pattern of violations of arms control agreements, has cast severe doubt on its own willingness to negotiate and comply with new agreements in a spirit of good faith. Agreements violated by the Soviet Union include SALT, the Anti-Ballistic Missile Treaty of 1972 . . ."

Mr. President, as you know, all of the nine Soviet arms control violations described in your January 23, 1984 Report to Congress either were first detected or became conclusive after the July 1980 Republican Party Platform statement above.

Therefore, the "Carter-Mondale cover-up of Soviet violations of SALT I and II" remains in effect and has not yet been fully revealed.

We believe that the best way to end this Carter-Mondale cover-up before it is too late is to promptly release the unclassified report of your General Advisory Commission on Arms Control, the famous "GAC Report." This report covers many Soviet arms control violations dating back to 1958.

The release of the GAC report is in fact a vital necessity to rebut the 1984 Democratic Platform on arms control.

Mr. President, unless the GAC Report covering seventeen Soviet SALT violations and Phase II of the originally mandated Presidential Report covering twelve more Soviet SALT violations are released by September 15, 1984 as promised by Defense Secretary Weinberger to Senator Helms, and as amended by two unanimously passed Congressional amendments, we may be forced to propose additional amendments to the Continuing Resolution requiring these reports. We might also propose amendments affecting U.S. unilateral compliance with the unratified SALT II Treaty, which you have already confirmed that the Soviets are violating. A 99 to 0 Senate vote on a Symms-Helms amendment has already condemned U.S. unilateral compliance with arms control treaties which the Soviets are confirmed to be violating.

Finally, we may be forced to propose an amendment prohibiting planned deactivation of 96 SLBMs on 6 survivable Poseidon Submarines as part of continued U.S. unilateral compliance with the unratified SALT II Treaty that the Soviets are conclusively violating.

Thank you for your prompt attention to our urgent letter.

We are enclosing for your information a series on the GAC Report from the New York Tribune, which was attributed to Administration sources.

With warmest personal regards,

Sincerely,

Steve Symms.
John P. East.

U.S. Senate,
Washington, DC, September 6, 1984.

Dear Senate and House Colleague: In 1935, prior to World War II, Sir Winston Churchill challenged the British Government over whether or not Hitler's Nazi Germany was complying with the arms control provisions of the Versailles Treaty. In the House of Commons, Churchill emphasized that:

"The worst crime is not to tell the truth to the public . . ."

We believe that you should be aware of reports in the press attributed to Administration sources concerning a blue ribbon bipartisan report to President Reagan. The President's General Advisory Committee on Arms Control (GAC) has apparently analyzed and confirmed at least 17 highly significant Soviet violations of Strategic Arms Limitation Treaties. We are enclosing these press accounts of the GAC Report for your information, in order to stimulate bipartisan knowledge, debate and action on the national security implications of Soviet SALT violations during this period of heightened public attention to arms control issues as they affect American security.

Sincerely,

Steve Symms.
Jim McClure.
Mack Mattingly.
John P. East.
Jim Courter.

Moscow Is Cheating

(By Colin S. Gray)

America's debates on arms control during the 1970s and 1980s have strengthened a deeply troubling impression: Major elements of the executive and legislative branches of government appear not to care that the Soviet Union has been found guilty of widespread and persistent cheating on solemn treaties and agreements.

Until late 1983 public charges of massive Soviet cheating were generally confined to strategic analysts outside government. Now, however, this conclusion has been reached by two very careful studies sponsored by the Reagan administration. For good reasons, the details of these official studies are highly classified. But the American people can be assured that, far from rushing to judgment or straining to find guilt in ambiguous or arguable cases, these studies if anything tended to give the Soviet Union the benefit of the doubt when reasonable grounds existed for doing so. Indeed, no one who saw the complete technical evidence amassed could doubt that the violations are so significant as to call into question the very notion that the superpowers retain enough common interests in arms control to warrant continuing negotiations.

Yet while the administration has now formally charged Moscow with treaty noncompliance and done an excellent job reporting some of the facts to Congress and to the American people, performance of this essential mission seems to have exhausted its level of courage and consensus. On compliance questions, the administration has acted as if it were chairing an academic seminar discussion and were content to wait upon events. Indeed, like its predecessors, the Reagan administration has no policy on what to do about Soviet treaty violations. Thus American behavior, although not American words, suggests that Soviet cheating is condoned.

The administration's reluctance to proceed further stems from two main causes: The first is an inability either to understand or to communicate to the people that the debate over Soviet noncompliance hinges far less on the military advantages the Soviet Union has or has not secured, or even on the accuracy of the fine print of U.S. charges, than on the need to maintain American credibility in order to prevent disastrous Soviet miscalculations of U.S. resolve. The second is the deep split within the administration over the fundamentals of arms control policy.

Thus the Reagan administration's apparent policy response to Soviet cheating—to avoid the repetition of past negotiating errors and maintain a skeptical attitude toward a ban on antisatellite weapons in light of verification and compliance problems—is laudable but inadequate. The Soviet Union must be made to realize that its compliance performance over the last decade and one-half is no longer acceptable. The administration should take advantage of the current hiatus in arms control efforts and tell the American people that Soviet misbehavior has cast doubt on the wisdom of persisting in arms control. At the very least, the United States should be prepared to declare that if Soviet behavior does not change, Washington will no longer abide by the restrictions of SALT II and the ABM (antiballistic missile) treaty. The purpose of these announcements would be not to abandon the formal arms control process but to halt noncompliance and to change Soviet perceptions of what kind of compliance behavior will be acceptable henceforth.

U.S. LOSS OF CREDIBILITY

In a January 23, 1984, report to Congress, the Reagan administration cited seven specific cases of Soviet noncompliance or probable noncompliance that is argued are just the tip of a substantial iceberg:

"The Soviet Union is violating the Geneva Protocol on Chemical Weapons, the Biological Weapons Convention, the Helsinki Final Act, and two provisions of SALT II: telemetry encryption and a rule concerning ICBM [intercontinental ballistic missile] modernization. In addition, we have determined that the Soviet Union has almost certainly violated the ABM Treaty, probably violated the SALT II limit on new types, probably violated the SS-16 deployment prohibition of SALT II, and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty."

In addition, the General Advisory Committee on Arms Control and Disarmament (GAC), a body of the Arms Control and Disarmament Agency, has provided strong support for the government's case with its recently completed extensive historical study of Soviet compliance behavior.

In the case of SALT II, the administration has specifically charged that Moscow has excused its testing of a second "new type" of ICBM, the SS-X-25, by advancing the technically absurd claim that this missile is a permissible variant to the old SS-13. Even if the Soviets were technically correct—and they are not—their testing of both the SS-X-25 and the SS-X-24 violates the Carter administration's understanding of SALT II, which the public record shows was specifically intended to preclude Soviet deployment of more than one new ICBM.

The United States is itself planning to deploy two new types of ICBMs—the MX and the Midgetman—but Washington openly admits that the new small missile is a new type that will have to be either accommodated through the renegotiation of SALT II or deployed after SALT II expires.

Regarding the ABM treaty, the Soviet Union is now constructing that part of a nationwide ballistic missile defense system that requires the most lead time—large phased-array radars capable of predicting impact points and handling targets for ABM battle management. This system also features tested air defense radars and interceptors deployed in a prohibited mode.

Yet the GAC report has not been forwarded to the full Congress, and officials remain reluctant to elaborate on the seven violations specified in the president's Janauary 23 report. Further, the administration and Congress evince no slackening of interest in new arms control treaties with the Soviet Union. On the contrary, the administration virtually accompained its noncompliance report to Congress with a public campaign to demonstrate both its chagrin at the Soviet walkout from the Strategic Arms Reduction Talks (START) and the intermediate nuclear force (INF) negotiations as well as its willingness to negotiate in good faith. Congress, for its part, continues to call for the resumption of negotiations and greater U.S. flexibility.

These reactions stem partly from a profound misunderstanding of the greatest threat to U.S. security posed by Soviet cheating. The Soviet noncompliance issue is not important as a matter of ethics or because the sanctity of international legal norms must be upheld for its own sake. Nor is Soviet cheating primarily important in terms of military advantage and disadvantage, although both dimensions are worthly of attention.

Most surprising, no doubt, to both sides in the verification debate, not even the accuracy of the U.S. government's claims is of the highest level of significance. These claims cannot be so far from the mark that they can be challenged plausibly. But it is unrealistic to insist that accusations of cheating on arms control agreements must be held to the rigid standards of proof required at criminal trials. U.S. officials generally lack direct access to physical evidence of violations, and they cannot command Soviet officials to appear as defendants or subpoena witnesses. Moreover, the standard of proof at criminal trials—proof beyond a reasonable doubt—is designed to protect the comparatively weak individual defendant against the state. The Soviet Union hardly needs such consideration. In addition, a treaty is a contract between countries and hence should be subject to lower civil standards of proof. But what is most important to recognize is that the inevitable scarcity of unmistakable physical evidence unavoidably makes verification findings matters of judgment in the last analysis.

The above considerations are important, but the greatest danger raised by failing to respond forthrightly to Soviet arms control cheating results from the loss of U.S. credibility. Among history's clearest lessons is that wars have a depressing tendency to emerge from significant miscalculation by key decision makers. A localized or general East-West conflict could erupt out of a situation wherein a determined U.S. president was believed in Moscow, yet lacked sufficient ready and relevant military power to deter. On balance, however, war is more likely to explode out of the mutual diplomatic miscalculation. That miscalculation could be rooted, very substantially, in a Soviet lack of respect for the quality of determination in U.S. policy. If the United States chooses to ignore the Soviet noncompliance issue in the interest of sustaining arms control, it may damage the respect that Washington must have in Soviet eyes if peace is to be maintained.

Possible Soviet decisions to foment crises, to stage military demonstrations during crises, and even perhaps to fight are not very likely to be influenced by the marginal differences that arms control treaties may make to the military balance. But they are certain to be influenced by calculations of Western, and particularly American, steadiness of purpose. With respect to arms control treaty compliance, the United States has set a test for itself that it may be failing.

To date, the Soviet government has seen no evidence of a U.S. policy regarding Soviet noncompliance—beyond statement of some of the facts. Meanwhile, Moscow has seen ample evidence of an apparent marked reluctance by the administration and Congress even to address, let alone answer, the question posed by Fred Iklé, now undersectary of defense, in the title of his January 1961 Foreign Affairs article, "After Detection—What?"

A major split within the administration over arms control policy has also militated against a vigorous response to Soviet cheating. Their public statements show that many administration officials recognize the need to deal firmly with Soviet treaty violations. Yet the administration continues to praise the arms control process, to feed expectations that the process can prosper in the future, and to signal willingness, even eagerness, to re-engage the Soviet Union in a dialogue in START and the INF talks.

Certainly U.S. and West European public opinion, which seems naively to equate ongoing arms talks with a diminished chance of war, constrains the administration's freedom of action. But while there is considerable merit in recognizing political reality, there are times when politicians and officials must lead rather than follow. Telling the people what they want to hear, that the current arms control process somehow can increase the prospects for peace, is insulting to their capacity for understanding. It is furthermore inevitably doomed to failure, since surveys show that most Americans do believe that Moscow cheats and since the arms control process will not deliver the peace that is anticipated. Indeed, the arguments for abandoning arms control treaties that are frequently and flagrantly violated are no longer politically controversial. A bipartisan consensus has developed in favor of Washington branding Soviet treaty violations unacceptable and in favor of negotiating only agreements that can be verified with high confidence.

Decisive action must be taken now because in 1985 the United States will be forced to retire some older strategic weapons in order to introduce the seventh Trident missile submarine and still remain under the SALT II limit of 1,200 ballistic missiles with multiple independently targetable re-entry vehicles (MIRVs). Although SALT II was never ratified, both sides have pledged not to undercut the terms of the treaty. In addition, the administration and Congress are worried that, if unchanged, the ABM treaty will restrict development and testing of weapons vital to President Ronald Reagan's Strategic Defense Initiative—even though the administration has stressed that the so-called Star Wars proposals are research and development efforts that will not contravene the treaty.

A FIRM RESOLVE

The president should take three steps to deal with persistent Soviet noncompliance. First, he should publicly commit himself to resolve the problem by according the USSR a last clear chance to indicate persuasively, by deeds as well as words, that past and current malpractice has ceased and will not recur.

Second, in light of the serious steps that the president might have to take, he should appoint a bipartisan advisory body to monitor and evaluate the Soviet response to the U.S. initiative. This appointed body would also review the U.S. commitment to current arms control treaties and agreements and analyze the implications of Soviet cheating on future U.S. arms control policy.

Third, to put real teeth in the U.S. initiative the president would have to enter this process firmly determined to withdraw from the ABM treaty and to discontinue unilateral observance of SALT II if necessary. To leave the way open for a graceful Soviet retreat, however, the president should not demand a public Soviet acknowledgment of guilt. Facesaving formulas should not be hard to find. If it wished, the Soviet Union could say it recognized that U.S. challenges were the product both of mutual misunderstandings and of some genuine differences in treaty interpretation. The Soviet Union would then have to announce that it acknowledged the genuineness of the erroneous U.S. charges, and in the interest of slowing down the arms race, it would unilaterally meet many of the U.S. concerns.

The dangers of withdrawing from arms treaties are obvious. But the dangers would be far greater if U.S. resolve failed halfway through this process. The president must make a firm public announcement and quickly draw in bipartisan advice and support so that there is no doubt in anybody's mind that unless there is a prompt, suitable Soviet response, U.S. withdrawal from the treaties violated is certain. It is possible that the structure and character of the Soviet state will prevent Moscow from signing agreements with an adversary prepared to enforce them. The more immediate open question, however, is whether or not the United States will handle the issue of Soviet cheating in a responsible manner. The benefits of ducking non-compliance issues are strictly illusory. If not attended to immediately, the issue will fester and ultimately resurface when any future arms control treaty is brought before the Senate.

Past U.S. negligence cannot be undone. But on military grounds and for domestic political reasons and, even more important on grounds of political respect, the administration must say "enough" to Soviet cheating. For reasons of varying merit, however, many people do not agree. In addition to insisting on unrealistic standards of proof, opponents of acting forcefully on charges of Soviet cheating cite the damage this policy could cause to East-West political relations. But the price of good relations is too high if it requires the United States silently to accept Soviet actions that are both directly harmful to U.S. national security and constitute plain evidence of disdain for legitimate U.S. interests.

Similarly, to acquiesce in Soviet cheating is a perversion of the arms control process. There is no point in pursuing the form of arms control when there is no substance. Moreover, the Untied States has an obligation to share with its people knowledge of important security developments. If the Soviet Union genuinely wishes to conduct arms control business with the United States in the future, then it will have to do so on terms as befitting a democratic state as a totalitarian one.

U.S. withdrawal from the ABM treaty and from its policy not to "undercut" SALT II might affect the pace of weapons acquistion, although this is uncertain. Soviet violations now work uniquely to their benefit, however, so the United States would have little to lose by abandoning treaties that only restrain its behavior. To cave in meekly to persisting Soviet violations for fear of accelerating the arms race would constitute a policy of appeasement that would directly damage U.S. national security military and invite Soviet leaders to discount U.S. statements of intent.

Those who fear that the United States could not compete with the Soviets strategically if current treaties are renounced overlook that the danger of Soviet breakout potential stems primarily from the treaties themselves. The ABM treaty and the unratified SALT II treaty provide only the illusion of regulating the strategic competition. Moscow continues to modernize its forces across the board in disregard of both pacts. Worse, while the ABM system in place around Moscow, the nationwide Soviet air defense system, and the benefits of violating the ABM treaty will give the Soviets superior near-term breakout potential, the ABM treaty is complicating U.S. efforts to strengthen strategic stability through the Strategic Defense Initiative. Thus removal of some ABM treaty constraints will be necessary to permit America to compete effectively in the strategic defense field.

The argument that Soviet treaty violations are not militarily important is wrong on two counts. First, a Soviet decision that U.S. political will is not being taken seriously would have major military implications. Much additional military muscle would be required to offset a perceived deficiency in American resolve. Second, the Soviets have gained real military advantages under the SALT regime. These treaties were licenses to modernize and expand strategic firepower and have nothing to do with arms control save popular use, or in these cases misuse, of the term.

The deployment of 360 SS-19s equipped with MIRVs was not technically a violation of SALT I. But it was a gross and militarily very significant violation of the plain meaning of the interim agreement's terms as explained by the Nixon administration to Congress in 1972. The United States resorted to legal apologia to excuse this behavior even though SS-19 deployment effectively destroyed the strategic value of the agreement.

Now the Soviet Union is preparing to deploy a second new ICBM, the solid-fueled Minuteman-sized SS-X-25, that increases U.S. doubts regarding the value of the modernization constraints that lie at the heart of SALT II. Soviet encryption of missile-test telemetry has become so common that apologists for Soviet misbehavior are reduced to noting lamely that the United States has other ways of collecting missile intelligence.

It is scarcely surprising that the Soviets are content with the ABM treaty in its pristine state. Moscow has tested air defense radars "in an ABM mode." While the United States frets over the legality of testing some key technical items for the Strategic Defense Initiative, the Soviet Union has maintained warm production lines for ABM interceptors, constructed radar infrastructure that when linked will represent a firm foundation for a nationwide ballistic missile defense, and modernized its air defense system so that late-model SA-10 and SA-X-12 interceptor missiles, again with radar links, will have some ABM capability.

Contemporary Soviet leaders, as worthy heirs of V.I. Lenin and Joseph Stalin, have lied and cheated widely in arms control forums over the past quarter-century. Indeed, the United States should expect to be deceived in arms negotiations when it agrees to ambiguous language, such as the silo dimension provision in the SALT I interim agreement; when it fails to define key terms, such as testing "in an ABM mode"; and when it generally negotiates incompetently, evinced by the provisions for submarine numbers in SALT I. More important, though, the United States should expect to be deceived if the Soviet Union learns that there are no costs attached to disdainful flouting of U.S. treaty interpretations or to outright treaty violations.

However, to understand is not to excuse. A treaty violation is a treaty violation, whether or not the United States chooses to confine itself to near-ritualistic protest in the Standing Consultative Commission (SCC). Soviet leaders, and indeed the world at large, may be surprised or even shocked by a U.S. administration that confronts Soviet misbehavior with more than quiet diplomacy in the cozy context of the SCC, but that surprise and shock would soon be superseded by new-found respect.

The Reagan administration publicly aired its illustrative charges of Soviet violations on January 23, 1984, only after it became evident that Washington could obtain no satisfaction on key issues through the mechanism of the SCC or other diplomatic channels. In principle the SCC is a splendid institution. But in practice it is seriously flawed. The unanimous consent rule for public disclosure of the SCC's business gives a huge unilateral advantage to the party that is both violating and circumventing the terms of agreement. In addition, successive U.S. administrations, not wanting to admit to the American people that the Soviets lie and cheat, have been only too ready to invoke the confidentiality rule of the SCC charter. Thus the SCC has legitimated a conspiracy of silence about unpleasant details of strategic policy that must be known if arms control issues are to be debated competently. In fact, the SCC has given the United States an alibi for evading hard choices.

Unfortunately, the unclassified summary of the U.S. government's finding of flagrant Soviet arms control cheating does not convey the full strength of the administration's case. The January 23, 1984, document might leave the impression that the violations, however significant, are relatively few and far between. The still-classified GAC report provides the historical perspective needed to comprehend well Soviet attitudes and behavior in the arms control field.

A RESPONSIBLE POLICY

Although many of the technical details of compliance issues are beyond general comprehension and although certain intelligence sources and methods would have to be protected, there are ways to make a better public case for persistent Soviet violations using hard intelligence data. Once this case is made the American people, who do not trust Moscow anyway, can be expected to approve overwhelmingly U.S. withdrawals from arms control treaties should they be necessary. In addition, much of the political pressure to engage in new negotiations, over antisatellite weapons, for example, should ease once the people see the Soviets in this new light.

Ironically, critics of the Reagan administration have promoted verifiable arms treaties themselves—yet now that instances of Soviet noncompliance have been verified, they choose to continue to fight the existence of the problem rather than face it and resolve it. Soviet readers of the violations analyses provided by the Arms Control Association and the Federation of American Scientists cannot help but get the impression that Moscow will always be given the benefit of the doubt.

Arms control is a valuable process for the partial regulation of military competition. But weakness in U.S. arms control and strategic policy has enabled the Soviet Union to drive SS-19s, SS-X-25s, and interior-sited large phased-array radars through an agreement and encouraged a pattern of disdain for U.S. political will. In some ways the most disturbing aspect of the violations is the Soviets' callous insensitivity to obvious American concerns. From the Limited Test Ban Treaty of 1963 to the ABM and SALT II treaties today, the Soviet Union seems to have decided not to try very hard to preclude, where possible, understandable grounds for American suspicion. The Soviet government has also persisted in lying about subjects that it must know the United States is capable of analyzing from its own intelligence sources—for example, Backfire bomber performance characteristics, the reentry vehicle to throw-weight ratio of the SS-X-25, the functions of the Krasnoyarsk large phased-array radar, and some Warsaw Pact troop counts.

It is impossible to determine whether the Soviets have violated these treaties to test U.S. political will or simply to do that which was expedient in well-founded confidence that there would be no price to pay. What is certain is that, contrary to optimistic expectations, the Soviet Union is not deterred from violating treaties by the prospect of probable detection. The U.S. government has no business negotiating new arms control agreements unless it has a responsible policy to deal with Soviet cheating on existing agreements.

[From the New York Times, Aug. 31, 1984]

White House May Bare Soviet Treaty Violations

(By Albert L. Weeks)

The White House has decided, against the advice of the State Department and the CIA, to release a declassified version of a top secret report on Soviet treaty violations so "explosive" that it has been all but suppressed for nearly a year.

Prepared for President Reagan by 12 highly respected experts, the report documents a quarter-century of Soviet non-compliance affecting the most sensitive security areas of U.S.-Soviet relations. Today, the New York Tribune presents the first nine of 29 slides from a briefing on the report given to groups of congressmen and senior administration security officials.

The revelations contained in the report—portions of which have been obtained by the Tribune—plus Soviet flouting of SALT II provisions detected by U.S. intelligence during the 10 months since the report was given to Reagan last November, add up to a devastating indictment of the whole purpose and rationale of arms-control negotiations with the Soviets.

Administration experts believe that once the facts of the Soviet violations are made known to the public, it is possible that such superpower negotiations in the future will be altered profoundly or abandoned altogether.

Early in his administration, Reagan convened the bipartisan General Advisory Committee on Arms Control and Disarmament (GAC) and directed it to study the history of Soviet compliance—and non-compliance—with strategic treaties. He relied on this panel rather than on the CIA, because the agency "under [President] Carter was covering up this stuff," a well-informed intelligence source told the Tribune.

Despite demands from Congress, most of the violations never have been made public, nor have the Soviets publicly been confronted with them, according to administration sources.

As well, the White House silence about Soviet treaty violations since November is causing tremors within Republican ranks in the Senate and House and among members of the bipartisan committee that prepared the report.

"The contents of the GAC report are so explosive, Reagan's 'pragmatic' advisers have tried to keep the lid on it," an administration source said.

Both houses of Congress have unanimously passed amendments demanding that the president release to Congress the report prepared by his advisory committee. The amendments have yet to take effect, since they were attached to the two versions of the 1985 Defense Authorizations Bill, now deadlocked in the joint congressional Conference Committee.

One of the key members of GAC soon will publish an article in which he says that if the United States does not call the Soviets on the violations, the adversary will perceive that our political will is weak. Lack of such a challenge to the Soviets, Dr. Colin Gray will write in the fall issue of Foreign Policy magazine, to appear next month, will damage seriously the credibility of our strategic-nuclear deterrence vis-a-vis the Soviet Union.

PRESSURE TO REVEAL

The Reagan administration again will be under strong bipartisan pressure when Congress reconvenes next week to reveal the GAC findings on the violations. A spearhead comprising about a dozen Republican senators and congressmen—including Sens. John East, R-N.C.; Mack Mattingly, R-Ga.; James McClure, R-Idaho; and Jesse Helms, R-N.C.; and Reps. James Courter, R-N.J.; and Jack Kemp, R-N.Y.—is expected to appeal urgently to the White House to release more information.

Secretary of Defense Caspar Weinberger reportedly has told Helms that a declassified version of the top-secret report will reach Congress in mid-September.

The Senate and House Republicans backing disclosure say they place, as one source put it, the "day-to-day" security of the United States above partisan politics. Further, this congressional group believes the best rebuttal to the Democrats' attacks on lack of progress in arms control is the GAC report itself. The continuing, daily Soviet violations of agreements, they say, represent a mounting military threat.

VIOLATIONS, CIRCUMVENTIONS

The sensitive GAC findings covering 25 years, together with more recent intelligence input about contemporary Soviet violations and circumventions of treaty obligations heretofore kept secret, show that:

Soviet non-compliance is especially evident in areas of offensive strategic weapons—the kind that could be used for what Soviet military literature calls the "crushing nuclear first strike."

Soviet actions represent utter violation of specifically stated SALT I-II and Anti-Ballistic Missile (ABM) treaty prohibitions. The Soviet violations virtually tear up U.S.-Soviet accords on the most crucial points.

Soviet compliance can be documented only in the area of what GAC calls issues of low-level importance, and in areas where mutual U.S.-Soviet interest in reaching an agreement is stronger than the Soviet motive to violate the given obligation (for example, nonproliferation, nuclear-accident avoidance and hotline communications, the Antarctic treaty, environmental modification treaty, and so forth).

In addition to the GAC report, there are more violations about which Reagan must report to Congress by Sept. 15 under a congressional mandate. These newest violations—some 12 in all—are particularly threatening and unsettling to U.S. security interests.

Violations of the Nuclear Test Ban Agreement date back to the Khrushchev period of 1963.

The establishment of clandestine Soviet Arctic basing of strategic-range Backfire and Bison long-range bombers poses a threat to the "industrial Triangle" of the continental United States lying just over the North Pole. (Although the latter were mentioned in the Pentagon's annual Soviet Military Power booklet issued last March—five red dots showing the northern bases—the size of the violation in Arctic basing abutting North America is more extensive than has been made public up to now.)

The SALT treaty mandated dismantling of certain strategic-weapons systems—that is, down to 2,250 "strategic delivery vehicles"—has been flouted by the Soviet Union, which actually has built up these assets to more than 2,700 strategic vehicles, while the United States has continued to build down below the stipulated level.

In addition, the Tribune has learned that:

The Soviets have been jamming telemetric data collected by U.S. satellite electronic intelligence means; such jamming is prohibited by treaty. Such Soviet interference has been employed to conceal Soviet testing in the ABM mode and ICBM testing.

Soviet research, development and deployment in sea-based missiles—cruise and ICBM—have been particularly active in the most recent times, and some of these Soviet activities have violated stated SALT parameters.

POLITICS OF DISCLOSURE

Some of the president's inner core of political advisers, particularly James Baker and Michael Deaver, evidently have regarded disclosure as a political liability in an election year. They reportedly now have acquiesced to National Security Adviser Robert McFarlane's insistence that covering up the report harms U.S. security, administration sources said.

However, Secretary of State George Shultz, other State Department officials and the CIA, according to a White House source, still oppose releasing even the declassified version of the GAC report, the sources said.

Those advisers close to the president who favor disclosure believe that if the Democrats chose to stir up a controversy over release of the information, it would help rather than hinder Reagan's reelection, for he could demonstrate that what the Republican platform calls the Carter "cover-up" of past Soviet violations now has been rectified.

The congressmen pressing for release of the GAC report believe the administration must be open and candid with Congress and the public over the large-scale Soviet violations, as U.S. security is endangered by Soviet flouting of the treaties. They say it is time to bring what they say is a deplorable situation to the attention of the U.S. public. This would help win support for efforts to redress the strategic-weapons imbalances that have continued to accure since the signing of the various agreements.

THREE ATTEMPTS TO DISCLOSE

Thrice, Congress has passed amendments demanding that the administration disclose reports on Soviet treaty violations.

The first was sponsored in the House by Rep. James Courter, R-N.J., and in the Senate by Sens. James McClure, R-Idaho, and Mack Mattingly, R-Ga. This amendment passed both houses unanimously in June. It requires the president to send to Congress an unclassified version of the GAC report within 60 days of the enactment of the 1985 Defense Authorization Bill.

The DAB currently is deadlocked in the Senate-House Conference Committee, meeting to reconcile differences in the two versions of the bill. The key issues of this statemate are the level of defense spending to be authorized, and unilateral U.S. arms control constraints on the new MX ICBM. The stalemate probably will require passage of a "stop-gap" Continuing Resolution, to fund U.S. defense programs in the meantime.

The second amendment was sponsored by McClure alone. It passed the Senate by 82 votes. It requires the president to report to Congress on all remaining Soviet arms control violations by Sept. 15, 1984.

An earlier amendment, passed 93-0 in the Senate on Sept. 22, 1983, requiring a presidential report to Congress on Soviet arms control violations up to that time, has yet to be fully complied with.

MEMBERS OF THE GAC

The 12 GAC members appointed by Reagan in 1981 and confirmed by the Senate comprise five Democrats, and seven Republicans and independents. They are:

William R. Graham—Ph.D. physicist (chairman).

Colin S. Gray—world reknowned strategic analyst.

Roland F. Herbst—defense analyst.

Robert B. Hotz—former editor of Aviation Week and Space Technology.

Eli S. Jacobs—businessman.

Charles Burton Marshall—foreign policy expert and brother of former Secretary of State George Marshall.

Jaimie Oaxaca—businessman.

John P. Roche—former defense policy adviser to President Johnson.

Donald Rumsfeld—former secretary of defense, under President Ford.

Harriet F. Scott—expert on Soviet military doctrine.

Laurence H. Silberman—former U.S. ambassador to Yugoslavia and former deputy U.S. attorney general.

JOINT CHIEFS OF STAFF, SECURITY-ORIENTED CONGRESSMEN AND CIA OFFICIALS HEARD RECORD OF 25 YEARS OF SOVIET TREATY VIOLATIONS

[Unclassified]

GENERAL ADVISORY COMMITTEE ON ARMS CONTROL AND DISARMAMENT

William R. Graham—Chairman, Colin S. Gray, Roland F. Herbst, Francis P. Hoeber, Robert B. Hotz, Eli S. Jacobs, Charles Burton Marshall, Jaimie Oaxaca, John P. Roche, Donald Rumsfeld, Harriet F. Scott, and Laurence H. Silberman.

Membership of the General Advisory Committee, appointed by President Reagan in 1981 and confirmed by the U.S. Senate.

[Unclassified]

TASKING OF GENERAL ADVISORY COMMITTEE ON ARMS CONTROL AND DISARMAMENT

November 19, 1982 meeting with the President.

Committee asked to review arms control: verification, compliance, lessons for future agreements.

Tasking instruction for the committee.

[Unclassified]

A QUARTER CENTURY OF SOVIET COMPLIANCE PRACTICES UNDER ARMS CONTROL COMMITMENTS

Review of Soviet commitments and practices: 1958-1983—(I) Approach; (II) Products; (III) Definitions and Criteria; (IV) Key findings; (V) Recommendations; (VI) Further issues.

Table of Contents for the GAC Report.

[Unclassified]

I. APPROACH FOR THE REVIEW

Committee performed an independent review:

All Soviet arms control obligations since WW-II; Previous studies; United States documentation; Soviet Union documentation; Community-wide support; Briefings by a wide range of officials; Use of outside experts; and Limited cross-checking of information.

Process by which the committee reached its conclusions; They studied all relevant U.S. and Soviet documents, had access to all levels of government, were briefed by a wide range of officials and experts inside and outside the government, and cross-checked their information as thoroughly as possible.

[Unclassified]

II. PRODUCTS OF THE REVIEW

Report: A quarter century of Soviet compliance practices under arms control commitments: 1958-1983.

Letter to the President containing recommendations.

Summary briefing.

The three elements of the full GAC review of Soviet Violations are: 1) The report itself in two volumes; Vol. 1—275 pages, classified TOP SECRET, Codeword; and Vol. 2—7 pages, classified SECRET. 2) A letter of recommendations delivered to President Reagan as long ago as Nov. 1983. 3) A summary briefing, built around these classified and unclassified slides.

[Unclassified]

III. DEFINITIONS AND CRITERIA

Material breaches of obligations—Violation of an agreement or treaty, Breach of a unilateral commitment, Circumvention defeating the object or purpose of a treaty.

Standards of confidence—high confidence—probable to certain, Reason for suspicion—lesser confidence in facts, law, or both.

Definitions used to establish a Soviet treaty violation, breach or circumvention. Two criteria were used to separate violations from suspicions of violations. If the evidence was probable or certain, the event was classed as a violation.

SOVIET BREACHES OF BINDING ARMS CONTROL OBLIGATIONS—HIGH CONFIDENCE IN RELIABILITY OF DATA INTERPRETATION

NON-SALT MATTERS

Soviet obligation, type of breach, Soviet action, dates:

Nuclear test moratorium; breach of unilateral commitment 1961-1962.

Offensive weapons in Cuba, breach of unilateral commitment, 1962.

Limited test ban treaty of 1963, violations, extra-territorial venting, 1965-present.

Offensive weapons in Cuba, breach of unilateral commitment, deploying nuclear missile type submarines in Cuban territorial waters, 1970-1974.

Biological weapons convention of 1972, violations, facilities expansion, biological munitions production, storage, transfer and use, 1972-present.

Geneva protocol of 1925, circumventions defeating object or purpose, transfer for first use of chemical weapons against nonparties, 1980-1982.

Montreux convention of 1936, violations, transit of Turkisk Straits by aircraft carriers, 1976-present.

Helsinki final act of 1975, violations, failure to notify before military exercises, 1981 Sept.-1983 June.

Conventional weapons convention of 1981, violations of customary international law, use of bloody-trap mines and incendiary devices against civilians in Afghanistan, 1981-1982.

Brezhnev's SS-20, Moratorium, breach of unilateral commitment, completion of launcher positions, 1982 March-1983 Dec.

These are the two most important charts. They enumerate and describe a total of 17 Soviet arms control treaty violations, including violations of the SALT treaties. These criteria were established by GAC for presenting its conclusions, and they are highly respected. The criteria express the GAC interpretation of the intelligence data and international law in each of the 17 cases of Soviet arms control treaty violations.

MATERIAL BREACHES OF SOVIET ARMS CONTROL COMMITMENTS

SALT MATTERS

Soviet obligation, type of breach, Soviet action, dates:

Interim SALT Agreement of 1972, circumvention defeating object or purpose, deployment of "Medium ICBM's—(SS-19 and SS-17), 1972-present.

Interim SALT Agreement, ABM Treaty and SALT II Treaty, violations, deliberate concealment activities impending verification, 1972-present.

ABM Treaty, violations, development and deployment of non-permanently fixed ABM radar contrary to article V (1) (common understanding C), 1975.

SALT I protocol, violations, deployment of modern submarines exceeding limit of 740 ballistic missile submarine launchers without dismantling other ICBM or SLBM launchers, 1976-1977.

SALT II Treaty, probable violations, probable continued "deployment" of SS-16 mobile ICBMs and launchers at Plesetsk, 1979-present.

SALT II Treaty, probable violations, testing of SS-X-25, a second new ICBM, contrary to article IV (9), 1983.

ABM Treaty, violation, construction of large non-peripheral radar, 1981-present.

[From the New York Times, Sept. 4, 1984]

STUDY OF SOVIET TREATY VIOLATIONS REVEALS DANGERS FOR U.S. SECURITY

(The New York Tribune has gained access to the most comprehensive report in 2 decades on Soviet arms pact violations. So potentially damaging are its contents to the proponents of detente and compromise on the side of the West, that the U.S. government thus far has refused to fully disclose the report.)

(By Albert L. Weeks)

In 1969, the Soviet Union established the Department for Strategic Deception (DSC) in the Kremlin, led by then-Marshal Nikolai Ogarkov, who now is chief of the general staff.

In the 14 years since the department was started, it systematically has subverted the arms control treaties between the United States and the Soviet Union, including the first and second Strategic Arms Limitation Treaties (SALT).

The highly classified report for President Reagan authored by his General Advisory Committee on Arms Control and Disarmament (GAC) document 17 material violations of arms control agreements by the Soviets. It also lists 10 more "suspicions" of material breaches. The report has been suppressed quietly, at least since November 1983, by members of Reagan's inner core of advisers, who apparently fear that disclosure would endanger what remains of "detente."

The GAC report, portions of which have been obtained by the New York Tribune, has been the subject of intense interest by administration defense analysts and government consultants, one of whom called the findings "of crucial significance for our nation's defenses."

Last week, a White House source said that National Security Adviser Robert McFarlane had won out over Reagan aides Michael Deaver and James Baker, with Secretary of State George Shultz and ranking CIA officers still arguing against disclosure, when Reagan finally decided to release a version of the report to Congress later this month.

If the White House does release a sanitized version of the GAC findings, Congress may finally stop clamoring for disclosure. Three separate amendments ordering the White House to release the report have been passed, two of them unanimously.

A carefully studied case in point raised by the GAC involves flagrant violations of the SALT I Interim Agreement and the 1972 Anti-Ballistic Missile (ABM) Treaty. In the former, following the signing of the Interim Agreement, the Soviets illegally deployed the SS-19 "heavy" Intercontinental Ballistic Missiles (ICBMs) they were building as the talks on the agreement continued. Secondly, by building a nationwide network of ABM management radar systems, the Kremlin has openly violated the 1972 treaty.

The supporters of disclosure within the White House and Congress believe Reagan would benefit politically in two ways by revealing the Soviet violations. First, disclosure dramatizes the fact that the Soviet Union has stalked out of arms-reduction talks three times in the last year. Second, the extent and nature of the violations are such that the disclosure of the GAC report and later post-GAC intelligence information about additional breaches of agreements would only demonstrate that the United States will have to take additional measures to guard its own security. This implies further defense expenditures, perhaps on a larger scale than was anticipated originally.

THREATEN U.S. SECURITY

The GAC report states that Society treaty circumventions:

Threaten U.S. capability to defend the Unites States against a nuclear first strike launched from the Soviet Union.

Allow a one-sided Soviet superiority along a number of military parameters, including both conventional and nuclear arms, and all three legs of the strategic U.S. "triad"—manned bombers, ground-based missiles, sea-based missiles.

Place the United States in a bind of unilateral compliance with U.S.-Soviet agreements, while the Soviets are left free to take advantage of U.S. compliance by tearing up the most sensitive as well as elastic parts of at least 2 dozen arms control agreements reached since 1957.

Supplement Soviet peace propaganda efforts, tailored to the above Soviet arms violations, to attempt to embarrass the United States with charges of "instigating the arms race," while, in fact, this country merely seeks to redress the growing imbalance resulting from Soviet violations.

Soviet propaganda often is echoed in the U.S. print and broadcast media—for example, when a network news Pentagon correspondent gives viewers the impression that it is the United States that makes the weapons innovations that are later only "copied" by the Soviets. GAC findings, and the timing of introduction of numerous Soviet weapons, prove that this perception of U.S. arms innovation is false.

Violate both SALT treaties by the deployment of brand new multi-warhead strategic missile, the SS-26 (larger than our proposed MX). Because of the power and accuracy of the SS-26, it represents a threat to our retaliatory land-based missile force of Minuteman IIIs.

Have allowed the Soviets to construct the intercontinental Backfire bomber, a plane, they insist cannot fly beyond their borders.

JAM VERIFICATION SIGNALS

By jamming signals for verifying treaty compliance (e.g., the ABM treaty of 1972), the Soviets may have succeeded partly in concealing further breaches of the ABM Treaty, breaches that informed sources say are under study at this moment by U.S. intelligence.

Despite Soviet interference with telemetry for checking compliance, the United States has discovered that the other side has developed a large supersonic submarine-launched cruise missile, which has been stealthily—and illegally—adapted to the hulls of a class of permitted Y-Class Soviet submarine.

Another discovery is the Soviet capability reload at concealed ABM sites, which constitutes a double violation, since only one ABM site per side is permitted. Taken together, reloading of the one and building of illegal additional sites constitute a blatant violation.

These revelations of violations and a statement by Soviet Foreign Minister Andrei Gromyko that neither the United States nor the Soviet Union has any "strict obligations to act in accordance with the [SALT] II Treaty," imply that the Kremlin may have had no intention of making even a show of abiding by SALT II. Neither the Soviet Union nor the United States ratified the SALT II treaty.

"WE CAN, BUT YOU CAN'T"

Instead, they threw down a gauntlet to the United States as if to say: "See, we're going ahead with our weapons programs and intend to gain superiority over you. But what can you do about it? Your legislators, your public will not stand for the large increases in defense expenditures necessary to keep up with us.

"Meanwhile, the world will see, by your revelations of our violations, that we are the wave of the future, the mightier of the two superpowers, as the United States begins to occupy second place."

Characteristically, Ogarkov told a group of U.S. congressmen visiting the Soviet Union 5 years ago: "We have superiority over you. You had better get used to it."

Ogarkov's threat is hammered home by the GAC report, which said that not only does the United States lack the long- or short-range strategy for deterring Soviet treaty violations, there are very few ways to counteract the violations.

Saying that quiet diplomacy via "special" channels has not inspired the Soviet Union to abide by its treaties, the report suggests that more formal government moves in the past have had some effect. Specifically, U.S. forthright action during the Cuban missile crisis, and reports supplied to the U.S. media about Soviet use of chemical weapons in Southeast Asia, "yellow rain," resolved both situations, at least temporarily.

A major concern raised by the GAC is that the violations listed may only represent the "tip of the iceberg," because other treaty violations probably have been necessary in order to carry out the known violations.

Reproductions of Slides Used in Secret Briefings— Joint Chiefs of Staff, Security-Oriented Congressmen and CIA Officials Heard Record of 25 Years of Soviet Treaty Violations

KEY FINDING NO. 1

Recurring pattern of Soviet violations since 1972:

Review includes events of 1958–1983:

25 arms control treaties of the USSR, 12 appear not to raise compliance concerns, 9 involve "material breaches."

4 material breaches of oral commitments of the 17 "material breaches": 7 involve SALT, 10 involve non-SALT commitments, 13 began in or after 1972 (SALT era).

10 further suspicions of "Material breach" considered unable to resolve; several could have major military significance.

This chart establishes two important new facts: The GAC found 17 material Soviet arms control breaches; and the GAC found 10 suspicions of material breaches—some having possible major military significance.

KEY FINDING NO.2

Soviets use deliberate deception in negotiations:

SALT I: Replacement of light SS-11 with "light" SS-19 ICBM.

SALT I: Encouragement of U.S. unilateral statement later rejected (stretch yankee submarines).

MBFR: Soviets have consistently underrepresented Warsaw Pact troop strength by over 200,000 men.

SALT II: Backfire bomber intercontinental capability denied.

This chart lists four examples of Soviet deceptions in arms control negotiations. In the first case, the Soviets told the U.S. that they did not intend to replace light ICBMs with heavy ICBMs. This was prohibited by the SALT I Interim Agreement (Article II). Yet, they replaced their light SS-11 ICBMs with their new SS-19 ICBMs, which they knew to be a "heavy" ICBM.

Secondly, they accepted a U.S. unilateral statement that old missile submarines to be converted to non-missile uses could not be made longer, or could not have missile tubes sticking out of their hulls. The Soviets then went on to violate this U.S. unilateral statement—their apparent acceptance of which seemed to bind them—in both ways.

Third, the Soviets have continuously lied about their troop strength in the Mutual

Balanced Force Reduction negotiations since 1973.

Fourth, the Soviet leaders denied that their Backfire bomber had intercontinental capability, when in fact it does have such capability.

KEY FINDING NO. 3

Soviets sign and ratify arms control treaties they are planning to violate.

Biological weapons convention (ratified).

Soviets expanded BW facilities—1972-1975.

SALT II (signed):

Soviets falsified SALT II data base—SS-16s at Plesetsk.

Other examples of the Soviets signing an arms control agreement they were planning to violate are the SALT I Interim Agreement, by deploying illegally their SS-19 heavy ICBM, and the SALT I ABM Treaty, by deploying an illegal nationwide network of ABM management radars.

KEY FINDING NO. 4

Soviet concealment and deception increasing.

Impedes verification, encryption, concealment, deception.

Centrally managed Soviet program.

This chart says the Soviet concealment and deception program violates SALT I and II, because it constitutes deliberate interference with U.S. National Technical Means of SALT Verification—interference prohibited by SALT I and II.

KEY FINDING NO. 5

Private diplomacy insufficient to restore compliance.

Standing consultative commission.

High level demarches.

But some U.S. actions have been effective.

Resolved Cuban missile crisis: military measures, public information, diplomatic protests.

Striking reduction or halt in use of lethal chemical weapons, public information, U.N. investigation, involvement of allies and neutral countries.

Although private diplomacy has failed to force Soviet compliance with treaties, government action via the military, the foreign service and public information campaigns resolved the Cuban missile crisis and convinced the Soviets to restrict their use of chemical warfare, such as with "yellow rain" in Asia.

KEY FINDING NO. 6

No U.S. long-range strategy to deter Soviet violations.

U.S. verification capability necessary but not sufficient.

U.S. options often planned "after the fact."

U.S. left with few options.

The U.S. has no long or short range strategy to deter Soviet violations and very few options to counteract them.

FURTHER SIGNIFICANCE OF RECENT SOVIET BREACHES

The Soviet breaches since SALT II appear to have several peculiar properties:

Initiated at about the time of SALT II agreement.

Done in a fashion which should have at least caused U.S. suspicion.

Some of the apparent advantages gained by the recent breaches could have been obtained by "legal" means.

In the opinion of the committee, a reasonable interpretation of some of the Soviet breaches, including part of their concealment and deception program, is that they are measures to test: U.S. intelligence capabilities; U.S. political processes related to arms control.

These breaches and the expanding Soviet national concealment and deception program may have been a preparation or a cover for more intensive violations taking place now or to take place in the future.

The most significant point on this chart is that the 17 Soviet violations described in the GAC report are the known, visible "tip of the iceberg," beneath which there may be a whole series of unknown or even more serious violations.

SOVIET CONCEALMENT AND DECEPTION PROGRAM

Establishment of KGB disinformation department, 1959.

Establishment of ministry of defense department, 1970 for Marshal (then general) N.V. Ogarkov, later became senior military member of SALT I delegation; now chief of the general staff.

Large increase in program since SALT I.

Program includes both weapon systems constrained by arms control and those not constrained: Concealment of weapons and facilities; deceptive construction and decoys; information security (encryption, telemetry suppression, etc.); may also include dual purpose covers: Submarine tunnels for both hardness and concealment.

This chart describes the Soviet Union's centrally managed program of concealment and deception. It omits the fact that in 1970 the Kremlin's Ministry of Defense established a Department for Strategic Deception (dot with blank space after it) headed by Soviet Marshal N.V. Ogarkov.

COVER AND DECEPTION QUESTIONS

The Soviets have used concealment and deception in connection with breaches of SALT agreements.

Examples: Maintenance of SS-16 and testing of SS-X-25.

Are they planning to cover more extensive violations?

Are they presently conducting more extensive violations?

Further examples of Soviet concealment in connection with breaches of SALT agreements. Examples not listed include: Construction of submarine tunnels; SS-20 concealment; SS-X-24 testing.

[From the New York Times, Sept. 5, 1984]

ARMS TALKS—WHAT ARE THE RISKS FOR THE UNITED STATES? STUDY SHOWS SOVIET RECORD OF TREATY VIOLATIONS

(By Albert L. Weeks)

(The New York Tribune has gained access to the most comprehensive report in 2 decades on Soviet arms pact violations. So potentially damaging is its content to the proponents of detente and compromise in the West that the U.S. government thus far has refused to fully disclose the findings, This series is based on the report; the slides published on page 4A are from a secret briefing on its contents.)

Given the breadth of Soviet violations of arms agreements with the United States over the past 25 years, does it make sense to negotiate with the Soviets on security matters? Indeed, is it safe for the United States to do so, given what one defense analyst calls the "dangerous" disadvantage into which the United States has fallen via wholesale Soviet circumventions of the ABM Treaty, SALT I and II, nuclear testing and conventional-arms treaties going back to 1958?

While it may be true that the United States is in the process of catching up with the Soviets—after years of putting faith in such treaties and Soviet willingness to scale down the arms race—there is no guarantee that the Soviets will desist in their ongoing program to stay ahead. Moreover, 10 possible arms-pact violations by the Soviets so far this year are now under study by U.S. intelligence. That's 10 more than the 17 cited in the classified report to President Reagan of November 1983 from his General Advisory Committee on Arms Control and Disarmament (GAC).

During the 1960s, Nikita Khrushchev hinted at a pattern of violations planned by the Soviets more than a decade prior to detent and the ABM and SALT I and II agreements. Violations of a variety of other treaties relating to nuclar testing and deploying offensive missiles in Cuba also date back to the Khrushchev years (1959-64). Taken together, they suggest that the Kremlin's decision to use deception against security agreements with the United States is longstanding.

In two major speeches delivered by Khrushchev in 1960 and 1961, the Soviet leader explicitly revealed that the Soviet Union would in the future conceal extra missiles and warheads, "dispersing and camouflaging them well." Khrushchev told the Supreme Soviet on Jan. 14, 1960: "We are developing such a system [of backup missiles] so that if some means of retaliation [on the Soviet side] were knocked out, we could always fall back on others and strike the enemy from reserve installations."

The *Penkovsky Papers*, revealed to the West by military intelligence officer Col. Oleg Penkovsky at the same time as the Khrushchev speech, showed that the Soviets intended to establish the means to shoot down incoming U.S. missiles. The Soviet Union, indeed, deployed the first such ABM system, the "Galosh," before the United States deployed the "Safeguard" ABM, which turned out to be superior to the Soviet system. Once Safeguard was operational, Moscow suddenly suggested abandoning the ABM concept in favor of the U.S.-proposed "MAD" (Mutual Assured Destruction) strategy providing nearly total dismantlement of all ABM sites, actual or intended.

Conceived by Kennedy-Johnson administration non-military-specialist advisers, clustered around Defense Secretary Robert McNamara, MAD was predicated on the assumption that the Soviets would uphold whatever treaties they might sign. While the United States dismantled all ABM sites, the Soviets, relying on professional-military advice, stepped up development of their own ABM, while retaining the option—declined by the United States—of maintaining a functioning ABM site near Moscow.

Meanwhile, under Marshal Nikolai Ogarkov—later to become Leonid Brezhnev's chief of the General Staff after earlier having been promoted by Brezhnev to Moscow Center to head up the Chief Directorate for Strategic Deception in 1968-69—the Soviet Union embarked on the ruse of signing the 1972 ABM Treaty and SALT I-II. By these agreements, concluded in various installments during the administraitons of Presidents Nixon, Ford and Carter, the Soviets sought to gain significant advantages in strategic arms, offensive and defensive (ABM).

CONCERTED VIOLATIONS

The contents of the GAC report, and intelligence information collated since November 1983 and since the president's own partial revelations in January, show a shocking picture of concerted Soviet violations. The circumventions, according to informed defense analysts, significantly threaten U.S. security at the present time.

Congress has passed three amendments instructing the president to report to Congress on Soviet treaty violations, but none have yet to take effect. Last week, the White House reportedly settled on a mid-September date for a partial disclosure to Congress.

As long as the full extent of the violations is kept from public view, many congressmen and the public at large may continue to press for action on the arms control negotiations, which the Soviets have walked out on three times in the past year alone.

Public opinion polls steadily indicate that this is what the public wants. However, were the facts in the GAC report alone known to the public, opinion might veer away from trusting the Soviets in living up to a whole range of new arms agreements, conventional and nuclear, since their record is one of deception, according to the GAC.

POINTS TO CONSIDER

As a bare minimum, some defense analysts suggest, the two superpowers might agree solely to work on agreements that pertain to:

Defusing potentially dangerous situations that could escalate into full-scale nuclear war—i.e., broadening that part of the SALT I Treaty pertaining to each side keeping the other informed of its policy in crisis situations affecting third parties, while showing a readiness to take measures to defuse those crises pergnant with the danger of nuclear war.

Improving such emergency communications links as the Hot Line, which actually was upgraded this spring.

Compliance in the area of unimpaired telemetry (heretofore U.S. telemetry has been impaired by Soviet jamming, encryption, etc.) so that a viable check on Soviet testing can be maintained. In the past, the Soviets have stopped such blocking of U.S. monitoring systems, when confronted with proof, only to begin new ones when the opportunity to test new, prohibited equipment presented itself.

"Very extensive and nationally controlled" Soviet concealment and deception (see accompanying GAC briefing chart). This deception must be publicly raised with the Soviets; if the violations continue, the American public must be informed and countermeasures taken to overcome any Soviet advantage accruing from the discovered violation.

The United States, the GAC report recommends, must deny the Soviets the "benefit of the doubt." Washington will have to assume, as Khrushchev himself stated, that the Soviets will build—if they haven't already—a number of fallback (or "redundant") systems; that they will go ahead with ABM, despite the 1972 treaty; and, that they will complete an already underway "High Frontier," or "Star Wars" defense system.

The U.S. public will have to face the likelihood that truly convincing verification has definite limitations, that missiles (as long as a Pullman car) and warheads (as tall as a man) can be concealed quite easily, even from on-site inspector—a process which the Soviets, in any event, refuse to allow—and that high-flying photo-recon satellites, for all their photographic sharpness, cannot penetrate shrouds and roofs of a size sufficient to cover missiles and warheads.

SOVIETS SEEK SUPERIORITY

The American public will have to be informed that the Soviet Union, as it has consistently maintained in its own past *and current* military literature, actively seeks superiority; not "parity" as it has alleged since the days of detente, over the United States across the whole range of conventional and nuclear military forces.

Significantly, in recent weeks, as if to *advertise* the advantage of such pursuit of superiority, the Soviets have resorted to publicizing their military-testing accomplishments. SALT weapons counts—the tallies of the two superpowers' nuclear arsenals in 1972 and 1979—are bound to show mounting Soviet military strength. This, too, plays into Soviet hands.

Such advertisements of military power were used in the past by Hitler to intimidate all potential interferers with the Nazis' pursuit of world domination. Soviet propaganda aims to show the world that the United States is not the No. 1 military power any longer. Were this perception to sink in, with regard both to world public opinion and among Americans, there is no telling what intimidatory "psych-war" effect this perception might have on the United States, its allies, and what remains of the truly "nonaligned" world.

CASE FOR DISCLOSURE

Bearing all this in mind, the case for full disclosure to the U.S. public of the litany of Soviet violations of arms control agreements is strong for the following reasons:

The necessity for U.S. development and deployment of defensive weapons systems becomes documented for public (and congressional) consumption and support.

By confronting the Soviets on their record, the United States demonstrates to the potential enemy that U.S. determination to meet the Soviet challenge is strong and unflagging.

President Reagan, whether campaigning for re-election or beginning his second term, would be strengthened in his bipartisan effort to build a national consensus around the need to effectively confront and counter the Soviet military threat—an effort that a full breasted airing of the violations buttresses.

REAGAN AIDE: UNITED STATES HAS NO POLICY ON VIOLATIONS

WASHINGTON, Sept. 4.—A Reagan arms adviser has accused the administration of having no policy to deal with Soviet arms treaty violations and says Washington should scrap existing agreements unless Moscow's behavior changes.

Colin Gray, a leading weapons expert and a member of Reagan's General Advisory Committee on Arms Control, wrote in the upcoming issue of Foreign Policy that the United States has unambiguous evidence of Soviet cheating.

"No one who saw the complete technical evidence amassed could doubt that the violations are so significant as to call into question the very notion that the superpowers retain enough common interests in arms control to warrant continuing negotiations," Gray said.

But he said, having publicly accused Moscow of cheating, the administration "seems to have exhausted its level of courage and consensus."

Reagan last January sent Congress a report accusing the Soviet Union of seven violations or probable violations of the 1972 Anti-Ballistic Missile (ABM) treaty, the 1979 Strategic Arms Limitation Treaty (SALT II) and other agreements.

An unclassified version of the report was made public.

But Gray, who heads the private National Institute for Public Policy, said the administration, like its predecessors, "has no policy on what to do about Soviet treaty violations."

Saying this was due in part to "deep splits" between arms control supporters and hard-liners, he said the administration should tell the American people "that Soviet misbehavior has cast doubt on the wisdom of persisting in arms control."

"At the very least, the United States should be prepared to declare that if Soviet behavior does not change, Washington will no longer abide by the restrictions of SALT II and the ABM treaty," he said.

He said the advisory panel of which he is a member has prepared an even stronger case for Soviet violations than Reagan's report last January.

Gray said the committee's study has not been sent to Congress and administration officials remain reluctant to elaborate on the violations listed in the January report.

As a result, he said, Moscow sees no reason to comply with the 1972 and 1979 agreements and it "continues to modernize its forces across the board in disregard of both pacts."

Gray said the United States "has no business negotiating new arms control agreements unless it has a responsible policy to deal with Soviet cheating on existing agreements."

"To cave in meekly to persisting Soviet violations for fear of accelerating the arms race would constitute a policy of appeasement."

[From the New York Times, Sept. 5, 1984]

REPRODUCTIONS OF SLIDES USED IN CLASSIFIED BRIEFINGS: PART III

Joint Chiefs of Staff, security-oriented congressmen and CIA officials heard record of 25 years of Soviet treaty violations

EXAMPLE OF VIOLATIONS WITH POSSIBLE BROAD MILITARY SIGNIFICANCE—SOVIET OFFENSIVE FORCES

Soviets appear to have requirement for large secure stratigic reserve force:

U.S. missile accuracy improvements will eventually threaten silo-based reserve.

Three possible Soviet solutions may involve violations:

Mobile missiles:

Two probable violations connected with mobiles (SS-16 and SS-X-25).

Large concealment and deception program connected with SS-20.

Soviets may intend to conceal mobile ICBM in SS-20 force.

Extra stored missile—activated when needed.

Several suspicious events.

Extra force levels.

Large concealment and deception program for submarines.

Soviet concealment and deception program reducing U.S. ability to assess that strategic strength.

EXAMPLE OF VIOLATIONS WITH POSSIBLE BROAD MILITARY SIGNIFICANCE—SOVIET DEFENSE FORCES

Large Soviet air defense system being maintained, improved needs anti-ballistic missile complement to be effective.

Soviet arms control violations and suspicious actions include:

Expansion and improvement of large fixed radar network with:

One radar that violates ABM Treaty.

Rapid relocation of a "flat twin" ABM radar.

Also in violation of ABM Treaty.

Use of air defense system components at ABT test range:

A suspicious activity periodically occurring since 1973.

A possible violation of ABM Treaty.

Soviet actions are consistent with:

An ABM "Breakout" capability.

Covert use of air defense systems to enhance a ABM capability.

U.S. ballistic missile requirements sensitive to Soviet ABM capability.

(Examples of violations with possible military significance involving both Soviet offensive and defensive forces.)

(The last 9 of the 29 slides used to illustrate briefings on the GAC report are shown here.)

POTENTIAL IMPACTS OF SOVIET BW/CW PROGRAM

Soviets have apparently developed a wide spectrum of CW and BW weapons:

"Tailored" use:

Some for direct attack on personnel.

Some for extended area denial.

Etc.

Government of China view Soviet capability as sub-nuclear option against CPR.

West has inadequate capability to respond in kind.

Smaller nations becoming interested in obtaining CW capability.

Iraq may be only one example.

Soviet program now seems to be pursuing genetic engineering for new agents:

New, unique agents possible.

West may remain ignorant of their properties.

Potential serious consequences.

This chart describes the dangers of the Soviet Biological Warfare (BW) and Chemical Warfare (CW) program. The Chinese People's Republic (CPR) is especially concerned that the Soviet Union might opt for CWBW Warfare against it, rather risk nuclear warfare.

STANDARDS OF PROOF

Beyond a reasonable doubt.

Unrealistic criteria for arms control.

Unlikely to be possible in most cases no police or judicial authority.

Suspected party controls the evidence.

Should supply data to show innocence.

U.S. attempted to obtain such data in SS-X-25, SS-16 and TTB cases—failed.

Soviets used concealment in SS-X-25 and SS-16.

SS-X-25—Encription

SS-16—Equipment under roofs when U.S. intelligence platforms near; snow tracks show activity at other times.

If Soviets use concealment:

Should deny them benefit of the doubt.

Soviet concealment and deception increasing through SALT process: now very extensive and nationally controlled.

This chart describes the standards of proof of Soviet arms control violations used in the GAC Report. It concludes that Soviet concealment strongly suggests that the activities being concealed by the Soviets are violations.

IV. FINDINGS AGREEMENTS WITHOUT COMPLIANCE PROBLEMS

Accident avoidance:

Direct communications link/hot line agreement of 1983, amended 1971.

USSR-U.S. accidents agreements of 1971 (I inadvertent violation).

USSR-United Kingdom accidents agreement of 1973.

USSR-France accidents agreement of 1976.

Nonproliferation:

Nonproliferation Treaty of 1968.

Guidelines for nuclear transfers, IAEA INFCIRC/209 of 1974.

Guidelines for member transfers, IAEA INFCIRC/254 of 1978.

Convention on the physical protection of nuclear material, USSR ratification 1983.

Other:

Antarctic Treaty of 1959.

Outer space treaty of 1967.

Seabed Treaty of 1971.

Convention on environmental modification of 1977.

There are some international agreements that the GAC committee decided the Soviets have complied with.

AVAILABLE SOVIET MOVEMENT TOWARD COMPLIANCE

Soviets have many opportunities to improve their compliance:

Terminate arms control related cover and deception activities.

Dismantle Abaloakovo radar.

Terminate flat twin development.

Cease using air-defense equipment during missile flights.

Build down SS-19 to Pre-SALT I throw weight levels.

Destroy SS-16 facilities and equipment.

Terminate development of SS-X-25 (PL5).

Dismantle 36 European SS-20 launch facilities.

Destroy BW facilities and weapons.

Improve nuclear test containment.

Declare AS-3 (Kangaroo) as long range cruise missile.

Correct MBER Warsaw Pact force levels.

Notify United Nations of all space-launches.

Move aircraft carrier activity from Black Sea.

The basic message of this chart is that the Soviets must give up their strategic superiority over the United States—gained by their SALT violations—in order to come into compliance with the SALT treaties.

Restated, the Soviets have gained overwhelming strategic superiority over the United States through their SALT violations, and they thus will be very reluctant to correct these violations.

OBSERVATIONS: U.S. APPROACH TO VERIFICATION AND COMPLIANCE

U.S. verification capabilities usually predicated upon Soviet procedures remaining relatively constant.

Unlikely in case of deceptive violation.

U.S. reconnaissance capability not omniscient.

Record of Soviet behavior suggests need for more skepticism.

The GAC report observes that the U.S. attitude toward verification has tended to be too optimistic, too ready to disbelieve Stalin's instructions to his diplomats: "Words are one thing, actions another."

SOVIET CONDUCT WITH RESPECT TO ARMS CONTROL COMMITMENTS IN FORCE, 1958-83

(Chronological distribution of 17 material breaches)

Breaches initiated in period 1958-1971

Nuclear test moratorium of 1958-1961	1961-IC
Offensive weapons in Cuba	1962-IC
Limited test ban treaty of 1963	1965-T
Offensive weapons in Cuba	1970-74-IC

Breaches initiated in period 1972-1978

Biological Weapons Convention of 1972	1972-T
Geneva Protocol of 1925	1975-T
Montreux Convention of 1936	1976-T
SALT I and ABM Treaty: Cover and deception	1972-T
Interim agreement of 1972, SALT I, excess ballistic missile launchers	1976-T
ABM Treaty of 1972 movable radar	1975-T

Breaches initiated in period 1979-1983

Helsinki Final Act of 1975	1981-T
Conventional Weapons Convention of 1981	1981-T
Brezhnev Moratorium of 1982 SS-20s	1982-IC
SALT II Treaty of 1979 CCD	1979-T
SALT II Treaty of 1979 SS-16 launchers	1979-T
SALT II Treaty of 1979 PL4/PL5 new type ICBMs	1983-T
ABM Treaty of 1972 non-peripheral radar	1981-T

IC—International commitment.
T—Treaty or other agreement.

COMPARISON OF REPORTS

Case

1a. Biological Warfare Convention.
1b. Geneva Protocol (C.W.)
2. Helsinki Final Act.
3. Krasnoyarsk radar.
4. SALT I and II nonconcealment provisions.
5. SS-X-25.
6. SS-18.
7. Threshold Test Ban Treaty.

Report to Congress

Violations:

Violation of obligations under customary international laws as ratified by protocol.

Violation of political commitment.

Almost certainly violation.

Encryption of missile telemetry—a violation.

Ambiguous but probable violation.

Ambiguous but probably violation.

Likely violation.

GAC's report

Violations:

Circumvention defeating object and purpose of protocol.

Violation.

Violation.

Concealment and deception program, including encryption, violation.

Probable violation (high confidence).

Probable violation (high confidence).

Suspicion of violation.

This chart compares President Reagan's unclassified Report to Congress of Jan. 23, 1984, on seven Soviet arms control violations, with the GAC Report treatment of the same seven Soviet violations. In three cases—numbers 3, 5, and 6—the GAC report's conclusions are stronger than the president's report.

[From the Washington Post, Sept. 5, 1984]

REAGAN ADVISED TO CITE ARMS DATA

A top adviser has called on President Reagan to share with Congress and the public evidence that the Soviet Union is engaged in widespread violations of arms-control agreements with the United States.

Colin S. Gray, member of the president's General Advisory Committee on Arms Control and Disarmament, says the evidence gathered for two classified studies challenges "the very notion that the superpowers retain enough common interest in arms control to warrant continuing negotiations."

The studies led to a report by the administration to Congress in January accusing the Soviets of seven violations or probable violations of arms-control and other agreements with the United States. The evidence was not released. The Soviets responded that the accusations were "preposterous" and charged that the United States had violated arms treaties.

Gray, writing in the current issue of Foreign Policy magazine, says that after submitting the report, the administration "seems to have exhausted its level of courage and consensus."

Gray urged Reagan to make a public commitment to give the Soviet Union "a last clear chance" to show that the alleged violations have stopped and will not recur. Otherwise, Gray said, the president should announce that the United States will withdraw from the treaties it believes are being violated.

Gray is president of the National Institute for Public Policy, a private research group in Fairfax, and a former deputy director of the International Institute for Strategic Studies in London. A note accompanying his article said the views in it "do not necessarily reflect those of the administration."

Gray said some of the evidence is too technical to be widely understood and sources should be protected.

Since Reagan's report to Congress, Gray said, the advisory panel has completed a historical study of Soviet behavior that provides "strong support" for the government's case against the Soviets.

Yet, Gray said, the study has not been forwarded to the full Congress.

He said the Soviets were continuing to modernize their forces in disregard of both the 1972 Anti-Ballistic Missile Treaty and the 1979 Strategic Arms Limitation Treaty. The first was ratified by Congress; the second is being observed voluntarily by the administration.

Gray proposed the removal of some of the "constraints" of the 1972 treaty "to permit America to compete effectively in the strategic defense field."

[From the Wall Street Journal, Sept. 8, 1984]

PANDERING TO PUBLIC ON ARMS RACE WON'T WASH

(By Kenneth H. Adelman)

'Tis the season for some political "leaders" to lead by scurrying ahead of where they believe the public is marching. But beware: On the vital issues of arms control and U.S.-Soviet negotiations the public is far more sophisticated than is generally thought.

In a nutshell, the American people hold several strong but somewhat contrasting views, as is appropriate given the complexities of the real world. They deeply want arms control but overwhelmingly believe the Soviets violate such agreements; they want the U.S. government to stand up to the Soviets but also to sit down with them in negotiations; and they support a strong defense but believe military spending is a heavy burden.

This is no simple-minded public that can be mollified, much less satisfied, by energetic advocacy of a nuclear freeze. Polls show strong public backing for the idea of a freeze—such as 72% (Gallup, May 1981) and 83% (NBC, May 1982). But the polls also disclose that such staunch support transforms into staunch opposition when a freeze is placed in a realistic context. For example, CBS/New York Times found in May 1982 that a nuclear freeze supported by 72% was opposed by 71% when it was assumed that Soviet cheating could not be detected (which, I might add, would be the case). Similarly, a freeze was opposed by 60% when assumed that it would end up with the Soviet Union having "somewhat greater nuclear strength than the U.S.," and by 67% if the U.S. "would have to freeze its weapons first in order to get the Soviet Union to agree to freeze its nuclear weapons."

Looked at another way, an April 1984 poll for the Committee on the Present Danger (CPD) shows that 59% of the American people believe that the Soviets would not be willing to negotiate a freeze at equal levels of weapons, 71% say the Soviets can't be trusted to honor a freeze agreement and 62% believe that the Soviets were using the nuclear-freeze issue "to try to gain a permanent advantage over the U.S."

Polls also show strong public support for arms-control talks and agreements generally. It is not surprising that in 1979 Harris found 85% agreeing that "it is vital for the two countries to reach an agreement to limit nuclear arms." Recent polling by the Atlantic Institute (April 1984) reveals that the desire for arms-control negotiations with the Soviets has risen appreciably over the past two years or so.

That general support, however, is tempered when it butts up against real-world considerations such as verification and equality. Earlier this year, the CPD-sponsored poll found that 76% placed verification—confidence in or detecting Soviet cheating—as "very important" in any arms-control accord. About 70% believed that the Soviet Union is currently "violating existing nuclear arms control agreement." Only one in eight Americans thought the Soviets were adhering to such agreements. In short, the public overwhelmingly believes the Soviets cheat in this critical realm.

Nonetheless, the need to control nuclear weapons and to come to terms with the Soviet Union have remained constant parts of the post-war American psyche. Awareness of the horror of nuclear weapons use did not spring up suddently sinced 1951, as some administration critics would have it. Early in the 1950s the prospect that another world war would involve atomic weapons used against the U.S. was widely perceived and feared. In 1958 a Gallup poll found that the public expected 70% of the U.S. population would die in a nuclear war.

Such a reasonable fear has, however, not led the American people into the unreasonable advocacy of " no nukes." On the contrary, the public has widely grasped the deterrent role of nuclear weapons in helping keep the peace. In an April 1954 Gallup poll, more than half (54%) believed that the hydrogen bomb made another world war less likely. In a 1982 ABC/Washington Post poll, more than half (55%) stood against the U.S. declaring "no first use" of nuclear weapons.

While appreciating such key factors providing for post-war security and supporting U.S. strategic doctrine, the American public has strongly favored negotiation with the Soviets. This was true even during the early chilly days of the Cold War. In April 1948, in the wake of the Soviets imposing a communist government in previously democratic Czechoslovakia, a Gallup poll found that 63% of a national sample thought it would be a good idea for President Truman to "call an international meeting with Stalin and heads of other nations to work out more effective plans for peace." But here too, only about 40% of those who favored such a conference had confidence in its success; more than a third thought it would fail.

Clearly, the American people want their government to stand up to the Soviets even as it sits down with them for serious negotiations. In late 1982, 84% of those who attached importance to the need to match Soviet military power also favored negotiations (Chicago Council on Foreign Relations, November/December 1982). Most Americans now support the U.S. maintaining "a firm attitude backed by military strength" in attempting to achieve an arms-control agreement with the Soviets, rather than seeking a "breakthrough by taking the initiative in making some arms reductions" (Gallup, April 1984).

The Reagan administration's approach to arms control is right on key with these public views. The administration's policy combines the two tracks of maintaining military balance while pursuing dialogue, standing tall while being willing to sit down and do business.

A hallmark of that policy—the business we wish to do—is to reduce nuclear weapons. As the public correctly senses, nuclear arsenals are far too big on both sides. So instead of merely freezing nuclear weapons at their all-too-high current levels, and locking in Soviet advantages that threaten stability in the nuclear balance, the president seeks deep reductions in the nuclear forces of both sides. This must be done, of course, down to equal levels and with effective verification—again the public's real concerns.

Unfortunately, the Soviets last year walked out of the intermediate-range nuclear-arms talks and suspended the strategic-nuclear-arms talks. They did so, quite simply, because the West would not allow itself to be intimidated into giving up or accepting a lopsided intermediate-range arms agreement. The Reagan administration will continue to take every reasonable step to help show the Soviets that it is in both sides' interests to reduce to equal and more stable levels.

Poll data continue to show that the American people's instincts on arms control are sound and insightful. They should not be affronted by simple-minded political pandering. When faced with the facts and asked the right questions, they are pretty much on key. Don't sell them short.

(Mr. Adelman is director of the Arms Control and Disarmament Agency.)

[From the Wall Street Journal, Sept. 5, 1984]

SPOTTING SOVIET STRATEGIC ADVANCES

(By Willian Kucewicz)

During the 1980 presidential campaign, candidate Ronald Reagan promised to close the "window of vulnerability" created by the Soviet Union's massive arms buildup of the 1970s and our own lax response. Today, despite President Reagan's substantial increase in defense spending, that "window of vulnerability" hasn't closed. In fact, it is opening even wider.

Several recent Soviet breakthroughs in high-technology military armaments, currently worrying U.S. intelligence and military officials, go beyond anything the U.S. now has in its arsenal or plans to produce anytime soon. Indeed, such new Soviet weaponry soon could endanger all three legs of our strategic triad for the first time.

These new Soviet threats loom so large that any talk of defense cuts during this year's election campaign is not only ill-informed but dangerous to Western security.

The perilous Soviet developments range from a quantum increase in the size of the U.S.S.R. intercontinental ballistic missile (ICBM) force, to supersonic cruise missiles, to space-based radar capable of detecting our nuclear-armed submarines at sea—the one leg of our triad previously thought to be invulnerable.

The SS-20 missile. The Soviets are preparing to target some of these supposed "intermediate range" missiles on the continental U.S., making them a new ICBM.

On April 2, 1984, six SS-20 missiles were test fired from the Yurga missile complex near Kirov in the western Soviet Union on a trajectory over the North Pole toward the U.S. The missiles, carrying dummy warheads, were destroyed in flight over the polar regions of the Barents Sea.

IMPENDING FUNDAMENTAL SHIFT

The launches marked the first time the Soviets have tested the SS-20—until now viewed as solely a threat to Western Europe and the Far East—on an azimuth directed at the continental U.S.

The SS-20 tests, first reported in the Heritage Foundation's "National Security Record" and independently confirmed by The Wall Street Journal, signal an impending fundamental shift in the balance of strategic forces between the U.S. and the U.S.S.R. intelligence data about the telemetry of the SS-20 tests indicate that by lightening the warhead load, the Soviets have increased the missile's range beyond the 5,500-kilometer threshold defined by SALT as an ICBM. Previously, the Soviets had maintained that the missile's range was a convenient 500 kilometers shy of that limit. In light of the April test firings, the SS-20 no longer can be viewed as just an intermediate-range missile threatening Europe and Asia—an interpretation the Russians have encouraged—but as a potential ICBM capable of hitting the U.S. mainland.

Not only have the majority of U.S. intelligence analysts heretofore underestimated the range of the SS-20, but they also have played down the number of these missiles being produced and deployed by the Soviet Union. The latest official U.S. statements cite 376 deployed SS-20s. In fact, the number of completed SS-20 launchers currently stands at 400, with another 20 under construction—nearly double the number deployed when President Reagan took office.

The number of launchers, however, tells only part of the story. The SS-20 missile is a two-stage, solid-fuel rocket, capable of carrying up to three warheads. It is launched from a relatively small, mobile platform that can be moved along most roads and, because of its size and mobility, is easy to conceal from U.S. reconnaissance satellites. Moreover, each launcher can handle more than one missile; it can be reloaded with additional missiles like bullets in a rifle.

Indeed, current U.S. intelligence data about the Soviet Union's SS-20 missile-production facilities indicate that the Soviets plan to deploy at least five reloads per launcher, in addition to the launcher's initial missile. In total, the Soviets are now preparing to deploy about 2,520 SS-20 missiles, carrying as many as 7,560 warheads targeted at Western Europe, the Far East and the U.S. That's a far cry from the planned U.S. deployment in Europe of 464 cruise missiles and 108 Pershing IIs, each carrying only one warhead, intended to counterbalance the SS-20 threat.

Soviet cruise missiles. The U.S. thus far has enjoyed a monopoly on these high-technology, drone aircraft, which can evade standard radar detection and hit a target with a high degree of accuracy due to computerized, terrain-mapping guidance systems. The U.S. advantage is not only coming to an end, the Soviets also are developing and deploying cruise missiles that may eclipse our own.

The Soviets are developing five different types of cruise missile. The sea-launched SS-X-21, now operational, is small enough to be fired from standard Soviet torpedo tubes; the SS-N-21 is now being deployed on the Victor III-class nuclear submarine. The ground-launched SSC-4 cruise missile is now being stationed in Warsaw Pact countries, in apparent response to NATO's intermediate-range missile buildup. The air-launched AS-X-15 is being tested on the Tu-95 Bear bomber and the new, long-range Blackjack bomber.

In addition to these three types of cruise missiles, which are similar to ones now being produced and deployed by the U.S., the Soviets are working on two other sea- and land-based versions for which the U.S. has no match. These new missiles would be supersonic, unlike the slow-moving U.S. models, and much larger, giving them the capability to travel longer distances and carry heavier payloads. Since late July, the Soviet press has bragged about the successful testing of the ground-launched version of this new cruise missile.

But it's the sea-launched version of this supersonic cruise missile that has the U.S. Air Force extremely worried. This Soviet missile apparently intended for deployment on the Soviet's stretched Yankee-class submarines stationed off the U.S. coast, potentially could destroy our Strategic Air Command bomber bases in the U.S. interior before many of our planes could get off the ground. Because of the cruise missile's low flight path, it can fly under standard radar and reach undetected into the heart of the U.S. in 30 to 45 minutes. By contrast, submarine-launched ballistic missiles, which can reach U.S. inland bases in six to eight minutes, would almost immediately be detected by U.S. radar because of the SLBMs' high trajectory.

Space-based radar. The Soviets are working on a new type of radar to be based in space or in high-altitude aircraft that could detect many of our nuclear-armed submarines at sea. It is called synthetic-aperture radar. One military expert called the Soviet program "the most significant strategic development in 10 years."

The radar apparently can detect a submerged submarine by discerning subtle effects on the water's surface, on water moving around the submarine and even in the color and radioactivity of plankton. The Soviets have been testing the radar from high-flying aircraft and from the Salyut 7 space station against their own submarines with considerable success. The Soviet radar is far more sophisticated than the U.S. acoustic detection techniques.

The Soviet space-based radar program may provide a clue as to why the Kremlin was so keen recently about beginning talks with the U.S. on an anti-satellite (ASAT) treaty, even though it had walked out of other arms-controlled talks. A U.S. ASAT program would be able to blind such new Soviet radar satellites and thus could help preserve U.S. submarines at sea. An ASAT treaty would effectively protect these Soviet "eyes" and thus endanger our own submarine deterrent.

A Defense Intelligence Agency report, quoted in the Pasha Publication's "Military Space" newsletter, says that the Soviet space-based radar effort "is a matter of concern because it demonstrates that the Soviets are determined to destroy all three legs of the U.S. deterrent Triad if they possibly can find the means to do so."

SITTING DUCKS

In sum, the U.S. strategic triad could become more vulnerable to a Soviet knockout strike than ever before. Our Minuteman ICBMs are already undefended against the Soviet Union's large, accurate ICBMs, and the Soviet effort to build a nationwide anti-ballistic-missile (ABM) system could reduce the retaliatory impact of any surviving Minutemen. Our bombers, which face the challenge of penetrating the best air-defense system in the world, could become vulnerable to attack while still on the ground from low-flying, supersonic cruise missiles. Our nuclear-armed submarines, half of which are in port at any given time and are therefore sitting ducks, could become victims of Soviet spacebased radar detection within a decade.

Given this growing Soviet threat, the U.S. must begin a diversified program to make our triad more survivable and capable of inflicting heavy retaliatory blows against the U.S.S.R. Strategic defense is one solution; an ABM system, or a "star wars" space-based defense, would significantly enhance the survivability of our forces on the ground. The production of a mobile, highly accurate ICBM like the Midgetman also would increase the credibility of our retaliatory response. Improved cruise missiles and Pershing IIs also would help counter the mounting Soviet cruise-missile threat.

Without such steps, the "window of vulnerability" will open even wider and the U.S. will be more at risk of a Soviet first-strike than ever before. When U.S. politicans during this year's election campaign argue over $100 hammers and defense cuts, the leaders in the Kremlin must be smiling.

(Mr. Kucewicz is a Journal editorial writer.)

[From the Washington Inquirer, Sept. 21, 1984]

REPORT CITES SOVIET CHEATING

(By Peter Samuel)

The controversial, still unpublished, U.S. report on Soviet treaty violations charges the Soviet Union with a "centrally managed program" of strategic deception and treaty evasion. The Russians are steadily increasing levels of "concealment and deception." New "material breaches" of treaties are occurring an average of twice a year in the 1980s, compared to once annually in the 1970s and once every three years in the 1960s.

This sensational report says many breaches have "military significance" and that the increasing Soviet concealment of strategic systems "may have been a preparation or cover for more extensive violations." It says the Russians "sign and ratify arms control treaties they are planning to violate," and it charges that the U.S. Government has "no longrange strategy to deter Soviet violations."

The report is the most comprehensive study yet done within the U.S. Government and is titled "A Quarter Century of Soviet

Compliance Practices under Arms Control Commitments, 1958-1983." It is produced by the President's "General Advisory Committee on Arms Control and Disarmament" (known as GAC).

The Administration has been stalling on release of the report on the argument that it may interfere with efforts to portray Mr. Reagan as a man of peace intent on signing new agreements with the Soviets. The latest cause for delay is the forthcoming visit to the White House of Soviet Foreign Minister Andrei Gromyko.

However, a number of select briefings of congressmen and opinion leaders have been given, making use of slides. I have been given a copy of the twenty seven slides that are used as visuals in the select briefings and the following account of the report is drawn from these slides.

The first few slides cover membership of the committee and the origins of the report in a meeting with the President on November 9, 1982, its approach and methods. These suggest that the Report is the result of a serious and thorough study of classified and open documentation, many sessions with officials and outside experts to cross-check information.

Some agreements with the USSR are listed in which there have been no compliance problems. These include agreements on nuclear accidents, the non-proliferation treaty, the Antarctic treaty, the hotline agreement and guidelines on nuclear transfers.

Seventeen "material breaches" of arms control commitments are listed, four in the years 1958-71, six 1972-78 and seven 1979-83.

The slides then list six "key findings" of the report. Key Finding #1 is that there is a "recurring pattern of Soviet violations since 1972." "Material breaches" of nine arms control treaties have occurred, and four breaches of oral commitments by Soviet representatives. Of seventeen material breaches of provisions of treaties "thirteen began in or after 1972 (SALT era)." There are ten "further suspicions of material breach" which the GAC was "unable to resolve" but several of which "could have major military significance."

Key Finding #2 is that: "The Soviets use deliberate deception in negotiations." Examples given include: Backfire bomber intercontinental capability denied; consistent under-statement by 200,000 of Warsaw Pact troop strength; encouragement of a U.S. unilateral statement in order to allow stretching of Yankee submarines, while U.S. precluded itself from submarine stretches, and replacement of flight SS-11s with SS-19s (much heavier).

Key Finding #3 is: "Soviets sign and ratify arms control treaties they are planning to violate." Examples given are: Soviet falsification of the base numbers for SALT II through exclusion of SS-16s (intercontinental range SS-20 derived missiles) and expansion of biological warfare facilities in the years immediately following signature of the BW Convention.

Key Finding #4 is that "Soviet concealment and deception are increasing" and that this is a "centrally managed program," which impedes verification through encryption contrary to treaties, concealment and deception.

Key Finding #5 is that private diplomacy as used so far is "insufficient to restore compliance" but that "some US actions have ben effective." It cites "military measures" as used in the Cuban missile crisis, and "public information, UN investigation and involvement of allies and neutral countries" which have achieved what it calls "striking reduction or halt in use of lethal chemical weapons."

Key Finding #6 is that there is "no U.S. longrange strategy to deter Soviet violations." It says U.S. verification capability is not sufficent, U.S. options are often planned after the fact and the U.S. is left with few options.

A "Comparison of Reports" table shows that the Congress was misled in some previous reports. For example the Congress was told the SS-16 deployment was "ambiguous but probable" whereas the GAC classified report was a "high confidence" finding of a "probable violation." Several other "probable violations" reported were clear "violations" according to the GAC.

The SS-X-25 was misreported as "ambiguous but probable" violation when it was a "high confidence" probable violation. This part of the report is liable to cause anger in the Congress, since it is evidence of the Administration playing down Soviet violation.

"Peculiar problems" are described as the fact that many of the SALT II breaches were initiated at the very time the SALT II treaty was being signed. They were "done in a fashion which should at least have caused suspicion" and the advantages "could have been gained by legal means."

These breaches then appeared designed to test U.S. intelligence capabilities and the political reaction in the U.S. to treaty violation. The slide concludes:

"These breaches and the expanding Soviet national concealment and deception program may have been a preparation or cover for more extensive violations taking place now or to take place in the future."

One part of our slide on the Soviet deception program is blocked out, perhaps because our source is concerned about security classification but what comes through suggests a major role for the recently sacked Marshall N. Ogarkov. Deception includes not only concealment but decoys and "dual purpose covers," such as submarine tunnels.

Slide 23 says that several Soviet violations seem to be an attempt to avoid vulnerability to accurate U.S. missiles. These include the mobile missiles SS-16 and SS-X-25 and the possible intention to conceal mobile intercontinental missiles among the intermediate range SS-20s.

It says there have been "several suspicious events" suggesting the existence of extra stored missiles over and above treaty numbers, and a large concealment and deception program surrounding submarines.

Violations of the ABM treaty are outlined in some detail:

Expansion and improvement of large fixed radar network; rapid relocation of a flat-twin ABM radar; and use of air defense system components at anti-ballistic missile test range, beyond the height of aircraft.

These are "consistent with an ABM break-out capability" and covert use of air defense systems for anti missile purposes.

There is a slide on Soviet chemical and biological warfare potential. Their "wide spectrum of CW and BW weapons" are described as "tailored" for "direct attack on personnel" and for "extended areas denial." It says the Chinese regard Soviet BW/CW as an "option" for use against them, and says the West has "inadequate capability to respond in kind" to chemical and biological attack.

The Soviets are pursuing development of new chemical and biological agents through genetic engineering. The Report says "new unique agents" are possible and that the west "may remain ignorant of their properties" with "potential serious consequences."

The last slide we have lists fourteen measures the USSR could take to comply with their commitments, none of which they have taken.

[From the Washington Inquirer, Sept. 14, 1984]

Soviets Gain by Cheating

(By Peter Samuel)

An influential strategic expert says Soviet evasion of arms control treaties has major military implications, and attacks the US Government for its failure to tell the full story of Soviet cheating.

He describes what he calls "a major split within the Administration over arms control policy" which has "militated against a vigorous response to Soviet cheating."

Writing in Foreign Policy magazine, Colin Gray, the Arlington, Virginia strategy man, also an important member of the Administration's General Advisory Committee on Arms Control, says the Soviets "have gained real military advantages" by the unilateral restraint the treaties have imposed upon the US. He cites their development of a force of 360 SS-19 ten warhead ICBMs, their testing of a solid-fueled SS-X-25, and development of major advance elements of an elaborate antiballistic missile system in violation of treaties.

Gray as a member of the GACAC has access to intelligence on Soviet strategic developments. His article in the magazine contains the footnoted disclaimer: "The views expressed here do not necessarily reflect those of the Administration."

Gray says there is a real danger the superpowers could go to war because of Soviet miscalculation of American resolve.

"To date the Soviet Government has seen no evidence of a a US policy regarding Soviet non-compliance, beyond statement of some of the facts."

"If the US chooses to ignore the Soviet non-compliance issue in the interest of sustaining arms control, it may damage the respect that Washington must have in Soviet eyes if peace is to be maintained.

"The United States has set a test for itself that it may be failing," says Gray.

"Decisive action" is needed on Soviet violations, because in 1985 the US Navy will be deploying a seventh Trident sub- marine carrying ballistic missiles. These will carry the US over the SALT II sublimit of 1200 SLBMs (submarine launched ballistic missiles) that the US Administration has unilaterally pledged "not to undercut," unless the positive decision is made to scrap Poseidon class submarines that have a continuing useful life. The Soviets have not been scrapping submarines and have already gone several hundred "over limit" of SALT II, citing the failure of the US to formally ratify the treaty.

"Unfortunately the unclassified summary of the US Government's finding of flagrant Soviet arms control cheating does not convey the full strength of the Administration's case," says Gray.

"The January 23, 1984 document might leave the impression that the violations, however significant, are relatively few and far between."

That document cited seven illustrative examples of Soviet treaty evasion, but was widely interpreted as a comprehensive list.

"The still classified GAC report (that Gray was involved in producing—Sameul) provides the historical perspective needed to comprehend well, Soviet attitudes and behavior in the arms control field."

Gray says: "The Administration should take advantage of the current hiatus in arms control efforts and tell the American people that Soviet misbehavior has cast doubt on the wisdom of persisting in arms control.

"To acquiesce in Soviet cheating is a perversion of the arms control process. There is no point in pursuing the form of arms control when there is no substance.

"To cave in meekly to persisting violations for fear of accelerating the arms race would constitute a policy of appeasement that would directly damage US national security militarily, and invite Soviet leaders to discount US statements of intent."

According to Gray the ABM and Salt II treaties, as presently flouted, "provide only the illusion of regulating strategic competition" since "Moscow continues to modernize its forces across the board in disregard of both pacts."

He says the most disturbing thing about recent violations is that the Soviets have been so blatant about them: "The Soviet Government has persisted in lying about subjects that it must know the United States is capable of analyzing from its own intelligence sources—Backfire bomber performance characteristics, the re-entry vehicle to throw-weight ratio of the SS-X-25, the functions of the Krasnoyarsk large phased array radar and some Warsaw Pact troop counts."

He concludes: "What is certain is that, contrary to optimistic expectations, the Soviet Union is not deterred from violating treaties by the prospect of probable detection. The US Government has no business negotiating new arms control agreements unless it has a responsible policy to deal with Soviet cheating on existing agreements."

[From the Washington Post, Sept. 13, 1984]

CONSERVATIVES PRESS FOR DATA ON ARMS-PACT TRANSGRESSIONS

(By Walter Pincus)

The White House, which plans next week to release one report on alleged Soviet violations of arms-control agreements, is under pressure from conservatives in Congress to release a second report as well.

The first report was done by an advisory group. The second was done this year by the White House staff. It deals with 13 new allegations against the Soviets. Pressure to release it is coming mainly from Sens. John P. East (R-N.C.) and Steven D. Symms (R-Idaho).

Congressional conservatives have been fighting almost since Reagan took office to expose what East and Symms, in a letter to the president last Saturday, called "the many Soviet arms-control violations dating back to 1958."

Their view is that these prove that there is little to be gained and much to be lost from further arms talks with the Russians.

Last January the White House sent Congress an initial classified report on nine alleged Soviet violations. Moscow denounced the study and issued its own report on alleged American violation of agreements.

Release of the further U.S. findings would come just as President Reagan and Secretary of State George P. Shultz prepae to meet Soviet Foreign Minister Andrei A. Gromyko on Sept. 28. Administration officials fear that this could sour the talks. But the conservatives, from their different perspective, think the release could not be more timely.

Among Soviet actions reviewed since January by the White House arms-control verification committee, according to congressional sources, are:

Alleged violations of a 1972 agreement of the "Backfire" bomber.

Development of a new submarine-launched ballistic missile supposedly larger than permitted by the unratified SALT II strategic-arms-control treaty.

Deployment of strategic nuclear delivery systems that go beyond the limits in SALT II.

Deployment of a movable antiballistic missile (ABM) radar. The 1972 ABM treaty barred mobile radars.

Development of a capability to reload ABM missile launchers around Moscow within one hour of firing. The 1972 treaty barred rapid reload, which some administration experts say means one hour, although the treaty did not define what rapid meant.

On Monday, the White House said it would release a declassified version next week of another report the legislators have sought, by the general advisory committee of the Arms Control and Disarmament Agency. That report, entitled "Soviet Compliance Practices Under Arms Control Commitments from 1958 to 1983," charges that there has been a "recurring pattern" of violations and that with regard to treaty adherence "Soviet concealment and deception [are] increasing."

The report was completed almost a year ago and delivered to the president in January.

Administration critics of the report say many of its allegations are unsupported; for example, that an agreement to keep offensive nuclear weapons out of Cuba has been violated by visits to that island of submarines capable of carrying such weapons.

One Reagan administration critic, however, conceded yesterday that "some of its findings fall into a pattern that is disturbing."

He cited as one example the report's charge that the Soviets had continued to deploy the mobile SS16 intercontinental ballistic missile which has been specifically barred by SALT II.

"It's not cut and dried by the data in the report," this official said, "but what intelligence shows would be consistent with covert deployment of the missile."

[From the New York Times, Sept. 12, 1984]

STUDY SAYS SOVIET BROKE ARMS PACTS

(By Wayne Biddle)

WASHINGTON, Sept. 11.—President Reagan will release within the next week a study charging multiple violations of arms-control agreements by the Soviet Union, the White House said today.

The report, prepared by the President's General Advisory Committee on Arms Control and Disarmament, covers 17 purported violations dating back to 1958. Since it was completed last fall, conservative Republican members of Congress have campaigned for its release.

Administration sources said the State Department was concerned about the timing of the release and its effect on attempts to renew arms-control talks with Moscow. Secretary of State George P. Shultz is scheduled to meet in New York on Sept. 26 with Foreign Minister Andrei A. Gromyko, then two days later Mr. Gromyko is to confer with President Reagan at the White House.

In a letter to President Reagan dated Sept. 8, Senator John P. East, Republican of North Carolina, and Senator Steven D. Symms, Republican of Idaho, said that unless the report was released by Sept. 15, "we may be forced" to propose legislation requiring the release as well as amendments "affecting U.S. unilateral compliance with the unratified SALT II treaty." SALT stands for strategic arms limitation treaty.

REPORT NOT APPROVED BY CIA

Both the House and the Senate have passed amendments calling for publication of classified and unclassified versions of the study within two months of the passage of the fiscal 1985 military authorization bill. The bill is stalled in House-Senate conference.

In January, President Reagan sent to Congress a secret report on nine cases of possible Soviet noncompliance with arms-controlled treaties. The report had been mandated by Congress and was the product of extensive interagency review. By contrast, the advisory committee's study was prepared independently for the President and not approved by relevant Federal bureaus such as the State Department or Central Intelligence Agency.

Repeated charges of Soviet arms-control violations by the Reagan Administration have served to increase scientific and political debate on the compliance issue. Immediately after Mr. Reagan's January report to Congress, the Soviet Government delivered a diplomatic note to the State Department protesting what Moscow termed a wide range of American violations of arms treaties. The note called Mr. Reagan's charges "untenable," adding that they were aimed at "worsening Soviet-American relations."

From a technical perspective, the Soviet and American charges and countercharges have covered similar points of contention involving the 1972 treaty on antiballistic missile systems, the 1974 agreement on underground nuclear weapons tests, the 1975 Helsinki accord on security and cooperation in Europe and the 1979 pact on strategic arms limitations. Many of the technical issues have been raised and resolved over the years through the joint Special Consultative Committee in Vienna set up for this purpose.

THE WHITE HOUSE,
Washington, DC, October 11, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: When I forwarded a report from my Administration to the Congress on Soviet Noncompliance with Arms Control Agreements on January 23, 1984, I said, "If the concept of arms control is to have meaning and credibility as a contribution to global or regional stability, it is essential that all parties to agreements comply with them." I continue to believe that compliance with arms control agreements is fundamental to the arms control process.

Congressional amendments to the FY 1985 Defense Authorization Bill calling for Administration reports on compliance issues, as well as for the transmittal of classified and unclassified versions of the report, *A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983* prepared by the bipartisan General Advisory Committee on Arms Control Disarmament, demonstrate the priority that Congress places on compliance.

In response to the Congressional requirement, an unclassified version of the General Advisory Committee's report, a summation prepared by the Committee, is provided herewith. Because the Committee's full report contains extensive classified intelligence information, the classified version is being transmitted to the two Select Committees of the Congress on Intelligence.

The General Advisory Committee's report to me resulted from a year-long analysis, by this bipartisan independent body, of Soviet practices with regard to arms control treaties, other agreements, unilateral political commitments, and statements of policy. Neither the methodology of analysis nor the conclusions reached in this report have been formally reviewed or approved by any agencies of the U.S. Government. The report reflects the General Advisory Committee's attempt to assemble as complete as possible an historical record of Soviet behavior and to identify long-term patterns of Soviet compliance practices.

For its part, the Administration continues to be seriously concerned about Soviet behavior with regard to compliance with arms control obligations and commitments. We are actively pursuing several such issues in confidential discussions with the Soviet Union and are seeking explanations, clarifications, and corrective actions. Issues of concern continue to be intensively studied by appropriate agencies, and I intend to keep the Congress informed on this important matter in the future.

Increased understanding of compliance issues and a solid Congressional consensus on the importance of compliance to achieving effective arms control will strengthen our efforts to negotiate equitable and verifiable agreements and will assist as we seek the resolution of important unresolved compliance issues. I look forward to continued close consultation with the Congress as we seek to make progress in resolving compliance issues relating to existing arms control agreements and in negotiating sound arms control agreements.

Sincerely,

RONALD REAGAN.

A QUARTER CENTURY OF SOVIET COMPLIANCE PRACTICES UNDER ARMS CONTROL COMMITMENTS, 1958-83

SUMMARY—OCTOBER 1984

The General Advisory Committee on Arms Control and Disarmament (GAC) is a Presidential advisory committee established by the Arms Control and Disarmament Act of 1961. The members are private citizens appointed by the President with the advice and consent of the Senate. Its duties are to advise the President, the Secretary of State, and the Director of the Arms Control and Disarmament Agency on matters affecting arms control and disarmament and world peace. The current General Advisory Committee is bipartisan, and its members have been drawn from the scientific, academic, business, and national security communities. A number of its members have held high government positions in previous administrations. The General Advisory Committee provides advice and analysis that is independent from the bureaucratic process, with a point of view not tied to any particular institution.

INTRODUCTION

In response to President Reagan's request and in accord with its statutory mandate,[1] the President's General Advisory Committee on Arms Control and Disarmament has conducted an independent, comprehensive, one-year study of the long-term pattern of Soviet performance pertaining to arms control obligations arising from agreements and Soviet unilateral commitments. The classified report of that study, entitled "A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1985-1983," was submitted to the President on December 2, 1983, with the Committee's unanimous endorsement, and has since been presented to senior administration officials and briefed to congressional committees and members upon their request. In accordance with Congressional Amendments to the Fiscal Year 1985 Defense Authorization Bill and in response to instruction from the White House, the General Advisory Committee has prepared this unclassified summary for transmittal to the Congress.

Using all available data concerning Soviet actions pertinent to such obligations, the Committee has determined that the Soviet Union's practices related to about half of its documentary arms control commitments have raised no questions regarding compliance. Soviet practices related to the other half, however, show material breaches—violations, probable violations, or circumventions—of contractual obligations.

Many of the compliance issues considered in the report have been reviewed by the U.S. Government, raised by the U.S. in the U.S.-Soviet Standing Consultative Commission, or brought to Soviet attention through diplomatic channels. The prevailing practice has been to consider each instance as an isolated event. The General Advisory Committee report is the first comprehensive U.S. study of all Soviet practices under arms control obligations since World War II and explores the cumulative pattern of pertinent Soviet conduct. Such a study, based on wide access to official information, has never before been done within the U.S. Government.

Twenty-six documentary agreements were examined, along with numerous unilateral Soviet commitments. The sources of information included previous U.S. Government studies and documents, Soviet statements, and briefings by a wide range of U.S. Government officials and nongovernment experts. While the Committee is grateful for assistance from many quarters, the Committee acknowledges full responsibility for the content of its report and this summary.

The report used a conceptual framework based upon the norms of international law.[2] According to these norms, treaty violations, circumventions which defeat the object and purpose of the treaty, and breaches of authoritative unilateral commitments all constitute material breaches and justify appropriate corrective measures. All types of material breaches are considered in the report, and the distinctions among them are noted.

The Committee has found that in most cases of alleged Soviet violations, the Soviets readily could have shown that the allegations were false—if they had been false. This the Soviets have repeatedly failed to do, even though diplomatic and other channels have been used by the U.S. in seeking to clarify possible misconceptions.

Past analyses (other than the President's report to the Congress of January 23, 1984) have tended to invoke standards of proof applicable only when powers to collect and to inspect evidence, to subpoena witnesses, to take testimony under oath, to prosecute for perjury, etc., are available as legal tools.

The General Advisory Committee's report distinguishes between instances for which the evidence supports high confidence that material Soviet breaches have occurred, and those cases for which the evidence gives substantial reason for suspicion but is short of being conclusive. Categories used in the report are:

Areas of Apparent Soviet Compliance as determined within the limitations of U.S. verification capabilities.

Material Breaches ranging from highly probable to certain, including:

Violations of an international obligation involving conduct contrary to a treaty or other binding international agreement;

Breaches of authoritative unilateral commitments, whether written or oral, as well as unilateral commitments reciprocally negotiated; and

Circumventions, or practices incompatible with the essential objects or purposes of agreements though not in explicit violation of their terms.

Suspicious Events indicative of possible material breaches.

Breaches of the Duty of Good Faith incumbent upon all nation states.

The following summarizes areas of apparent Soviet compliance:

Areas of apparent Soviet compliance

Accident Avoidance

Direct communications Link/Hot Line Agreement of 1963, amended 1971;

USSR-US Accidents Agreement of 1971; (one violation, judged to be inadvertent);

USSR-United Kingdom Accidents Agreement of 1973;

USSR-France Accidents Agreement of 1976.

Nonproliferation

Nonproliferation Treaty of 1968;

Guidelines for Nuclear Transfers, IAEA INFCIRC/209 of 1974;

Guidelines for Nuclear Transfers, IAEA INFCIRC/254 of 1978;

Protocol II of the Treaty of Tlatelolco (Latin American Nuclear Free Zone), USSR Ratification of 1979;

Convention on the Physical Protection of Nuclear Material, USSR Ratification 1983.

Other

Antarctic Treaty of 1959;

Outer Space Treaty of 1967;

Seabed Treaty of 1971;

Convention on Environmental Modification of 1977.

The following summarizes specific instances of probable to certain Soviet noncompliance, as determined by the Committee's study:

Soviet violations, breaches of unilateral commitments, and circumventions defeating the object or purpose of arms control agree-

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[1] As specified in Section 26 of the Arms Control and Disarmament Act of 1961 as amended. A list of members is attached.

[2] The Committee used the 1969 Vienna Convention on the Law of Treaties and decisions of the International Court of Justice as the principal legal bases for analyzing Soviet compliance behavior. (The United States is a signatory of the Vienna Convention; the Soviet Union is not. Neither nation has ratified it, but the Vienna Convention is regarded by both the U.S. and the Soviet Union as a codification of cusomary international law on treaty obligations, applicable to parties and non-parties alike.)

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ments: High confidence in reliability of data interpretation:

A. Non-SALT matters

1. Nuclear Test Moratorium: breach of unilateral commitment to suspend all nuclear testing—by resuming and continuing atmospheric nuclear testing, 1961-1962.

In September 1961, the Soviet Union breached its unilateral commitment to the nuclear test moratorium upon giving three days of notice and while conducting related treaty negotiations with the U.S. This breach resulted in the Soviet Union testing a total explosive yield of more than 300 megatons in the ensuing 13 months.

2. Offensive Weapons in Cuba: *breach of unilateral commitment* not to send offensive weapons to Cuba—by the covert shipment and deployment of offensive weapons, 1962

The Cuban missile crisis was caused by the breach of the Soviets' unilateral commitment not to send offensive weapons to Cuba, 1962.

3. Limited Test Ban Treaty of 1963: numerous *violatings* of the prohibition on conducting nuclear tests that cause extraterritorial venting of radioactive debris—by testing nuclear devices that vent radioactive debris beyond the borders of the Soviet Union, 1965 to present.

The Limited Test Ban Treaty not only prohibits testing of nuclear weapons under water, in the atmosphere, and in space, but also bans the venting of underground explosions that cause radioactive debris to cross national boundaries. Since 1965, the Soviet Union has repeatedly allowed such radioactivity to vent in connection with many of its nuclear weapon tests. U.S. experience has shown that care can prevent such venting, and that Soviet violations of this treaty could reasonably have been prevented.

4. Offensive Weapns in Cuba: *breach of unilateral commitments* of 1962 and 1970 not to place offensive weapons in Cuba—by deploying and tending Soviet nuclear missile-carrying submarines in Cuban territorial waters, 1970-1974.

After the termination of the Cuban missile crisis, the record shows the Soviets did commit themselves not to base offensive weapons in Cuba if the U.S. refrained from invading Cuba. Soviet tending and operation of nuclear weapons submarines in Cuban territorial waters from 1970 to 1974 breached this unilateral commitment.

5. Biological Weapons Convention of 1972: *violations* of provisions requiring the destruction or diversion to peaceful purposes of all biological agents, toxins, weapons, equipment, and means of delivery—by the retention of facilities, continued biological munitions production, storage, transfer, and use, 1972 to present.

The Soviets' biological weapons program continued during the negotiating signing, ratification, and entry into force of this treaty.

6. Geneva Protocol of 1925: *circumventions defeating the object and purpose* of treaty provisions (a) by the transfer of chemical weapons and toxin weapons to their Vietnamese clients with subsequent use in Southeast Asia, 1975-1982; and (b) by Soviet use of lethal agents in Afghanistan, 1980-1982.

The Soviet reservations relative to the ratification of the Geneva Protocol of 1925, claiming exemption for first use against protocol Non-parties, might be put forward to explain the Soviet use of chemical and toxin weapons in Afghanistan, Laos, and Kampuchea. Such circumventions nevertheless defeat the object and purpose of banning first use of lethal chemical or toxin weapons. The Soviets have not asserted this or other legal defense of their actions, but rather they have denied the facts of the matter, falsely claiming no such use.

7. Montreux Convention of 1936: *violations* of the prohibition on the transit of aircraft carriers through the Turkish Straits—by the recurring transit of Soviet KIEV-class aircraft carriers, 1976 to present.

The Soviets additionally have under construction at their Black Sea shipyards an even larger aircraft carrier that will also violate the Montreux Convention upon passage to the open seas.

8. Helsinki Final Act of 1975: *violations* of the commitment to notify Final Act Parties and provide specified data 21 days before conducting exercises of more than 25,000 troops—by undertaking major military troop maneuvers without providing specified information concerning the maneuvers, March and September 1981, and June 1983.

9. Conventional Weapons Convention of 1981: *violations of customary international law*—by failing to observe the Treaty between signing and ratification—by the use of booby-trap mines and incendiary weapons against civilians in Afghanistan, 1981-1982.

10. The March 16, 1982, Brezhnev-declared Moratorium (further clarified in May 1982) on the completion of SS-20 ballistic missile launchers in the European part of the U.S.S.R.: *breach of unilateral commitment*—by the continued construction of SS-20 bases and facilities in the European part of the Soviet Union, March 1982 to November 1983.

On March 16, 1982, President Brezhnev committed the Soviet Union to a moratorium on the completion of SS-20 launch facilities in the European part of the Soviet Union. In May 1982, President Brezhnev specified "an end to the construction of launching positions" as a part of the moratorium. The continued construction and completion of SS-20 sites in 1982 and 1983 violated that unilateral commitment.

B. SALT matters

1. The SALT I Interim Agreement on Offensive Arms, 1972: *circumvention defeating the stated U.S. object and purpose* of limiting the throwweight of Soviet ICBMs *and breach of the 1972 Principles Agreement*—by the deployment of the large throwweight SS-19 and SS-17 ICBMs, 1972 to present.

The SALT I Interim Agreement prohibits the conversion of launchers for light ICBMs into launchers for heavy ICBMs. The intent of this provision was to limit the growth of ICBM throwweight and its resultant potential counterforce capability. The Soviet conversion of launchers for the light SS-11 into launchers for the SS-17 and SS-19 ICBMs circumvents this provision, thereby defeating an essential stated U.S. object and purpose in entering into the agreement. This action widened the disparity between Soviet and U.S. strategic missile throwweight and increased significantly the threat to U.S. ICBMs.

2. The SALT I Interim Agreement on Offensive Arms, 1972, Article V(3); ABM Treaty of 1972, Article XII(3); SALT II Treaty of 1979, Article XV(3): *violation* of the provisions not to use deliberate concealment measures which impede verification of compliance by national technical means—by numerous deliberate concealment activities that impede verification of SALT Agreements, 1972 to present.

The SALT I agreements and the exchange of commitments made concerning SALT II bind the U.S. and the Soviet Union not to use deliberate concealment measures which impede verification, by national technical means, of compliance with provisions of these agreements. However, during the decade of the 1970s, there has been a substantial increase in Soviet arms control-related concealment activities. An example of Soviet concealment activities that clearly impede U.S. verification efforts is the encryption of the SS-X-25 missile telemetry, which impedes the U.S. ability to determine the characteristics of this missile, including characteristics controlled by SALT II. (This issue is further discussed below.) A second example of prohibited deliberate Soviet concealment activity is connected with the probable continued deployment of the SS-16 ICBM at Plesetsk. The present Soviet concealment activities constitute a continuing violation of binding commitments.

3. The ABM Treaty of 1972: *violation* of the prohibition on the development and deployment of non-permanently fixed ABM radar [Article V(1) Common Understanding C]—by the development and deployment of such a radar on the Kamchatka Peninsula in 1975, and by continuing developmental activities between 1975 and the present.

The ABM Treaty prohibits the development, testing and deployment of mobile ABM components. During the negotiations the U.S. and the Soviet delegations agreed (on January 29, 1972 and April 13, 1972 respectively) that this provision would rule out deployment of ABM launchers and radars which "were not permanent fixed types." This agreement constitutes a binding interpretation of the treaty.

4. SALT I Interim Agreement of 1972, Protocol: *violations* of the numerical launcher limits—by the deployment of DELTA submarines exceeding the limit of 740 launch tubes on modern ballistic missile submarines without dismantling sufficient older ICBM or SLBM launchers, March 1976 to October 1977.

The SALT I Interim Agreement required the Soviets to dismantle ICBM launchers to compensate for modern SLBM launchers in excess of 740. Following the sea trials of new DELTA-class submarines in 1976 and 1977, the Soviets did not dismantle a sufficient number of launchers to compensate for deployments of their new submarine ballistic missile launchers. Upon U.S. inquiry, the Soviets admitted this excess, but failed to accelerate their dismantling activities.

The Committee has reviewed the data relative to this matter, and has concluded that the violation was probably not inadvertent, but rather was part of a deliberate Soviet effort to challenge U.S. arms control verification capabilities.

5. SALT II Treaty of 1979: *probable violations* of the provision banning the production, testing, and deployment of the SS-16 mobile ICBM—by the probable continued deployment of SS-16 ICBMs at Plesetsk, and by falsifying the SALT II data base identifying specific systems and their numbers covered by the Treaty, 1979 to present.

The SALT II Treaty prohibits the deployment of the SS-16 ICBM (Soviet designation—RS-14). Deliberate Soviet concealment which impedes verification of compliance by U.S. national technical means has been associated with the probable SS-16 deployment. Nevertheless, the SS-16 apparently has been maintained at Plesetsk since the signing of the Treaty, in violation of Soviet commitments relative to that treaty. The probable existence of the SS-16 at Plesetsk also shows that the Soviets deliberately falsified the SALT II data base concerning the number of ICBM launchers. This data base was to be corrected semi-annually; however, the Soviets have not corrected it.

6. SALT II Treaty of 1979: *probable violation* of Article IV (9) which limits each side to one new type ICBM—by the testing of a second new type ICBM, February 1983 to present; *violation* of the anti-MIRV provision of Article IV(10)—by testing a lighter warhead than the Treaty allows; and *violation* by the deliberate concealment (encryption) of data, contrary to Article XV(3), May 1983 to present.

SALT II allows each party to develop only one new type of ICBM. Since the Soviets have designated the SS-X-24 as that one new type, the SS-X-25, which appears to be another new type of ICBM, violates the Treaty. The Soviets, however, claim that this missile is a modification of the SS-13, an ICBM developed in the mid-60s. While common sense judgment would hold a 1980's high technology missile to be new, the extensive encryption of the flight telemetry impedes U.S. understanding of the missile. U.S. analyses, however, indicate that it is very likely that the missile fits the Treaty definition of a new type of ICBM.

7. The SALT I ABM Treaty of 1972: *violation* of Article VI(b) limiting the location and orientation of radar deployment—by the construction of a large, phased array radar not located on the periphery of the Soviet Union and not oriented outward, 1981 to present.

The ABM Treaty restricts the deployment of early warning radars to sites on the periphery of the national territory; such radars must also be oriented outward. The construction and orientation of such a radar near the city of Krasnoyarsk, an interior site, violate this provision. The design of the facility is substantially identical to another radar declared by the Soviets to be an early warning radar. The Soviets, however, have stated that the Krasnoyarsk radar is a "space tracking" radar. All early warning radars can also perform limited "space tracking" functions, and while this radar is no exception, its location and geometry are inappropriate for a dedicated space tracking radar.

Suspicious Soviet activities related to arms control commitments

The Committee also reviewed fifteen areas of Soviet activity that raise suspicion of further material breaches of arms control agreements. In these cases the data neither confirm that a material breach has occurred nor eliminate suspicion concerning non-compliance. Most of these suspicious activities have been connected with Soviet offensive forces and may indicate the existence of either an offensive force structure in excess of that allowed by various agreements, or offensive weapons with greater capability than allowed by agreements. In addition, several events are indicative of further violations or circumventions of the ABM Treaty, and a review of Soviet testing of nuclear explosives strongly suggests that the Soviets may have repeatedly violated the Threshold Test Ban Treaty. Moreover, other Soviet activities may relate to obligations under the provisions of one or more accords addressing non-interference with national technical means of verification of compliance. Each of these activities may indicate Soviet plans and efforts to develop further military capabilities of considerable significance.

Breaches of the duty of good faith

Customary international law, as codified by the Vienna Convention of the Law of Treaties and by decisions of the International Court of Justice, obligates nations to act in good faith in their dealings with other nations. The Committee reviewed a number of Soviet actions which, while not material breaches of binding agreements, were breaches of that duty of good faith. Some Soviet actions in this category have been misrepresentations made during arms control negotiations or after binding agreements came into effect. An example of such misrepresentation concerns the erroneous data provided by Soviet negotiators at the Mutual Balanced Force Reduction negotiations in Vienna concerning Warsaw Pact troop numbers. This material misrepresentation has been a major barrier in these negotiations.

The Soviets have also disregarded all six unilateral declarations made by the U.S. in SALT I to clarify constraints upon Soviet forces under that agreement. While unilateral declarations do not bind the other party, Soviet unwillingness either to concur promptly or to take exception to such U.S. statements constitutes a breach of the duty of good faith in negotiations.

Further, the Soviets have demonstrated a lack of good faith by their largely non-responsive posture concerning compliance concerns brought to their attention by the U.S. Government over a span of nearly two decades.

Patterns in Soviet compliance practices

The Soviet Union's actions since 1958 concerning arms control agreements demonstrate a pattern of pursuing military advantage through selective disregard for its international arms control duties and commitments.

The Committee found recurring instances of Soviet conduct involving deliberate deception, misdirection, and falsification of data during negotiations. In addition to the military value accruing to the Soviets from individual violations, the overall pattern of Soviet practices could have several possible motivations:

(1) The Soviets may be indifferent to U.S. objections and responses to their non-compliance with arms control treaties.

(2) The Soviets may be attempting to weigh the effectiveness of U.S. verification capabilities.

(3) The Soviets may be testing U.S. willingness to reach definitive conclusions concerning Soviet arms control compliance.

(4) The Soviets may be testing U.S. and international resolve and responses to their arms control behavior.

(5) These activities, as well as the other concealment activities, may be intended to raise the level of U.S. confusion in order to hide more serious covert activities, such as development and deployment of a ballistic missile defense system.

Soviet denial activities significantly increased over the last quarter century and today are challenging U.S. verification capabilities despite improvements in U.S. verification technology. Deliberate Soviet efforts to counter U.S. national technical means of verification strongly indicate a Soviet intention to persevere in circumventing and violating agreements.

U.S. verification capabilities have not deterred the Soviets from violating arms control commitments. Furthermore, the near total reliance on secret diplomacy in seeking to restore Soviet compliance has been largely ineffective. The U.S. record of raising its concerns about Soviet non-compliance exclusively in the Standing Consultative Commission and through various high level diplomatic demarches demonstrates the ineffectiveness of this process. In contrast, the international participation in verifying the use of chemical and toxin weapons and the disclosure to the public of such use may have contributed to limiting the extent of these prohibited Soviet activities.

The United States has never had a long-range, comprehensive strategy to deter and if necessary initiate measures to offset Soviet arms control non-compliance. Development of a U.S. arms control policy that anticipates Soviet behavior in light of the historical compliance record was beyond the scope of the Committee's review. Nevertheless, the development of means to safeguard the U.S. against Soviet non-compliance is essential if the arms control process is to avoid being further undermined, if it is to have favorable long-term prospects, if it is to build trust among nations, and if it is to contribute to U.S. national security and the cause of peace.

U.S. efforts to obtain Soviet compliance have been most effective when reliable information about compliance has been presented to the American people and to the world. The strength of America's democracy lies in an informed citizenry. Fundamental to this nation's effort to negotiate equitable and verifiable arms control agreements is an American public informed on the critical issue of arms control compliance.

MEMBERS

Chairman, William R. Graham of California. A founder and Senior Associate, R&D Associates, Marina del Rey, California. Served as a consultant to the Office of the Secretary of Defense and the National Research Council in 1968–1981.

Colin Spencer Gray. President of the National Institute for Public Policy in Virginia. Formerly the Director of National Security Studies at the Hudson Institute in New York.

Roland F. Herbst, has been with R&D Associates, Marina del Rey, California since 1971. Formerly Deputy Director, Defense Research and Engineering (Space and Strategic Systems), Office of the Secretary of Defense, 1969–1971.

Francis P. Hoeber. President of Hoeber Corp, Arlington, Virginia since 1974. Formerly with the Rand Corporation (1968–1974) and the Stanford Research Institute (1960–1968).

Robert B. Hotz. Senior Editorial Consultant, McGraw-Hill Publications. He is also an author and lecturer. Formerly editor-in-chief and publisher of Aviation Week and Space Technology magazine.

Eli S. Jacobs, a private businessman in Los Angeles, California.

Charles Burton Marshall. Resident consultant, System Planning Corporation, Arlington, Virginia. Formerly staff consultant to House Committee on Foreign Affairs, member of State Department Policy Planning staff, Professor of International Politics at Johns Hopkins School of Advanced International Studies, Washington, D.C.

Jaime Oaxaca. President, Wilcox Electric, Incorporated, Kansas City, Missouri.

John P. Roche. Academic Dean and Professor of Civilization and Foreign Affairs, Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts. Formerly consultant to the Vice President and the Department of State (1964–1966), and Special Consultant to the President (1966-1968).

Donald Rumsfeld. President and Chief Executive Officer, G.D. Searle and Company, Skokie, Illinois. Formerly Secretary of Defense (1975-1976), U.S. Permanent Representative to NATO (1973-1974), member of U.S. Congress (1963-1969).

Harriet Fast Scott. Author and lecturer. She serves as a consultant on Soviet military and political-military affairs to various research institutions and government organizations. Formerly with Stanford Research Institute.

Laurence Hirsch Silberman. Partner, Morrison and Foerster, Washington, D.C. Also a visiting fellow of the American Enterprise Institute and member of the Council on Foreign Relations. Formerly Ambassador to Yugoslavia 1975-1977. Deputy Attorney General of the United States 1974-1975, Under Secretary of Labor, 1970-1973.●

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering Calendar No. 1010.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JUDICIARY

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of James H. Jarvis II, of Tennessee, to be U.S. district judge for the eastern district of Tennessee.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. I have talked with Senator BIDEN and other members of the Judiciary Committee about an outstanding nominee to the Federal district court from New Jersey. I am speaking specifically about the nomination of Joseph Rodriguez. As you know, both Senator LAUTENBERG and I are extremely anxious to have the Senate confirm this nomination. I am aware that certain limitations were placed by the minority members of the Judiciary Committee on the number of judgeships which would be confirmed this late in the session based on the number of nominations which were permitted to be confirmed in 1980 under similar circumstances.

I want to publicly thank both the ranking minority member of the Judiciary Committee and all the minority members of this committee for their willingness to make an exception in the case of the Rodriguez nomination to the limit on judgeships which could be confirmed.

I would like to clarify a point before we adjourn. Have all the Democratic members of the Judiciary Committee communicated their willingness to see the nomination of Joseph Rodriguez polled out of the committee and immediately brought to the floor for confirmation?

Mr. BIDEN. The Senator is correct. None of the Democratic members of the Judiciary Committee has raised any objection to the immediate consideration of the Rodriguez nomination.

Mr. BRADLEY. So am I able to conclude that the fact that we are not confirming Mr. Rodriguez today is for some reason other than the objection of any Democrat?

Mr. BIDEN. The Senator is correct again. I do not know why Mr. Rodriguez is not being presented to the Senate, but it is not because it has met with the objection of any Democratic member of this body.

Mr. LAUTENBERG. Mr. President, I would like to add how much I appreciate the efforts of the Senator from Delaware in trying to move the nomination of Joseph Rodriguez. He is one of the worthiest nominees to be sent up by President Reagan. It is ironic that members of his own party are responsible for blocking it. I am deeply disappointed that such a distinguished and highly regarded candidate is being denied confirmation. It is a loss for the bench and bar of New Jersey, and public at large.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BAKER. Mr. President, I have talked with the staff of the minority leader and he has agreed to the request I will make.

Mr. President, I ask unanimous consent that the Senate now stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 9:10 p.m., recessed subject to the call of the Chair; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GORTON].

ORDER OF BUSINESS

Mr. BAKER. Mr. President, he has not yet reached the floor, so I have not yet had the opportunity to consult with the minority leader. I am advised by the chairman of the Finance Committee that we may have worked out an agreement that will permit us to vote on the debt limit. I hope so. We shall explain those details a little later when the minority leader reaches the floor.

For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GROUP LEGAL SERVICES EXCLUSION

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5361.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 5361) entitled "An Act to amend the Internal Revenue Code of 1954 to extend for one year the exclusion from gross income with respect to group legal services plans, and for other purposes", with the following amendment: In lieu of the matter inserted by said amendment, insert:

SEC. 2. TRANSITIONAL RULE FOR PURPOSES OF IMPUTED INTEREST RULES.

Subsection (b) of section 44 of the Tax Reform Act of 1984 (relating to effective date for treatment of debt instruments received in exchange for property) is amended by adding at the end thereof the following new paragraphs:

"(4) SPECIAL RULES FOR SALES BEFORE APRIL 1, 1984.—

"(A) IN GENERAL.—In the case of any sale or exchange before April 1, 1985—

"(i) sections 483(c)(1)(B) and 1274(c)(3) of the Internal Revenue Code of 1954 shall be applied by substituting the testing rate determined under subparagraph (B) for 110 percent of the applicable Federal rate determined under section 1274(d) of such Code, and

"(ii) sections 483(b) and 1274(b) of such Code shall be applied by substituting the imputation rate determined under subparagraph (C) for 120 percent of the applicable Federal rate determined under section 1274(d) of such Code.

"(B) TESTING RATE.—For purposes of this paragraph—

"(i) IN GENERAL.—The testing rate determined under this subparagraph is the sum of—

"(I) 9 percent, plus

"(II) if the borrowed amount exceeds $2,000,000, the excess determined under clause (ii) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

"(ii) EXCESS.—For purposes of clause (i), the excess determined under this clause is the excess of 110 percent of the applicable Federal rate determined under section 1274(d) of such Code over 9 percent.

"(C) IMPUTATION RATE.—For purposes of this paragraph—

"(i) IN GENERAL.—The imputation rate determined under this subparagraph is the sum of—

"(I) 10 percent, plus

"(II) if the borrowed amount exceeds $2,000,000, the excess determined under clause (ii) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

"(ii) EXCESS.—For purposes of clause (i), the excess determined under this clause is the excess of 120 percent of the applicable Federal rate determined under section 1274(d) of such Code over 10 percent.

"(D) BORROWED AMOUNT.—For purposes of this paragraph, the term 'borrowed amount' means the sum of—

"(i) the stated principal, plus

"(ii) any stated interest payable more than 1 year after the period to which it is properly allocable.

"(E) AGGREGATION RULES.—For purposes of this paragraph—

"(i) all sales or exchanges which are part of the same transaction (or a series of related transactions) shall be treated as one sale or exchange, and

"(ii) all debt instruments arising from the same transaction (or a series of related transactions) shall be treated as one debt instrument.

"(5) EXCEPTION FOR ASSUMPTIONS OF LOANS MADE ON OR BEFORE OCTOBER 15, 1984.—If any person—

"(A) assumes, in connection with the sale or exchange of property, any debt obligation issued on or before October 15, 1984, or

"(B) acquires any property subject to any debt obligation issued on or before October 15, 1984, sections 1274 and 483 of the Internal Revenue Code of 1954 shall not apply to such debt obligation by reason of such assumption (or such acquisition) unless the terms and conditions of such debt obligation are modified in connection with the assumption (or acquisition)."

AMENDMENT NO. 7127

Mr. DOLE. Mr. President, I send an amendment to the desk for myself, the distinguished Senator from Iowa [Mr. JEPSEN], and the distinguished Senator from Montana [Mr. MELCHER] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. JESPEN, and Mr. MELCHER proposes an amendment numbered 7127.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. 2. TRANSITIONAL RULE FOR PURPOSES OF IMPUTED INTEREST RULES.

Subsection (b) of section 44 of the Tax Reform Act of 1984 (relating to effective date for treatment of debt instruments received in exchange for property) is amended by adding at the end thereof the following new paragraphs:

"(4) SPECIAL RULES FOR SALES BEFORE JULY 22, 1985.—

"(A) IN GENERAL.—In the case of any sale or exchange before July 22, 1985, of property other than new section 38 property—

"(i) sections 483(c)(1)(B) and 1274(c)(3) of the Internal Revenue Code of 1954 shall be applied by substituting the testing rate determined under subparagraph (B) for 110 percent of the applicable Federal rate determined under section 1274(d) of such Code, and

"(ii) sections 483(b) and 1274(b) of such Code shall be applied by substituting the imputation rate determined under subparagraph (C) for 120 percent of the applicable Federal rate determined under section 1274(d) of such Code.

"(B) TESTING RATE.—For purposes of this paragraph—

"(i) IN GENERAL.—The testing rate determined under this subparagraph is the sum of—

"(I) 9 percent, plus

"(II) if the borrowed amount exceeds $2,000,000, the excess determined under clause (ii) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the demominator of which is the borrowed amount.

"(ii) EXCESS.—For purposes of clause (i), the excess determined under this clause is the excess of 110 percent of the applicable Federal rate determined under section 1274(d) of such Code over 9 percent.

"(C) IMPUTATION RATE.—For purposes of this paragraph—

"(i) IN GENERAL.—The imputation rate determined under this subparagraph is the sum of—

"(I) 10 percent, plus

"(II) if the borrowed amount exceeds $2,000,000, the excess determined under clause (ii) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

"(ii) EXCESS.—For purposes of clause (i), the excess determined under this clause is the excess of 120 percent of the applicable Federal rate determined under section 1274(d) of such Code over 10 percent.

"(D) BORROWED AMOUNT.—For purposes of this paragraph, the term 'borrowed amount' means the stated principal amount.

"(E) AGGREGATION RULES.—For purposes of this paragraph—

"(i) all sales or exchanges which are part of the same transaction (or a series of related transactions) shall be treated as one sale or exchange, and

"(ii) all debt instruments arising from the same transaction (or a series of related transactions) shall be treated as one debt instrument.

"(F) CASH METHOD OF ACCOUNTING.—In the case of any sale or exchange before July 1, 1985, of property (other than new section 38 property) used in the active business of farming and in which the borrowed amount does not exceed $2,000,000—

(i) section 1274 of the Internal Revenue Code of 1954 shall not apply, and

(ii) interest on the obligation issued in connection with such sale or exchange shall be taken into account by both buyer and seller on the cash receipts and disbursements method of accounting.

The Secretary of Treasury or his delegate may by regulation prescribe rules to prevent the mismatching of interest income and interest deductions in connection with obligations on which interest is computed on the cash receipts and disbursements method of accounting.

"(5) GENERAL RULE FOR ASSUMPTIONS OF LOANS.—Except as provided in paragraphs (6) and (7), if any person—

"(A) assumes, in connection with the sale or exchange of property, any debt obligation, or

"(B) acquires any property subject to any debt obligation.

sections 1274 and 483 of the Internal Revenue Code of 1954 shall apply to such debt obligation by reason of such assumption (or such acquisition).

"(6) EXCEPTION FOR ASSUMPTIONS OF LOANS MADE ON OR BEFORE OCTOBER 19, 1984.—

"(A) IN GENERAL.—If any person—

"(i) assumes, in connection with the sale or exchange of property, any debt obligation described in subparagraph (B) and issued on or before October 15, 1984, or

"(ii) acquires any property subject to any such debt obligation issued on or before October 15, 1984,

sections 1274 and 483 of the Internal Revenue Code of 1954 shall not be applied to such debt obligation by reason of such assumption (or such acquisition) unless the terms and conditions of such debt obligation are modified in connection with the assumption (or acquisition).

"(B) OBLIGATIONS DESCRIBED IN THIS SUBPARAGRAPH.—A debt obligation is described in this subparagraph if such obligation—

"(i) was issued on or before October 15, 1984, and

"(ii) was assumed (or property was taken subject to such obligation) in connection with the sale or exchange of property (including a deemed sale under section 338(a)) the sales price of which is greater than $100,000,000.

"(C) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to effect the purpose of this paragraph and paragraph (5), including regulations relating to tax-exempt obligations, government subsidized loans, or other instruments.

"(D) CERTAIN EXEMPT TRANSACTIONS.—The Secretary shall prescribe regulations under which any transaction shall be exempt from the application of this paragraph if such exemption is not likely to significantly reduce the tax liability of the purchaser by reason of the overstatement of the adjusted basis of the acquired asset.

"(7) EXCEPTION FOR ASSUMPTIONS OF LOANS WITH RESPECT TO CERTAIN PROPERTY.—

"(A) IN GENERAL.—If any person—

"(i) assumes, in connection with the sale or exchange of property described in subparagraph (B), any debt obligation, or

"(ii) acquires any such property subject to any such debt obligation,

sections 1274 and 483 of the Internal Revenue Code of 1954 shall not be applied to such debt obligation by reason of such assumption (or such acquisition) unless the terms and conditions of such debt obligation are modified in connection with the assumption (or acquisition).

"(B) Sales or exchanges to which this paragraph applies.—This paragraph shall apply to any of the following sales or exchanges:

"(i) Residences.—Any sale or exchange of a residence by an individual, an estate, or a testamentary trust, but only if—

"(I) either—

"(aa) such residence on the date of such sale or exchange (or in the case of an estate or testamentary trust, on the date of death of the decedent) was the principal residence (within the meaning of section 1034) of the individual or decedent, or

"(bb) during the 2-year period ending on such date, no substantial portion of such residence was of a character subject to an allowance under this title for depreciation (or amortization in lieu thereof) in the hands of such individual or decedent, and

"(II) such residence was not at any time, in the hands of such individual, estate, testamentary trust, or decedent, described in section 1221(1) (relating to inventory, etc.).

"(ii) Farms.—Any sale or exchange by a qualified person of—

"(I) real property which was used as a farm (within the meaning of section 6420(c)(2)) at all times during the 3-year period ending on the date of such sale or exchange, or

"(II) tangible personal property which was used in the active conduct of the trade or business of farming on such farm and is sold in connection with the sale of such farm,

but only if such property is sold or exchanged for use in the active conduct of the trade or business of farming by the transferee of such property.

"(iii) Trades or businesses.—

"(I) In general.—Any sale or exchange by a qualified person of any trade or business.

"(II) Application with subparagraph (B).—This subparagraph shall not apply to any sale or exchange of any property described in subparagraph (B).

"(III) New section 38 property.—This subparagraph shall not apply to the sale or exchange of any property which, in the hands of the transferee, is new section 38 property.

"(IV) Sale of business real estate.—Any sale or exchange of any real property used in an active trade or business by a person who would be a qualified person if he disposed of his entire interest.

This subparagraph shall not apply to any transaction described in the last sentence of paragraph (6)(B) (relating to transaction in excess of $100,000,000).

"(C) Definitions.—For purposes of this paragraph—

"(i) Qualified person defined.—The term 'qualified person' means—

"(I) a person who—

"(aa) is an individual, estate, or testamentary trust,

"(bb) is a corporation which immediately prior to the date of the sale or exchange has 35 or fewer shareholders, or

"(cc) is a partnership which immediately prior to the date of the sale or exchange has 35 or fewer partners,

"(II) is a 10-percent owner of a farm or a trade or business,

"(III) pursuant to a plan, disposes of—

"(aa) an interest in a farm or farm property, or

"(bb) his entire interest in a trade or business and all substantially similar trades or businesses, and

"(IV) the ownership interest of whom may be readily established by reason of qualified allocations (of the type described in section 168(j)(9)(B), one class of stock, or the like).

"(ii) 10-percent owner defined.—The term '10-percent owner' means a person having at least a 10-percent ownership interest, applying the attribution rules of section 318 (other than subsection (a)(4)).

"(iii) Trade or business defined.—

"(I) In general.—The term 'trade or business' means any trade or business, including any line of business, qualifying as an active trade or business within the meaning of section 355.

"(II) Rental of real property.—For purposes of this clause, the holding of real property for rental shall not be treated as an active trade or business.

Mr. DOLE. Mr. President, I will take just a moment. I know the hour is late and the House has to act on this before we get back to the debt ceiling for final action. For the past, I guess, 3 or 4 hours we have been negotiating with the chairman of the Ways and Means Committee, who sent back our compromise which we worked on for months and which most of us feel was a very good compromise simply with a 3-month deferral on the rate for certain transactions of $2 million or less. We did not think that was satisfactory. We did not think that would satisfy the concerns of many in this body. So we met with the chairman of the Ways and Means Committee. We then met with a number of others who had a direct interest in it. We have been trying to get the word around the floor. We have checked with staff because we knew Members were busily watching the debate. We believe we now have a fair proposal but not as good as the compromise. It is not going to be permanent legislation. It is going to require that when Congress comes back next year we will have until July 1 to make certain changes, but I must say that the chairman of the Ways and Means Committee feels very strongly that he is willing to give us the time but he does not want to start making legislative changes. He has agreed to a few. And we have a couple of choices. One is just to send it back again and, if that was objected to in the House, that would kill it. Then we would come back and send over the debt ceiling with the so-called Jepsen-Melcher amendment on it, and I understand there may not be a quorum present in the House. I do not know what happens then, but it means we would not act tonight. So let me just briefly explain the amendment as it has been explained to me, and I do not suggest I understand it, but that is not a requirement.

But this amendment will provide significantly more generous imputed interest rates through July 1, 1985. In fact, it is a little sweeter than the bill we had except ours was permanent. Ours made permanent changes. Ours was a little more complicated. We had 19 pages, and now we are down to 8. So we have simplified it in the process.

Specifically, loans with a principal amount not exceeding $2 million will be subject to a 9-percent test rate. The rate above that amount will be a "blend," just as it was in our compromise. This rate will apply to property other than new property eligible for an investment tax credit. Interest on farm property under $2 million in loan amount will be accounted for on the cash method by both the buyer and the seller. And then we took the so-called assumptions rule in the Senate provision and kept those in the compromise. The farm property provision was very important to a number of Senators; particularly it is a matter that Senator Jepsen called to our attention in the discussions. The House, at least the chairman, agreed to take that.

That in essence is the compromise. It goes from the $1 million ceiling in the Deficit Reduction Act to $2 million. So I would hope we could go ahead and pass this, send it back to the House and then when we have word that they have agreed to this proposal we could go back to the debt ceiling.

Mr. METZENBAUM. Will the Senator yield for a question?

Mr. DOLE. If I can answer it.

Mr. METZENBAUM. Over $2 million, is the rate 110 percent of the Treasury rate?

Mr. DOLE. That is correct, 110 percent.

Mr. METZENBAUM. I thank the Senator.

Mr. DOLE. I might say that did not meet with the approval of some of the principals involved who were very helpful to us in the past 3 or 4 weeks, but that is all we could do. It may be satisfactory to the Senator from Ohio, but I must say there were some not totally pleased with the result.

Mr. METZENBAUM. Do I also understand—I might say that I think that is a good portion of the compromise—that there is some prohibition with respect to equipment leasing which would preclude the Morgan Stanley type of transaction the Senator from Ohio referred to earlier?

Mr. DOLE. We specifically addressed the Morgan Stanley question and the Senator is correct.

Mr. METZENBAUM. I thank the Senator.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, I have to say this about what the House did to the 19, 20, 21, or 22 pages of new tax law that we sent over to correct imputed interest rates. They simplified it down to about two pages and a quarter and that is meritorious in itself. They took those 20-odd pages and said that what is in here we will put into two pages. I think we owe them a debt of gratitude because every page of new tax law we write and pass and get into the code seems to come back to haunt us. That is really why we are talking about imputed interest rates tonight, because in the 1984 Tax Act it was all balled up.

I compliment our chairman of the Finance Committee. He accepted what the House recommended. And he is right. In a way it is a little sweeter because the exemption is $2 million. They applied it across the board. They did not have any trouble applying it to small business just like they apply it to land.

And then what our chairman did was to negotiate with them because the flaw in the House provision was that it not only lacked permanency, it was only going to be for 3 months, and that was much too short a time. That was unrealistic. And so what we now have before us is a shorter version. It also has the assumables as we put them in on this floor and exempted them. It is a pretty good package, but it is only for 6 months. On July 1 it goes out of existence and then we would revert back to the really convoluted, unworkable, unmerciful, inequitable provisions of the 1984 Tax Act involving imputed interest.

So that is the challenge. It is a challenge to the Senate, it is a challenge to the House to make sure that we have corrections in permanent form to make it permanent law so we are never balled up again, plaguing farmers, ranchers, homeowners, homebuilders, and all the industry that goes with construction, plaguing small business with a situation where, on seller financed sales of property, the IRS would have them at their mercy and impose an imputed interest rate so great it would stop in its tracks all of the seller financed sales of property and do a serious injustice not only to those individuals but the entire country because it would dampen and hamper the economy.

Mr. DOLE. Mr. President, I thank the Senator from Montana for his comments because he has been deeply involved in this. I think he is right. The House did simplify it. Many of the additional pages were some of the assumption rule changes that the Senator from Montana wanted so we added a few pages.

Mr. MELCHER. We still got it down to eight, though. That is better than 21.

Mr. DOLE. Right. We made a lot of progress.

Mr. President, I hope that there are no further amendments to this provision. I think we have just about gone the route with the House side. I do not know precisely what happens if it goes back. I assume they will accept this and then we will bring up the debt ceiling. So I hope that my colleagues might agree on a voice vote to pass this amendment.

The PRESIDING OFFICER (Mr. DANFORTH). Is there further debate?

Mr. LONG. Mr. President, the best thing about the compromise is that it will give us an opportunity to come back next year and do the thing right, which I think would be best for all concerned.

The PRESIDING OFFICER. Is there further debate?

Mr. GRASSLEY. Mr. President, in the case of the first amendment, can anyone tell me how many organizations are supporting the compromise? I would like to know that.

The American Land Association, the National Association of Homebuilders, the National Association of Realtors, the National Federation of Independent Businesses, the National Multi-Housing Council, the National Small Business Administration—are all these organizations on board?

Mr. DOLE. I cannot say that, I say to the Senator from Iowa. They labored for weeks, and I am grateful to all the representatives for a compromise. They were very satisfied with the compromise, and I think they feel disappointed in having to accept something less—less in some cases and more generous in others.

We have tried to poll the organizations. We have tried to notify the organizations. We have sought their endorsements.

I just cannot guess what their attitude might be, but I say this: If it is a question of nothing or 6 months plus some changes we have made, we believe that, in itself, is an improvement.

I have to believe, just speaking for realtors and homebuilders in my State, that this is even a bit more generous than what we were recommending earlier, except that it is not permanent, and that is a shortcoming. It means that those such as Senator SYMMS who want repeal will have to work on it, and those who want an additional compromise will have to work on that.

Mr. GRASSLEY. We have had discussions for quite a few days on the amendment, and then response as to the interests of these groups so far as the amendment originally being adopted was concerned.

There has been discussion in the last 4 hours on this amendment. What about the taxpayers of this country, the people who do not have a lot of representation here like these interest groups have?

All I was trying to do was to create a situation in which the taxpayers might get a fair shake in the tax courts. Are we going to leave the taxpayers out of this compromise? Are we going to let them have as much opportunity as these interests have here?

Mr. DOLE. As the Senator from Iowa knows, I have gone to the chairman of the Ways and Means Committee with the Senator. I have written the chairman of the Ways and Means Committee a letter. We sent it over there three times, and they sent it back. In my view—and I have talked to the chairman privately about it—they are not going to take that amendment. Maybe they should.

We do not have a problem with it in the Senate, but it seems to me that after we have sent it there three times, we finally got a fairly clear signal of their attitude.

I support the amendment of the Senator from Iowa. I helped work it out. The Senator from Louisiana had one objection, and the Senator from Iowa was satisfied. I do not think there is any problem on the Senate side. Unfortunately for the House, we cannot control what they do. They sometimes try to control what we do.

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. GRASSLEY. I yield.

Mr. SYMMS. I just want to say to all my colleagues, for whom I have the highest respect, that we have arrived at a point where I believe the Senator from Idaho can say "I told you so." I tried to say earlier that we should just repeal and go back to the simple, clean, understandable, pre-1984 passage of the so-called Deficit Reduction Act, the law that has been on the books for 20 years, since 1964 through the present time. If we had done that, I think the House then could have understood what the Senate did; and with 300 sponsors of that position, they probably would have voted to agree to that position and say, "We will fix this next year; we will address this problem next year."

There may be some problem with that, as the Senator from Ohio and others have pointed out. But we made it so complicated that the House could not understand it, because they only had 15 minutes to look at a 21-page compromise and try to figure out what they were supposed to do.

I agree with the distinguished chairman—I will be back next year. I think we made a mistake on this. I do not know how this is going to come out, whether there will be a record vote or not. But the right thing for us to do tonight would be to simply repeal this law and say that next year we will start over. It may be too late to do that, but that is just typical when we allow select Senate staff and those few industry lobbyists—"beltway bandits"—decide how we should legislate.

We had the opportunity to do the right thing, and we did not do it, so now we are stuck with the present situation.

I think the chairman has done all he can do to try to arrive at a solution. One thing the chairman said I do agree with: Now we have a little time for a very limited number of taxpayers. We have thoroughly confused the taxpayers who have to live with the Tax Code.

Early next year, when we come back, I will be back here saying that we should again repeal the provisions enacted last summer, and make a few minor changes to eliminate the abuses.

As to what we have to do tonight, what can be done, there are not very many choices at this point.

I thank the Senator from Iowa for yielding.

Mr. GRASSLEY. Mr. President, let me ask this of the Senator from Kansas. He has been very helpful to me in this matter. Originally, for a long period of time, he was opposed to what I was trying to do, and he did help us work out a compromise. Let me preface this, because, so far as I know, even on the part of the House, there was not a disagreement with the substance of what I was trying to do.

The chairman of the Ways and Means Committee asserted jurisdiction over it. Because it came out of the Judiciary Committee, he did not have jurisdiction over it.

By the way, provisions of TEFRA sunset next year. We obviously are going to have a tax bill next year of some sort. If the chairman of the committee feels firm enough in his support of this bill at this point that he can look into the future and can support it just as easily then as he does now, when we will not have the jurisdictional problems, I wonder if the chairman of the committee will lend his enthusiastic support at that point for what we have agreed to at this point.

Mr. DOLE. I do not have any problem with that. I think we worked out any differences we had. I think I can say that the administration had some problem with the definition, and they conveyed that to the House, which was a factor.

In our discussion with the chairman, he was concerned about the tax provisions. I am not certain that they ever had a substantive discussion. I am not certain that they ever did. I do not think they did.

It is my hope that, now that we have agreed on the Senate side, we can get it to the House on some vehicle early enough next year so that they will not have the Senator from Iowa in the crunch they have him now, in the closing hours of this session.

I can indicate to the Senator—and I can also indicate to the Senator from Alaska, who asked about our commitment to try to work this out next year—that the answer is yes. We have been trying to work it out the last 5 weeks, and I say the same to the Senator from Iowa.

Mr. BAKER. Mr. President, I have no desire to cut anybody off. Just to get the parliamentary situation in the right configuration, I now move that the Senate concur in the House amendment with the Senate amendment which is at the desk and has been reported.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, the action just taken by the Senate will go to the House of Representatives. As soon as we ascertain the action of the House, I will be prepared to ask the Senate to proceed to the debt limit resolution, assuming that there are no glitches in between.

In the meantime, I am prepared to do any routine work that our two floor staffs may indicate we can do. But for the moment, and while they explore that, I am about to suggest the absence of a quorum.

Before I do that, I urge Senators to remain, and I remind them that the yeas and nays have been ordered on the debt limit resolution. I urge them to stay here and vote when the time comes.

UNANIMOUS-CONSENT AGREEMENT—DEBT CEILING BILL

Mr. BAKER. Mr. President, I have discussed this with the minority leader and I have also worked through our clearance process to ascertain that there is no objection to the request I am about to put. The reason I am about to put it, may I say in advance of the request, is we feel, I think for good reason, that the House would like some reassurance on what action we are going to take if they concur in the Senate amendment which has been added to H.R. 5361.

Therefore, Mr. President, in order to reassure the House on that subject, I ask unanimous consent that upon the House concurrence with the Senate amendment just added to H.R. 5361, that the Dole amendment No. 7082, as amended by the Jepsen amendment No. 7083, be deleted from the debt ceiling before the Senate and that the debt ceiling resolution be returned to the original form as it was received from the House of Representatives.

The PRESIDING OFFICER (Mr. STAFFORD.) Is there objection? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6112

Mr. BAKER. Mr. President, there is a bill that we have been trying to clear for action for some time now; for several days, indeed. I am advised by the chairman of the Finance Committee and other Senators that we are in a position to adopt the bill without amendment. I would very much wish to do that.

If I could have the attention of the chairman of the Finance Committee, the minority leader, and the ranking member of the Finance Committee, I would like to propound this unanimous-consent request.

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 6112; that no amendments be in order; that the time for debate on that measure be limited to 1 minute and the control to be in the usual form; that no motions be in order, with the exception of a motion to reconsider on which no debate will be in order and a motion to table the motion to reconsider; and that no point of order will lie against the bill.

Mr. LONG. Mr. President, reserving the right to object, may we have that bill identified?

Mr. BAKER. Yes, Mr. President. It is the Small Business Unemployment Tax Act. It is a matter that has been sponsored initially by both Senators from the State of Illinois and by the chairman of the House Ways and Means Committee.

I yield to the chairman of the Finance Committee who can give a more detailed explanation of that.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. LONG. Reserving the right to object until we know what it is. Has the bill been reported by the Finance Committee?

Mr. DOLE. It has been reported by the Finance Committee. It provides small business relief similar to the relief that we provided for the New York garment industry in 1981. It was a bill that was introduced by the chairman of the Ways and Means Committee in the House and supported by the two Illinois Senators. There has been rather intense interest in the legislation, not only by the chairman but by Senator DIXON and Senator PERCY.

The hangup has been whether or not any amendments would be offered to the bill. The Senator from New Hampshire, Senator HUMPHREY, had an unemployment amendment but he has agreed to not press that amendment; in turn, Senator SASSER has agreed not to press his amendment. I hope that we might act on the bill. Senator HUMPHREY has indicated he can pursue his next year.

I talked to Senator DIXON tonight, I might add. He was in Chicago. He told me as best he could, that he would hope we could pass this bill tonight. Everyone is claiming credit for it in Illinois.

The **PRESIDING OFFICER**. Is there objection to the unanimoius-consent request? Hearing none, it is so ordered.

SMALL BUSINESS UNEMPLOYMENT TAX ACT

The **PRESIDING OFFICER**. The bill will be stated by title.

The bill clerk read as follows:

> An Act to amend the Tax Equity and Fiscal Responsibility Act of 1982 with respect to the effect of the 1985 increase in the Federal unemployment tax rate on certain small business provisions contained in State unemployment compensation laws.

● Mr. **DIXON**. Mr. President, I support H.R. 6112, which will make a big difference to 52,000 small businesses in Illinois.

I would like to congratulate Congressman DAN ROSTENKOWSKI for addressing this critical problem in a timely fashion.

I joined my colleague, Senator PERCY, in cosponsoring a companion measure in the Senate, S. 2988, several weeks ago.

This bill addresses a problem that is only occurring in Illinois, due to the specific measures that were taken by the State to encourage growth and expansion of small businesses.

When the Tax Equity and Fiscal Responsibility Act of 1982 was adopted, the Federal unemployment tax was increased from 3.5 percent to 6.2 percent. At the same time, the offset credit, which is granted to employers in States whose laws meet Federal guidelines, was increased from 2.7 percent to 5.4 percent. The net effect in most cases was a continued employer tax of 0.8 percent.

Most Illinois employers are not affected by the changes which become effective January 1, 1985. However, small businesses, those paying less than $50,000 in quarterly wages, face an immediate 46-percent increase in their tax. This is due to a 1981 State law which capped the small employer tax at 2.7 percent. This was an effort to encourage the growth of small businesses and bring jobs to Illinois. The cap was increased to 3.7 percent in 1984. Small businesses in Illinois are not being taxed in the usual, experience-rated manner, because this method was biased against small business and would have resulted in a 6.7-percent maximum tax. This would have been a disproportionate share for small employers to bear.

The Illinois effort had no adverse effect until the TEFRA provision, which becomes effective this January, increased the Federal unemployment tax credit to 5.4 percent. Without H.R. 6112, Illinois' capped tax rate of 3.7 percent will be less than the Federal credit. For small businesses to absorb a 46-percent increase in 1 year would cause many to close their doors and contribute further to Illinois' continuing unemployment problems. Our unemployment rate stood at 8.7 percent in August.

The legislation we are proposing would not eliminate the increase on these businesses. Rather, it would give them a chance to pay the unemployment tax gradually. It allows the State of Illinois to tax small businesses at the required rate, but to do so over a 5-year period.

There is precedent to stretch out the increase over a period of time. TEFRA provides for a phase-in for New York's garment, construction, and food processing industries. Gradual increases were not provided in the original legislation for small employers, however.

Finally, I would like to mention that there is no cost to the Federal Government for this proposal.

For those of my colleagues who recall that Illinois has a substantial unemployment insurance debt, let me report that for 1984, Illinois will repay $550 million of that debt. There have been major changes in Illinois' unemployment insurance laws reflecting both increases in taxes and reductions in benefits. It is a tough, on-going battle, but the loans will be repaid.

I urge the adoption of H.R. 6112.●

H.R. 6112 AND S. 2988—UNEMPLOYMENT TAXES

● Mr. **PERCY**. Mr. President, as the sponsor of S. 2988, the Senate companion to H.R. 6112, I urge that the Senate pass H.R. 6112.

This legislation would prevent a sudden and potentially devastating unemployment tax increase for 50,000 small businesses in my home State of Illinois. Unless H.R. 6112 is enacted before the Congress adjourns this week, these small businesses in Illinois will see their unemployment taxes skyrocket by 50 percent in January of next year—from $400 per employee to almost $600 per employee. Just imagine the disastrous impact such an increase would have on any business, especially a small business.

The Tax Equity and Fiscal Responsibility Act of 1982 [TEFRA] increased the maximum tax credit an employer would be allowed from 2.7 to 5.4 percent. To ease the transition for specific industries where a flat rate was in effect in a State prior to the enactment of TEFRA, Congress permitted a 5-year phase in wherein the flat rate would be increased by 20 percent each year until the 5.4 percent rate was reached.

The State of Illinois has a flat maximum tax of 3.7 percent applicable to small employers. Until January 1, 1985, this presents no problem since it is in excess of the maximum tax credit allowed, 2.7 percent. After that date, however, it would not be permissible for a State to assign a reduced rate below 5.4 percent. Unfortunately, the exceptions to this rule did not recognize small firms as a category eligible for the phase-in rates.

Illinois is in a truly unique situation since it is the only State with a flat rate for its small businesses. My legislation would allow small firms, in States that permitted a flat maximum tax rate for such employers prior to the enactment of TEFRA, to phase in the higher rates over a 5-year period similar to what is allowed for employers in specific industries under TEFRA. The bill would define a small employer as one with a quarterly payroll of less than $50,000. It allows a phase in over a 5-year period with the base rate being 3.1 percent.

This legislation will treat all employers who were paying a flat rate at the time of TEFRA on the same basis regardless of whether the reason for assigning the flat tax was due to size of firm or type of industry. It would also give small employers additional time to arrange for financing of the added costs.

With the economic recovery now underway, the worst thing that we could do now is to raise the taxes of thousands of small businesses. This legislation will give 50,000 businesses in Illinois some breathing room to adjust to this increase.

Congressman ROSTENKOWSKI has sponsored H.R. 6112 in the House, and has seen that it is passed by the House expeditiously. My good friend and colleague Senator DIXON is the principal cosponsor of this legislation in the Senate. It is imperative that we pass H.R. 6112 to avert what could be a crisis for these small businesses in Illinois.

The administration has no objections to this legislation, and Senator DOLE has indicated that he too has no objections.●

Mr. **BAKER**. Mr. President, I yield back the time on this side.

The **PRESIDING OFFICER**. Is all time yielded back? All time is yielded back.

The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 6112) was ordered to a third reading, was read the third time, and passed.

Mr. **BAKER**. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **BYRD**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TRIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

SENATOR HOWARD BAKER

Mr. TRIBLE. Mr. President, through the night our many distinguished colleagues have risen to say a few words of respect and admiration about our departing colleagues. I would like to take just a moment of the Senate's time to join my colleagues in expressing my admiration and respect for our leader, HOWARD BAKER.

Abraham Lincoln once characterized Henry Clay as his "beau ideal" of a statesman. To me, the retiring majority leader is the "beau ideal" of a Senator. His equanimity, determination, commitment to principle, consummate political skills, and rare grace symbolize what is best about this institution.

We all feel a sense of loss at the retirement of a man of these qualities.

Although burdened by the weight of Senate business, HOWARD BAKER never once lost sight of the larger ends he sought to serve: The public good and the institution of the Senate. Time and again, his voice lent reason to our councils, and his wit tamed the most impassioned among us. For Senator BAKER understands, as no one else among us, that serving the public interest requires a measured response to the issues before us.

And never once would HOWARD BAKER compromise the practices, procedures, or traditions of the Senate to serve some expedient purpose. He appreciates fully the role of the Senate as a deliberative body. His willingness to tolerate opposing points of view and his uncanny and unequaled ability to reconcile them, will leave their mark on the history of this institution, and indeed the history of this Republic.

We will all miss HOWARD, but his mark on the Senate will endure, and his example will guide us in the future. Even as we wish him well, we know that "we shall not look on his like again."

EXPORT ADMINISTRATION ACT

Mr. CRANSTON. Mr. President, I deeply regret that Senator GARN has just stated that the Senate will not consider the Export Administration Act, H.R. 4230, that the House of Representatives just passed. I believe that we should approve the bill, including the provision to ban direct bank loans to the Government of South Africa.

We should act on this measure this year because we face a trade deficit of $130 billion—that is a record-breaking deficit of immense proportions. This deficit represents the inability of U.S. businesses to compete effectively in the world market. One of the major reasons they cannot is because they are hamstrung by the bureaucratic morass of export licensing procedures. The House-passed bill, H.R. 4230, is an important step in easing the burden of licensing procedures. I believe that much more can be done, but this bill represents a laborious compromise effort that has lasted for 8 months. It was the best we could do this year. Given the enormous deficit, we should not delay action.

I also strenuously object to the proposed additions propounded on the floor to reinsert into this bill statutory authority for the Department of Defense to review export licenses to free-world countries. Giving the Defense Department such a role in reviewing these licenses is a radical departure in U.S. policy. It sets the stage for a trade policy that sacrifices business interests in an overzealous and ineffective effort to try to stem the flow of sensitive technology to the Soviet Union. I support reasonable and effective measures to protect our technology. The best way to do this is to give the Department of Commerce adequate resources to fulfill its mission of controlling sensitive exports and to free up the personnel at the Commerce Department from the swamp of bureaucratic redtape that they currently have to wade through so they can concentrate on the areas of greatest risk of diversion—not on the 98 percent of the licenses submitted that are eventually approved.

I strongly oppose unreasonable steps that reflect an overreaction to what is, for the most part, only a theoretical risk of diversion of militarily sensitive goods and know-how. This approach of trying to build walls around the United States will not shut out the Soviet Union, but it will shut in U.S. businesses. It will, in the long run, serve only to damage U.S. businesses by denying them markets overseas, by denying them a competitive edge in a highly competitive world market, and by denying them the ability to compete even in our own domestic markets because they lose so much ground to foreign competitors. The primary objective of this bill was to assist our businesses, not hurt them.

I also must take issue with the assertions made on the floor that it was the House of Representatives that failed to compromise on this bill. As a conferee to this bill, which has been in conference for over 8 months, I can attest to the willingness of the House of Representatives to make major concessions in every single area of importance. I believe that the House met the Senate more than halfway and to infer othewise simply does not do justice to the facts.

It is erroneous to infer that the House of Representatives maintained a rigid position with respect to sanctions against South Africa. The House had agreed to drop completely two of the four sanctions that it had originally passed. It agreed to accept mandatory reporting requirements of the Sullivan principles as opposed to mandatory imposition of these principles—a major concession. And the House dropped the provision that some Members felt most strongly about—a ban on new investment in South Africa. The one provision that the House felt it must retain was a ban on direct bank loans to the Government of South Africa. This is hardly an extreme position, and it was a position that was agreed to in the conference by the House and the Senate.

More important, the ban on direct bank loans to the Government of South Africa made a strong statement about U.S. opposition to apartheid. It was a way of taking a concrete step to reflect U.S. abhorrence of the practice of apartheid. The policy of apartheid is one of the worst violations of man's human rights that has ever been devised. It denies the majority of South Africans basic rights of where to live, where to work, where to pray. It denies the majority of South Africans the right to vote. It prevents the majority of South Africans from an equal opportunity to make a living, to give their children a decent education, even a decent future. U.S. opposition to this system is an overriding moral issue for this Nation. I supported the House provision on South Africa and deeply regret the decision to refuse to consider the House bill with this provision in it.

This conference did not fail because the House added another amendment to the bill. It failed because it lacked the support of the administration and because the House and Senate could not reconcile two radically differing philosophies on how to approach U.S. trade policies.

When we come back to the next session of Congress, we will now have to face these same issues again. I do not expect them to be any easier, but I will work with my colleagues in the Senate and the House to find a consensus on these very difficult issues. I will also work to act as expeditiously as possible on a new Export Administration Act. It is essential for our business community, for our economy, and for our national interests to have a workable, efficient licensing procedure.

THE CALENDAR

Mr. BAKER. Mr. President, there are a few other matters that now have been cleared, I believe, on both sides for routine action. If the minority leader is prepared to do so, I am prepared to go through them now.

Mr. BYRD. Mr. President, we have clearance on this side.

CORRECTION OF TECHNICAL ERRORS IN ENROLLMENT OF H.R. 2867

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate House Concurrent Resolution 376, which is at the desk.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 376) to correct technical errors in the enrollment of the bill, H.R. 2867.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 376) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF AUTHORITY

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate H.R. 1314.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 1314) to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of Government, and for other purposes.

Mr. LEVIN. Mr. President, the Senate today is joining with the House in passage of H.R. 1314, a bill to extend reorganization authority to the President of the United States through December 31, 1984. In so doing, we are also changing the way in which any reorganization plan offered by the President is considered or reviewed by Congress, in order to conform the Reorganization Act with the requirements spelled out in the recent Supreme Court decision of Chadha versus INS. That case, as we all know by now, overturned through the breadth of its decision, one and two House legislative vetoes. The Reorganization Act of 1977 contains a one House legislative veto, in which a reorganization plan proposed by the President has to lay before Congress for 30 days, during which time either House of Congress could disapprove or veto the plan by a majority vote of that House. Since the Supreme Court has ruled that such a shared power scheme is not constitutional because it does not comply with the strict requirments of article I of the Constitution, namely bicameralism and presentment to the President, we must amend the current statute in order to extend the reorganization authority.

We have three limited and very different options—to provide an unlimited grant of authority for the President to reorganize; to require that each reorganization plan proposed by the President be approved by both Houses of Congress and signed into law by the President, or to allow for Congress to disapprove of a reorganization plan by passing a joint resolution of disapproval which would require signature by the President, and in the event of Presidential veto, a two-thirds vote of the Congress to override. The bill we are passing today has chosen the second alternative, which requires affirmative approval by both Houses of Congress, and I am supportive of that choice.

I wanted to take the opportunity today, however, to explain my support for the resolution of approval in the context of executive reorganization since I will be offering amendments on later bills to require a joint resolution of disapproval for agency rulemaking.

During the past year since the decision in Chadha, we have all had to wrestle with finding new alternatives to some 60 legislative vetoes in current law. Many of these are still being studied. However, we did recently pass legislative vetoes, which I supported, requiring affirmative action by Congress and the President in the Export Administration Act. One of these pertained to the export of Alaskan oil, which required a joint resolution of approval of any Presidential decision to export Alaskan oil, and the other pertained to cooperative agreements under the Nuclear Nonproliferation Act, which required that any cooperative agreement on the export of nuclear materials to another country be authorized by statute. Such agreements had previously been subject to veto by a two House resolution of disapproval.

I supported these requirements of affirmative legislative action because both of these situations are distinguishable from agency rulemaking in a very signficant way. The fundamental congressional position in these two instances is to prohibit the President from exporting Alaskan oil or entering into a cooperative agreement on the export of nuclear materials. But, Congress also wants to allow for the exception.

In the area of agency rulemaking, we say almost the opposite. We want the President or executive agencies to issue regulations, but we also want to check them before they are implemented. In the one instance the legislative veto is creating an exception to a prohibited act; in the other, it is serving as a check on the reasonableness of a desired act. In the former, a joint resolution of approval is appropriate; in the latter, a joint resolution of disapproval is appropriate.

Now we come to the Reorganization Act. It contains a grant of authority to the President to do something. So to that extent, it is like agency rulemaking authority. But, unlike rulemaking authority, it is not a proscribed or somewhat defined grant of authority. When Congress passes a substantive program upon which regulations must be issued, it is directing the agency, through its legislative language, as to the parameters of and standards for the rules which will be issued to implement that program. In the Reorganization Act, we are merely granting the authority to the President to reorganize within the executive branch, without the necessary guidelines for how that reorganization authority is to be used.

And the reason for that is that we can't really tell in advance what is appropriate at this time for reorganization activity. It must be done on an individual or case-by-case basis, and we are asking the President to recommend to us, when and what type of reorganization efforts should be taken. There are unforeseeable, unique circumstances which are impossible to identify beforehand. So, in this type of situation—which is, again, quite different from agency rulemaking—the joint resolution of approval is appropriate.

Congress would simply not grant to the President unlimited authority to reorganize without some check. And, since this is an area where the possibilities are almost infinite and the impossibility thus exists for Congress to establish the necessary parameters and standards for the use of the grant of authority, the requirement of congressional approval through the use of the legislative process makes good sense.

As I said earlier, we have some 60 existing statutory legislative vetoes that need revision in light of Chadha and an untold number of instances in new legislation where legislative vetoes will be appropriate. Each of these must be viewed in its own context, with careful thought to the congressional purpose and the surrounding circumstances. I have tried to lay out here the basis of my approach to the legislative veto revisions and new provisions.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 1314) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT TO THE RIVER AND HARBOR ACT OF 1946

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate H.R. 6430 which is at the desk.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

> A bill (H.R. 6430) to amend the River and Harbor Act of 1946.

NEWPORT NEWS SMALL BOAT HARBOR

Mr. TRIBLE. Mr. President, I urge the approval of this noncontroversial and technical measure authorizing the relocation of the channel and harbor entrance for the Newport News small boat harbor.

This harbor was authorized by Congress in 1946, and constructed shortly thereafter. Now, Virginia is seeking permission from the Corps of Engineers to move the channel and entrance a distance of 150 feet in order to construct the Interstate 664 bridge and tunnel between Newport News and Chesapeake, VA.

However, the Corps of Engineers has determined that it cannot grant this permission without congressional approval, since this project was specifically authorized by the Congress in 1946.

This bill authorizes the corps to grant the permission to modify this project. There is no opposition to this provision and I note that it authorizes no additional Federal spending; rather, Virginia will use its allocated funds under the highway trust fund to accomplish this project.

Mr. President, I urge the prompt passage of this legislation.

NEWPORT NEWS CREEK CHANNEL BOUNDARY CHANGE

Mr. WARNER. Mr. President, I rise to offer an amendment which was originally intended to be a part of S. 1739, the Water Resources Development Act of 1984.

Unfortunately, that legislation has not been passed, so it is necessary for me to offer this legislation which would authorize changing the boundaries of the Newport News Creek channel to allow construction of the Interstate 664 crossing of Hampton Roads.

I hasten to add that this amendment does not cost the Federal taxpayers any money.

The modification of the Newport News project is truly a noncontroversial issue which would involve no new cost to the Federal Govenment.

Originally, the Virginia Department of Highways and Transportation was under the impression that congressional approval of the project modification was not necessary for them to proceed with the channel crossing.

However, counsel for the Chief of Engineers has advised that the approval of Congress is required before the State can proceed with the proposed bridge-tunnel work.

Specifically the Virginia Department of Highway and Transportation proposes to construct a bridge-tunnel across Hampton Roads from Newport News to Suffolk designated as Interstate Route 664.

Construction of the bridge-tunnel on the Newport News side will require modifications of an existing Federal navigation project, Newport News Creek, VA.

The Newport News Creek navigation project was authorized by the River and Harbor Act of July 24, 1946 (Public Law 79-525).

The project consists of a 12-foot deep channel at mean low water with varying widths of from 200 feet to 60 feet from deep water in Hampton Roads to and through the municipal boat harbor entrance; thence 12 feet deep, 150 feet wide to an including a turning basin and anchorage of the same depth 220 feet wide and 400 feet long in the upper end of the harbor.

The proposed modifications will involve the shifting of 1,200 feet of the 150-foot channel in the harbor by 80 feet eastward to allow space on the west side of the harbor for the proposed bridge structure.

The harbor entrance will be relocated about 150 feet eastward to allow space for construction of the north harbor tunnel island.

The new entrance will provide for an increase in the existing Federal project channel entrance width from 60 feet to a new width of 90 feet with 30-foot side clearances to bulkheads.

From the new harbor entrance, the relocated channel will extend seaward with a 150-foot-wide channel bounded on the west by the proposed 1,400-foot-long north tunnel island and on the east side by a proposed concrete pile jetty.

The purpose of the jetty is to protect the harbor entrance from shoaling and to reduce wave action in the harbor entrance.

This project has already been delayed by the corps' decision to require extensive additional work on an environmental impact statement which had received approval several years ago, and it may face further delay from the failure of Congress to enact the interstate cost estimate in a timely manner.

A modification of the Newport News Creek channel is essential so that the I-664 crossing can go forward.

Mr. President, I wish to express my appreciation, and the appreciation of all Virginians, to the leadership for handling this matter.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 6430) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COOPERATIVE EAST-WEST VENTURES IN SPACE

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 236.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

> *Resolved,* That the resolution from the Senate (S.J. Res. 236) entitled "Joint resolution relating to cooperative East-West ventures in space", do pass with the following amendment:
>
> Page 4, strike out lines 1 through 4, inclusive.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreement to the motion of the Senator from Tennessee.

The motion was agreed to.

EFFECTIVENESS OF PATENT LAWS

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 6286.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

> *Resolved,* That the House agree to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, and 9 to the bill (H.R. 6286) entitled "An Act to amend title 35, United States Code, to increase the effectiveness of the patent laws, and for other purposes.".
>
> *Resolved,* That the House agree to the amendment of the Senate numbered 6 to the aforesaid bill, with the following amendment:

Strike out the matter stricken and the matter proposed to be inserted by said amendment.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I have conferred with the minority leader to try to identify items that remain on the executive calendar which have been cleared on both sides.

May I say that is necessary because there are nominations on this side which have been cleared that have not been cleared on that side, and in some cases nominations on that side which have not been cleared on this side. To conserve time, we have tried to match that up.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the following nominations: Calendar 959 on page 5, Calendar 1015 on page 6, Calendar 1035 on page 7, Calendar 1036 and Calendar 1037 on page 7, and all of the nominations on page 8 placed on the secretary's desk in the Coast Guard and National Oceanic and Atmospheric Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Richard A. Derham, of Washington, to be an Assistant Administrator of the Agency for International Development.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

THE JUDICIARY

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of F.A. Little, Jr., of Louisiana, to be U.S. District Judge for the Western District of Louisiana.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Jasper R. Clay, Jr., of Maryland, to be a Commissioner of the United States Parole Commission.

NOMINATION OF MR. JASPER CLAY TO THE U.S. PAROLE COMMISSION

Mr. DOLE. Mr. President, the Senator from Kansas is pleased to support the nomination of Mr. Jasper Clay of Maryland as a member of the U.S. Parole Commission. Mr. Clay comes highly recommended and enjoys the support of my distinguished colleagues from the State of Maryland.

While there was no quarrel with this nomination, this Senator felt it necessary to place a hold on the matter in committee due to a commitment made by the White House some time ago to my constituent, Kansas State Senator Edward F. Reilly, Jr. It is unfortunate that the White House has not taken seriously an agreement reached earlier that Ed Reilly would be accorded the opportunity to serve the administration on a full-time basis.

Mr. Clay brings to this position a fine record of service in law enforcement as a member of the Maryland State Parole Commission. In deference to the senior Senator from Maryland and our colleague in the House, I have released the hold and would like to encourage prompt confirmation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Faye Barrett Howell, of Georgia to be a Member of the National Museum Services Board.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Richard J. Herczog, of California, to be a Member of the National Museum Services Board.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to nominations in the Coast Guard and National Oceanic and Atmospheric Administration placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. LONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I now ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I now ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO PRINT TRIBUTES AS SENATE DOCUMENTS

Mr. STEVENS. Mr. President, I ask unanimus consent that the tributes delivered relating to the retirement of Senator BAKER, Senator TOWER, Senator RANDOLPH, and Senator TSONGAS, be collected and that the tributes be printed as separate Senate documents.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I wish to announce there will be a RECORD that will be printed following adjournment this evening. Some of these items which are received after the adjournment relating to tributes to the retiring Members will be printed in that RECORD. They will appear in the final version of the CONGRESSIONAL RECORD as though having been delivered on the floor. All of them, I might add, whether delivered prior to the adjournment or after the adjournment, will appear in the permanent RECORD and in these Senate documents as though they had been delivered on the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ARMSTRONG). Without objection, it is so ordered.

HOUSE CONCURRENT RESOLUTION 377—SINE DIE ADJOURNMENT

Mr. BAKER. Mr. President, I am about to do something that I urge Senators not to consider lest they raise their hopes up too high. What is about to occur is simply an authority, not an accomplished fact.

I ask the Chair to lay before the Senate House Concurrent Resolution 377.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The bill clerk read as follows:

A House concurrent resolution (H. Con. Res. 377) providing for the sine die adjournment of the Ninety-eighth Congress.

AMENDMENT NO. 7128

Mr. BAKER. Mr. President, before we get into any hoots and hollers, I shall extinguish that immediately. I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee [Mr. Baker] proposes an amendment numbered 7128.

Strike all after the resolving clause and insert in lieu thereof the following: "That the two Houses of Congress shall adjourn on Thursday, October 11, 1984 or on Friday, October 12, 1984, and that when they adjourn on said day, they stand adjourned sine die."

Mr. BAKER. Mr. President, I hope we do not have to take advantage of this, but the provisions of the adjournment resolution expire at 12 tonight. I could ask the custodian of the clocks stop the clock, but I did that once and I had an embarrassing problem on my hands. That is, the clocks did not stop at the same time. The clock behind the Presiding Officer said one time and the clock behind the main entrance to the Chamber said another time and I got all sorts of criticism from my colleagues for interfering with God's work. So to avoid that possibility this time, I have advised the House that I would offer this amendment. I intend to send this adjournment resolution back to them with the fervent wish that they may concur without any further difficulty.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 7128) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The concurrent resolution (H. Con. Res. 377) as amended was agreed to.

Mr. BAKER. I thank the Chair. I thank the minority leader.

AUTHORITY FOR CERTAIN ACTIONS DURING SINE DIE ADJOURNMENT

Mr. BAKER. Mr. President, I have one other unanimous-consent request I might as well put now. I ask unanimous consent that during the adjournment of the Senate over until January 3, 1985, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives and that the Vice President and President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes; sir, Mr. President.

Mr. BYRD. Has the majority leader received any assurance from the President of the United States that he will not veto the concurrent resolution?

Mr. BAKER. Does the Senator mean the adjournment resolution?

Mr. BYRD. No, Mr. President.

Mr. BAKER. The continuing resolution?

Mr. BYRD. Yes; the continuing resolution.

Mr. BAKER. Yes, Mr. President; I am happy to say that I have received that assurance. After discussing this informally with the minority leader earlier today, I made it my business to call and ask for authority to say that the continuing resolution in the form in which it would pass would be approved by the President. I am authorized to say that now and I do say it.

Mr. BYRD. I thank the distinguished majority leader.

Mr. BAKER. Mr. President, I am advised that the House has concurred in the Senate amendment to H.R. 5361. Under those circumstances, Mr. President, I have one or two other things that I would like to say.

THE HIGHWAY BILL

Mr. BAKER. Mr. President, the distinguished chairman of the Environment and Public Works Committee is here. I guess the only item left that we have not disposed of that was on the list of urgent items is the highway bill. I must sadly report to the Senate that it is my impression that we cannot pass a highway bill.

I congratulate the chairman of the committee [Mr. STAFFORD], the ranking minority member [Mr. RANDOLPH], the chairman and the ranking member of the relevant subcommittee, and others who tried to negotiate the differences between the House and the Senate in conference. They have been unable to do so, I am informed.

Mr. President, we also have an ICE bill—clean ICE, as it is called—interstate construction estimate—to the calendar. I have inquired and I have discovered that we have as much trouble with that as we do with the highway bill. I have come reluctantly to the conclusion that we cannot pass that, either.

I shall yield to the distinguished Senator from Vermont so he may make whatever remarks he wishes, but it is my impression that we cannot proceed further on the highway bill.

Mr. STAFFORD. If the majority leader will yield, I have to agree with what he has said. We have tried very strenuously, my colleague and partner in this [Mr. RANDOLPH], and I, to reach an agreement with the House over a period of 2 days. We got fairly close on everything but one major item. We were unable to reconcile our differences on that particular matter. So this afternoon, it appeared that we were not going to be able to reach an agreement with the conferees in the House. At that point, we gave up the effort to pass that highway bill.

By the way, Mr. President, I say to the majority leader, as he knows, that was the second highway bill he brought to the attention of the Senate. It would appear to me that the majority leader is correct that if we attempt to pass another clean ICE—the original bill was an ICE—we simply will find it laden down with the same problems here and in the other body that brought us to a conclusion without an agreement this afternoon.

So I would say to the majority leader that if I am still the chairman of the committee in the next Congress, we shall make passing an ICE and a substitute ICE the top priority of the committee.

I invite the comment of my longtime beloved colleague [Mr. RANDOLPH] on this matter.

Mr. RANDOLPH. Mr. President, I add to what our capable chairman of the Committee on Environment and Public Works has just said that I really hurt way down inside of me that this Congress could not pass a highway bill before we leave. I really feel that a disservice has been done to the people of the United States of America. It is one that we could not help, as the chairman of our committee knows.

Our last offer was turned down—am I not correct, Mr. President?

Mr. STAFFORD. I would have to say yes, Mr. President. Our last offer, which I thought was a very reasonable one, was turned down by our colleagues in the House.

Mr. RANDOLPH. Yes, Mr. President; and I think it should have been accepted, but the situation is as the Senator has portrayed it. I regret that very, very much.

I know the minority leader and I have talked about this from the standpoint of the money that would come into West Virginia—some $89 million—and across America. That money is needed. It is ready to be sent. It is available. The condition of our highways and our bridges needs to be repaired, strengthened, improved, and new construction moved forward.

This is not an easy statement for me to make, but we failed. I do not feel that failure could be attributed to the able chairman of our committee or the members of our committee, and those especially in conference with the House.

Mr. STAFFORD. I thank the most able Senator from West Virginia for his words, with which I agree. I feel a great sense of disappointment that all of the work that our committee has done has not brought us passage of an I.C.E. this year.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, regretfully, the Congress will adjourn tonight without approving a highway bill. This is a great disappointment for me and a loss to my State.

Part of the bill under consideration, H.R. 5504, was approval of the interstate cost estimate. Approval of this so-called ICE is necessary for DOT to release interstate construction and substitution program funds. In New Jersey, that would have meant the release of $75 million in 1984 funds and well over $100 million in 1985 funds. Highway improvements and thousands of jobs were at stake in approval of the I.C.E. Unfortunately, release of these funds will now be further delayed, disrupting highway programs and depriving our citizens of work.

Another provision lost with our failure to approve a conference report on H.R. 5504 was authorization of a demonstration project to complete a long delayed segment of Route 21 in Passaic County in New Jersey. The completion of Route 21 is essential to revitalization efforts currently underway in this older, distressed city. The business community, local elected officials, Representative BOB ROE, and I have made this project a top priority. Linking this route, which has been cut off from major cities and east-west routes for a dozen years or more, with other major interstates is critical to Passaic's revitalization.

Differences between House and Senate conferees on the treatment of demonstration projects authorized by the highway bill in each Chamber ultimately led to the defeat of the highway bill. As late as this afternoon, I believed the Senate conferees made progress toward reaching a compromise on the treatment of demonstration projects. Ultimately, the conference broke down because of veto threats from the White House and remaining differences over the level of State participation that should be required in implementing demonstration projects and disagreement over the treatment of the Central Artery Project in Boston.

Also lost to New Jersey with the failure of this bill was authorization for a $200,000 feasibility study for a proposed west to east highway project in southern New Jersey. I sponsored this provision in the Senate Environment and Public Works Committee; Congressman BILL HUGHES sponsored a companion version in the House. Progress toward this project is important in southern New Jersey, which is among the fastest growing parts of my State and heavily traversed as residents from New Jersey and other States seek to enjoy the beaches of New Jersey.

Mr. President, both of these are projects which I hope can receive renewed attention from the Congress next year. Further, I hope we will be able to find a better means of dealing with approval of the interstate cost estimate in the future. The Federal highway program plays a critical role across this country, in maintaining and building our highway system and providing work for our citizens. Continuous deadlock on unrelated issues should not repeatedly place obligation of Federal highway funds in jeopardy.

Mr. President, the chairman of the Environment and Public Works Committee, Senator STAFFORD, and the ranking Democratic member, Senator RANDOLPH, tried their best, within the limits imposed on them, to clear a bill for action this year. I look forward to working with members on the committee again, early next year, to enact a highway bill.

TECHNICAL AMENDMENTS TO THE FEDERAL COURTS IMPROVEMENT ACT OF 1982

Mr. BAKER. Mr. President, there is a matter that appears to be cleared on both sides. I ask unanimous consent that the Senate now turn to the consideration of H.R. 4222.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 4222), an act to make certain technical amendments with respect to the Court of Appeals for the Federal circuit, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 7129

(Purpose: To specify additional criteria for urban development grants by the Secretary of Housing and Urban Development for fiscal year 1985)

Mr. BAKER. Mr. President, there is an amendment to be offered, I understand, by the distinguished Senator from Tennessee.

Mr. SASSER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee [Mr. SASSER], for himself, Mr. RIEGLE, Mr. GRASSLEY, and Mr. BAKER proposes an amendment numbered 7129.

Mr. SASSER. Mr. President, I ask unanimous consent that further reading of this amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) In addition to urban development action grants for fiscal year 1985 for which the Secretary of Housing and Urban Development has announced awards on October 1, 1984, the Secretary shall make urban development action grants in accordance with the provisions of this section and section 119 of the Housing and Community Development Act of 1974.

(b)(1) Except as provided in paragraph (2), a city or an urban county in a State shall not be eligible for an urban development action grant under this section if an award for such a grant was announced for such city or county or another city or urban county in such State on October 1, 1984.

(2) Notwithstanding paragraph (1), a city or urban county in a State shall be eligible for an urban development action grant under this section if an award of such a grant was announced for another city or urban county in such State on October 1, 1984, and such other city or urban county was only eligible for such a grant under paragraph (2) of section 119(b) of such Act.

(c) The Secretary shall select applications for urban development action grants for fiscal year 1985 from cities and urban counties which—

(1) are eligible for an urban development action grant under this section,

(2) on October 1, 1984, were rated as fundable for such grants under selection criteria established by the Secretary, and

(3) did not receive an award for such a grant for such fiscal year on October 1, 1984.

(d)(1) From cities and urban counties in a State eligible for urban development action grants under this section, the Secretary shall select the city or urban county in such State which, on October 1, 1984, had received the highest rating on its application for such a grant in accordance with selection criteria established by the Secretary.

(2) If the city or urban county selected by the Secretary under the paragraph (1) did not request an urban development action grant in excess of $2,000,000, the Secretary shall, in addition to the application of such city or urban county, select the application of the city or urban county in that State which received the next highest rating under such selection criteria. The Secretary shall make an urban development action grant under this section to both cities or urban counties selected under this paragraph and paragraph (1) if the total amount of the urban development action grants which will be made to both such cities or urban counties for such fiscal year will not exceed $2,000,000. If the total of both such grants for such fiscal year will exceed $2,000,000, the Secretary shall only make an urban development action grant for such fiscal year to the city or county selected under paragraph (1).

(e) For purposes of this section—

(1) the term "Secretary" means the Secretary of Housing and Urban Development;

(2) the term "urban development action grant" means such a grant under section 119 of the Housing and Community Development Act of 1974; and

(3) the term "selection criteria" means criteria promulgated by the Secretary under such section.

Mr. BAKER. Mr. President, I ask unanimous consent to be a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, this amendment is also offered on behalf of Mr. RIEGLE and Mr. GRASSLEY. Mr. President, I offer a compromise amendment relative to the increased UDAG allocations for the September 1984 quarter of funding. Now, this amendment is the product of a compromise which is necessary to provide funds to some eight States with very worthy projects that have received no funding under the recent UDAG allocation. The amendment requires the Secretary to allocate some additional $35 million to deserving UDAG projects in eight States.

Now, on several occasions, I have protected the inadequacy of the UDAG formula which went into effect in January of this year as it affects a great number of Western and Southern States with very deserving projects. Indeed, I intend to work with my colleagues on the Banking Committee during the 99th Congress to propose suitable revisions to the UDAG formula which will permit worthwhile UDAG projects to proceed in big and small cities in several States. Under the terms of this amendment, the eight States that did not receive funding during the last quarter's allocation of UDAG funding will be able to receive funding that would allow one or two projects in each State to proceed.

Mr. President, I commend my colleagues who worked to fashion this compromise. I in turn will be working with my colleagues on the Senate Banking Committee in the next Congress to build an enduring UDAG program that will be fair and responsive to the needs of all regions of this country.

Mr. President, I urge adoption of the Sasser-Baker-Grassley-Riegle amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Iowa [Mr. JEPSEN] be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further discussion of the amendment?

Mr. CHAFEE. Mr. President, this has been around for a while, and it is my understanding that this does not change the formula. Is that right? It just adds some money for eight States.

As I understood the Senator from Tennessee, he may come back to try to change the formula, but this does not touch that.

Mr. RIEGLE. Mr. President, will the Senator yield so that I may respond to the question?

Mr. CHAFEE. I yield.

Mr. RIEGLE. I say to the Senator that it does not change the formula, as the formula now stands. In effect, it reaches into the future to draw forward the money necessary to fund the additional projects the Senator from Tennessee has mentioned.

It is also the intention of this Senator and others who have worked on this to undertake, early in the new year, to review the UDAG formula and to try to deal with some of the criticisms that have arisen with respect to the fact that it has had an uneven application across the country in areas which have distress and would be deserving.

I think there is a general sense that the formula needs to be looked at for some modification. That is not something we can accomplish now, but it is the intention to deal with it early next year.

Mr. CHAFEE. How much money is the Senator talking about in this?

Mr. RIEGLE. $35 million.

Mr. CHAFEE. This is spelled with an "m"?

Mr. RIEGLE. It is spelled with an "m."

Mr. CHAFEE. It is a rare word around here. [Laughter.]

Mr. MOYNIHAN. Mr. President, I rise to express my concern about efforts to amend the Urban Development Action Grant [UDAG] Program. Careful consideration was given to the design of the UDAG Program when it was created in 1977. We should not act in haste to make any changes at this time.

When Congress first enacted the UDAG Program, as part of the Housing and Community Development Act of 1977, it was our intent to target the program so that those communities deemed severely distressed would be the ones to receive UDAG funding. Distressed areas, as defined by the 1977 law, are not evenly distributed throughout the country—as such, it should not be expected that UDAG's would be evenly disbursed throughout the country.

According to Department of Housing and Urban Development criteria, 15 of the 20 most distressed cities in the country are located in the middle Atlantic region. New York, New Jersey, and Pennsylvania have 23 percent of the population residing in UDAG-eligible communities. These same three States have received approximately 24 percent of all UDAG funds. It seems to me that this is an indication that the program is working.

In August of this year, during Senate consideration of the second supplemental appropriations bill, an amendment was offered that would have placed a cap on the amount of UDAG funds that could be received by any one community. I opposed that amendment. I agreed, however, to work with my colleagues, including Senator RIEGLE, ranking minority member on the Subcommittee on Housing and Urban Affairs, and Senator GARN, chairman of the Senate Banking, Housing and Urban Affairs Committee, to resolve some of the issues raised by other Members. I am still willing to work with my colleagues on this matter. I expect that the agreement reached here tonight will allow that to happen.

Mr. GRASSLEY. I agree wholeheartedly with the position of the Senator from Tennessee [Mr. SASSER]. As cosponsor of the amendment I strongly urge its adoption. I have spoken with several of the mayors and developers in my State who have spent hundreds of thousands of dollars to prepare fundable UDAG applications just to see them rejected, especially this last funding round. Everyone here heard the word that the "Secretary" wanted to fund about $200 million in "fundable" projects this round. But lo and behold, here came Budget Czar David Stockman who decided that only $127 million of appropriated 1985 funds should be used. The Secretary felt that the numbers were there, and his staff, after studying the program, felt it was a good idea. They knew there would be other rounds. But instead, Stockman decided he should start running the Department of Housing and Urban Development.

I know he will do the same thing during the next small city round due to be announced at the end of this month. You can expect to be back home in one of your cities and hear complaints of projects that were not funded because Dave Stockman is now running HUD, too.

I feel it is important that we, as a body, send a message to Mr. Stockman that the Secretary should be the one to make that decision and with this amendment we would accomplish that goal.

Then let us all get together next year and take a strong look at the formula and make it more equitable, and make the program a national program. I urge my fellow Senators to join us in voting for this amendment.

Mr. CRANSTON. Mr. President, I wish to rise in favor of the amendment offered by my colleague Senator SASSER. This amendment to H.R. 4222, the Federal Courts Improvement Act, would improve the distribution of urban development action grants [UDAG's] that HUD awarded in the September 1984 round.

In the September 1984 round, $304.2 million of technically sound applications were eligible for funding. HUD, however, distributed $127 million to these cities. As a result, applications that totaled $177.2 million were left unfunded.

Some States with technically fundable applications failed to receive any of the $127 million that HUD distributed. Except for a pockets of poverty award, California did not receive any UDAG funds in the September 1984 round.

My colleague's amendment would allow these States to receive at least one grant. Since this amendment would result in a more fair distribution of funds to California and other States, I urge my colleagues to support its passage.

Mr. President, due to the inadequate funding level and to the current application selection process, many cities from California have been unable to receive funds under the UDAG Program. During the 99th Congress, in order to improve the distribution of UDAG funds to California, I plan to support strongly legislative initiatives designed to increase the funding level and to change the application selection formula associated with this program.

When Congress established the UDAG Program in the Community Development Act of 1977, it established a delicate balance between two competing objectives. While Congress desired to have a national program—one that distributed the funds fairly to all States—it also wanted to give priority treatment to cities that had experienced severe economic and physical distress. Congress was able to achieve this precarious balance by establishing impaction, distress, and project criteria to rate each eligible city. However, the cities which scored the highest on impaction criteria received priority funding consideration.

According to the 1983 Consolidated Annual Report to Congress on Community Development Programs, HUD was able to use impaction, distress, and project criteria to rank eligible cities in terms of highly, moderately, and less distressed areas. Although the highly distressed cities received priority consideration under the UDAG Program, moderately and less distressed cities were funded adequately. These groups received respectively 64, 24, and 12 percent of the funds between 1978 and 1982.

Unfortunately, over the last 3 years several changes have occurred to challenge the stability of the UDAG Program.

First, the administration has systematically reduced the program's authorization level. In 1980 and 1981, the authorization levels were $675 million for each year. This level was reduced to $475 million in 1982 and to $440 million in 1983. It is estimated by the Senate Banking Committee that the 1985 authorization level will be $196 million.

Second, the popularity of the UDAG Program has resulted in the demand for UDAG funds being greater than the supply of such funds. In the current October funding round, $304.2 million of technically sound applications were eligible for funding. HUD, however, distributed $127 million to these cities. As a result, applications that totaled $177.2 million were left unfunded.

The increase in the number of eligible applications in conjunction with the decrease in authorization levels pressured HUD to implement a more demanding project selection formula. In December 1983, HUD introduced a 100-point selection formula which allocates 40 points to impaction, 30 points to distress, and 30 points to project criteria. In addition, of the 40 points awarded to the impaction section, 20 points were given to the pre-1940 housing component of this section. With the introduction of this formula, the harmonious coexistence of UDAG's disparate objectives was destroyed.

Before the introduction of this formula, a majority of distressed cities, regardless of their rank, received funding. After the implementation of this formula, almost all of the money has been distributed to only the most distressed cities in the country. The moderately and less distressed cities have been, for the most part, excluded from UDAG funds. The balance between the program's objectives of maintaining a fair national competition and of giving priority consideration to severely distressed cities has been shifted greatly in favor of these distressed cities.

Due, primarily, to the 20 points awarded to the pre-1940 housing component, California has been one of the largest casualties of the current formula. Excluding the recent October funding round, since December 1983, HUD funded 219 projects totaling $370.7 million. California, with 10.67 percent of our country's population and 9.6 percent of its poverty, received four grants totaling $6.4 million. This represents only 1.7 percent of the total UDAG funds awarded.

In the last two award rounds, California received an even smaller amount of UDAG funds. California cities submitted 35 applications for the June round and none were selected by HUD to be funded. In the recent October round, out of the $127 million HUD distributed to distressed cities, only San Diego received a grant. That grant was for the enormous sum of $1 million.

Several proposals to change the project selection formula will be considered by the Banking Committee next year. Some proposals would reduce the numerical values of the impaction and distress criteria and would increase the numerical value of the project criteria. Such proposals would reduce the importance of the pre-1940 housing component and would improve the competitiveness of California in the UDAG Program.

A change in the formula, however, would be only a partial solution to the current imbalance in the UDAG Program. An increase in the funding level must also be established. Any gains that result from formula changes would be negated by further attempts by the administration to reduce the funding level for UDAG.

In addition, HUD must administer the UDAG Program in a more responsible way. During the October funding round, several cities from California were given conflicting information from HUD regarding the technical soundness of their applications. This conflicting information resulted in HUD removing their applications from consideration. Such administrative inconsistencies should not be tolerated by a department with the expertise and professionalism associated with HUD.

A more comprehensive solution to the UDAG Program must be found in the Senate Banking Committee next year.

The UDAG Program has been an extremely beneficial program that has created significant employment opportunities in economically distressed areas. I have supported the program in the past, and I will continue to support it in the future. These proposed changes, however, would make the program a more equitable one.

Mr. JEPSEN. Mr. President, I rise in support of the amendment offered by my distinguished colleague from Tennessee.

It is no secret that many Senators are dismayed and upset with what has been happening to the UDAG program. Many of our communities are told that they are eligible for funding. Then they apply, meet the criteria and are told they have fundable projects. The problem is that the money has recently been going to certain areas of the country; that cities which need the funding are then being left high and dry. Iowa, for example, had 5 fundable projects in the September round, yet none were funded. In fact, no State west of the Mississippi had projects funded! With the exception of St. Louis and a pocket of poverty in San Diego.

This is unconscionable! The bias of the UDAG formula must end. The entire country must be able to participate in the program to completion. All must benefit, not just a few.

Only 69 projects were funded out of 153 eligible, fundable projects. Only $127 million was allocated to take care of $290 million fundable projects. And I repeat—States west of the Mississippi River were left high and dry—as well as many of the Southern States.

Since late February of this year, Senator GRASSLEY and I have tried to get the attention of Secretary Pierce and the administration. We have had several meetings describing the problems with the formula Secretary Pierce is using and the fact that it favors the Northeast to a large extent.

Senator GRASSLEY and I have had an amendment on the floor to correct those problems. We received assurances that changes would take place. But nothing had happened.

The question now facing the Senate is, will the other eligible communities and States receive equal treatment under the UDAG program or will the Senate continue to let the program be biased in favor of a few, a select few, communities and States?

This is a question which cuts across party lines. This is a question about which I and many others feel very strongly.

This amendment will help achieve a national equity in funding eligible UDAG projects.

It is in the best interest of the country and the future of the UDAG program for the Senate to adopt this amendment.

Let us do away with inequity and let equality prevail.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 7129) was agreed to.

Mr. RIEGLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments?

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, while awaiting the arrival of a Senator who may wish to offer an amendment to this measure, I ask unanimous consent that it may be temporarily laid aside for not more than 10 minutes and that I may proceed and continue to hold the floor throughout.

The PRESIDING OFFICER. Is the Senator requesting that the bill be laid aside?

Mr. BYRD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION REQUIRING THAT SENATORS VOTE FROM ASSIGNED DESKS

Mr. BYRD. Mr. President, I send to the desk a Senate resolution on behalf of Mr. Randolph, and I ask unanimous consent that the Senate proceed to its consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 480) creating a standing order of the Senate requiring that each Senator shall vote from the assigned desk of the Senator.

Resolved: It is a standing order of the Senate that during yea and nay votes in the Senate, each Senator shall vote from the assigned desk of the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, I yield to my distinguished senior colleague.

Mr. RANDOLPH. Mr. President, I thank my colleague from West Virginia, the minority leader, for presenting this proposal during the more quiet moments of the Senate. It seems to indicate to me that, at this late hour, we might be able to do what we have not been able to do in the past, and that is to have an approval which is not a rule change, as I understand it. It would be a standing order.

On April 20, 1982, the proposal to vote from our desks was defeated by a vote of 51 to 46. Inasmuch as we are in such good order, I will tell you that I have had 10 Members of the Senate—and I have their names—who have told me that they really would welcome an opportunity to vote for the standing order as proposed in this resolution, which has been thoughtfully presented to the Senate by my colleague, the minority leader.

I think there is no need for me to speak longer. I just hope that we will not even have a rollcall vote. But if the Senate is so disposed, I would understand.

I am very grateful—very grateful—for the thoughtfulness of my cherished colleague from West Virginia [Mr. Byrd] who has presented this proposal as we come to the closing hours of this 98th Congress.

Mr. BYRD. Mr. President, I thank my colleague.

Mr. RANDOLPH. May I say, further, that I do not think of any lack of dedication of my colleagues. Never would I think this—because there is a dedication of each and every Member. But I do say that the decorum in the Senate, I believe, can be improved; and if this would be the thinking of Members, let us see what happens. It may be a plus for the Senate.

The PRESIDING OFFICER (Mr. Evans). The question is on agreeing to the resolution.

The resolution (S. Res. 480) was agreed to. [Applause.]

Mr. RANDOLPH. Thank you.

HOWARD H. BAKER, JR., ROOM

Mr. BYRD. Mr. President, when I first came to the Senate 26 years ago, I came to greatly admire the late Richard B. Russell. I believe he was recognized by all as a master—if one can be a master—of the Senate rules and precedents.

I asked Senator Russell upon one occasion what I should do to become just half as good with regard to the Senate rules as I viewed him to be. He told me that it was not just the book of rules that was necessary in order to be most effective in dealing with parliamentary procedure, but it was also, if not even more so, necessary to acquire a thorough knowledge of the precedents of the Senate.

When Senator Russell passed away I offered a resolution to name what was then known as the Old Senate Office Building the Richard Brevard Russell Building. As a member of the Rules Committee I was able to have that resolution brought up before the committee, and the then minority was very willing and eager to support the naming of the old building after that great and illustrious Senator Richard B. Russell. The minority felt that it was appropriate to name the old building after this great champion of the Senate, and the minority also proposed at that time an amendment which would name the new Senate Office Building in the honor of the late Senator Everett Dirksen.

The resolution as amended passed unanimously, and so we have today the formerly Old Senate Office Building now called and named and appropriately designated the Richard B. Russell Building with the then New Senate Office Building just as appropriately named the Everett M. Dirksen Building.

Now, I have had the good fortune to serve as majority leader with a minority leader who was always very supportive of the rights of his party, the then minority. He could always be counted upon to stand guard on behalf of the rights of the minority. He was undaunting he was fearless, he was firm, and effective, an extremely effective and well liked minority leader. Four years ago that same great Senator from the State of Tennessee, Mr. Howard Baker, became the majority leader and I had the good fortune to be elected by my colleagues on this side as the Democratic leader and for the time being the minority leader.

I have come to appreciate Howard Baker even more as I served as the Democratic leader, the leader of the party which is temporarily in the minority in the Senate. I have found in this majority leader a man who is at all times understanding, patient, accommodating, thoughtful, and one to whom I could go if I needed some recognition of the minority's rights and without in a single instance having ever turned his back upon me or without ever hesitating for a moment. This man, Howard Baker, leaned over backward to accommodate the needs of the minority and always has stood for the rights of the minority. I admire him.

I could not have served with a better majority leader and although I cannot speak as a witness of the majority leaders of the past and the total number, I do not have any doubt that what I am saying is correct. Having served under the majority leadership of Lyndon Johnson and the leadership of Mike Mansfield, both of whom I greatly admired, and both of whom were excellent leaders, different of course, I believe that no person has ever served as the majority leader of this Senate who has been better liked than our majority leader. He is universally liked and he is universally admired and he deserves the universal respect of all of us who have served with him on the inside and those whom we all served on the outside.

He is a man who neither looks up to the rich nor down on the poor. He is clean on the outside and he is clean on the inside. He has always stood for the rights of the widows and the orphans, the young and the elderly.

Mr. President, for these reasons and more, which I will not now take the time of the Senate to state, I feel very highly privileged in asking unanimous consent that the Senate proceed to the consideration of Senate Resolution 477.

The PRESIDING OFFICER (Mr. Stevens). The resolution will be stated.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 477) relating to the original location of the Library of Congress.
>
> *Resolved,* That the room S230 in the United States Capitol Building is hereby designated as, and shall hereafter be known as, the "Howard H. Baker, Jr., Room".

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

[Applause.]

Mr. BAKER. Mr. President, I thank my colleagues. I especially thank my friend and my colleague, the distinguished minority leader, and I thank every Member of the Senate for the warmth of their response to the passage of this resolution.

There have been other resolutions that we passed that I wish had been equally well received.

But, Mr. President, I am reminded of a statement given me once by former President Gerald Ford when he was accorded great praise and recognition and according to President Ford far greater than he deserved as indeed that is the case here. And he said he uttered a prayer; he said he hoped that the Lord would permit him to receive these accolades with humility and from not being habit forming.

Mr. President, that is my condition. I am eternally grateful for the warmth and the friendships that I formed in the Senate, for the opportunity to serve in this body now for almost 18 years, and the opportunity now to leave and to return, as I like to say, to civilian status.

I have enjoyed every day that I have been in the Senate and I can freely admit some days I have enjoyed more than others, but there is truly no place on Earth where there is another public body that rivals the Senate of the United States in diligence and dedication to public good. And I shall treasure all of the days of my life the opportunity to serve not only with my colleagues who are here now but those who preceded us in this Chamber for so many years in going back to the beginning days of the Republic.

In my view the Senate is the balance wheel that keeps the Republic on the straight and level course. I shall carry with me the honor that you have bestowed on me with great humility. I express my deep appreciation and I thank you very much.

[Applause, Senators standing.]

TECHNICAL AMENDMENTS TO THE FEDERAL COURTS IMPROVEMENT ACT OF 1982

Mr. BAKER. Mr. President, it is certainly not a mark of ingratitude on my part to ask now, What is the pending business?

The PRESIDING OFFICER. H.R. 4222.

Mr. BAKER. Mr. President, I am prepared to proceed with that.

The amendment by the Senator from Tennessee [Mr. Sasser], has that amendment been adopted?

The PRESIDING OFFICER. That amendment has been agreed to.

Mr. BAKER. And the bill itself has not yet been adopted?

The PRESIDING OFFICER. The Senator is correct.

Are there further amendments?

Mr. BYRD. Mr. President, the Senator to whom I alluded earlier as having perhaps an amendment to the bill is here and it is my understanding that he does not intend to pursue that.

The PRESIDING OFFICER. Are there further amendments? If not, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 4222) was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. RIEGLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE DEBT LIMIT BILL

Mr. SYMMS. Mr. President, I know the distinguished majority leader is planning to move the Senate directly to consideration of the debt limit bill. I wish to make a few comments about the debt limit itself, and our out-of-control spending habits.

As the end of the fiscal year approaches this month, I believe it is important that we examine the Federal budget, the level of taxes and spending, and reassess the economic course of the country. A brief examination of the major economic indicators and other measures of economic performance will be helpful to this analysis.

The major factors which determine the Nation's economic vitality have improved dramatically in the past 2 years. Interest rates, which determine whether or not most of us can afford to buy an automobile or a home, have plummeted from 21.5 percent in January 1981, to 13 percent. Many of us tend to forget that only a few years ago, inflation was widely regarded as the foremost economic problem facing the country. In January 1981, the inflation rate stood at 12.4 percent; during the 3d quarter of 1984, the rate was 3.2 percent—a startling improvement. The successful war on inflation has been of greatest benefit to poor and middle income Americans who were unable to overcome what was, in effect, a substantial tax increase that was indirectly imposed.

Analysts tell us that America is experiencing the strongest recovery since 1949. One sign of this recovery is that businesses plan to increase spending on plants and equipment by 14 percent, the largest increase since 1966. This capital investment surge indicates the private sector's tremendous confidence in the strength of the recovery. Most important, unlike other recoveries, this one has remained noninflationary.

The President's tax cuts have been, and continue to be, a controversial part of his economic program. Preliminary IRS data reveals that, following the 1981 tax changes, millionaires are paying 41 percent more in taxes than they had before; the percentage of revenue paid by those making less than $40,000 a year dropped from 55 to 52 percent; and those making less than $25,000 a year are paying 12 percent less in Federal taxes. Clearly, the 1981 tax cuts were not to the benefit of the rich, but to the benefit of the average working American. The President's tax program actually made the tax system fairer. For example, the reduction in the top marginal rates reduced the number of rich people who had previously sheltered their income from taxation—consequently, a lot of nontaxpayers were flushed back into the taxpaying community.

On another tax issue, indexing is to take effect in January 1985. Surprisingly few Americans understand the significance of this major tax reform. Bracket creep, which indexing will eliminate, pushes taxpayers into higher tax brackets. Bracket creep is an underhanded way for Congress to raise revenues without having to pass unpopular tax increases. Because of inflation, working Americans who received cost-of-living increases in their salaries were forced into higher tax brackets. The end result was that although their paychecks grew, they were forced into paying higher taxes. Working citizens couldn't understand why they wound up with less money after receiving a COLA or a promotion. Indexing will help the middle class, the working American, not the wealthy, since they already are taxed at the top rate.

Despite media rhetoric, Federal spending for social programs has grown over the past 4 years. In many major programs designed to help the poor, food stamps, medicare, medicaid, and federally subsidized housing, Federal outlays have increased—by 33 percent, 51 percent 36 percent, and 60 percent, respectively—in the 3 years from 1980 to 1983. More people than ever before are participating in these programs, and these resources have been redirected to ensure that recipients are truly deserving. Reform has paid off—during the Reagan administration, poverty, which has been steadily on the rise since the early 1960's, has grown at the lowest rate in many years. And, real, or after-inflation income has risen for the first time since 1978.

With inflation hovering around 3 to 4 percent, the Federal deficit has become the new economic topic. Most Americans reject raising taxes to close the deficit gap, but many also show concern about benefit cuts. A balanced budget can be achieved if we allow the economy to continue its current expansion, while holding the line on spending and continuing efforts to eliminate waste and improve efficiency. Further tax increases will only strangle the recovery, restrict growth, and reduce Federal revenues by reducing business profits and jobs. Thus, higher taxes will only widen the deficit, not reduce it.

Another myth perpetuated by much of the media is that increased defense spending is the culprit for the present budget deficit. As facts will attest, this is nonsense. From 1970–83, defense spending rose by $128 billion. Domestic spending rose by $433 billion. During the Kennedy years Congress allocated 50 percent of the Federal budget to defense expenditures; today 25 percent of our budget is spent on defense. President Reagan's defense modernization program was meant to compensate for nearly a decade of defense neglect, a period of time when our adversaries took advantage of America's weakened commitment. President Reagan has compromised so often now on his initial program that essentially the defense budget has followed a path identical to what President Carter proposed during his last year in office. But defense spending should never be predicated upon budgetary priorities. Defense spending must be sufficient to deter foreign aggression, to ensure that the freedom of the American people is preserved, and to keep the peace. President Reagan's "peace through strength" program has done just that.

Two other important issues deserve mention: the line-item veto and the balanced budget amendment. I wholeheartedly endorse the line-item veto proposal. It would give the President an effective tool to control spending. Currently, 43 States allow their chief executives line-item veto authority. Although the line-item veto legislation was defeated this year in Congress, the issue is gaining momentum and undoubtedly will reappear in 1985.

In 1982, the Senate approved the balanced budget amendment, but it failed to receive the necessary number of votes for passage in the House of Representatives. The amendment requires Congress to respect the demands of the general public as opposed to special interests that have become so adept at lobbying Congress to fund their requests. Legislators in States that adopted the balanced budget rule admit that it has given them a defense against lobbyists seeking subsidies. A legislator can now say, "I like your idea, but we must operate within a fixed budget. Where could I cut the budget in order to be able to afford your program"? With spending limits in place, lobbyists would be forced to compete with one another, while the taxpayer would be protected. Without the balanced budget, there is an undeniable spending bias; the Treasury becomes a cookie jar without a lid, and the taxpayer gets caught with the tab.

Balancing the budget used to be viewed as a commonsense practice of government. Government spending—now 25 percent of GNP—remained below 10 percent of GNP until about the 1930's. Deficits then began to occur following wars or recessions, but they were generally repaid quickly. Since 1950, the budget has been in deficit 28 of 33 years. What went wrong? The axiom of limited Government and balanced budgets all but perished in Congress. A spending bias infected Government. Inflation and a progressive tax structure increased revenues surreptitiously, and the now discredited Keynesian philosophy, that deficits actually stimulate growth, made deficit spending acceptable to many. Politicians sought to "buy" votes with promises of new programs, but few seemed aware of the long-term consequences of unrestrained Federal spending. This spending frenzy has left us with a staggering national debt, and with interest payments on that debt now compromising the third biggest item in the Federal budget.

On March 27, the President commented that:

> The real question America must face is not whether we should work toward a balanced budget, but how. As we look to the future, we can 'balance up,' with tax increases and lock ourselves into economic bondage, or we can 'balance down' with lower tax rates and spending, permitting our economy to break free.

Conservatives have continued to lose the spending battle, because liberals tug at the heartstrings of the public and the media, and argue that restraining social spending is inhumane. The argument that needs to be made is that benefits to all Americans will actually increase, if we allow the tax base to grow by reducing tax barriers which stifle entrepreneurial activity and real economic growth. But those benefits won't come from Government, rather from job opportunities in a growing private sector. People who previously depended upon Government programs or subsidies can have what they really want—job opportunities in the free enterprise system. Government spending can be restrained because those dependents will then become taxpayers, citizens contributing to national prosperity, rather than depending upon Government. Keeping tax rates at a level that promotes economic productivity and provides jobs is the most humane policy of all. Balancing down will make America strong and competitive again, by giving back our people the basic element responsible for our historic phenomenal success in the world market and highest standard of living among nations—economic freedom, a simple notion, but one that has served us extraordinarily well.

I think the question that should be asked here is very obvious, as we come down to this last hour. We have not yet solved the problem on the Tax Code of the United States, and I would say also that we probably will never solve the entire problem of the Tax Code as long as we have a Congress and a political system that builds its own image on spending more money because the system has evolved to a point where it makes people popular to spend someone else's money. As this system has worked itself down the pike we have continued to build up a debt and it build upon it and build upon it.

I think the question that should be asked is, What will happen if this debt increase is voted down? That is the question.

The first thing, of course, that will happen is that the Secretary of the Treasury, Mr. Regan, will absolutely be in a state of shock for a period of 30 seconds to an hour because he will be bankrupt under the rules.

Then he will realize that everything will still be in place, that the world will not have come to an end.

We get in this town and we believe somehow that in Washington, DC, we have to raise the debt so the country can get further in debt. We worship at the altar of debt. We believe somehow or another the debt limit has to be raised so that we can borrow more money so people can vote for more programs to spend more money to buy more votes and in the process take the money from people who earn it and give it to the people who did not earn it so the Government can run on and this system can keep working.

I can only say that the bureaucracy in Washington will be in a state of shock for a little while if we do not raise the debt limit. The Secretary of the Treasury and others will wring their hands and be greatly concerned, but outside of the Washington area, outside of the immediate area that we stand in, out in the real world, outside the beltway, everyone will cheer that in Washington, DC, they voted not to raise the debt limit and they are now finally going to address the problem of excessive spending.

What is the problem? The problem is we spend more money than the revenue flow is to the Federal Treasury. The Federal Government spends 25 percent of the gross national product of this country. The revenue flow is 19 percent. So there is a big difference.

Walter Mondale says raise their taxes because if we just raise taxes, we can tax everyone and we can raise enough revenue to take care of this situation.

President Reagan is saying we have to have growth in the economy and so if we let the economy grow, the growth in the economy will generate the needed revenue.

I propose a compromise between Reagan and Mondale. Let us just do not spend any more than the flow is to the Treasury.

After the initial shock, we would be forced to do what every household in America does, what every State government in America does, what every county government in America does, what every little entity does that has an income flow and outflow and does not have a printing press. We would cut spending.

The only difference between Washington, DC, and the city of New York or the city of Caldwell, ID, or the city of Columbia, MO, or anywhere else in the Nation is that they do not have printing presses out there; we have them in Washington. We have a system built in so that the Government can just borrow the money and spend it and not have to face the reality that they are spending more than they are collecting.

I would recommend to my colleagues that we just vote this debt increase down. We would have 3 weeks, or more, here where we could work out our budget problems while the Government grinds to a halt.

What would happen is that the Attorney General of the United States would be called in in an emergency situation with the President. The President would fly back to Washington from his campaign and he would face the reality that the debt limit has not been raised, and that the Government cannot borrow any money.

The first thing they would have to do is have the Attorney General rule that the President not spend any more money than is available. He could not spend money he does not have.

The distinguished Senator from Louisiana has said that many times in the Finance Committee.

That is the first thing that would have to happen.

The second thing that would happen is the President of the United States and the Congress would be forced to immediately address the spending hemorrhage that has taken place in Congress for so many years. I have to take part of the blame for it, although I think most of my colleagues would agree that I have not voted for too much excessive spending. All of us must take the responsibility of managing the budget seriously.

I have before me here "We can blow the whistle on Government waste." The private sector solves their problems of overspending everyday. It is only the government sector that says that they cannot solve the problems of the budget—that says they cannot eliminate waste.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point 47 suggestions of ways to cut Federal spending—of ways to save taxpayers' dollars. If the debt ceiling were voted down, we could begin to cut spending by considering any one of these suggestions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

47 WAYS TO CUT FEDERAL SPENDING

How does the government waste? Let us count the ways:

1. Social Security paid $14.6 billion in error between 1980 and 1982. Delays in retrieving wrong payments cost the government $128 million in added interest expense in 1983.

2. Food stamp fraud totaled $1 billion in 1981, or 10 percent of this program's benefits.

3. More than $5 million in community development block-grant funds from the Department of Housing and Urban Development went to Boston, which spent it instead on payroll and other unrelated matters.

4. Civil service and military retirees collect three and six times, respectively, the total lifetime pension benefits of their conterparts in the private sector. Bringing these retirement plans into line with those in the private sector would save $58.1 billion over three years.

5. Of 4,000 military installations in the United States, only a little more than 300 are considered significant. Yet, since 1976, Congress has blocked the closing of any bases. Eliminating unneeded ones would cut defense spending by $2 billion a year.

6. The average estimated cost of 25 major weapons systems that were started in the 1970s increased 223% before delivery, an added charge to taxpayers of $234 billion.

7. Lack of competition and control in federal contracts results in the military's buying 3-cent screws for $91, 25-cent compressor caps for $100, 9-cent batteries for $114, 60-cent lamps for $511 and 5-cent aircraft simulator parts for $100. Increasing competition for spare parts purchases would save taxpayers $1.4 billion over three years.

8. The Coast Guard rents office trailers for $100 a week; the Environmental Protection Agency rents indentical trailers for $100 a day.

9. The Veterans Administration takes 56 days longer than the private sector to process a medical claim, costing taxpayers an added $272 million over three years.

10. The Agency for International Development spent $3 million to buy vehicles for projects in the Middle East. Of these 399 cars and trucks, five are missing, 93 are used for personal transport, 84 have been idle for up to two years, and uncounted others have been commandeered by host-country officials.

11. The U.S. Forest Service gave away $235 million worth of firewood in 1981, or almost 25% of the total commercial timber harvest that year. Modest charges for this firewood would generate $66 million over three years.

12. Visitors to the national parks paid an average of 3.2 cents a visit in 1981. This charge covered only about 2% of the $453 million cost of maintaining the National Park System. Minor increases in park entrance and activity fees would cut the taxpayer subsidy of the system by $99 million over three years.

13. The Forest Service collected $15 million in grazing fees from private livestock owners using federal land in 1981. But it provided $41 million in services, recovering only 37% of costs. If the service raised its fees to only half of what private grazing-landowners charge, it would collect an additional $58 million over three years.

14. More than one third, or 12,469 of all U.S. post offices serve 100 or fewer customers. Replacing slightly more than half of these post offices with equal but cheaper alternative services would save taxpayers $272 million over three years.

15. Incoming air passengers and cargo are inspected at their U.S. ports on entry by as many as six federal agencies, including the Customs Service, the Drug Enforcement Administration, and the Immigration and Naturalization Service. Consolidating overlapping functions would save $48 million over three years.

16. The Army Corps of Engineers and the Tennessee Valley Authority spent $670 mil-

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lion in 1981 to build and maintain locks, dams and channels on inland waterways. However, only $24 million, or 3.6% of that sum was collected from commercial users. Increasing fees to recover more of the cost of maintaining inland waterways would generate $601 million over three years.

17. The government has 63 weather service offices that are performing unnecessary functions. In 1983 Congress rejected a proposal to close them, which would have saved about $4 million. Instead it voted more money to keep the unneeded offices open.

18. Federally subsidized power, selling at one third the market rate, costs industrial users only 2.45 cents a kilowatt hour in the Northwest. By contrast, industries in San Diego pay 12.08 cents a kilowatt hour for power generated by private utilities. Selling federally owned electric generation and transmission facilities would save taxpayers $19.8 billion over three years.

19. Federal bureaucrats drew up specifications for a mousetrap. The specs ran 700 pages and weighed 3.3 pounds.

20. The General Services Administration employs 17 times more people and spends almost 14 times more money to manage its facilities than does a private firm with comparable responsibilities. Improving federal management of its real property holdings would save $62 million over three years.

21. Good productivity levels for private sector maintenance workers are as much as 50% higher than the average for comparable federal workers. Improving the productivity of these federal workers to the level of comparable private sector workers would cut federal maintenance costs by $1.1 billion over three years.

22. About 60% of the 82 special and deputy assistant positions in the Environmental Protection Agency do not require performance of functions that justify these titles and salaries. Restructuring these titles would save $11 million over three years.

23. Using year-end personnel limits to control the number of federal employees, agencies "fire" some employees for one day at year-end, then "rehire" them the next day. In this way, the agencies comply with their personnel ceiling—at significant cost to taxpayers. If these ceilings were removed, the Air Force alone would save $96 million over three years.

24. In the Department of Justice, lawyers handle legal chores that should be done by paralegals at half the cost. Justice attorneys outnumber paralegals eight to one compared with the private sector's five-to-one ratio. The department's cost to carry out its legal work, therefore, is increased by $13 million over three years.

25. According to the Office of Personnel Management, almost one quarter of all federal white-collar employees are in jobs that pay at the wrong level or the wrong title. These incorrect classifications cost the government an extra $682 million a year. In Washington, D.C., alone, nearly one third of all federal jobs are at salary levels higher than they should be.

26. The Department of Energy has three employees for every supervisor compared with seven for every supervisor in the private sector. This differential costs the government an extra $19 million over three years.

27. The Army spends $4.20 to process a payroll check versus $1 on average paid by the private sector. This costs an added $40 million a year.

28. Overpayments in the unemployment insurance program are as high as 12%, or an extra cost of about $3.7 billion in 1983.

29. Because the Internal Revenue Service fails to enforce laws ensuring quick deposit of weekly payroll taxes, millions of dollars in interest are lost each year, according to the General Accounting Office.

30. The Urban Mass Transportation Administration has $25 billion in active grants but has not reconciled its accounts since 1977. Therefore, funds remain in limbo that otherwise could be returned to the U.S. Treasury to earn interest. Improved management of UMTA's grant information systems would save $164 million over three years.

31. The Veterans Administration sends $15 billion a year to six million claimants. Imbedded in that sum: an estimated $500 million in erroneous payments. However, the extent to which these and other errors are corrected is not known. Greater efforts to correct errors would save the VA $1.5 billion over three years.

32. The government has no cost-accounting system to track its total publishing expenses. A federal review of publications revealed that 2,000, or 16.7% of the publications reviewed were not necessary and were later eliminated. But this is only a fraction of federal publications. Improved management would save taxpayers $331 million over three years.

33. The Department of Defense lacks the information it needs to seek reimbursement from private insurers for health care that DOD gives to individuals. If the department could get that data when patients are first admitted to federal hospitals, this would lead to the recovery of $1.2 billion over three years.

34. The National Flood Insurance Program has not developed historical data for a sound actuarial base to estimate future claims. If the government did this, it would save $662 million over three years.

35. The New York regional office of the Department of Health and Human Services uses ten different brands of incompatible automated data systems. Improved coordination and implementation of compatible government-wide automated office systems would save $6.5 billion over three years.

36. The government requires up to four years to order and install automated data processing equipment. The private sector takes less than half that time. Upgrading federal computer systems in a more timely manner would save taxpayers $4 billion over three years.

37. The Department of Transportation spent $18 million on outside time-sharing services, while as much as 80% of its own computers sat idle. Better management of this department's computer capacity would save $46 million over three years.

38. The Export-Import Bank still holds as "assets" $81 million in loans made to Cuba between 1951 and 1958.

39. The government spent $4.7 billion in 1983 to pay for defaulted guaranteed loans.

40. If federal pension benefits were merely equal to those of the best private sector plans, taxpayers would save $314 billion over the next ten years.

41. The most common retirement age in civil service is 55 and in the military, 40, compared with 63 in the private sector. This difference costs taxpayers $8.2 billion over three years.

42. Between the ages of 30 and 50, federal employees are 50 percent more likely to retire with disability than are private sector employees. This represents an added cost to taxpayers of $500 million over three years.

43. Private sector employees pay for 33 percent of their pensions; civil service employees, 19 percent, and the military, 13 percent.

44. Federal white-collar workers can be placed in 18 grades, depending on job requirements. The average grade for these workers has increased more than three grades since 1949, frequently without added responsibilities, costing about $8.4 billion in added salaries a year.

45. After six years at a job, a federal blue-collar worker earns 12% more than the average private sector employee for similar work. This results in an added expense of $1.8 billion over three years.

46. It costs taxpayers about $450 million more a year to provide health-care benefits to federal employees than it costs private employers to provide similar benefits to a comparable group of private sector workers.

47. About 50% of postal workers receiving disability could perform some type of work, according to an Assistant Postmaster General. Unnecessary government-wide disability benefits cost taxpayers $189 million over three years.

. . . plus thousands of other ways the federal government wastes our money.

THE DEFICIT: THE REAL ISSUE IS SPENDING

In campaigning for the Presidency before the 1980 election, Ronald Reagan vowed to reduce the intrusion of the federal government into the lives of the American people. In June 1982 he created the President's Private Sector Survey on Cost Control to search for waste and inefficiency in the federal government.

Under the leadership of J. Peter Grace, chief executive officer and chairman of W. R. Grace & Co., and 160 other top executives, more than 2,000 volunteers worked on this 18-month study. They came up with 2,478 ways to cut waste and enhance revenues, thereby reducing the federal deficit. Their proposals, in 47 reports and a two-volume summary to the President, are supported by 1.5 million pages of documentation. The survey cost taxpayers nothing; the private sector donated $76 million in people, services, travel and supplies.

If Congress and the executive branch act on the survey's recommendations, the ideas would save the government—and taxpayers—$424.4 billion over three years.

A deficit occurs when the government spends more than it takes in—much in the same way that, if we're not careful, we might spend more money than we make.

The cause of increasing deficits, then, should be obvious. Either the government is taking in too little or it is spending too much. Which?

To come up with a possible answer, let's compare 1962 with 1983.

The year 1962 was the first full year of the Kennedy Administration—a time of peace and prosperity. Inflation was running at only 1.8%, and the prime interest rate was 4.5%. Federal revenues accounted for 18.2% of the gross national product (the nation's total output of goods and services) and federal spending was 19.5% of GNP. The difference—the deficit—totaled just $7.1 billion.

By 1983, federal revenues were holding steady—18.6% of GNP—but spending had ballooned to almost 25% of GNP. The 1983 deficit grew to $195.4 billion, or 28 times the 1962 deficit, because the government had grown bigger and spent more, not because it taxed less.

If the government's current policies persist, federal spending will hit $5.5 trillion in the year 2000, or about seven times what the government spent in 1983! (How to fathom 5.5 trillion? In time, 5.5 trillion seconds add up to 175,000 years; in inches, it's almost 90 million miles.)

By the year 2000, unbridled federal, state and local spending could consume about half this country's GNP. *Consume* is the right word. Government spending produces little. It is big and getting bigger. And the deficit could reach $2 trillion in the year 2000.

All this is bad—if we want a future for ourselves, our children and our grandchildren.

And if we want the future without even higher taxes, higher inflation, higher interest rates and higher unemployment.

And if we want to preserve our social and economic systems.

But that's not the future we'll get if the government does not restrain its growth and spending. Our political leaders must act more responsibly. This will come about only if taxpayers act more responsibly, too, and demand a halt to wasteful spending.

The government's budgeting and accounting systems are nearly useless in controlling costs. The federal budget does not even faintly resemble a private business budget.

Federal accounting is a misnomer. It provides little accountability. Most officials have no idea of what's being spent or how tax dollars are being wasted. Consequently, federal spending grows like a weed in the garden of the U.S. economy.

In particular:

1. The government doesn't know how much cash it has available. Therefore, it borrows when it doesn't have to, incurring needless interest expense.

2. Federal grant recepients can put government funds in interest-bearing accounts while the taxpayers "finance" these investments. In other words, the government borrows the money it gives to grantees. Conversely, the government lets cash seized from criminals lie idle in noninterest-bearing accounts.

3. The government has $800 billion to $900 billion in outstanding loans and guarantees. But it doesn't know how much debt is current, how much is delinquent and how much is at subsidized interest rates.

Let's look at two examples of federal lending.

The Rural Electrification Administration lends money to utilities at a maximum interest rate of 5%. To make these loans, REA borrows at about 12%. As a result, it is going broke. (The House of Representatives recently approved a $21 billion bailout.) Next time you're in the nation's capital, take a look at you tax dollars helping to light the lights in "rural" Washington, D.C.

If you ask members of Congress how much the Farmer Home Administration is spending, chances are they'll get it wrong. Federal accounting almost guarantees it. For instance, the Agricultural Credit Insurance Fund spent about $13.5 billion in 1984. However, Congress was asked to approve only $1.5 billion, or a little more than one tenth of actual spending.

Are you confused? Your representatives are, too. How can the government spend nine times more than Congress authorizes?

Well, it's magic. If individuals tried it, they might end up in jail. The government, though, pulls off this hocus-pocus by selling itself about $7 billion in loans. The government can spend in two ways: on-budget and off-budget. The on-budget Agricultural Credit Insurance Fund makes a loan, sells it to the off-budget Federal Financing Bank and, poof, the money is gone from the budget!

Other novel accounting conventions, such as subtracting repayments from new loans before reporting new spending, guarantee that few taxpayers will ever figure out the federal loan game.

Conventional wisdom in Washington says that spending cuts are politically unthinkable. Slow down the spending growth rate, maybe; real cuts, uh-uh.

In view of the growing deficits, why do we keep doling out huge sums to aid special interests—and let the general public go hang?

Special interest groups are well-organized; they fight to guard their benefits. The general taxpaying public, on the other hand, is unoganized; it doesn't protect its interests.

Each concession to a special interest group costs relatively little. But the spending pileup for these groups propels the government into consuming greater shares of the economic pie—and to increased taxation of the general public.

Tax increases don't solve the basic problem of runaway spending. They focus only on the symptom, the deficit. Tax hikes cover up rising spending—and deficits. They are unlikely to reduce the deficit, since additional revenues in the past have gone to finance new programs and expanded benefits. Thus, spending growth will inevitably sire even greater deficits.

Covering up the problem is politically attractive. A candidate for public office can always call for more taxes on the rich to wipe out the deficit. Unfortunately, this won't work. Why?

Let's suppose the rich are those with taxable incomes of $75,000 or more. Let's also suppose we will tax the taxable incomes above $75,000, not already taxed under today's rules. And let's not just tax it; let's take it all. If we had done that in 1981, we would have pulled in an additional $17 billion, enough to run the government for only about ten days. Obviously, this is no solution. And even if it were, such a cleanout would quickly force people into the underground economy, already costing us $100 billion a year in lost taxes. Furthermore, it would wipe out venture capital, which creates new companies—and jobs.

If we want to raise significant taxes, we must go where the money is: the lower- and middle-income taxpayers. In the United States, taxable incomes up to $35,000 account for 90% of all taxable income.

But these taxpayers have been taking it on the chin; they are already hanging on the financial ropes. The median family income has grown from $3,187 in 1948 to $24,100 in 1983. But, meanwhile, the tax burden on these people has swollen from $9 to $2,218. In other words, while their income has risen 7.6 times, their income taxes have shot up 246.4 times. To balance the federal budget (and erase the deficit), the government would have to almost double their taxes.

Or we can ignore the problem. We can let the government continue to use accounting systems that hide more than they show, are understood by few, provide almost no control and would quickly throw any private business into bankruptcy.

Clearly, the problem is too much federal spending, not too little taxation. Ignoring this spending or covering it up with higher taxes will not make the problem go away.

We must fix it. Doing something demands courage and sacrifice from all of us. We must act soon to avoid a future with a government that spends and spends, taxes and taxes, and erodes our standard of living—a standard we hope to improve and preserve for future generations.

President Reagan commissioned the President's Private Sector Survey on Cost Control to suggest ways to eliminate excessive government spending. The survey came up with 2,478 ideas to reduce federal waste, inefficiency—and over-spending. Put into operation, these proposals would save $424.4 billion over three years alone.

The government would save $160.9 billion over three years by improving its handling of federal subsidy, lending and other programs.

For instance:

1. In 1982 the government spent $124 billion on means-tested programs for those in need. Among the programs: Aid to Families With Dependent Children, food stamps and Medicaid. The survey found that these benefits were often not going to the truly needy. As a result, $124 billion reduced poverty by only $37.4 billion, or a mere 30 cents out of every dollar spent. The study revealed the government would save $58.9 billion over three years by improving how it runs the means-tested programs. The survey recommended (a) more computer matching to verify an applicant's eligibility for aid, (b) consolidating the administration of federal means-tested programs and (c) better tracking of benefits by using a form similar to the W-2 issued to wage earners. This form would list all the benefits each client (individuals and corporations) receives from government-subsidized programs and, for the first time, would provide a basis from which to determine who is getting what from each program and whether these programs are meeting congressional objectives.

2. Federal spending on health care has increased from $5.5 billion in 1965 to $93.1 billion in 1982, up 16.9 times. Survey proposals would save $28.9 billion over three years mainly by (a) limiting federal expansion of health-care programs to increases in the overall growth rate of the U.S. economy, (b) broadening the choices of coverage and treatment under health insurance plans and (c) stimulating competition among health-care providers.

3. The federal government has concentrated more on *making* loans than on efficiently *managing* them. Casual loan supervision has resulted in high default rates compared with private sector loans. The default rate for direct student loans, for instance, was 21.9% in 1983. Some $6.5 billion, or 16.7% of the government's current loans receivable are delinquent. All told, the survey estimated the government would save $12.9 billion over three years by (a) changing its emphasis from *making* loans to *managing* them well, (b) providing incentives for federal loan offices to reduce defaults, (c) increasing the use of private collection agencies and (d) converting as many direct loans as possible to guaranteed loans. (In a guaranteed arrangement, a private sector bank makes the loan, and the government guarantees a percentage of that loan if the borrower should default.)

In total, the survey made 443 recommendations to shrink or eliminate program waste and inefficiency. The resultant three-year savings of $160.9 billion would equal the taxes paid by 24.2 million median-income families.

The survey unearthed three-year savings of $151.3 billion in systems management: purchasing, data processing, finance, services, and pricing of commercial activities.

The survey reported:

1. In 1982 the government bought $159 billion in goods and services. More than 130,000 federal employees worked on these purchases governed by millions of contracts. More than 80,000 pages of instructions control federal buying, with 20,000 new and revised pages produced each year. The survey projected three-year savings of $34.5 billion by centralizing control, and increasing contractor competition and efficiency.

2. The government has some 17,000 computers operated by more than 250,000 employees at a cost of about $12 billion a year. Most of these computers are old and incompatible. Current replacement plans threaten to make a bad situation worse. By upgrading and replacing all its computers, the survey estimated the government would save $22.6 billion over three years—after allowing for the purchasing and installation costs of these computers.

3. More than $30 billion could be saved over three years by centralizing financial management. Federal cash flow totals about $8 billion each workday, or $2 trillion a year. If the government simply paid its bills when they came due rather than when they arrived, and deposited checks when they arrived instead of after they are processed, it would save more than $1.5 billion over three years.

4. The government would save another $6 billion over three years by improving management of its facilities and equipment. The government owns almost 437,000 nonmilitary vehicles averaging 9,000 miles of use each year. That use rate is little more than one third of what private sector firms consider effective. If the government reduced its civilian fleet by 100,000 vehicles and reconditioned the unwanted ones before sale, it would save $1.5 billion over three years.

5. Travel and shipping are costly. The government spends $4.8 billion a year on employee travel and $4.6 billion on shipping. Despite these hefty outlays, the government doesn't negotiate volume discounts. If it managed these and other housekeeping items better, it would save $10.1 billion over three years.

6. The government runs more than 1,500 "commercial" operations, which brought in about $40 billion in user fees in 1981. In most cases, the fees don't begin to cover federal costs. Taxpayers wind up subsidizing select groups. For example, the Food and Drug Administration spent $4.5 million in 1981 on Freedom of Information Act requests, but collected only $231,000 in fees. More than 80% of the requests came from drug firms running routine market studies. A fairer system of user fees would save taxpayers $10.9 billion over three years.

7. If the government would transfer some commercial activities to the private sector, it would realize savings and revenues of about $37.1 billion over three years. These activities would include its five Power Marketing Administrations, which provide subsidized power to various sections of the country.

The survey came up with 1,152 ideas to correct systems failures. Consequent three-year savings of $151.3 billion would equal the taxes of 22.7 million median-income families.

The President's Private Sector Survey on Cost Control estimated a three-year savings of $90.9 billion by improving how the government manages and compensates its employees.

The government paid $102.8 billion in 1982 to its 4.9 million civilian and military employees.

The survey found:

1. About 2.8 times more professional and supervisory government personnel are in high-level positions than comparable personnel in the private sector.

2. For every federal blue-collar worker receiving wages comparable to those in the private sector in 1978, 5.7 federal employees collected wages above those of their counterparts in the private sector.

3. Postal workers on average receive wages that are 28% higher than those of their private sector counterparts.

Survey proposals would save $7.2 billion over three years by bringing federal salaries and wages more in line with those of the private sector. It is federal policy that government salaries be comparable to private sector salaries. But in most cases, the studies and the systems used to determine salaries "build in" pay increases above those in the private sector.

Federal civilian and military retirement systems are three times and six times as costly, respectively, as the best private plans. Federal plans allow earlier retirement, offer more liberal benefits and provide full protection against inflation.

The survey suggested retirement changes worth $60.9 billion over three years. Even with these revisions, federal retirees would still receive benefits superior to those enjoyed by most private sector workers.

Fringe benefits for the government's 2.8 million civilian employees totaled $45.5 billion in 1982.

The survey found:

1. Health benefits cost the government about $450 million a year more than comparable benefits cost private insurers.

2. Annual vacations for federal employees cost the government 1.4 times as much as private-sector worker vacations cost their employers. Liberal federal leave policies add $1.3 billion in annual expenses.

3. Federal employees take 1.6 times the number of sick days taken by their private sector counterparts, at an excess cost of $1.2 billion each year.

The survey's suggestions would save $12.1 billion over three years by eliminating fringe benefits that exceed those in the private sector, controlling health-plan costs, and trimming vacation and sick-pay benefits.

The survey proposed 422 ways to improve management of the federal work force. These changes would result in three-year savings of $90.9 billion, equal to the taxes of 13.7 million median-income families.

The government lacks the central financial and administrative management structure and useful information systems necessary to make the best possible decisions. It is also hampered by high turnover of key managers.

Savings comprise:

1. $8.6 billion by consolidating programs, offices and functions.

2. $2.7 billion by closing and merging military bases.

3. $1.3 billion by improving how federal decisions are made.

In total, the survey made 211 recommendations to overcome organizational defects. These changes would mean three-year savings of $12.6 billion, equal to the taxes of 1.9 million median-income families.

The survey also proposed 250 other ideas based on task force findings. For example, one group discovered the Department of Labor had more telephones than employees. By extending this finding across government, the survey calculated an $848 million savings over three years by reducing the number of telephones.

The survey pinpointed three-year government-wide savings of $8.6 billion, equal to the taxes of 1.3 million median-income families.

Almost 73% of the survey's recommended savings will need direct congressional action. Much of the remaining 27% will be influenced by Congress. Even ordinary operating changes are often subject to congressional attention. For example, Congress bars the military from obtaining competitive bids to ship household goods between the mainland and Alaska and Hawaii. This must benefit someone, but it's not the 10,445 median-income families whose taxes are wasted because of this senseless restriction.

Over and over, the President's Private Sector Survey on Cost Control found it is congressional policy (unpublished, of course) to keep open underused facilities, retain unneeded employees, pay duplicate subsidy benefits and force the needless spending of tax dollars because of inefficient buying practices. The roll call of waste goes on and on.

We still have a government of, by, and for the people, as evidenced by recent actions taken to adopt some of the survey's recommendations. This has happened because we have made our voices known to our elected and appointed officials. For example, at this writing, the White House has deliberated 1,153 of the 2,478 recommendations and has agreed to implement 81.5% of them. Of these, 680 totaling $103.5 billion in three-year savings have either been included in the budget baseline for 1983, 1984 or 1985, or targeted for short-term adoption. The other 473 recomendations are now being reevaluated or are being held for further study. The balance of 1,325 and $320.9 billion of savings recommendations are yet to be reviewed.

Although signs are encouraging, we still have a long journey ahead. We must "blow the whistle" to assure our concerns are being heard and that something is being done to restore fiscal sanity to this great nation.

"We citizens are the ones who elect America's powerful leaders, Representatives and Senators. We can 'blow the whistle' on their actions and become citizens against waste.

"The challenge now is to ensure the full implementation of the President's Private Sector Survey on Cost Control recommendations, by monitoring the progress of Congress, departments and agencies, and by undertaking a major public educational campaign to give American taxpayers detailed information on how their hard-earned dollars are being wasted. To do this costs money, and that is why we need your help. Your tax-deductible contribution will help ensure that we, our children and our children's children continue to enjoy the opportunities and freedom afforded by this great nation. Thanks for your support."

Mr. SYMMS. Mr. President, if we vote down this debt-ceiling increase, we would work our way out of this like any other commonsense citizen would do in a household, business, State government, county government, or in a city government.

But here in Washington we think, oh, you have to raise the debt ceiling.

I appeal to my colleagues that I will just give them 47 suggestions—to begin—and this has been put together by a group of budget experts from the President's private sector cost control survey. Mr. President, this Senator is probably against some of the suggestions that I submit for the RECORD. But I am convinced that under pressure this Senate could agree to several of these 47 suggestions, and there are 2,478 other suggestions, I might add, in the Grace Commission Report.

There is an enormous hole in the spending of all of our entitlement programs which we could begin to address as well.

So I would implore my colleagues just vote against this debt ceiling, vote this thing down, forget about this belief that somehow we have to raise this debt to keep the Government running because the Government does not run America. The people run America.

It is the private sector and its productive capacity that keep America going. And it is just absolutely beyond my imagination why it is that we think that somehow, in order for the free world to survive, the United States has to continue to bankrupt itself.

I implore upon my colleagues to vote no on this debt increase.

Mr. HOLLINGS. Mr. President, I will not vote for this debt limit extension bill, H.R. 654. It is the wrong move at the wrong time. The bill would increase the debt limit from $1.575 trillion to $1.825 trillion—an increase of $250 billion.

It took 200 years for the national debt to reach $1 trillion. In the past 7 years the debt has nearly doubled. By the year 1989, CBO estimates that the national debt will reach $2.5 trillion.

I believe that it is ridiculous for us to keep increasing the debt while at the same time continuing to ignore the debilitating deficits created by President Reagan's economic policies. The annual deficit stands at roughly $200 billion and is growing steadily. Every attempt to pass a budget plan to reduce the deficit and provide for a balanced budget has been rejected by the Congress. It makes no sense to continue this deficit trend.

For the past 3 years I have offered a budget freeze plan that would lead to a balanced budget. I plan to offer the plan again when the new Congress convenes. It will take a bipartisan effort if we are to cut the deficit and provide for a balanced budget. The time next spring to accomplish that objective will be short as many of us are concerned that once a budget has been presented by a President—whoever he may be—intransigence will set in and bipartisanship will be difficult to attain.

Mr. President, we don't need to bail out now, we need leadership. We need a leadership that recognizes what must be done as far as spending and revenues are concerned—and take action. Let's stop deficit spending now.

It is not the time to continue to mortgage the future of our Nation and of our children and their children. We must recognize that the need to provide for our economic security is every bit as critical as providing for our national security. Creating massive deficits and an even more massive national debt is a exercise that this Senator deplores and will not support.

PUBLIC DEBT LIMIT

Mr. MATTINGLY. Mr. President, we are again forced to consider legislation to increase the public debt limit because of Congress' continuous inability to control its spending habits. In my opinion, voting to support another increase in the public debt limit is a vote of approval for runaway Federal spending.

The continuing surge in Federal spending is the cause of the enormous and ominous deficits. In the 4 years since I have been in Congress, Federal outlays have ballooned from $650 billion to over to $900 billion. Instead of debating an extension of the public debt ceiling, Congress should be debating ways to reduce Federal spending and thus the Federal deficit to ensure economic recovery. A number of spending reduction plans have been presented to the Congress, including granting the President line item veto authority, a proposal to yearly reduce spending as a percentage of gross national product, and rescission law modifications, to name a few which are intended to return discipline to the budget process. The practices of the past have failed. We owe it to our constituents to give these suggestions an opportunity to work.

Mr. President, I believe Federal spending is cuttable and controllable. The wrong way to cut the Federal deficit, however, is to raise taxes. Such action will only buy more spending rather than less deficit.

The right way to reduce the Federal deficit is to cut spending, combined with continued economic growth.

Mr. President, I am opposed, to an increase in the public debt limit.

Mr. BIDEN. Mr. President, earlier today, we sent to the House of Representatives a bill that would have required that, before any further increases in the national debt could be approved next year by Congress, Congress would first have had to act upon a budget freeze to halt the upward climb of our astronomical deficits. In the meantime, the Senate withheld action on the House-approved increase in the debt ceiling. It was my hope that the other body would approve our amendment, which would have held down the size of the increase in the debt to $1.730 trillion, rather than the full $1.824 trillion called for in the House bill. There would then have been a vote on a budget freeze when the lower limit was reached sometime in April 1985.

Unfortunately, the House of Representatives has not seen fit to agree to vote on a budget freeze early in 1985. Nor has it agreed to lessen the size of the debt ceiling. Under those circumstances, I cannot agree to vote for a full increase in the debt without any assurance that steps will be taken early next year to reduce the alarming increase in the deficits and the debt.

The national debt has now doubled in the past 4 years. Under this proposal, it will be $1.824 trillion by the end of fiscal year 1985. Despite the much-advertised down payment on deficit reduction adopted by Congress this year, deficits will climb from $180 billion in fiscal year 1985 to well over $200 billion by fiscal year 1989. We cannot allow this to continue.

In the amendment that I proposed along with my colleagues, Senators TSONGAS, KASSEBAUM, GRASSLEY, BAUCUS, and ARMSTRONG, we proposed constructive steps to deal with deficits. The Senate agreed to our proposal. But the House of Representatives will not go along. Under those circumstances, I must express my protest against continually increasing the debt without taking positive steps to slow its growth. Therefore, I am voting against any further increase in the national debt.

ANOTHER HUGE INCREASE IN THE NATIONAL DEBT

Mr. PROXMIRE. Mr. President, here we go again, raising the national debt ceiling yet another time. This time we are being asked to approve not just a jump in the limit but an olympic-caliber high jump of nearly $250 billion.

History's harshest judgments are reserved for those who know they are making a mistake but who let the pressures of the moment override their knowledge. The Senate is now risking that judgment.

Do any of my colleagues seriously believe that we can continue to add to the national debt at the rate of $250 billion a year? At that rate, we will soon be experiencing all of the financial problems which characterize some developing countries. Inflation, unemployment, capital flight, low productivity, currency fluctuations—all will grow out of an unbridled growth of the debt.

We have been warned. Private economists have said enough is enough. The Federal Reserve Board has unfurled warning flags. And now the Congressional Budget Office, a creature of this body, has issued an alarming indictment of our fiscal policies.

What are the counts in their indictment? Listen to this:

> Because of the growth of the debt and high nominal interest rates, net interest costs are currently the fastest-growing part of the Federal budget.

We are now paying for our past excesses. And we will continue paying an even larger share of the budget for interest costs as long as the national debt explodes.

According to the CBO, this explosion will continue:

> At the end of 1983, debt held by the public totaled over $1.1 trillion, and under CBO's baseline assumptions it is projected to more than double by 1989.

That is count 2 of the indictment. When we add $250 billion to the debt, we build in an increase of at least $20 to $25 billion in next year's budget. That's the money to pay interest.

I say "at least" because the Government must finance not only the new debt but also the old debt which matures. Here's CBO once again:

> While the new cash needs of the Treasury are currently about $200 billion annually, an even larger amount of debt—about $1 trillion annually—must be auctioned in order to refinance maturing debt.

If interest rates increase by even a modest amount, the implications for Federal spending are anything but modest.

That brings me to the final count of CBO's indictment:

> The existing debt and the volume of new borrowing are so large that a relatively small forecasting error can easily result in a cumulative error amounting to tens of billions of dollars over several years of budget projections.

Mr. President, the CBO uses careful bland language to describe its conclusions. But to this Senator the CBO is saying that we are on the verge of losing control over the Government's finances. We can argue for days over painful spending cuts, finally pass a bill, and then see all our efforts negated because interest rates are a little higher than projected.

If the Congress and the administration are losing this control, who is grabbing the reins? The answer is, those who have the money to buy Treasury bonds. We can huff and puff but they are the ones who have the power to blow the castle down.

We have already witnessed this power at work, albeit in an indirect fashion. Back in 1978-79, when inflation seemed to be out of control, foreign investors hammered the dollar. President Carter, in response—note that, in response—appointed Mr. Paul Volcker to head the Federal Reserve Board and recommended a number of budget cuts to Congress. Did the President want to cut the budget with a primary fight and a general election looming? Not on your life. But he had little choice.

The next time a serious crisis is on the horizon—there will always be another crisis—we will be saddled with a debt at least twice as large as that which faced President Carter. Assume some event shakes the confidence of investors who start to sell Treasury bonds. That drives up interest rates. The Fed tries to stem this tide by buying these bonds and the money supply explodes. Inflation rears its ugly head. Investors demand even higher interest rates. The crisis becomes a catastrophe.

Mr. President, I do not predict such a crisis. But every day that we stand by while the debt explodes, the probability of such a crisis increases. I do not intend to be a participant in gambling with the Nation's economic future. I will vote against this increase.

Mr. EXON. Mr. President, it is a sad commentary that one of the last acts of the 98th Congress is to increase the national debt ceiling to $1.8 trillion.

At the birth of this Congress, the national debt stood at $1.198 trillion. As we prepare to adjourn sine die, the national debt hovers at $1.573 trillion. Anyone who doubts the relationship between deficits and interest rates should consider that in January 1983, the 3-month Treasury bill rate was 7.8 percent, today it is 10.3 percent. As the accumulated national debt grew 31.3 percent since January 1983, the T-bill rate grew 32 percent.

Economic historians may look at the 98th Congress as a drama of missed opportunities. Earlier this year, we heard the Chairman of the Federal Reserve suggest that for every $50 billion of deficit reduction, a 1-percent decrease in interest rates can be expected. Did Congress take advantage of this unique invitation to reduce the deficit and interest rates? We all know we did not. Earlier this year the Senate failed to adopt a comprehensive bipartisan plan offered by the Senators from South Carolina and North Dakota, and myself, to balance the budget by the end of this decade. Similarly, other less ambitious but significant actions were brushed aside. In the end, the Congress settled for what is now known as the rose garden budget. While better than doing nothing, this action only delays the inevitable tough choices necessary to control Federal spending.

I fear, Mr. President, that this rose garden is really a patch of thistles which will soon entangle our economy in a painful struggle for independence.

Two additional options were offered earlier this week to prevent partisan paralysis from handicapping efforts in the 99th Congress to address the deficit issue. The separate but related initiatives to create a bipartisan commission to present a plan to balance the budget by 1990 and the amendment to make an across-the-board spending freeze the first item of business upon the consideration of the next debt ceiling increase would make a solution to the deficit crisis the No. 1 priority of the next Congress.

It is unfortunate that this Congress did not take advantage of both of these two significant opportunities. The national debt is growing too fast and receiving too little attention. Extensions of debt ceilings have become as routine as continuing resolutions.

This debate is about the future. What kind of legacy are we leaving our children? Our current policies of borrow and borrow; spend and spend leave our children a debt and places their economic future in jeopardy. This is not fair and it is not right.

Each Member of this body was elected to make tough choices. I do not think we were elected to leave to our children our debts.

I look forward to the day when Congress will vote to lower the debt ceiling. Unless all parties unite and attack the deficit, such a dream will never be realized. It is in this hope for the future that I must urge my colleagues to join me in voting against further increasing the Nation's debt ceiling.

PUBLIC DEBT LIMIT INCREASE

Mr. BAKER. Mr. President, other than housekeeping business, I know of nothing else to do except pass the debt limit which is now before us in the same form that it was received from the House of Representatives; that is, free of Senate amendments according to a unanimous-consent order previously entered which was contingent on the concurrence of the House in the Senate amendment to the other bill.

Mr. President, I am prepared to proceed to vote on that measure. The yeas and nays have been ordered. It is now 12:10 in the morning. I would hope that we might vote on the debt limit, since it is clean, by voice vote.

I now ask unanimous consent, Mr. President, that the yeas and nays on the debt limit resolution be vitiated.

Mr. ZORINSKY. I object.

The PRESIDING OFFICER. Objection is heard.

The Chair states to the majority leader that I am informed there was not a message received from the House of Representatives concerning the action of the House pursuant to the previous unanimous-consent agreement.

Mr. BAKER. Has the message been received?

The PRESIDING OFFICER. I am informed it has not been received.

Mr. BAKER. I was informed it has been received, but I expect that was an informal occasion.

I am going to suggest the absence of a quorum while we ascertain the status of that situation. Then I hope we can get on with the adoption of this resolution.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, while the requirements of the rules of the House and Senate would suggest that we must wait for a formal notice from the House that they have concurred in the Senate amendment, I believe we are justified in proceeding now. I have asked our Parliamentarian, who has a direct line to the Parliamentarian on the House side, to verify that the House has concurred in the Senate amendment. I have been advised that that is so.

The PRESIDING OFFICER. The House has concurred in the Senate amendment.

Mr. BAKER. Then, Mr. President, I ask unanimous consent that, notwithstanding that we have not received the official message from the House to that effect, the unanimous-consent agreement previously entered into now be put into effect with respect to the clean debt limit resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, the clean debt limit resolution is before the Senate, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. That is House Joint Resolution 654?

The PRESIDING OFFICER. House Joint Resolution 654 is before the Senate.

Mr. BAKER. Mr. President, let me urge Senators to consider now that we hope that this will be the last record vote of this session of the Congress. But I urge Senators not to leave until we have ascertained that there is no need for a further record vote.

Mr. President, I am prepared to vote now on the resolution.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota [Mr. Abdnor], the Senator from North Dakota [Mr. Andrews], the Senator from Mississippi [Mr. Cochran], the Senator from Maine [Mr. Cohen], the Senator from New York [Mr. D'Amato], the Senator from Alabama [Mr. Denton], the Senator from New Mexico [Mr. Domenici], the Senator from Minnesota [Mr. Durenberger], the Senator from North Carolina [Mr. East], the Senator from Arizona [Mr. Goldwater], the Senator from Oregon [Mr. Hatfield], the Senator from Florida [Mrs. Hawkins], the Senator from Pennsylvania [Mr. Heinz], the Senator from North Carolina [Mr. Helms], the Senator from Nevada [Mr. Laxalt], the Senator from Georgia [Mr. Mattingly], the Senator from Idaho [Mr. McClure], the Senator from Alaska [Mr. Murkowski], the Senator from Oklahoma [Mr. Nickles], the Senator from Illinois [Mr. Percy], the Senator from Delaware [Mr. Roth], the Senator from Texas [Mr. Tower], the Senator from Wyoming [Mr. Wallop], and the Senator from Connecticut [Mr. Weicker] are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama [Mr. Denton] and the Senator from Georgia [Mr. Mattingly] would vote "nay."

Mr. CRANSTON. I announce that the Senator from Texas [Mr. Bentsen], the Senator from New Mexico [Mr. Bingaman], the Senator from Oklahoma [Mr. Boren], the Senator from New Jersey [Mr. Bradley], the Senator from Illinois [Mr. Dixon], the Senator from Missouri [Mr. Eagleton], the Senator from Nebraska [Mr. Exon], the Senator from Colorado [Mr. Hart], the Senator from Kentucky [Mr. Huddleston], the Senator from Louisiana [Mr. Johnston], the Senator from Massachusetts [Mr. Kennedy], the Senator from New Jersey [Mr. Lautenberg], the Senator from Michigan [Mr. Levin], the Senator from Arkansas [Mr. Pryor], the Senator from Maryland [Mr. Sarbanes], and the Senator from Mississippi [Mr. Stennis] are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas [Mr. Pryor] and the Senator from Oklahoma [Mr. Boren] would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 14, nays 46, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—14

Boschwitz
Chafee
Danforth
Dole
Evans
Garn
Gorton
Long
Lugar
Packwood
Quayle
Rudman
Simpson
Stafford

NAYS—46

Armstrong
Baker
Baucus
Biden
Bumpers
Burdick
Byrd
Chiles
Cranston
DeConcini
Dodd
Ford
Glenn
Grassley
Hatch
Hecht
Heflin
Hollings
Humphrey
Inouye
Jepsen
Kassebaum
Kasten
Leahy
Mathias
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Nunn
Pell
Pressler
Proxmire
Randolph
Riegle
Sasser
Specter
Stevens
Symms
Thurmond
Trible
Tsongas
Warner
Wilson
Zorinsky

NOT VOTING—40

Abdnor
Andrews
Bentsen
Bingaman
Boren
Bradley
Cochran
Cohen
D'Amato
Denton
Dixon
Domenici
Durenberger
Eagleton
East
Exon
Goldwater
Hart
Hatfield
Hawkins
Heinz
Helms
Huddleston
Johnston
Kennedy
Lautenberg
Laxalt
Levin
Mattingly
McClure
Murkowski
Nickles
Percy
Pryor
Roth
Sarbanes
Stennis
Tower
Wallop
Weicker

So the joint resolution (H.J. Res. 654) was rejected.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was rejected.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess until 11 a.m. today.

There being no objection, the Senate, at 12:34 a.m., recessed until 11 a.m., today Friday, October 12, 1984.

NOMINATIONS

Executive nominations received by the Senate October 11, 1984:

U.S. SYNTHETIC FUELS CORPORATION

Eric Reichl, of Connecticut, to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for the remainder of the term expiring September 14, 1986, vice C. Howard Wilkins, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 11, 1984:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Richard A. Derham, of Washington, to be an Assistant Administrator of the Agency for International Development.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Faye Barrett Howell, of Georgia, to be a member of the National Museum Services Board for the remainder of the term expiring December 6, 1986.

Richard J. Herczog, of California, to be a member of the National Museum Services Board for a term expiring December 6, 1988.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

James H. Jarvis II, of Tennessee, to be U.S. district judge for the eastern district of Tennessee.

F.A. Little, Jr., of Louisiana, to be U.S. district judge for the western district of Louisiana.

DEPARTMENT OF JUSTICE

Jasper R. Clay, Jr., of Maryland, to be a Commissioner of the U.S. Parole Commission for a term of 6 years.

IN THE COAST GUARD

Coast Guard nominations beginning Robert T. Willoughby, and ending William J. Kaszubski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 3, 1984.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Oceanic and Atmospheric Administration nominations beginning John K. Callahan, Jr., and ending Frank M. Faith, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 3, 1984.

HOUSE OF REPRESENTATIVES—*Thursday, October 11, 1984*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, at this special time in the life of this assembly, our hearts are grateful for those men and women about us whose friendship and loyalty has been our constant support and strength. We give thanks for colleagues and staff, for associates and advisers who have given of themselves, their talents, and their time to enable us better to do our tasks. We particularly remember our families and express gratitude for their understanding and encouragement. O loving God, in whom we do trust, we recall with gratitude and affection those who have finished their service to this assembly. May we not forget their contributions and commitment to the welfare of our Nation and the good spirit that they have shared with us all. Eternal God, whose spirit watches over all people, bless us and keep us with Your love and Your grace all our days. In Your Holy Name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 2671. An act for the relief of Edgar Gildardo Herrera;

H.R. 3150. An act to direct the Secretary of Agriculture to convey, for certain specified consideration, to the Sabine River Authority approximately thirty-one thousand acres of land within the Sabine National Forest to be used for the purposes of the Toledo Bend project, Louisiana and Texas, and for other purposes,

H.R. 4401. An act for the relief of Shu-Ahtsali Wei, her husband, Yen Wei, and their sons, Teh-fu Wei and Teh-huei Wei;

H.R. 5728. To permit aliens lawfully admitted for permanent residence who are employed by the American University of Beirut to return to the United States as special immigrants after completion of such employment; and

H. Con. Res. 196. Concurrent resolution calling upon the President to study the advisability and practicality of a collaborative people-to-people program between the United States and Mexico.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6028) "An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate numbered 2, 10, 11, 30, 32, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 66, 68, 78, 81, 115, 116, 117, 118, 120, 121, 135, 138, 140, 141, 142, 154, 155, 173, 178, 179, and 197 to the above-entitled bill.

The message also announced that the Senate recedes from its amendments numbered 101, 170, and 171 to the above-entitled bill.

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 4585) "An act to authorize appropriations for the Office of Environmental Quality and the Council on Environmental Quality for fiscal years 1985, 1986, 1987, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1160) "An act to authorize Douglas County of the State of Nevada to transfer certain land to a private owner."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5833. An act to improve certain maritime programs of the Department of Transportation and the Department of Commerce.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1407. An act to protect purchasers of used automobiles from fraudulent practices associated with automobile odometer modifications, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 1132. An act to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures.

WAIVING REQUIREMENT THAT ENROLLMENT OF HOUSE JOINT RESOLUTION 648 OR ANY MEASURE CONTINUING APPROPRIATIONS BE PRINTED ON PARCHMENT

Mr. WRIGHT. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 375) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 375

Resolved by the House of Representatives (the Senate concurring), That the requirement of 1 U.S.C. 107 that the enrollment of H.J. Res. 648 or any measure continuing appropriations be printed on parchment be waived for the duration of the Ninety-eighth Congress, and that the enrollment of H.J. Res. 648 or any measure continuing appropriations be in such form as may be certified by the Committee on House Administration to be a truly enrolled joint resolution.

Mr. WRIGHT. Mr. Speaker, this is simply a means of expediting the ultimate passage of the continuing resolution. It provides that, contrary to general rules, it does not have to be hand-enrolled on parchment. It simply saves a little time.

The SPEAKER. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR MOTION TO TAKE FROM SPEAKER'S TABLE H.R. 4230, EXPORT ADMINISTRATION ACT AMENDMENTS, AND TO AGREE TO THE SENATE AMENDMENT WITH AN AMENDMENT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 615 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 615

Resolved, That upon the adoption of this resolution it shall be in order to consider a motion in the House, if offered by Representative Fascell of Florida, to take from the Speaker's table the bill (H.R. 4230) to extend the authorities under the Export Administration Act of 1979, with the Senate amendment thereto, and to concur in the Senate amendment with an amendment. The Senate amendment and the proposed

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

House amendment thereto shall be considered as having been read, and all points of order against the proposed House amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes, for the purposes of debate only, to the gentleman from Mississippi [Mr. LOTT], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 615 provides for the consideration of H.R. 4230, the Export Administration Act amendments. Upon adoption of this resolution, it shall be in order to consider a motion in the House, if offered by the chairman of the House Committee on Foreign Affairs, Representative FASCELL, to take H.R. 4230 from the Speaker's table, with the Senate amendment thereto, and to concur in the Senate amendment with an amendment. The Senate amendment and the proposed House amendment shall be considered as having been read.

This resolution further provides that all points of order against the proposed House amendment for failure to comply with the provisions of clause 7 of rule XVI, germaneness, are waived. Finally, Mr. Speaker, the resolution provides that the previous question shall be considered as ordered on the motion to final adoption without intervening motion.

Since the motion will be considered in the House, it will be debated under the hour rule. The debate time will be controlled by the Member offering the motion, Chairman FASCELL, but it is customary in such situations for half of the time to be yielded for debate only to the ranking minority member of the relevant committee. At the end of debate an up-or-down vote will occur on the motion by Mr. FASCELL.

Mr. Speaker, H.R. 4230 was passed by the House of Representatives by voice vote on October 27, 1983. The bill extended provisions of the Export Administration Act through November 18, 1983. This straightforward temporary extension was intended to deal with the expiration of the previous temporary extension on October 14. However, until yesterday, H.R. 4230 had not been considered in the other body.

On the same day that the House originally considered and approved H.R. 4230, the House also undertook consideration of H.R. 3231. A comprehensive 2-year extension of the Export Administration Act, which gives the President authority to control export of sensitive materials and products. After several days of consideration on the House floor, H.R. 3231 was passed, as amended, and sent to the other body.

In the other Chamber, action was completed on a 6-year extension of the Export Administration Act, S. 979, on March 1, 1984. The House subsequently amended S. 979 with the text of H.R. 3231 as passed by the House and agreed to a conference on S. 979.

From April 12, 1984, through this week, numerous meetings of the conference committee on this legislation were held. It is my understanding that during the last days of this conference effort, significant differences arose over provisions of the House-passed bill dealing with prohibitions of new investment by U.S. firms and individuals in South Africa. Ultimately, the conference adjourned without reaching agreement on a conference report.

Yesterday, the other body took up H.R. 4230, the 3-week temporary extension of the Export Administration Act, and passed that bill with amendments that make it a comprehensive reform. This amended bill does not reflect the position of the House as established by the adoption of H.R. 3231, on several key issues. Therefore, this rule will allow the House to vote on an amendment to assert the House position on these issues.

This amendment to the Senate amendment will be further detailed by the distinguished chairman of the House Committee on Foreign Affairs.

Mr. Speaker, it is imperative that the House consider this matter before the adjournment of this Congress. The President has been utilizing emergency powers in the absence of the authorities provided under the Export Administration Act. And these actions have already been the subject of court challenges.

I urge the adoption of the rule.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a funny thing happened to the Rules Committee last night. It opened for business again. Whether it was monkey business, funny business, or just business as usual, I will leave for my colleagues and future historians to decide. But, judging from the crowds in the Rules Committee hearing room, it was apparently a very popular move. You'd think we were having a clearance sale on rules.

So here we are today to give the business to the House. We've got a couple of blue-light specials on aisle 6. We're not quite sure just what's in these mystery packages, but were sure our colleagues won't want to pass up these bargains.

Mr. Speaker, at 5:45 p.m. yesterday, an emergency meeting of the Rules Committee was called for 6:15 to consider a rule on the Local Government Antitrust Act conference report.

But no sooner had we opened our doors for business than other customers began filtering in with other purchases in mind. And lo and behold, without prior notice, without a written rule request, without copies of the bill or amendments, the Export Administration Act legislation magically appeared on our agenda along with a handful of witnesses. All this transpired because the conference committee on the export administration bill had collapsed in disagreement on the previous day. And once again the Rules Committee was being appealed to as a court of last resort.

What this rule does is to make it possible in the House for the chairman of the Foreign Affairs Committee to offer a single motion to take the House bill H.R. 4230 from the Speaker's table, together with the Senate amendment, and agree to the Senate amendment with a further, nongermane House amendment. That additional House amendment would presumably add the House-passed language which prohibits U.S. banks from making loans to the Government of South Africa. And I use the word "presumably" because the fact is that the Rules Committee was not given a copy of this amendment during its deliberations.

One copy was apparently delivered to the committee just 15 minutes prior to our meeting. It runs some 15 pages. Some 20 minutes after the committee approved this rule at 10:30 p.m., the staff got a call that the version was not accurate. Some minutes later the staff got another call that further substantive changes were being made. And still later a call came that the changes would not be made and that we did have an accurate version. But the fact remains that we had already waived the germaneness rule against any amendment that might be offered. So whatever is offered today could do most anything. For all we know it moves the Nation's Capital to Pocatello, ID.

To further compound problems, we were told by four witnesses that if this further amendment is adopted, it would kill the bill in the other body. I think it's strange how regularly we have been agreeing to the amendments of the other body around here under special rules, on grounds that this is the only way to ensure enactment of certain measures. And yet, in this rule we are actually making the possibility more difficult by insisting on a further House amendment under the most difficult of circumstances since this probably will be the last day of the Congress.

Some of the witnesses who urged us not to complicate things by making in order this House amendment expressed their support for the South Africa provisions, but indicated that the only way to enact this into law was to agree to the Senate amendment as is.

Mr. Speaker, I can sympathize with the proponents of this measure who have been struggling in conference with this bill since last March—all to no avail. I further sympathize with them over the fact that the Export Administration Act expired a year ago on October 14, 1983. The President has been forced to operate under certain other emergency powers to keep export controls from lapsing, and this is subject to possible court challenges.

But I would point out to my colleagues that the administration continues to have objections to certain provisions contained in both versions of this bill and has recommended instead a simple extension of the 1979 act. I have no doubt that we could pass such a simple extension under unanimous consent in a few minutes time, and leave the more controversial issues to be resolved in the next Congress.

So I would urge my colleagues to vote down this rule. This is a terribly complex and controversial bill. The Rules Committee had no idea at 10:30 last night what it was granting a rule on. And I suspect my colleagues on this floor today have no better idea what is in this bill, or the Senate amendment or in the further House amendment. This rule only gives you 1 more hour to find out and no opportunity for further amendments. Mr. Speaker, the time has come for the House to say: "Enough, is enough, is enough." Let's close down this place before we do any more blind legislating to the detriment of the Republic.

□ 1010

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. Wylie].

Mr. WYLIE. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the rule for the Export Administration Act extension. One of its provisions would prohibit U.S. bank loans to the South African Government or any corporation owned or controlled by that government. It is my belief that it would be contrary to U.S. interests and our ability to promote human rights and liberalization in South Africa.

Restrictions on U.S. bank lending to South Africa could be viewed at home and abroad as evidence of U.S. readiness to use capital controls for political ends. This could erode international confidence in the freedom to invest in the United States and in the security of foreign investments in this country. It could thus impair the credibility of our international monetary and financial policies.

The proposed prohibition would likely be ineffective in imposing significant costs on South Africa since South African entities could obtain bank loans and investment funds from other countries.

To the extent that it did have some temporary effect, all segments of South African society would be adversely affected. Moreover, there would be a competitive disadvantage created for U.S. banks and for exports of U.S. products which they finance. Finally, there would be substantial administrative costs in implementing such a prohibition.

Mr. Speaker, in closing let me say that all Members, including this Member, abhor the practice of apartheid, but the proposed amendment is not the most effective way for the U.S. Government to demonstrate its opposition to apartheid.

Mr. LOTT. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. Frenzel].

Mr. FRENZEL. I thank the gentleman for yielding me this time.

Mr. Speaker, this is an unusual rule being dealt with under unusual circumstances. We are acting in the last minutes of the legislative session with some disrespect for normal procedures and orderly process. It is the kind of rule that I normally oppose.

When we do things in a hurry-up fashion, we are highly accident-prone. Many serious mistakes are committed in the name of expediency in the dying moments of every session.

However, this conference committee has been meeting for 6 months. It has labored under very difficult circumstances. There have been many profound differences which have been almost unreconcilable, and which may, in fact, ultimately prove to be unreconcilable. The Committee has asked the Rules Committee to give it its only chance to extend the Export Administration Act. The extension that is going to be offered is not perfect. In some respects, it is lousy. Even so, I think it is better than what we have got, which is making no law at all. I would urge the House to vote in favor of this rule.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. Zschau].

Mr. ZSCHAU. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this rule. I do not believe the rule is the best rule that we could pass. In fact, I testified yesterday before the Rules Committee in favor of a closed rule because this rule would make in order an amendment which I believe puts the bill in jeopardy.

The Senate has sent the Export Administration Act over to the House. If we would vote that bill without change out of the House, we would have a bill to go to the President for signature. By passing this rule and including an amendment that would require the Senate to take additional action, we jeopardize the possibility of getting an Export Administration Act passed this year.

Although the rule is not the best, it is the only game in town. Therefore, I urge support of the rule.

I would like to comment very briefly about the Export Administration Act. It is an obscure piece of legislation to many people and it is extremely complex. However, it is immensely important. It gives the President the authority to impose export controls either in the name of foreign policy objectives such as embargoes, or very importantly, in the name of national security. That is, preventing the export of militarily critical technologies to potential adversaries.

In this bill that has been hammered out over almost 2 years, there are enormous reforms in export controls. There are reforms that make it more difficult for export controls to be imposed in a way to cause companies to break existing contracts. This reform, therefore, would make our companies more reliable suppliers as they compete in foreign markets. It brings congressional involvement back into the review and approval of agreements regarding exports of nuclear technologies. It has sanctions in one form or another, relative to South Africa, in the bill. Most importantly, it implements to a very large extent major reforms in export controls dealing with high technology products.

□ 1020

This year, 1984, will be the first year that electronics products will suffer a trade deficit. Export controls have played a part in making our electronics companies in this country less competitive in foreign markets. Under the magnificent leadership of the gentleman from Washington [Mr. Bonker], the chairman of the Trade subcommittee and the gentleman from Wisconsin [Mr. Roth], the ranking minority member on the Trade subcommittee, the House constructed an approach which would enable this country both to control better and to export better. By focusing the controls on truly militarily critical technologies and by streamlining the export licensing procedures to make it easier for companies in this country to export, we can achieve both objectives of controlling militarily critical technology and also making it easier to compete in export markets.

The other body sought to take a different approach. Its approach was to involve the Department of Defense more in the export licensing process.

History has shown that when DOD gets involved in reviewing licenses, its involvement makes very little difference in the control of militarily critical technology but it does cause long delays for our exporters in the licensing process. These delays make our exporters less competitive.

The House conferees, therefore, hung tough in the negotiations and eventually the conferees of the other body agreed to remove that additional DOD involvement in the export licensing procedure. In return, they asked for some softening on the South Africa provisions, specifically, the elimination of the ban on bank loans. It was that compromise, that very fragile compromise, that enabled the bill to be passed by the other body.

Now the bill is here in the House. If this rule passes, you will be given the opportunity to restore the ban on bank loans and send the bill back to the other body. However, my feeling is that such an amendment will upset the very fragile compromise that has been negotiated. And, in my opinion, doom the bill in the other body. It is for that reason, my colleagues, that I urge you to support the rule, but I also urge a vote against the amendment so that we can pass out of this Congress an Export Administration Act that is a true reform this year.

Mr. SOLARZ. Will the gentleman yield?

Mr. ZSCHAU. I would be happy to yield to the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding to me.

Mr. Speaker, I was listening to the gentleman's extraordinarily eloquent remarks and I was with him all the way until the very end.

I want to point out something to the gentleman which he may not fully appreciate.

The parliamentary situation which confronts us is such that once the rule is adopted, a motion will be made for us to recede with an amendment to the Senate amendment.

That is the only vote that we get. If that is adopted, the entire bill is adopted with the amendment. If that is rejected, it is all over. There is no parliamentary possibility for a subsequent vote on final passage, or for anybody else to offer another amendment, so when we vote on the motion that will be made by the gentleman from Florida.

Mr. LOTT. Mr. Speaker, I yield 3 additional minutes to the gentleman, because I would like to pursue this questioning a little bit myself.

Mr. ZSCHAU. I yield to the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Speaker, so that when we will be voting on the motion of the gentleman from Florida [Mr. Fascell] we are not just voting on the amendment concerning the bank loans for South Africa but also on the entire Export Administration Act, including all of the motions the gentleman spoke I favor of during the course of his remarks.

Mr. ZSCHAU. Reclaiming my time, Mr. Speaker, I appreciate the clarification of the gentleman from New York. It was my understanding that the rule would provide for one amendment and that if that amendment were defeated, then the opportunity would be to vote on the bill without the amendment.

Mr. LOTT. If the gentleman would yield to me, and I will be glad to yield him more time if he needs it; that is not the case.

Mr. Speaker, the situation is parliamentarily as the gentleman from New York describes, and that is one of several things I am objecting to. We are going to get one vote. You are not going to have a chance to separate them out. It is bad substance and bad procedure and the Rules Committee did it last night rather unexpectedly, and Members even here today did not realize what the process was going to be.

Mr. ZSCHAU. Mr. Speaker, I yield to the gentleman from Washington [Mr. Bonker].

Mr. BONKER. If the gentleman will yield to me, it is my understanding that if someone were interested in separating the motion, you could do it by defeating the previous question on the rule, then concurring with the Senate, and that would give you an opportunity to have an up or down vote with respect to that one amendment.

Mr. LOTT. If the gentleman would yield to me, we would certainly have a completely different rule that we would offer, and would probably just make in order a straight extension.

Mr. BONKER. Or you could just defeat the previous question and ask for a vote.

Mr. LOTT. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

Mr. CONABLE. Will the gentleman yield to me?

I would like to have the gentleman from California [Mr. Zschau] confirm then, that there are serious objections to voting either way on this amendment because of the implications for final passage and the ultimate achievement of the objective of this bill.

Is not the appropriate vote to vote down the previous question and to try to change the rule under the circumstances? Is that not the conclusion that we are forced to?

Mr. ZSCHAU. Reclaiming my time, Mr. Speaker, my position would be on this issue that we should vote for the rule. After that, I urge a vote for the amendment, based on the original argument that I made.

This rule and the amendment compose the only game in town. I think that the rule and the amendment puts the bill in jeopardy but it is the only course of action under which we have a chance to get the bill passed this year.

I will be happy to yield to the gentleman from New York [Mr. Solarz].

Mr. SOLARZ. I thank the gentleman for yielding and for his statement. He has precisely stated the issue.

Mr. Speaker, at the 11th hour and 59th minute of the session, after working for 2 years on this bill, after 6 months in conference, this rule and this amendment are the only ball game in town. If they go down, we have no Export Administration Act. It is too late to write another rule or too late to have another conference.

(On request of Mr. Solarz and by unanimous consent, Mr. Zschau was allowed to proceed for 1 additional minute.)

Mr. SOLARZ. If the gentleman will continue to yield, it is too late in effect, for another rule. It is too late for another bill, too late for another conference, too late for another amendment. It is this or nothing.

Mr. Speaker, if this is adopted, we have reason to believe that it can pass in the Senate. Senator Heinz, who has been one of the key actors in this whole drama in the other body, is committed to moving it forward.

We understand the very distinguished majority leader is looking sympathetically on this approach in the other body.

There is strong support for it, but if this goes down, it is all over.

Mr. ZSCHAU. Reclaiming my time, Mr. Speaker, I want to thank the gentleman from New York for raising and clarifying the parliamentary procedure. It would be my position, and I urge my colleagues to do likewise, to support the rule and to vote for the amendment. We have no other alternative in order to get this legislation through the Congress.

Mr. LOTT. Mr. Speaker, if I could reclaim my time, and I would be glad to yield for questions or comments; but I need to clarify a situation here.

We are not going to be without some avenues to pursue if this rule should be defeated. I have a straight extension of the Export Administration Act of 1979, eight lines long, by unanimous consent. That could be done in the next 30 seconds after we vote on a rule, so it is not as if this is, "pass this or nothing."

Take the Senate amendment without being able to do anything about it and take a House amendment without being able to vote on it independently.

□ 1030

We could pass this straight extension. So we have several avenues at our disposal at this point. We could vote down the previous question, but the best thing at this point is probably to defeat the rule and by unanimous consent pass a straight extension.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Washington.

Mr. BONKER. Mr. Speaker, I think the gentleman makes a good point in terms of the alternative, but on the Senate side both the chairman of the full committee and the chairman of the subcommittee have said unequivocally that they would not go with an extension, and if we do not have an extension and we do not have a reauthorization, then we have no export administration law and the President has to assume very tenuous authority which he can apply very selectively under the IEEPA, the International Emergency Economic Policy Act.

So essentially it is not an alternative insofar as the other body is concerned.

Mr. Speaker, as a matter of fact, in these waning hours the other body has been able in the past to find ways to do things just like this, and as I understand it, they are not going to take this bill with this House amendment. So that in effect is killing it.

If information to the contrary is available, I would be glad to hear it.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding.

I would like to make the point, too, that it is my understanding we cannot pass a straight extension because it will not be accepted by the other body. In the second instance, it is my considered judgment that we cannot do better than this bill next year.

The President is now operating our export control operation under the International Emergency Economic Policy Act, or whatever we call it. That authority is untested, and it is believed that if we do not supplant it with responsible legislation here today, the President will be sued or the Secretary of Commerce will be sued, and it is possible we could lose all the control we have over export licensing.

We are in a difficult situation today. I understand why the distinguished minority whip is opposed to it. I do not blame him. There are good reasons to oppose the bill. But I think this difficult situation leaves us only one choice, and that is to support the rule and the motion.

The SPEAKER pro tempore. The Chair will inform the Members that the gentleman from Mississippi [Mr. LOTT] has 8 minutes remaining, and the gentleman from South Carolina [Mr. DERRICK] has 26 minutes remaining.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, let me just say as the ranking Republican on the Subcommittee on Africa of the Committee on Foreign Affairs that I have just been able to get my hands on this so-called Solarz amendment, and I am going to tell the Members that if they complained about the Gramm-Latta bill a few years ago, this is just about as bad, because I have not been able to make any sense out of it whatsoever as yet.

But what I would like to say is this: I say to all you Members who have worked so hard on this bill that if you really want a bill, you are killing it here today by not giving us a vote on this amendment. By having to vote on the entire package up or down, we know what is going to happen.

I know that we are not supposed to mention other names in other bodies, but several Members have done it here today. But I can tell you that the chairman of the Banking Committee, when you have taken away his authority and put something in here, he is not going to accept that. Neither is the majority leader, and neither is——

The SPEAKER pro tempore [Mr. HOYER]. The gentleman should not refer, as the Chair observed earlier, to possible actions of Members of the other body.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, if I may make a parliamentary inquiry, why did the Speaker not rule everybody else out of order when they were mentioning names? I did not even mention a name.

But I will take the Chair's word for it.

The SPEAKER pro tempore. The Chair did observe to the gentleman from New York [Mr. SOLARZ] that he was anticipating the actions of the other House, in a way which is contrary to the rule.

Mr. SOLOMON. I thank the Chair.

But the truth of the matter is that if you are for the amendment and you want a bill, then you had better vote against this amendment because you are not going to have anything when it reaches the House, for one reason: Over in that body, unanimous consent is needed to pass this bill. It is needed, and I can guarantee you that there will be an objection to any unanimous-consent request to take this bill over there, and instead all your work is dead. I do not think the Members want that.

Mr. Speaker, I advise the Members to defeat this rule if they want a bill.

Mr. DERRICK. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SOLARZ], for purposes of debate only.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. I am happy to yield to my good friend, the distinguished chairman of the committee, the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, let me just say that at the last minute of the session we always run into these kinds of difficulties, and I can understand some of the frustrations. But let us just review for a minute where we have been and how we got where we are.

First, Mr. Speaker, I want to pay my respects to the ranking minority member of the subcommittee, the gentleman from Wisconsin, and the other members of the subcommittee on the other side, to my subcommittee chairman, and to all who have labored with great diligence and remarkable perseverence and determination over a long period of time to deal with this most difficult subject.

We spent 7 months in the conference on one bill, and it was 2 years in the making, and we were getting to the point in the conference where we had an ad hoc agreement, and then we were finding that, for whatever reasons—and I ascribe no motives to anybody because this is typical in the conference on a matter of this import—that ad hoc agreement did not last very long. Then, before we could get to the conference papers, we find that the other body decided to take its version of what they thought was a good conference agreement, add it to a bill that had already passed the House, and send it over here to us with the kind of an ultimatum—unspoken, but we understand it—that says, "Take it or leave it."

That did not seem to us to be a very good alternative on getting a bill passed, particularly where there was so much discussion over such a long period of time on a previous provision that had passed in this House earlier overwhelmingly—and that was dealing with the sanctions on South Africa. So because of those very strong feelings and because of the overwhelming House position on the issue and because we felt that really it was a provision that could be lived with, we decided that the only thing we could do would be to give the House an opportunity to vote on this issue again and send it back to the other body.

As the gentleman from Mississippi has said, they can do miracles over there when they want to. I do not know, but it seems to me at times that they do not have any rules. Unfortunately, we on this side are stuck with rules and limitations on debate. I marvel constantly how one Senator over there can put a hold on a bill, and it does not make any difference what the rules say as to how you get to the floor or how you get action on a bill. I do not know of any rule in the other body that says you have to have unanimous consent to bring something up, but it is the same thing, because if any single Senator says, "Put a hold on that bill," you might as well forget it. You cannot even find a rule that deals with that kind of courtesy that exists in the other body.

But basically that is where we are. I can understand why some Members would want to have a separate vote on this thing if there is any way to do it, but I think that we are way past that. We are way past that; this particular issue has been resolved in the House previously overwhelmingly.

So we have got the other body's version, which is fairly close to what the conferees had agreed to except for this one provision. We have some other technical amendments and what not that are substantive, but basically that is what we are trying to do.

Now, if we vote this thing down, all right, we have given it our best shot. But I do not know if the last chapter and the last page of the last chapter should be written in this body. I would rather give the other body an opportunity to cogitate on this matter a little while longer. They are going to have some time, and they can move with unprecedented speed to do whatever they want to do over there. They can do it a lot faster than we can.

So, Mr. Speaker, we ask the indulgence of the Members. Yes; this has been a last-minute thing, but it is the last day of the session so we had no choice. I want to express my appreciation to the majority member handling the rule for the Committee on Rules on our side.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. SOLARZ] has expired.

Mr. DERRICK. Mr. Speaker, I yield 5 additional minutes to the gentleman from New York [Mr. SOLARZ].

Mr. FASCELL. Mr. Speaker, will the gentleman yield further?

Mr. SOLARZ. I yield to the chairman of the committee.

Mr. FASCELL. Mr. Speaker, I just wanted to express my appreciation to all the Members who worked on this matter and gave us the opportunity to get here. I would ask the Members, therefore, respectfully to consider this matter.

I know your feelings on it. If you have to vote against South Africa, go ahead and vote against it, but let the amendment go back to the other body and let them act on it.

□ 1040

They can do it just like that with the snap of a finger. It took us all day yesterday, plus keeping the Rules Committee in session until about 11 whatever it was last night, plus getting back out on the floor. We do not have the flexibility they have in the other body.

Mr. ROTH. Mr. Speaker, will the gentleman from New York yield?

Mr. SOLARZ. I will be happy to yield to the gentleman who has worked very hard on this bill and whose views I am most interested in hearing at this critical juncture in the process.

Mr. ROTH. Mr. Speaker, I thank the gentleman from New York for yielding and for always being so gracious.

Mr. Speaker, we have a dilemma here and the dilemma is this. We wanted the EAA, we wanted the Export Administration bill, but we also need a separate vote on this amendment that has been tacked on the House side.

I would like to ask the chairman of our committee if he would ask unanimous consent to allow us to have two votes, a vote on the amendment and a vote on the bill.

Would the gentleman entertain that request?

The SPEAKER pro tempore. The gentleman from New York has the time.

Mr. SOLARZ. Well, I think I have the time and that is perhaps something the gentleman can discuss with the chairman. He can speak for himself. I do not know that he can speak for 434 other Members of the House.

What I want to point out to the Members is that the motion that will be made will be a motion which asks us to vote on the Export Administration Act legislation as it already passed the Senate, with essentially one addition, and that addition would include a prohibition on bank loans to the Government of South Africa. It is a provision which has already been adopted overwhelmingly by the House. It is a provision which has already been accepted by the Senate conferees. If this motion prevails here in the House, we will be sending back to the Senate a bill which they have already voted for, with an additional provision that was previously adopted by an overwhelming margin here in the House and which was acceptable to the Senate conferees; so there is every reason to believe that the Senate will act favorably and expeditiously on what we send them.

Mr. WOLPE. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Michigan.

Mr. WOLPE. Mr. Speaker, I think the gentleman for yielding, only to make the observation that not only were the provisions that are embodied in the proposed House amendment provisions which were accepted by the conference committee, but the proposal was actually offered by the Senate conferees. It was their proposed means of coming to the compromise that was reached ultimately on that issue within the conference committee.

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for his elaboration and elucidation.

I just want to conclude by thanking my good friend, the gentleman from South Carolina. I fear that I may have opened up a can of worms here in attempting to correct a misunderstanding on the floor, but I do think it is important for Members to know what they are voting on.

Mr. HYDE. Mr. Speaker, will the gentleman yield? Does the gentleman have time? I do not want to break his train of thought.

Mr. SOLARZ. I am happy to yield and I am interested in what the gentleman has to say.

Mr. HYDE. Well, I understand that this provision is aimed to strike a blow against racial apartheid, is that correct?

Mr. SOLARZ. The gentleman, as is usually the case, is right on the mark.

Mr. HYDE. I wonder what we are planning to do for the country of Liberia, which has by Constitution a ban on a person, a nonblack, being a citizen, owning any property. It is sort of reverse apartheid.

Mr. SOLARZ. Yes.

Mr. HYDE. Now, if apartheid is the enemy, what plans do we have in store for barring any bank loans to Liberia?

Mr. SOLARZ. Well, I will tell the gentleman what we are doing. We have under serious consideration organizing a fund drive among our colleagues in the House to secure a treasure chest which we will confide to the gentleman's control for the purpose of buying a house in Liberia and paying for the gentleman's passage over to Liberia so that the gentleman can put to the test this alleged provision in the Liberian Constitution.

Mr. HYDE. Well, is it alleged, the gentleman is a scholar——

Mr. SOLARZ. Well, let me finish. If the gentleman proves to be unsuccessful in his efforts to purchase a retirement home in Liberia, then I can assure the gentleman that we will have hearings before the Foreign Affairs Committee to consider what action to take and I am sure that we will carefully consider whatever recommendations the gentleman has.

Mr. HYDE. Mr. Speaker, I thank the gentleman for that superb answer.

Mr. DERRICK. Mr. Speaker, I have no further requests for time.

Mr. LOTT. Mr. Speaker, I do have additional requests. I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER], a member of the committee.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the rule and the bill. I urge all of my colleagues with agricultural constituents in particular to give this measure your wholehearted support. If you are among those Members of the body who have complained about grain embargoes and other kinds of sanctions, then listen now.

By the passage of this bill you will make vital and necessary changes in the laws that Presidents have used to embargo the export of agricultural commodities for national security, foreign policy or short supply reasons.

First, the measure declares that national security may not be employed as a justification for export controls on agricultural commodities. It is one of the two reasons cited by President Carter when he imposed the grain embargo.

Second, this bill remedies a dangerous flaw in existing law, the legislative veto mechanism. By virtue of the Supreme Court's recent Chadha decision, existing legislative veto mechanism for agricultural embargoes is null and void. Language contained within this bill will not only remedy that flaw, but in addition it will further limit the scope of future foreign policy export embargoes. The bill provides that agricultural export embargoes may be imposed by the President for only 60 days. At the end of that period, controls lapse automatically unless reauthorized by a joint resolution of the Congress.

Third, the bill adds incremental improvements in the sanctity granted agricultural export contracts. In addition to reaffirming the 270-day contract sanctity granted in the Futures Trading Act of 1982, the bill before us today accords unlimited sanctity to agricultural commodities in the event of an embargo on the basis of short supply concerns. This applies directly to the Japanese soybean embargo of some years ago, and this would make it impossible for a repeat. Henceforth we will follow a policy whereby contracts will remain in force, under this legislation, even after the imposition of export controls.

Although this contract sanctity language is not the absolute guarantee which I had worked for in the conference, this language does pare down measurably the exemptions contained within this body's own H.R. 3231. It represents a definite improvement over present law as well.

Mr. Speaker, I realize that the hour is late. We have negotiated long and hard for 7 months. The differences between viewpoints have often been fiercely contested; yet, I believe that we have reached the best compromise that we can achieve in this area. I hope my colleagues will join me in voting for this rule. It is our only opportunity to address the agricultural and other trade and licensing matters that I have just mentioned.

Beyond that, I would say in reference to the comments of the distinguished gentleman from Mississippi that this gentleman is inclined to object to any unanimous-consent request to approve a straightforward extension of the Export Administration Act.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH], the ranking member of the subcommittee.

Mr. ROTH. Mr. Speaker, I thank our colleague, the gentleman from Mississippi, for yielding.

Mr. Speaker, we are told that this amendment is going to strike against apartheid. Let us review what this amendment is going to do.

Mr. Speaker, the amendment which the House is offering does two things:

First, it restores the ban on U.S. bank loans to the Government of South Africa, and

Second, it deletes the authority Congress would give to the President to impose investment controls on U.S. companies that are blatantly disregarding the Sullivan codes.

Mr. Speaker, I believe that this amendment sought by the House dilutes the intent of the authors of the South Africa title and it will bring back a disastrous policy of U.S. capital controls.

A ban on U.S. bank loans to the South African Government will in no way make any impact on the South African Government's policy of apartheid. First of all, the United States is not the only source of funds. London, Paris, Geneva, Tokyo—you name it—there are plenty of other places to get a loan. Money observes no borders. So the only thing that we would be doing by putting in this amendment would be to penalize our banking institutions, our stockholders, our jobs, and profits.

A second point, is that the amount of money we are talking about here is miniscule. Total U.S. bank loans to the South African Government and governmental entities amount to less than $500 million.

A third point, is that we may have an occasion where the South African Airlines might wish to purchase U.S. built-airplanes—Boeing airplanes perhaps, Mr. BONKER. But if they wished to pay for them, they wouldn't be able to use U.S. credit. But a foreign bank would get the fees, the commissions, the interest rate earnings.

I just don't see how this provision helps to express Congress' abhorrance of South Africa's apartheid policies. However, I do believe that what the Senate has added to the provision on investment limitations makes a stronger point. After all, what we are saying in this provision is that if a U.S. company totally disregards making any attempt to implement the Sullivan fair employment codes in their South Africa subsidiaries, then we authorize the President to take punitive action by way of controls on any new investment.

There are now about 320 U.S. companies in South Africa and over one-third of these are presently voluntarily reporting their compliance with Mr. Sullivan's fair employment codes. This provision requests that the remaining U.S. companies begin implementing and reporting these codes in their plants and factories as well. The Sullivan code principles have an immediate and direct effect on the black and nonwhite populations. These principles call for: First, desegregation; second, equal employment opportunities; third, equitable pay systems; fourth, fair wage and salary structures; fifth, increasing blacks and nonwhites in higher level jobs; sixth, taking steps to improve the quality of employees' lives with respect to education and housing; and seventh, implementing fair labor practices.

Now these are the same principles that we have right here in the United States. And I'm sure that our companies are exercising these principles already in their subsidiaries in South Africa. It's just that not all of them are paying $10,000 to document it for public relations sake. Well, with this bill, it will be the responsibility of the Secretary of State to document our employment practices with respect to the blacks and nonwhite South Africans working for U.S. firms.

So, I just don't understand why my colleague wants to change what the Senate has sent us. Amending this bill as you propose changes nothing with respect to Congress statement against South Africa's policies—yet this change jeopardizes the entire bill. We will have to send this bill with an amendment back to the Senate. Gentlemen, there simply is not the time.

My colleagues, let me reemphasize that if we send back this bill to the Senate with the House amendment we are burying this bill. The Senate will not accept this change. So we will be gaining nothing. We will have no provisions on South Africa, we will have no provisions on contract sanctity, and we will have lost 2 years of work on this important bill.

We are in a dilemma here, that is true. We have spent hundreds and hundreds of hours in committee and 9 days of floor debate here a year and a half ago on this particular piece of legislation.

Now, I think we would be happy to try to come to some sort of accommodation, some sort of an agreement, but I think that it is only fair for us to have a separate vote to help us address this dilemma.

I would ask the chairman of this committee to ask for unanimous consent for a separate vote.

If the amendment can stand on its merits, then why not have a separate vote? Why hide with this amendment? If we want to show that we are strong in our resolution to strike at apartheid, then let us take a separate vote on this amendment and give every Member of this House a chance to vote up or down and to show where his or her convictions really lie.

□ 1050

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, I would ask the gentleman, is he making a unanimous-consent request?

Mr. ROTH. I am making a unanimous-consent request, Mr. Speaker.

Mr. DERRICK. Mr. Speaker, I object.

The SPEAKER pro tempore [Mr. HOYER]. Objection is heard.

Mr. LOTT. Mr. Speaker, I yield the balance of the time for what I am sure is going to be a magnificent statement on this whole issue, substantively and on the procedure, and I want him to have ample time. So I yield the entire balance of my time to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the gentleman from Mississippi for the 30 seconds or so that I have left.

I think, Mr. Speaker, this is the wrong approach to solving a very difficult problem. We are all opposed to the racial policies of the South African Government. But what you are trying to do with this amendment is wrong.

I have heard people talking on that side of the aisle about disinvestment, ways of cutting American investment in South Africa. The fact of the matter is there are 600,000 blacks working in the gold mines alone. If we did not buy Krugerrands and if we disinvested over there, if you multiply that 600,000 by 5, you find the impact on the black community who work in those mines. There would be 3 million blacks that would suffer economically in the gold industry alone if we did this sort of a thing.

It is the wrong approach to solving this problem, in my view.

There is no question in anybody's mind that we should put pressure on the South African Government, but to do so this way and to hurt the black population you are trying to help in the process is entirely wrong.

I was in South Africa this past year and every single black, with one exception, was opposed to disinvestment and this type of economic and financial sanction by the U.S. Government.

The people in South Africa, the blacks I am talking about, are opposed to what you are trying to do. If you do not believe me, go over there and talk to them.

We want to stop apartheid, but this is not the way to do it.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WYLIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 124, not voting 82, as follows:

[Roll No. 460]

YEAS—226

Ackerman
Addabbo
Akaka
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
AuCoin
Barnes
Bateman
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Bliley
Boehlert
Boland
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Bryant
Burton (CA)
Byron
Carper
Carr
Chandler
Chappell
Clarke
Clay
Clinger
Coats
Conte
Cooper
Coughlin
Coyne
Daniel
Darden
Daschle
Daub
Davis
Derrick
Dicks
Dingell
Donnelly
Dorgan
Downey
Durbin
Dwyer
Early
Eckart
Edgar
Edwards (CA)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frenzel
Frost
Gaydos
Gejdenson
Gibbons
Glickman
Gore
Gradison
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harrison
Hatcher
Hertel
Hightower
Hoyer
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Long (MD)
Lowery (CA)
Lowry (WA)
Luken
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McKernan
McKinney
Mica
Michel
Miller (CA)
Mineta
Minish
Moakley
Mollohan
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
Oberstar
Obey
Olin
Ortiz
Panetta
Patman
Pease
Penny
Pepper
Petri
Pickle
Price
Rahall
Ray
Reid
Richardson
Ridge
Rinaldo
Roberts
Rodino
Roe
Rose
Roukema
Rowland
Russo
Sabo
Sawyer
Scheuer
Schneider
Schumer
Seiberling
Sharp
Sikorski
Sisisky
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Solarz
Spratt
St Germain
Staggers
Stangeland
Stark
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traxler
Valentine
Vandergriff
Vento
Volkmer
Weber
Weiss
Whittaker
Whitten
Williams (MT)
Winn
Wirth
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (MO)
Zschau

NAYS—124

Archer
Badham
Barnard
Bartlett
Bilirakis
Boggs
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chappie
Coleman (MO)
Collins
Conable
Conyers
Corcoran
Courter
Crane, Daniel
Crane, Philip
Dannemeyer
Dellums
DeWine
Dixon
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Erlenborn
Fiedler
Fields
Fish
Franklin
Gekas
Gilman
Gonzalez
Goodling
Gregg
Hall (IN)
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (UT)
Hartnett
Hawkins
Hayes
Hiler
Hillis
Holt
Hopkins
Hubbard
Hyde
Ireland
Johnson
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leland
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCain
McCandless
McDade
McGrath
Miller (OH)
Molinari
Moore
Moorhead
Myers
Nielson
O'Brien
Owens
Oxley
Parris
Pashayan
Porter
Pritchard
Quillen
Rangel
Regula
Ritter
Robinson
Roemer
Rogers
Roth
Savage
Schaefer
Sensenbrenner
Shelby
Shumway
Shuster
Skeen
Smith, Denny
Snyder
Solomon
Spence
Stokes
Stump
Taylor
Towns
Vucanovich
Walker
Wheat
Whitehurst
Wolf
Wortley
Wylie
Young (FL)

NOT VOTING—82

Albosta
Alexander
Aspin
Bates
Bedell
Bethune
Boner
Bonior
Breaux
Brown (CA)
Cheney
Coelho
Coleman (TX)
Craig
Crockett
D'Amours
de la Garza
Dickinson
Dowdy
Dymally
Dyson
Ferraro
Foglietta
Fuqua
Garcia
Gephardt
Gingrich
Gramm
Gray
Hance
Hansen (ID)
Harkin
Hefner
Heftel
Horton
Howard
Hunter
Jenkins
Kaptur
Leath
Lipinski
Long (LA)
Lundine
MacKay
Marriott
Martin (NC)
McCollum
McCurdy
McEwen
McNulty
Mikulski
Mitchell
Montgomery
Nichols
Oakar
Ottinger
Packard
Patterson
Paul
Pursell
Ratchford
Rostenkowski
Roybal
Rudd
Schroeder
Schulze
Shannon
Shaw
Siljander
Simon
Skelton
Stenholm
Udall
Vander Jagt
Walgren
Watkins
Waxman
Weaver
Whitley
Williams (OH)
Wilson
Wright

□ 1100

The Clerk announced the following pairs:

On this vote:

Ms. Mikulski for, with Mr. Crockett against.

Mr. Waxman for, with Mr. Mitchell against.

Mr. MacKay for, with Mr. Garcia against.

Mr. Dyson for, with Mr. Dymally against.

Mr. Patterson for, with Mr. Gray against.

Messers. CONYERS, TOWNS, STOKES, PORTER, ROEMER, FISH, and KEMP, changed their votes from "yea" to "nay."

Messrs. STANGELAND, WINN, and LOWERY of California changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1110

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT, NOVEMBER 15, 1984, TO FILE SUNDRY REPORTS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have until midnight, November 15, 1984, to file sundry investigative reports.

Mr. Speaker, this has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXPORT ADMINISTRATION ACT AMENDMENT

Mr. FASCELL. Mr. Speaker, pursuant to House Resolution 615, I move to take from the Speaker's table the bill (H.R. 4230) to extend the authorities under the Export Administration Act of 1979, with a Senate amendment thereto and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 615 the Senate amendment and the House amendment to the Senate amendment are considered as having been read.

The text of the Senate amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. Titles I and II of this Act may be cited as the "Export Administration Amendments Act of 1984".

TITLE I—AMENDMENTS TO EXPORT ADMINISTRATION ACT OF 1979

REFERENCE TO THE ACT

SEC. 101. For purposes of this title, the Export Administration Act of 1979 shall be referred to as "the Act".

FINDINGS

SEC. 102. (a) Section 2 of the Act (50 U.S.C. App. 2401) is amended in paragraph (3) by striking out "which would strengthen the Nation's economy" and inserting in lieu thereof "consistent with the economic, security, and foreign policy objectives of the United States".

(b) Secton 2(6) of the Act is amended to read as follows:

"(6) Uncertainty of export control policy can inhibit the efforts of United States business and work to the detriment of the overall attempt to improve the trade balance of the United States.".

(c) Section 2 of the Act is amended by adding at the end thereof the following:

"(10) It is important that the administration of export controls imposed for foreign policy purposes give special emphasis to the need to control exports of goods and substances hazardous to the public health and the environment which are banned or severely restricted for use in the United States, and which, if exported, could affect the international reputation of the United States as a responsible trading partner.

"(11) The acquisition of national security sensitive goods and technology by the Soviet Union and other countries the actions or policies of which are adverse to the national security interests of the United States, has led to the significant enhancement of Soviet bloc military-industrial capabilities, thereby creating a greater threat to the security of the United States, its allies, and other friendly nations, and increasing the defense budget of the United States.

"(12) Availability to proscribed destinations of goods and technology from foreign sources is a fundamental concern of the United States and should be eliminated through negotiations and other appropriate means whenever possible.

"(13) Excessive dependence of the United States, its allies, or countries sharing common strategic objectives with the United States, on energy and other critical resources from potential adversaries can be harmful to the mutual and individual security of all those countries.".

DECLARATION OF POLICY

SEC. 103. Section 3 of the Act (50 U.S.C. App. 2402) is amended—

(1) in paragraph (3), by inserting before the period at the end thereof "or common strategic objectives";

(2) in paragraph (7)—

(A) by striking out "every reasonable effort" in the second sentence and inserting in lieu thereof "reasonable and prompt efforts"; and

(B) by striking out "resorting to the imposition of controls on exports from the United States" in the second sentence and inserting in lieu thereof "imposing export controls";

(3) in paragraph (8)—

(A) by striking out "every reasonable effort" in the second sentence and inserting in lieu thereof "reasonable and prompt efforts"; and

(B) by striking out "resorting to the imposition of export controls" in the second sentence and inserting in lieu thereof "imposing export controls";

(4) in paragraph (9)—

(A) by inserting "or common strategic objectives" after "commitments" each place it appears; and

(B) by inserting before the period at the end thereof the following: ", and to encourage other friendly countries to cooperate in restricting the sale of goods and technology that can harm the security of the United States"; and

(5) by adding at the end thereof the following:

"(12) It is the policy of the United States to sustain vigorous scientific enterprise. To do so involves sustaining the ability of scientists and other scholars freely to communicate research findings, in accordance with applicable provisions of law, by means of publication, teaching, conferences, and other forms of scholarly exchange.

"(13) It is the policy of the United States to control the export of goods and substances banned or severely restricted for use in the United States in order to foster public health and safety and to prevent injury to the foreign policy of the United States as well as to the credibility of the United States as a responsible trading partner.

"(14) It is the policy of the United States to cooperate with countries which are allies of the United States and countries which share common strategic objectives with the United States in minimizing dependence on imports of energy and other critical resources from potential adversaries and in developing alternative supplies of such resources in order to minimize strategic threats posed by excessive hard currency earnings derived from such resource exports by countries with policies adverse to the security interests of the United States.

"(15) It is the policy of the United States, particularly in light of the Soviet massacre of innocent men, women, and children aboard Korean Air Lines flight 7, to continue to object to exceptions to the International Control List for the Union of Soviet Socialists Republics, subject to periodic review by the President.".

GENERAL PROVISIONS

SEC. 104. (a) Section 4(a)(2) of the Act (50 U.S.C. App. 2403(a)(2)) is amended to read as follows:

"(2) Validated licenses authorizing multiple exports, issued pursuant to an application by the exporter, in lieu of an individual validated license for each such export, including, but not limited to, the following:

"(A) A distribution license, authorizing exports of goods to approved distributors or users of the goods in countries other than proscribed countries. The Secretary shall grant the distribution license primarily on the basis of the reliability of the applicant and foreign consignees with respect to the prevention of diversion of goods to proscribed destinations. The Secretary shall have the responsibility of determining, with the assistance of all appropriate agencies, the reliability of applicants and their immediate consignees. The Secretary's determination shall be based on appropriate investigations of each applicant and periodic reviews of licensees and their compliance with the terms of licenses issued under this Act. Factors such as the applicant's products or volume of business, or the consignees' geographic location, sales distribution area, or degree of foreign ownership, which may be relevant with respect to individual cases, shall not be determinative in creating categories or general criteria for the denial of applications or withdrawal of a distribution license.

"(B) A comprehensive operations license, authorizing exports and reexports of technology and related goods, including items from the list of militarily critical technologies developed pursuant to section 5(d) of this Act which are included on the control list in accordance with that section, from a domestic concern to and among its foreign subsidiaries, affiliates, joint venturers, and licensees that have long-term, contractually defined relations with the exporter, are located in countries other than proscribed destinations, and are approved by the Secretary. The Secretary shall grant the license to manufacturing, laboratory, or related operations on the basis of approval of the exporter's systems of control, including internal proprietary controls, applicable to the technology and related goods to be exported rather than approval of individual export transactions. [The Commissioner of Customs, with the assistance of all appropriate agencies] shall periodically, but not less frequently than annually, perform audits of licensing procedures under this subparagraph in order to assure the integrity and effectiveness of those procedures.

"(C) A project license, authorizing exports of goods or technology for a specified activity.

"(D) A service supply license, authorizing exports of spare or replacement parts for goods previously exported.".

(b) Section 4 of the Act (50 U.S.C. App. 2403) is amended—

(1) in subsection (b)—

(A) by striking out "Commodity" and "commodity"; and

(B) by striking out "consisting of any goods or technology subject to export controls under this Act" and inserting in lieu thereof "stating license requirements (other than for general licenses) for exports of goods and technology under this Act"; and

(2) in subsection (c)—

(A) by striking out "significant" and inserting in lieu thereof "sufficient";

(B) by inserting after "those produced in the United States" the following: "so as to render the controls ineffective in achieving their purposes"; and

(C) by adding at the end thereof the following: "In complying with the provisions of this subsection, the President shall give strong emphasis to bilateral or multilateral negotiations to eliminate foreign availability. The Secretary and the Secretary of Defense shall cooperate in gathering information relating to foreign availability, including the establishment and maintenance of a jointly operated computer system.".

(c) Section 4(f) of the Act is amended to read as follows:

"(f) NOTIFICATION OF THE PUBLIC; CONSULTATION WITH BUSINESS.—The Secretary shall keep the public fully apprised of changes in export control policy and procedures instituted in conformity with this Act with a view to encourage trade. The Secretary shall meet regularly with representatives of a broad spectrum of enterprises, labor organizations, and citizens interested in or affected by export controls, in order to obtain their views on United States export policy and the foreign availability of goods and technology.".

NATIONAL SECURITY CONTROLS

SEC. 105. (a)(1) Section 5(a)(1) of the Act (50 U.S.C. App. 2404(a)(1)) is amended by inserting after the first sentence the following new sentence: "The authority contained in this subsection includes the authority to prohibit or curtail the transfer of goods or technology within the United States to embassies and affiliates of prescribed countries.".

(2) Section 5(a)(2) of the Act is amended—

(A) by striking out "(A)"; and

(B) by striking out subparagraph (B).

(3) Section 5(a)(3) of the Act is amended by striking out the last sentence.

(b)(1) Section 5(c) of the Act is amended—

(A) in paragraph (1) by striking out "commodity"; and

(B) by amending paragraph (3) to read as follows:

"(3) The Secretary shall review the list established pursuant to this subsection at least once each year in order to carry out the policy set forth in section 3(2)(A) of this Act and the provisions of this section, and shall promptly make such revisions of the list as may be necessary after each such review. Before beginning each annual review, the Secretary shall publish notice of that annual review in the Federal Register, provide an opportunity during such review for comment and the submission of data, with or without oral presentation, by interested Government agencies and other affected or potentially affected parties, and publish in the Federal Register any revisions in the list, with an explanation of the reasons for the revisions. The Secretary shall further assess, as part of such review, the availability from sources outside the United States of goods and technology comparable to those subject to export controls imposed under this section.".

(2) The amendment made by paragraph (1)(B) of this subsection shall take effect on October 1, 1985.

(d) Section 5(e) of the Act is amended—

(1) in paragraph (1) by striking out "a qualified general license in lieu of a validated license" and inserting in lieu thereof "the multiple validated export licenses described in section 4(a)(2) of this Act in lieu of individual validated licenses"; and

(2) by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) The Secretary, subject to the provisions of subsection (1) of this section, shall not require an individual validated export license for replacement parts which are exported to replace on a one-for-one basis parts that were in a good that has been lawfully exported from the United States.

"(4) The Secretary shall periodically review the procedures with respect to the multiple validated export licenses, taking appropriate action to increase their utilization by reducing qualification requirements or lowering minimum thresholds, to combine procedures which overlap, and to eliminate those procedures which appear to be of marginal utility.

"(5) The export of goods subject to export controls under this section shall be eligible, at the discretion of the Secretary, for a distribution license and other licenses authorizing multiple exports of goods, in accordance with section 4(a)(2) of this Act. The export of technology and related goods subject to export controls under this section shall be eligible for a comprehensive operations license in accordance with section 4(a)(2)(B) of this Act.".

(d) Section 5(g) of the Act is amended to read as follows:

"(g) INDEXING.—In order to ensure that requirements for validated licenses and multiple export licenses are periodically removed as goods or technology subject to such requirements become obsolete with respect to the national security of the United States, regulations issued by the Secretary may, where appropriate, provide for annual increases in the performance levels of goods or technology subject to any such licensing requirement. The regulations issued by the Secretary shall establish as one criterion for the removal of goods or technology from such license requirements the anticipated needs of the military of proscribed countries. Any such goods or technology which no longer meets the performance levels established by the regulations shall be removed from the list established pursuant to subsection (c) of this section unless, under such exceptions and under such procedures as the Secretary shall prescribe, any other department or agency of the United States objects to such removal and the Secretary determines, on the basis of such objection, that the goods or technology shall not be removed from the list. The Secretary shall also consider, where appropriate, removing site visitation requirements for goods and technology which are removed from the list unless objections described in this subsection are raised.".

(e) Section 5(i) of the Act (50 U.S.C. App. 2404(i)) is amended—

(1) by striking out paragraph (3);

(2) in paragraph (4)—

(A) by striking out "(4)" and inserting in lieu thereof "(3)"; and

(B) by striking out "pursuant to paragraph (3)" and inserting in lieu thereof "by the members of the Committee"; and

(3) by adding at the end thereof the following:

"(4) Agreement to enhance full compliance by all parties with the export controls imposed by agreement of the Committee through the establishment of appropriate mechanisms.

"(5) Agreement to improve the International Control List and minimize the approval of exceptions to that list, strengthen enforcement and cooperation in enforcement efforts, provide sufficient funding for the Committee, and improve the structure and function of the Secretariat of the Committee by upgrading professional staff, translation services, data base maintenance, communications, and facilities.

"(6) Agreement to coordinate the systems of export control documents used by the participating governments in order to verify effectively the movement of goods or technology subject to controls by the Committee from the country of any such government to any other place.

"(7) Agreement to establish uniform, adequate criminal and civil penalties to deter more effectively diversions of items controlled for export by agreement of the Committee.

"(8) Agreement to increase on-site inspections by national enforcement authorities of the participting governments to ensure that end users who have imported items controlled for export by agreement of the Committee are using such items for the stated end uses, and that such items are, in fact, under the control of those and users.

"(9) Agreement to strengthen the Committee so that it functions effectively in controlling export trade in a manner that better protects the national security of each participant to the mutual benefit of all participants.".

(f) Section 5(j) of the Act ia amended to read as follows:

"(j) COMMERCIAL AGREEMENTS WITH CERTAIN COUNTRIES.—(1) Any United States firm, enterprise, or other nongovernmental entity which enters into an agreement with any agency of the government of a proscribed country, that calls for the encouragement of technical cooperation and that is intended to result in the export from the United States to the other party of unpublished technical data of United States origin, shall report to the Secretary the agreement with such agency with sufficient detail.

"(2) The provisions of paragraph (1) shall not apply to colleges, universities, or other educational institutions.".

(h) Section 5(k) of the Act is amended—

(1) by inserting after "conducting negotiations with other countries" the following: ", including those countries not participating in the group known as the Coordinating Committee,"; and

(2) by adding at the end thereof the following: "In cases where such negotiations produce agreements on export restrictions comparable in practice to those maintained by the Coordinating Committee, the Secre-

tary shall treat exports, whether by individual or multiple licenses, to countries party to such agreements in the same manner as exports to members of the Coordinating Committee are treated * * * the same manner as exports are treated under subsection (b)(2) of this section and section 10(o) of the Act.".

(h) Section 5(l) of the Act is amended to read as follows:

"(l) Diversion of Controlled Goods or Technology.—(1) Whenever there is reliable evidence, as determined by the Secretary, that goods or technology which were exported subject to national security controls under this section have been diverted to an unauthorized use or consignee in violation of the conditions of an export license, the Secretary for as long as the diversion continues—

"(A) shall deny all further exports, to or by the party or parties responsible for that diversion or who conspired in that diversion, of any goods or technology subject to national security controls under this section, regardless of whether such goods or technology are available from sources outside the United States; and

"(B) may take such additional actions under this Act with respect to the party or parties referred to in subparagraph (A) as the Secretary determines are appropriate in the circumstances to deter the further unauthorized use of the previously exported goods or technology.

"(2) As used in this subsection, the term 'unauthorized use' means the use of United States goods or technology in the design, production, or maintenance of any item on the United States Munitions List, or the military use of any item on the International Control List of the Coordinating Committee.".

(i) Section 5 of the Act is amended by adding at the end thereof the following new subsections:

"(m) Goods Containing Microprocessors.—Export controls may not be imposed under this section on a good solely on the basis that the good contains an embedded microprocessor, if such microprocessor cannot be used or altered to perform functions other than those it performs in the good in which it is embedded. An export control may be imposed under this section on a good containing an embedded microprocessor referred to in the preceding sentence only on the basis that the functions of the good itself are such that the good, if exported, would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States.

"(n) Security Measures.—The Secretary, with the Commissioner of Customs, in consultation with the Director of the Federal Bureau of Investigation, shall provide advice and technical assistance to persons engaged in the manufacture or handling of goods or technology subject to export controls under this section to develop security systems to prevent violations or evasions of those export controls.

"(o) Recordkeeping.—The Secretary, the Secretary of Defense, and any other department or agency consulted in connection with a license application under this Act or a revision of a list of goods or technology subject to export controls under this Act, shall make and keep records of their respective advice, recommendations, or decisions in connection with any such license application or revision, including the factual and analytical basis of the advice, recommendations, or decisions.

"(p) National Security Control Office.—To assist in carrying out the policy and other authorities and responsibilities of the Secretary of Defense under this section, there is established in the Department of Defense a National Security Control Office under the direction of the Under Secretary of Defense for Policy. The Secretary of Defense may delegate to that office such of those authorities and responsibilities, together with such ancillary functions, as the Secretary of Defense considers appropriate.

"(q) Exclusion for Agricultural Commodities.—This section does not authorize export controls on agricultural commodities, including fats and oils or animal hides and skins.".

FOREIGN AVAILABILITY

Sec. 106. (a) Section 5(f)(1) of the Act (50 U.S.C. App. 2404(f)(1)) is amended by inserting after "The Secretary, in consultation with" the following: "the Secretary of Defense and other".

(b) Section 5(f)(3) of the Act is amended to read as follows:

"(3) The Secretary shall make a foreign availability determination under paragraph (1) or (2) on the Secretary's own initiative or upon receipt of an allegation from an export license applicant that such availability exists. In making any such determination, the Secretary shall accept the representations of applicants made in writing and supported by reasonable evidence, unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information. In making determinations of foreign availability, the Secretary may consider such factors as cost, reliability, the availability and reliability of spare parts and the cost and quality thereof, maintenance programs, durability, quality of end products produced by the item proposed for export, and scale of production. For purposes of this paragraph, 'evidence' may include such items as foreign manufacturers' catalogues, brochures, or operation or maintenance manuals, articles from reputable trade publications, photographs, and depositions based upon eyewitness accounts.".

(c) Section 5(f)(4) of the Act is amended by striking out the first sentence and inserting in lieu thereof the following: "In any case in which export controls are maintained under this section notwithstanding foreign availability, on account of a determination by the President that the absence of the controls would prove detrimental to the national security of the United States, the President shall actively pursue negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability. If, within 6 months after the President's determination, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period described in the preceding sentence for an additional period of 12 months if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.".

(d)(1) Section 5(f)(5) of the Act is amended to read as follows:

"(5) The Secretary shall establish in the Department of Commerce an Office of Foreign Availability which, in the fiscal years 1984 and 1985, shall be under the direction of the Assistant Secretary of Commerce for Trade Administration, and, in the fiscal years 1986 and thereafter, shall be under the direction of the Under Secretary of Commerce for Export Administration. The Office shall be responsible for gathering and analyzing all the necessary information in order for the Secretary to make determinations for foreign availability under this Act. The Secretary shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate at the end of each 6-month period during a fiscal year information on the operations of the Office, and on improvements in the Government's ability to assess foreign availability, during that 6-month period, including information on the training of personnel, the use of computers, and the use of Foreign Commercial Service officers. Such information shall also include a description of representative determinations made under this Act during that 6-month period that foreign availability did or did not exist (as the case may be), together with an explanation of such determinations.".

(2) Section 5(f)(6) of the Act is amended by striking out "Office of Export Administration" and inserting in lieu thereof "Office of Foreign Availability".

(e) Section 5(f) of the Act is amended by adding at the end thereof the following new paragraph:

"(7) The Secretary shall issue regulations with respect to determinations of foreign availability under this Act not later than 6 months after the date of the enactment of the Export Administration Amendments Act of 1984.".

(f) Section 5(h)(1) of the Act is amended by inserting ", the intelligence community," after "Departments of Commerce, Defense, and State".

(g) Section 5(h)(2) of the Act is amended in the second sentence—

(1) by striking out "and" at the end of clause (C); and

(2) by striking out the period at the end of the sentence and inserting in lieu thereof the following: ", and (E) any other questions relating to actions designed to carry out the policy set forth in section 3(2)(A) of this Act.".

(h) Section 5(h)(6) of the Act is amended by striking out "and provides adequate documentation" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "the technical advisory committee shall submit that certification to the Congress at the same time the certification is made to the Secretary, together with the documentation for the certification. The Secretary shall investigate the foreign availability so certified and, not later than 90 days after the certification is made, shall submit a report to the technical advisory committee and the Congress stating that (A) the Secretary has removed the requirement of a validated license for the export of the goods or technology, on account of the foreign availability, (B) the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, or (C) the Secretary has determined on the basis of the investigation that the foreign availability does not exist. To the extent necesssary, the report may be submitted on a classified basis. In any case in which the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, the President shall actively pursue such negotiations with the governments of the appropriate foreign countries. If, within 6 months after the Secretary submits such report to the Congress, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period described in the preceding sentence for an additional period of 12 months if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.".

(i) Section 4(c) of the Act is amended—

(1) by striking out "significant" and inserting in lieu thereof "sufficient"; and

(2) by inserting after "those produced in the United States" the following: "so as to render the controls ineffective in achieving their purposes".

(j) Subsections (f)(1), (f)(2), and (h)(6) of section 5 of the Act are each amended by striking out "sufficient quality" and inserting in lieu thereof "comparable quality".

SEC. 107. (a) Section 5(b) of the Act is amended—

(1) by inserting "(1)" immediately before the first sentence; and

(2) by adding at the end thereof the following:

"(2) No authority or permission to export may be required under this section before goods or technology are exported in the case of exports to a country which maintains export controls on such goods or technology cooperatively with the United States pursuant to the agreement of the group known as the Coordinating Committee, if the goods or technology is at such a level of performance characteristics that the export of the goods or technology to controlled countries requires only notification of the participating governments of the Coordinating Committee.".

(b)(1) Section 10(c) of the Act is amended by striking out "In each case" and inserting in lieu thereof "Except as provided in subsection (b), in each case".

(2) Section 10(d) of the Act is amended—

(A) by striking out "In each case" and inserting in lieu thereof "Except in the case of exports described in subsection (o), in each case"; and

(B) by adding at the end thereof the following: "Notwithstanding the 10-day period set forth in subsection (b), in the case of exports described in subsection (o), in each case in which the Secretary determines that it is necessary to refer an application to any other department or agency for its information and recommendations, the Secretary shall, immediately upon receipt of the properly completed application, refer the application to such department or agency for its review, which review shall be concurrent with that of the Department of Commerce.".

(3) Section 10(e) of the Act is amended—

(A) in paragraph (1)—

(i) by striking out ", within 30 days after its receipt of the application,"; and

(ii) by inserting after the first sentence the following: "The information or recommendations shall be submitted within 30 days after the department or agency receives the application or, in the case of exports described in subsection (o), before the expiration of the time periods permitted by that subsection; and

(B) in paragraph (2)—

(i) by striking out "If the head" and inserting in lieu thereof "(A) Except in the case of exports described in subsection (o), if the head", and

(ii) by adding at the end thereof the following:

"(B) In the case of exports described in subsection (o), if the head of any such department or agency notifies the Secretary, before the expiration of the 15-day period provided in subsection (o)(1), that more time is required for review by such department or agency, the Secretary shall notify the applicant, pursuant to subsection (o)(1)(C), that additional time is required to consider the application, and such department or agency shall have additional time to consider the application within the limits permitted by subsection (o)(2). If such department or agency does not submit its recommendations within the time periods permitted under section (o), it shall be deemed by the Secretary to have no objection to the approval of such application.".

(4) Section 10(f) of the Act is amended—

(A) in paragraphs (1), (2), and (4) by adding at the end of each such paragraph the following: "The provisions of this paragraph shall not apply in the case of exports described in subsection (o)."; and

(B) in paragraph (3) by striking out "In the event" and inserting in lieu thereof "Except in the case of exports described in subsection (o), in the event".

(5) Section 10 of the Act, as amended by section 12(a) of this Act, is amended by adding at the end thereof the following new subsection:

"(o) EXPORTS TO MEMBERS OF COORDINATING COMMITTEE.—(1) Fifteen working days after the date of formal filing with the Secretary of an individual validated license application for the export of goods or technology to a country that maintains export controls on such goods or technology pursuant to the agreement of the governments participating in the group known as the Coordinating Committee, a license for the transaction specified in the application shall become valid and effective and the goods or technology are authorized for export pursuant to such license unless—

"(A) the application has been otherwise approved by the Secretary, in which case it shall be valid and effective according to the terms of the approval;

"(B) the application has been denied by the Secretary pursuant to this section and the applicant has been so informed; or

"(C) the Secretary requires additional time to consider the application and the applicant has been so informed.

"(2) In the event that the Secretary notifies an applicant pursuant to paragraph (1)(C) that more time is required to consider an individual validated license application, a license for the transaction specified in the application shall become valid and effective and the goods or technology are authorized for export pursuant to such license 30 working days after the date that such license application was formally filed with the Secretary unless—

"(A) the application has been otherwise approved by the Secretary, in which case it shall be valid and effective according to the terms of the approval, or

"(B) the application has been denied by the Secretary pursuant to this section and the applicant was so informed.

"(3) In reviewing an individual license application subject to this subsection, the Secretary shall evaluate the information set forth in the application and the reliability of the end-user.

"(4) Nothing in this subsection shall affect the scope or availability of licenses authorizing multiple exports set forth in section 4(a)(2) of this Act.

"(5) The provisions of this subsection shall take effect on February 1, 1985.".

MILITARILY CRITICAL TECHNOLOGIES

SEC. 106. (a) Section 5(d) of the Act (50 U.S.C. App. 2404(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B) by striking out "and" after "test equipment,";

(B) by adding "and" at the end of subparagraph (C);

(C) by iserting after subparagraph (C) the following:

"(D) keystone equipment which would reveal or give insight into the design and manufacture of a United States military system,"; and

(D) by inserting after "possessed by" the following: ", or available in fact from sources outside the United States to,"; and

(2) by striking out paragraphs (4) through (6) and inserting in lieu thereof the following:

"(4) The Secretary and the Secretary of Defense shall integrate items on the list of militarily critical technologies into the control list in accordance with the requirements of subsection (c) of this section. The integration of items on the list of militarily critical technologies into the control list shall proceed with all deliberate speed. Any disagreement between the Secretary and the Secretary of Defense regarding the integration of an item on the list of militarily critical technologies into the control list shall be resolved by the President. A good or technology shall be included on the control list only if the Secretary finds that proscribed countries do not possess that good or technology, or a functionally equivalent good or technology, and the good or technology or functionally equivalent good or technology is not available in fact to a proscribed country from sources outside the United States in sufficient quanity and of comparable quality so that the requirement of a validated license for the expert of such good or technology is or would be ineffective in achieving the purpose set forth in subsection (a) of this section, except in the case of a determination of the President with respect to goods or technology under subsection (f)(1) of this section. The Secretary and the Secretary of Defense shall jointly submit a report to the Congress, not later than October 1, 1985, on actions taken to carry out this paragraph. For the purposes of this paragraph, assessment of whether a good or technology is functionally equivalent shall include consideration of the factors described in subsection (f)(3) of this section.

"(5) The Secretary of Defense shall establish a procedure for reviewing the goods and technology on the list of militarily critical technologies at least annually for the purpose of removing from the list of militarily critical technologies any goods or technology that are no longer militarily critical. The Secretary of Defense may add to the list of militarily critical technologies any good or technology that the Secretary of Defense determines is militarily critical, consistent with the provisions of paragraph (2) of this subsection. If the Secretary and the Secretary of Defense disagree as to whether any changes in the list of militarily critical technologies by the addition or removal of a good or technology should also be made in the control list, consistent with the provisions of the fourth sentence of paragraph (4) of this subsection, the President shall resolve the disagreement.

"(6) The establishment of adequate export controls for militarily critical technology and keystone equipment shall be accompanied by suitable reductions in the controls on the products of that technology and equipment.

"(7) The Secretary of Defense shall, not later than October 1, 1985, report to the Congress on efforts by the Department of Defense to assess the impact that the transfer of goods or technology on the list of militarily critical technologies to proscribed countries has had or will have on the military capabilities of those countries.".

FOREIGN POLICY CONTROLS

SEC. 109. (a) Section 6(a) of the Act is amended—

(1) in paragraph (1)—

(A) by striking out "or (8)" and inserting in lieu thereof "(8), or (13)"; and

(B) by inserting in the second sentence after "Secretary of State" the following: ", the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the United States Trade Representative,";

(2) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(3) by inserting after paragraph (1) the following new paragraph:

"(2) Any export control imposed under this section shall apply to any transaction or activity undertaken with the intent to evade that export control, even if that export control would not otherwise apply to that transaction or activity."; and

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by striking out "(e)" and inserting in lieu thereof "(f)".

(b) Section 6(b) of the Act is amended to read as follows:

"(b) CRITERIA.—(1) Subject to paragraph (2) of this subsection, the President may impose, extend, or expand export controls under this section only if the President determines that—

"(A) such controls are likely to achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls, and that foreign policy purpose cannot be achieved through negotiations or other alternative means;

"(B) the proposed controls are compatible with the foreign policy objectives of the United States and with overall United States policy toward the country to which exports are to be subject to the proposed controls;

"(C) the reaction of other countries to the imposition, extension, or expansion of such export controls by the United States is not likely to render the controls ineffective in achieving the intended foreign policy purpose or to be counterproductive to United States foreign policy interests;

"(D) the effect of the proposed controls on the export performance of the United States, the competitive position of the United States in the international economy, the international reputation of the United States as a supplier of goods and technology, or on the economic well-being of individual United States companies and their employees and communities does not exceed the benefit to United States foreign policy objectives; and

"(E) the United States has the ability to enforce the proposed controls effectively.

"(2) In determining whether to extend export controls in effect under this section on October 1, 1984, as required by subsection (a)(3) of this section, the President shall consider the criteria set forth in paragraph (1) of this subsection and shall consider the foreign policy consequences of modifying the export controls.".

(c) Section 6(c) of the Act is amended to read as follows:

"(c) CONSULTATION WITH INDUSTRY.—The Secretary in every possible instance shall consult with and seek advice from affected United States industries and appropriate advisory committees established under section 135 of the Trade Act of 1974 before imposing any control under this section. Such consultation and advice shall be with respect to the criteria set forth in subsection (b)(1) and such other matters as the Secretary considers appropriate.".

(d) Section 6 of the Act is further amended—

(1) by redesignating subsections (d) through (k) as subsections (e) through (l), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) CONSULTATION WITH OTHER COUNTRIES.—When, imposing export controls under this section, the President shall, at the earliest appropriate opportunity, consult with the countries with which the United States maintains export controls cooperatively, and with such other countries as the President considers appropriate, with respect to the criteria set forth in subsection (b)(1) and such other matters as the President considers appropriate.".

(e) Section 6(f) of the Act, as redesignated by subsection (d) of this section, is amended to read as follows:

"(f) CONSULTATION WITH THE CONGRESS.—(1) The President may impose or expand export controls under this section, or extend such controls as required by subsection (a)(3) of this section, only after consultation with the Congress, including the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(2) The President may not impose, expand, or extend export controls under this section until the President has submitted to the Congress a report—

"(A) specifying the purpose of the controls;

"(B) specifying the determinations of the President with respect to each of the criteria set forth in subsection (b)(1), the bases for such determinations, and any possible adverse foreign policy consequences of the controls;

"(C) describing the nature, the subjects, and the results of, or the plans for, the consultation with industry pursuant to subsection (c) and with other countries pursuant to subsection (d);

"(D) specifying the nature and results of any alternative means attempted under subsection (e), or the reasons for imposing, expanding, or extending the controls without attempting any such alternative means; and

"(E) describing the availability from other countries of goods or technology comparable to the goods or technology subject to the proposed export controls, and describing the nature and results of the efforts made pursuant to subsection (h) to secure the cooperation of foreign governments in controlling the foreign availability of such comparable goods or technology.

Such report shall also indicate how such controls will further significantly the foreign policy of the United States or will further its declared international obligations.

"(3) To the extent necessary to further the effectiveness of the export controls, portions of a report required by paragraph (2) may be submitted to the Congress on a classified basis, and shall be subject to the provisions of section 120(c) of this Act. Each such report shall, at the same time it is submitted to the Congress, also be submitted to the General Accounting Office for the purpose of assessing the report's full compliance with the intent of this subsection.

"(4) In the case of export controls under this section which prohibit or curtail the export of any agricultural commodity, a report submitted pursuant to paragraph (2) shall be deemed to be the report required by section 7(c)(3) of this Act.

"(5) In addition to any written report required under this section, the Secretary, not less frequently than annually, shall present in oral testimony before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on policies and actions taken by the Government to carry out the provisions of this section.".

(f) Section 6(g) of the Act, as redesignated by subsection (d) of this section, is amended—

(1) by inserting after the first sentence the following: "This section also does not authorize export controls on donations of goods (including, but not limited to, food, educational materials, seeds and hand tools, medicines and medical supplies, water resources equipment, clothing and shelter materials, and basic household supplies) that are intended to meet basic human needs."; and

(2) by striking out the last sentence and inserting in lieu thereof the following: "This subsection shall not apply to any export control on medicine, medical supplies, or food, except for donations, which is in effect on the date of the enactment of the Export Administration Amendments Act of 1984. Notwithstanding the preceding provisions of this subsection, the President may impose export controls under this section on medicine, medical supplies, food, and donations of goods in order to carry out the policy set forth in paragraph (13) of section 3 of this Act.".

(g)(1) Section 6(h) of the Act, as redesignated by subsection (d) of this section, is amended—

(A) by inserting "(1)" immediately before the first sentence; and

(B) by adding at the end thereof the following:

"(2) Before extending any export control pursuant to subsection (a)(3) of this section, the President shall evaluate the results of his actions under paragraph (1) of this subsection and shall include the results of that evaluation in his report to the Congress pursuant to subsection (f) of this section.

"(3) If, within 6 months after the date on which export controls under this section are imposed or expanded, or within 6 months after the date of the enactment of the Export Administration Amendments Act of 1984, whichever occurs later, the President's efforts under paragraph (1) are not successful in securing the cooperation of foreign governments described in paragraph (1) with respect to those export controls, the Secretary shall thereafter take into account the foreign availability of the goods or tech-

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nology subject to the export controls. If the Secretary affirmatively determines that a good or technology subject to the export controls is available in sufficient quantity and comparable quality from sources outside the United States to countries subject to the export controls so that denial of an export license would be ineffective in achieving the purposes of the controls, then the Secretary shall, during the period of such foreign availability, approve any license application which is required for the export of the good or technology and which meets all requirements for such a license. The Secretary shall remove the good or technology from the list established pursuant to subsection (1) of this section if the Secretary determines that such action is appropriate.

"(4) In making a determination of foreign availability under paragraph (3) of this subsection, the Secretary shall follow the procedures set forth in section 5(f)(3) of this Act.".

(2) The amendments made by paragraph (1) of this subsection shall not apply to export controls imposed under subsection (i), (j), or (k) of section 6 of the Act (as redesignated by subsection (d) of this section) before the date of the enactment of this Act.

(h) Section 6(i) of the Act, as redesignated by subsection (d) of this section, is amended by striking out "(f), and (g)" and inserting in lieu thereof "(e), (g), and (h)".

(i)(1) Section 6(j) of the Act, as redesignated by subsection (d) of this section, is amended to read as follows:

"(j) Countries Supporting International Terrorism.—(1) The Secretary and the Secretary of State shall notify the Committee of Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 days before any license is approved for the export of goods or technology valued at more than $7,000,000 to any country concerning which the Secretary of State has made the following determinations:

"(A) Such country has repeatedly provided support for acts of international terrorism.

"(B) Such exports would make a significant contribution to the military potential of such country, including its military logistics capability, or would enhance the ability of such country to support acts of international terrorism.

"(2) Any determination which has been made with respect to a country under paragraph (1) of this subsection may not be rescinded unless the President, at least 30 days before the proposed rescission would take effect, submits to the Congress a report justifying the rescission and certifying that—

"(A) the country concerned has not provided support for international terrorism, including support or sanctuary for any major terrorist or terrorist group in its territory, during the preceding 6-month period; and

"(B) the country concerned has made explicit assurances that it will not support acts of international terrorism in the future.".

(2) Any determination with respect to any country which was made before January 1, 1982, under section 6(i) of the Act, as in effect before the date of the enactment of this Act, and which was no longer in effect on the date of the enactment of this Act, shall be reinstated upon the expiration of 90 days after such date of enactment unless, within that 90-day period, the President submits a report under section 6(j)(2) of the Act, as amended by subsection (d) of this section and paragraph (1) of this subsection, containing the certification described in such section 6(j)(2) with respect to that country.

(j)(1) Section 6(k)(1) of the Act, as redesignated by subsection (d) of this section, is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this Act—

"(A) any determination of the Secretary of what goods or technology shall be included on the list established pursuant to subsection (1) of this section as a result of the export restrictions imposed by this subsection shall be made with the concurrence of the Secretary of State, and

"(B) any determination of the Secretary to approve or deny an export license application to export crime control or detection instruments or equipment shall be made in concurrence with the recommendations of the Secretary of State submitted to the Secretary with respect to the application pursuant to section 10(e) of this Act,

except that if the Secretary does not agree with the Secretary of State with respect to any determination under subparagraph (A) or (B), the matter shall be referred to the President for resolution.".

(2) The amendment made by paragraph (1) of this subsection shall apply to determinations of the Secretary of Commerce which are made on or after the date of the enactment of this Act.

(k) Section 6(l) of the Act, as redesignated by subsection (d) of this section, is amended—

(1) in the first sentence by striking out "commodity"; and

(2) by amending the second sentence to read as follows: "The Secretary shall clearly identify on the control list which goods or technology, and which countries or destinations, are subject to which types of controls under this section.".

(l) Section 6 of the Act is further amended by adding at the end thereof the following:

"(m) Effect on Existing Contracts and Licenses.—The President may not, under this section, prohibit or curtail the export or reexport of goods, technology, or other information—

"(1) in performance of a contract or agreement entered into before the date on which the President reports to the Congress, pursuant to subsection (f) of this section, his intention to impose controls on the export or reexport of such goods, technology, or other information; or

"(2) under a validated license or other authorization issued under this Act;

"(n) Extension of Certain Controls.—Those export controls imposed under this section with respect to South Africa which were in effect on February 28, 1982, and ceased to be effective on March 1, 1982, September 15, 1982, or January 20, 1983, shall become effective on the date of the enactment of this subsection, and shall remain in effect until 1 year after such date of enactment. At the end of that 1-year period, any of those controls made effective by this subsection may be extended by the President in accordance with subsection (b) and (f) of this section,

unless and until the President determines and certifies to Congress that (A) a breach of the peace poses a serious and direct threat to the strategic interest of the United States, (B) the prohibition or curtailment of such contracts or agreements will be instrumental in remedying the situation posing the direct threat, and (C) the controls shall continue only so long as such direct threat persists.

"(o) Expanded Authority to Impose Controls.—(1) In any case in which the President determines that it is necessary to impose controls under this section—

"(A) with respect to goods, technology, other information, or persons other than that authorized by subsection (a)(1) of this section; or

"(B) without any limitation contained in subsection (c), (d), (e), (g), (h), or (m) of this section,

the President may impose those controls only if the President submits that determination to the Congress, together with a report pursuant to subsection (l) of this section with respect to the proposed controls, and only if a law is enacted authorizing the imposition of those controls. If a joint resolution authorizing the imposition of those controls is introduced in either House of Congress within 30 days of continuous session after the Congress receives the determination and report of the President, that joint resolution shall immediately be referred to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives. If either such committee has not reported the joint resolution at the end of 30 days of continuous session after its referral, such committee shall be deemed to be discharged from further consideration of the resolution.

"(2) For purposes of this subsection, the term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress, having received on —— a determination of the President under section 6(n)(1) of the Export Administration Act of 1979 with respect to the export controls which are set forth in the report submitted to the Congress with that determination, authorizes the President to impose those export controls.', with the date of the receipt of the determination and report inserted in the blank.

"(3) For purposes of this subsection—

"(A) continuity of session is broken only by an adjournment of the Congress sine die, and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.".

Sec. 110. (a) Section 7(c) of the Act (50 U.S.C. App. 2406(c)) is amended to read as follows:

"(c) Petitions for Monitoring or Controls.—(1)(A) Any entity, including a trade association, firm, or certified or recognized union or group of workers, that is representative of an industry or a substantial segment of an industry that processes metallic materials capable of being recycled may transmit a written petition to the Secretary requesting the monitoring of exports or the imposition of export controls, or both, with respect to such material, in order to carry out the policy set forth in section 3(2)(C) of this Act.

"(B) Each petition shall be in such form as the Secretary shall prescribe and shall contain information in support of the action requested. The petition shall include any information reasonably available to the petitioner indicating that each of the criteria set forth in paragraph (3)(A) of this subsection is satisfied.

"(2) Within 15 days after receipt of any petition described in paragraph (1), the Secretary shall publish a notice in the Federal Register. The notice shall (A) include the name of the material that is the subject of the petition, (B) include the Schedule B number of the material as set forth in the Statistical Classification of Domestic and Foreign Commodities Exported from the United States, (C) indicate whether the petitioner is requesting that controls or monitoring, or both, be imposed with respect to the exportation of such material, and (D) provide that interested persons shall have a period of 30 days beginning on the date of publication of such notice to submit to the Secretary written data, views or arguments, with or without opportunity for oral presentation, with respect to the matter involved. At the request of the petitioner or any other entity described in paragraph (1)(A) with respect to the material that is the subject of the petition, or at the request of any entity representative of producers or exporters of such material, the Secretary shall conduct public hearings with respect to the subject of the petition, in which case the 30-day period may be extended to 45 days.

"(3)(A) Within 45 days after the end of the 30- or 45-day period described in paragraph (2), as the case may be, the Secretary shall determine whether to impose monitoring or controls, or both, on the export of such material, in order to carry out the policy set forth in section 3(2)(C) of this Act. In making such determination, the Secretary shall determine whether—

"(i) there has been a significant increase, in relation to a specific period of time, in exports of such material in relation to domestic supply and demand;

"(ii) there has been a significant increase in the domestic price of such material or a domestic shortage of such material relative to demand;

"(iii) exports of such material are as important as any other cause of a domestic price increase or shortage relative to demand found pursuant to clause (ii);

"(iv) a domestic price increase or shortage relative to demand found pursuant to clause (ii) has significantly adversely affected or may significantly adversely affect the national economy or any sector thereof, including a domestic industry; and

"(v) monitoring or controls, or both, are necessary in order to carry out the policy set forth in section 3(2)(C) of this Act.

"(B) The Secretary shall publish in the Federal Register a detailed statement of the reasons for the Secretary's determination pursuant to subparagraph (A) of whether to impose monitoring or controls, or both, including the findings of fact in support of that determination.

"(4) Within 15 days after making a determination under paragraph (3) to impose monitoring or controls on the export of a material, the Secretary shall publish in the Federal Register proposed regulations with respect to such monitoring or controls. Within 30 days following the publication of such proposed regulations, and after considering any public comments thereon, the Secretary shall publish and implement final regulations with respect to such monitoring or controls.

"(5) For purposes of publishing notices in the Federal Register and scheduling public hearings pursuant to this subsection, the Secretary may consolidate petitions, and responses thereto, which involves the same or related materials.

"(6) If a petition with respect to a particular material or group of materials has been considered in accordance with all the procedures prescribed in this subsection, the Secretary may determine, in the absence of significantly changed circumstances, that any other petition with respect to the same material or group of materials which is filed within 6 months after the consideration of the prior petition has been completed does not merit complete consideration under this subsection.

"(7) The procedures and time limits set forth in this subsection with respect to a petition filed under this subsection shall take precedence over any review undertaken at the intitiative of the Secretary with respect to the same subject as that of the petition.

"(8) The Secretary may impose monitoring or controls on a temporary basis after a petition is filed under paragraph (1)(A) but before the Secretary makes a determination under paragraph (3) only if (A) the failure to take such temporary action would result in irreparable harm to the entity filing the petition, or to the national economy or segment thereof, including a domestic industry, and (B) the Secretary considers such action to be necessary to carry out the policy set forth in section 3(2)(C) of this Act.

"(9) The authority under this subsection shall not be construed to affect the authority of the Secretary under any other provision of this Act, except that if the Secretary determines, on the Secretary's own initiative, to monitor, control, or both, the export of metallic materials capable of being recycled, pursuant to the authority of this section, the Secretary shall publish the reasons for such action in accordance with paragraphs (3) (A) and (B).

"(10) Nothing contained in this subsection shall be construed to preclude submission on a confidential basis to the Secretary of information relevant to a decision to impose or remove monitoring or controls under the authority of this Act, or to preclude consideration of such information by the Secretary in reaching decisions required under this subsection. The provisions of this paragraph shall not be construed to affect the applicability of section 552(b) of title 5, United States Code.".

SHORT SUPPLY CONTROLS

SEC. 111. (a) Section 7(d) of the Act (50 U.S.C. App. 2406(d)) is amended—

(1) in paragraph (1) by striking out "unless" and all that follows through "met" and inserting in lieu thereof "subject to paragraph (2) of this subsection";

(2) in paragraph (2)(A) by striking out "makes and publishes" and inserting in lieu thereof "so recommends to the Congress after making and publishing";

(3) in paragraph (2)(B)—

(A) by striking out "reports such findings" and inserting in lieu thereof "includes such findings in his recommendation"; and

(B) by striking out "thereafter" and all that follows through the end of the sentence and inserting in lieu thereof "after receiving that recommendation, agrees to a joint resolution which approves such exports on the basis of those findings, and which is thereafter enacted into law."; and

(4) by adding at the end thereof the following:

"(4) Notwithstanding the provisions of section 20 of this Act, the provisions of this subsection shall expire on September 30, 1989.".

(b) Section 7(e)(1) of the Act is amended in the first sentence by striking out "No" and inserting in lieu thereof the following: "In any case in which the President determines that it is necessary to impose export controls on refined petroleum products in order to carry out the policy set forth in section 3(2)(C) of this Act, the President shall notify the Congress of that determination. The President shall also notify the Congress if and when he determines that such export controls are no longer necessary. During any period in which a determination that such export controls are necessary is in effect, no".

(c)(1) Section 7(i)(1) of the Act is amended—

(A) in the last sentence by inserting "harvested from State or Federal lands" after "red cedar logs";

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) To the maximum extent practicable, the Secretary shall utilize the multiple validated export licenses described in section 4(a)(2) of this Act in lieu of a validated license for exports under this subsection.".

(2) Section 7(i)(5)(A) of the Act, as redesignated by paragraph (1)(B) of this subsection, is amended to read as follows:

"(A) lumber of American Lumber Standards Grades of Number 3 dimension or better, or Pacific Lumber Inspection Bureau Export R-List Grades of Number 3 common or better;".

(d) Section 7(g)(3) of the Act is amended to read as follows:

"(3)(A) If the President imposes export controls on any agricultural commodity in order to carry out the policy set forth in paragraph (2)(B), (2)(C), (7), or (8) of section 3 of this Act, the President shall immediately transmit a report on such action to the Congress, setting forth the reasons for the controls in detail and specifying the period of time, which may not exceed 1 year, that the controls are proposed to be in effect. If the Congress, within 60 days after the date of its receipt of the report, adopts a joint resolution pursuant to paragraph (4) approving the imposition of the export controls, then such controls shall remain in effect for the period specified in the report, or until terminated by the President, whichever occurs first. If the Congress, within 60 days after the date of its receipt of such report, fails to adopt a joint resolution approving such controls, then such controls shall cease to be effective upon the expiration of such 60-day period.

"(B) The provisions of subparagraph (A) and paragraph (4) shall not apply to export controls—

"(i) which are extended under this Act if the controls, when imposed, were approved by the Congress under subparagraph (A) and paragraph (4); or

"(ii) which are imposed with respect to a country as part of the prohibition or curtailment of all exports to that country.

"(4)(A) For purposes of this paragraph, the term 'resolution' means only a joint resolution the matter after the resolving clause of which is as follows: 'That, pursuant to section 7(g)(3) of the Export Administration act of 1979, the President may impose export controls as specified in the report submitted to the Congress on ———.', with the blank space being filled with the appropriate date.

"(B) On the day on which a report is submitted to the Senate under paragraph (3), a resolution with respect to the export controls specified in such report shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If the Senate is not in session on the day on which such a report is submitted, the resolution shall be introduced in the Senate, as provided in the preceding sentence, on the first day thereafter on which the Senate is in session. All resolutions introduced in the Senate shall be referred to the Committee on Banking, Housing, and Urban Affairs.

"(C) If a resolution with respect to export controls specified in a report to the Congress submitted under paragraph (3) is introduced in the House of Representatives or is received in the House of Representatives from the Senate, the resolution shall immediately be referred to the Committee on Foreign Affairs. If that committee has not reported the resolution at the end of 30 days after its referral, the committee shall be deemed to be discharged from further consideration of the resolution.

"(D) If the committee of the Senate to which a resolution has been referred has not reported it at the end of 30 days after its introduction, the committee shall be discharged from further consideration of the resolution or of any other resolution introduced with respect to the same matter.

"(E)(i) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(ii) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours, to be equally divided between, and controlled by the majority leader and the minority leader or their designees.

"(iii) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition to the motion or appeal shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(iv) A motion in the Senate to limit debate further on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

"(F) In the case of a resolution described in subparagraph (A), if, before the passage by one House of a resolution of that House, that House receives a resolution with respect to the same matter from the other House, then the vote on final passage shall be on the resolution of the other House, except that, in the case of a resolution of the House of Representatives which is received in the Senate, the procedure in the Senate shall be the same as if no resolution had been received from the House of Representatives.

"(G) For purposes of calculating the periods of 60 days and 30 days set forth in paragraph (3) and this paragraph, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.".

(e) Section 7 of the Act is further amended by striking out subsection (j) and inserting in lieu thereof the following:

"(j) Effect of Controls on Existing Contracts.—The export restrictions contained in subsection (i) of this section and any export controls imposed under this section shall not affect any contract to harvest unprocessed western red cedar from State lands which was entered into before October 1, 1979, and the performance of which would make the red cedar available for export. Any export controls imposed under this section on any agricultural commodity, including fats and oils and animal hides and skins, or on any forest product or fishery product, shall not affect any contract to export entered into before the date on which such controls are imposed. For purposes of this subsection, the term 'contract to export' includes, but is not limited to, an export sales agreement and an agreement to invest in an enterprise which involves the export of goods or technology.".

LICENSING PROCEDURES

Sec. 142. (a) Section 10 of the Act (50 U.S.C. App. 2409) is amended—

(1) by striking out "60" each place it appears and inserting in lieu thereof "40";

(2) by striking out "90" each place it appears and inserting in lieu thereof "60";

(3) by striking out "30" each place it appears and inserting in lieu thereof "20";

(b) Section 10(f)(2) of the Act is amended—

(1) by inserting "in writing" after "inform the applicant"; and

(2) by striking out ", and shall accord" and all that follows through the end of the paragraph and inserting in lieu thereof the following: ". Before a final determination with respect to the application is made, the applicant shall be entitled—

"(A) to respond in writing to such questions, considerations, or recommendations within 30 days after receipt of such information from the Secretary; and

"(B) upon the filing of a written request with the Secretary within 15 days after the receipt of such information, to respond in person to the department or agency raising such questions, considerations, or recommendations.".

(c) Section 10(f)(3) of the Act is amended by striking out the first sentence and inserting in lieu thereof the following: "In cases where the Secretary has determined that an application should be denied, the applicant shall be informed in writing, within 5 days after such determination is made, of—

"(A) the determination,

"(B) the statutory basis for the proposed denial,

"(C) the policies set forth in section 3 of this Act which would be furthered by the proposed denial,

"(D) what if any modifications in or restrictions on the goods or technology for which the license was sought would allow such export to be compatible with export controls imposed under this Act,

"(E) which officers and employees of the Department of Commerce who are familiar with the application will be made reasonably available to the applicant for considerations with regard to such modifications or restrictions, if appropriate,

"(F) to the extent consistent with the national security and foreign policy of the United States, the specific considerations which led to the determination to deny the application, and

"(G) the availability of appeal procedures.

The Secretary shall allow the applicant at least 30 days to respond to the Secretary's determination before the license application is denied.".

(d) Section 10 of the Act is amended—

(1) in the section heading by adding "; other inquiries" after "applications"; and

(2) by adding at the end thereof the following new subsections:

"(k) Changes in Requirements for Applications.—Except as provided in subsection (b)(3) of this section, in any case in which, after a license application is submitted, the Secretary changes the requirements for such a license application, the Secretary may request appropriate additional information of the applicant, but the Secretary may not return the application to the applicant without action because it fails to meet the changed requirements.

"(l) Other Inquiries.—(1) In any case in which the Secretary receives a written request asking for the proper classification of a good or technology on the control list, the Secretary shall, within 10 working days after receipt of the request, inform the person making the request of the proper classification.

"(2) In any case in which the Secretary receives a written request for information about the applicability of export license requirements under this Act to a proposed export transaction or series of transactions, the Secretary shall, within 30 days after receipt of the request, reply with that information to the person making the request.

"(m) Small Business Assistance.—Not later than 120 days after the date of the enactment of this subsection, the Secretary shall develop and transmit to the Congress a plan to assist small businesses in the export licensing application process under this Act. The plan shall include, among other things, arrangements for counseling small businesses on filing applications and identifying goods or technology on the control list, proposals for seminars and conferences to educate small businesses on export controls and licensing procedures, and the preparation of informational brochures.

"(n) Reports on License Applications.—(1) Not later than 180 days after the date of the enactment of this subsection, and not later than the end of each 3-month period thereafter, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate a report listing—

"(A) all applications on which action was completed during the preceding 3-month period and which required a period longer than the period permitted under subsection (c), (f)(1), or (h) of this section, as the case may be, before notification of a decision to approve or deny the application was sent to the applicant; and

"(B) in a separate section, all applications which have been in process for a period longer than the period permitted under subsection (c), (f)(1), or (h) of this section, as the case may be, and upon which final action has not been taken.

"(2) With regard to each application, each listing shall identify—

"(A) the application case number;

"(B) the value of the goods or technology to which the application relates;

"(C) the country of destination of the goods or technology;

"(D) the date on which the application was received by the Secretary;

"(E) the date on which the Secretary approved or denied the application;

"(F) the date on which the notification of approval or denial of the application was sent to the applicant; and

"(G) the total number of days which elapsed between receipt of the application, in its properly completed form, and the earlier of the last day of the 3-month period to which the report relates, or the date on which notification of approval or denial of the application was sent to the applicant.

"(3) With respect to an application which was referred to other departments or agencies, the listing shall also include—

"(A) the departments or agencies to which the application was referred;

"(B) the date or dates of such referral; and

"(C) the date or dates on which recommendations were received from those departments or agencies.

"(4) With respect to an application referred to any other department or agency which did not submit or has not submitted its recommendations on the application within the period permitted under subsection (e) of this section to submit such recommendations, the listing shall also include—

"(A) the office responsible for processing the application and the position of the officer responsible for the office; and

"(B) the period of time that elapsed before the recommendations were submitted or that has elapsed since referral of the application, as the case may be.

"(5) Each report shall also provide an introduction which contains—

"(A) a summary of the number of applications described in paragraph (1) (A) and (B) of this subsection, and the value of the goods or technology involved in the applications, grouped according to—

"(i) the number of days which elapsed before action on the applications was completed, or which has elapsed without action on the applications being completed, as follows: 61 to 75 days, 76 to 90 days, 91 to 105 days, 106 to 120 days, and more than 120 days; and

"(ii) the number of days which elapsed before action on the applications was completed, or which has elapsed without action on the applications being completed, beyond the period permitted under subsection (c), (f)(1), or (h) of this section for the processing of applications, as follows: not more than 15 days, 16 to 30 days, 31 to 45 days, 46 to 60 days, and more than 60 days; and

"(B) a summary by country of destination of the number of applications described in paragraph (1) (A) and (B) of this subsection, and the value of the goods or technology involved in the applications, on which action was not completed within 60 days.".

VIOLATIONS

Sec. 113. (a) Section 11(a) of the Act (50 U.S.C. App. 2410(a)) is amended by inserting after "violates" the following: "or conspires to or attempts to violate".

(b) Section 11(b) of the Act is amended—

(1) in paragraph (1)—

(A) by striking out "exports anything contrary to" and inserting in lieu thereof "violates or conspires to or attempts to violate";

(B) by striking out "such exports" and inserting in lieu thereof "the exports involved"; and

(C) by inserting after "benefit of" the following: ", or that the destination or intended destination of the goods or technology involved is,";

(2) in paragraph (2) by striking out the last sentence; and

(3) by adding after paragraph (2) the following new paragraphs:

"(3) Any person who possesses any goods or technology—

"(A) with the intent to export such goods or technology in violation of an export control imposed under section 5 or 6 of this Act or any regulation, order, or license issued with respect to such control, or

"(B) knowing or having reason to believe that the goods or technology would be so exported,

shall, in the case of a violation of an export control imposed under section 5 (or any regulation, order, or license issued with respect to such control), be subject to the penalties set forth in paragraph (1) of this subsection and shall, in the case of a violation of an export control imposed under section 6 (or any regulation, order, or license issued with respect to such control), be subject to the penalties set forth in subsection (a).

"(4) Any person who takes any action with the intent to evade the provisions of this Act or any regulation, order, or license issued under this Act shall be subject to the penalties set forth in subsection (a), except that in the case of an evasion of an export control imposed under section 5 or 6 of this Act (or any regulation, order, or license issued with respect to such control), such person shall be subject to the penalties set forth in paragraph (1) of this subsection.

"(5) Nothing in this subsection or subsection (a) shall limit the power of the Secretary to define by regulations violations under this Act.".

(c) Section 11(c) of the Act is amended by adding at the end thereof the following new paragraph:

"(3) An exception to any order issued under this Act which revokes the authority of a United States person to export goods or technology may not be made unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate are first consulted concerning the exception.

"(4) The President may provide by regulation standards for establishing levels of civil penalty as provided in this subsection based upon the seriousness of the violation, the culpability of the violator, and the violator's record of cooperation with the Government in disclosing the violation.".

(d) Section 11(e) of the Act is amended—

(1) by inserting after "subsection (c)" the following: "or any amounts realized from the forfeiture of any property interest or proceeds pursuant to subsection (g)"; and

(2) by inserting after "refund any such penalty" the following: "imposed pursuant to subsection (c)".

(e) Section 11 of the Act is further amended by redesignating subsection (g) as subsection (i) and by inserting after subsection (f) the following new subsections:

"(g) Forfeiture of Property Interest and Proceeds.—(1) Any person who is convicted under subsection (a) or (b) of a violation of an export control imposed under section 5 of this Act (or any regulation, order, or license issued with respect to such control) shall, in addition to any other penalty, forfeit to the United States—

"(A) any of his interest in, security of, claim against, or property or contractual rights of any kind in the goods or tangible items that were the subject of the violation;

"(B) any of his interest in, security of, claim against, or property or contractual rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation; and

"(C) any of his property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

"(2) The procedures in any forfeiture under this subsection, and the duties and authority of the courts of the United States and the Attorney General with respect to any forfeiture action under this section or with respect to any property that may be subject to forfeiture under this section, shall be governed by the provisions of section 1963 of title 18, United States Code.

"(h) Prior Convictions.—No person convicted of a violation of section 793, 794, or 798 of title 18, United States Code, section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be eligible, at the discretion of the Secretary, to apply for or use any export license for a period for up to 10 years from the date of the conviction. Any outstanding export license in which such person has an interest may be revoked, at the discretion of the Secretary, at the time of the conviction.".

(f) Section 11(i) of the Act, as redesignated by subsection (e) of this section, is amended by striking out "or (f)" and inserting in lieu thereof "(f), (g), or (h)".

ADMINISTRATIVE PROCEDURE

Sec. 114. Section 13 of the Act (50 U.S.C. App. 2412) is amended by adding at the end thereof the following:

"(c) Procedures Relating to Civil Penalties and Sanctions.—(1) In the case in which a civil penalty or other civil sanction (other than a temporary denial order or a penalty or sanction for a violation of section 8) is sought under section 11 of this Act, the charged party is entitled to receive a formal complaint specifying the charges and, at his or her request, to contest the charges in a hearing before an administrative law judge. Before such hearing is held, the charged party may submit a response to the complaint, including briefs and other supporting materials. The charged party and the Government may present and cross-examine relevant witnesses. With the approval of the administrative law judge, the Government may present evidence in camera in the presence of the charged party or his or her representative. The charged party may argue orally his or her case in recorded proceedings before the administrative law judge, who shall then make his or her findings of fact and conclusions of law in a written decision, which shall be referred to the Secretary. The Secretary shall, in a written order, affirm, modify, or vacate the decision of the administrative law judge within 30 days after receiving the decision. The order of the Secretary shall be final and is not subject to judicial review.

"(2) The proceedings described in paragraph (1) shall be concluded within a period of 1 year after the complaint is submitted, unless the administrative law judge extends such period for good cause shown.

"(d) Imposition of Temporary Denial Orders.—(1) In any case in which it is necessary, in the public interest, to prevent an imminent violation of this Act or any regulation issued under this Act, the Secretary may, without a hearing, issue an order temporarily denying United States export privileges (hereinafter in this subsection referred to as a 'temporary denial order') to a person. A temporary denial order may be effective no longer than 60 days unless renewed in writing by the Secretary for additional 60-day periods in order to prevent such an imminent violation, except that a temporary denial order may be renewed only after notice and an opportunity for a hearing is provided.

"(2) A temporary denial order shall define the imminent violation and state why the temporary denial order was granted without a hearing. The person or persons subject to the issuance or renewal of a temporary denial order may file an appeal of the temporary denial order with an administrative law judge who shall, within 10 working days after the appeal is filed, recommend that the temporary denial order be affirmed, modified, or vacated. Parties may submit briefs and other material to the judge. The recommendation of the administrative law judge shall be submitted to the Secretary who shall either accept, reject, or modify the recommendation by written order within 5 working days after receiving the recommendation. The written order of the Secretary under the preceding sentence shall shall be final and is not subject to judicial review. The temporary denial order shall be affirmed only if it is reasonable to believe that the order is required in the public interest to prevent an imminent violation of this Act or any regulation issued under this Act.

"(e) APPEALS FROM LICENSE DENIALS.—A determination of the Secretary, under section 10(f) of this Act, to deny a license may be appealed by the applicant to an administrative law judge who shall have the authority to conduct proceedings to determine only whether the item sought to be exported is in fact on the control list. Such proceedings shall be conducted within 90 days after the appeal is filed. Any determination by an administrative law judge under this subsection and all materials filed before such judge in the proceedings shall be reviewed by the Secretary, who shall either affirm or vacate the determination in a written decision within 30 days after receiving determination. The Secretary's written decision shall be final and is not subject to judicial review. Subject to the limitations provided in section 12(c) of this Act, the Secretary's decision shall be published in the Federal Register.

"(f) APPOINTMENT OF ADMINISTRATIVE LAW JUDGES.—Any person who, for at least 2 of the 10 years immediately preceding the date of the enactment of the Export Administration Amendments Act of 1984, has served as a hearing commissioner of the Department of Commerce, shall be considered as qualified for selection and appointment as an administrative law judge under section 3105 of title 5, United States Code.".

ANNUAL REPORT

SEC. 115. Section 14 of the Act (50 U.S.C. App. 2413) is amended by adding at the end thereof the following:

"(e) REPORT ON EXPORTS TO PROSCRIBED COUNTRIES.—The Secretary shall include in each annual report a detailed report which lists every license during the year approved under the provisions of this Act for exports to proscribed countries. Such report shall specify to whom such license was granted, the type of good or technology exported, and the country receiving such a good or technology. The information required by this subsection shall be subject to the provisions of section 1(c) of this Act.

"(f) REPORT ON DOMESTIC ECONOMIC IMPACT OF EXPORTS TO PROSCRIBED COUNTRIES.—The Secretary shall include in each annual report a detailed description of the extent of injury to United States industry and the extent of job displacement caused by United States exports of goods and technology to controlled countries. This report shall also include a full analysis of the consequences of exports of turnkey plants and manufacturing facilities to such countries which are used by such countries to produce goods for export to the United States or to compete with United States products in export markets.".

REVIEW BY THE SECRETARY OF DEFENSE AND THE SECRETARY OF STATE

SEC. 116. Section 15 of the Act (50 U.S.C. App. 2414) is amended by adding the following new sentence at the end thereof: "Any such regulations issued to carry out the provisions of section 5, or of section 4(a) for the purpose of administering the provisions of section 5, may be issued only after submission of the regulations for review to the Secretary of Defense, the Secretary of State, and such other departments and agencies as the Secretary considers appropriate. The preceding sentence does not require the concurrence or approval by any official, department, or agency to which such regulations are submitted.".

DEFINITIONS

SEC. 117. Section 16 of the Act (50 U.S.C. App. 2415) is amended—

(1) in paragraph (3), by inserting "natural or manmade substance," after "article,";

(2) by amending paragraph (4) to read as follows:

"(4) the term 'technology' means the information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data, but not the goods themselves;";

(3) by redesignating paragraph (5) as paragraph (8); and

(4) by inserting after paragraph (4) the following new paragraphs:

"(5) the term 'export' means—

"(A) an actual shipment, transfer, or tranmission of goods or technology out of the United States;

"(B) a transfer of goods or technology in the United States to an embassy or affiliate of a controlled country; or

"(C) a transfer to any person of goods or technology either within the United States or outside of the United States with the knowledge or intent that the goods or technology will be shipped, transferred, or transmitted to an unauthorized recipient; and

"(6) the term 'United States' means the States of the United States, the District of Columbia, and any commonwealth, territory, dependency, or possession of the United States, and includes the outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a));".

EFFECT ON OTHER ACTS

SEC. 118. (a) Section 17(a) of the Act (50 U.S.C. App. 2416(a)) is amended by striking out "Nothing" and inserting in lieu thereof "Except as otherwise provided in this Act, nothing".

(b) Section 17 of the Act is further amended by adding at the end thereof the following:

"(f) AGRICULTURAL ACT OF 1970.—Nothing in this Act shall affect the provisions of the last sentence of section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3).".

AUTHORIZATION OF APPROPRIATIONS

SEC. 119. Section 18 of the Act (50 U.S.C. App. 2417) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 18. (a) REQUIREMENT OF AUTHORIZING LEGISLATION.—(1) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out the purposes of this Act may be obligated or expended only if—

"(A) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of the Export Administration Amendments Act of 1984; or

"(B) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

"(2) To the extent that legislation enacted after the making of an appropriation to carry out the purposes of this Act authorizes the obligation or expenditure thereof, the limitation contained in paragraph (1) shall have no effect.

"(3) The provisions of this subsection shall not be superseded except by a provision of law enacted after the date of the enactment of the Export Administration Amendments Act of 1984 which specifically repeals, modifies, or supersedes the provisions of this subsection.

"(b) AUTHORIZATION.—There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

"(1) $24,600,000 for the fiscal year 1985, of which $8,712,000 shall be available only for enforcement, $1,851,000 shall be available only for foreign availability assessments under subsections (f) and (h)(6) of section 5 of this Act, and $14,037,000 shall be available for all other activities under this Act;

"(2) $28,000,000 for the fiscal year 1986, of which $10,000,000 shall be available only for enforcement, $2,000,000 shall be available for foreign availability assessments under subsections (f) and (h)(6) of section 5 of this Act, and $16,000,000 shall be available for all other activities under this Act; and

"(3) such additional amounts for each of the fiscal years 1985 and 1986 as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.".

TERMINATION OF AUTHORITY

SEC. 120. Section 20 of the Act (50 U.S.C. App. 2419) is amended to read as follows:

"TERMINATION DATE

"SEC. 20. The authority granted by this Act terminates on September 30, 1989.".

HOURS OF OFFICE OF EXPORT ADMINISTRATION

SEC. 121. The Secretary of Commerce shall modify the office hours of the Office of Export Administration of the Department of Commerce on at least four days of each workweek so as to accommodate communications to the Office by exporters throughout the continental United States during the normal business hours of those exporters.

CIVIL PENALTIES

SEC. 122. Section 11(c)(1) of the Act is amended by striking out "head" and all that follows through "thereof" and inserting in lieu thereof "Secretary (and officers and employees of the Department of Commerce specifically designated by the Secretary)".

ENFORCEMENT

SEC. 123. (a) Section 12(a) of the Act (50 U.S.C. App. 2411(a)) is amended—

(1) by inserting "(1)" immediately before the first sentence;

(2) by striking out "may make such investigations and" and inserting in lieu thereof "(A) may make such investigations within the United States, and the Commissioner of Customs (and Officers or employees of the United States Customs Service specifically designated by the Commissioner) may make such investigations outside of the United States, and (B)";

(3) by striking out "the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and" and inserting in lieu thereof "a district court of the United States,";

(4) by adding at the end thereof the following new sentence: "In addition to the authority conferred by this paragraph, the Secretary (and officers or employees of the Department of Commerce designated by the Secretary) may conduct, outside the United States, prelicense investigations and postshipment verifications of items licensed for export, and investigations in the enforcement of section 8 of this Act."; and

(5) by adding at the end thereof the following new paragraphs:

"(2)(A) Subject to subparagraph (B) of this paragraph, the United States Customs Service is authorized, in the enforcement of this Act, to search, detain (after search), and seize goods or technology at those ports of entry or exit from the United States where officers of the Customs Service are authorized by law to conduct such searches, detentions, and seizures, and at those places outside the United States where the Customs Service, pursuant to agreements of other arrangements with other countries, is authorized to perform enforcement activities.

"(B) An officer of the United States Customs Service may do the following in carrying out enforcement authority under this Act:

"(i) Stop, search, and examine a vehicle, vessel, aircraft, or person on which or whom such officer has reasonable cause to suspect there are any goods or technology that has been, is being, or is about to be exported from the United States in violation of this Act.

"(ii) Search any package or container in which such officer has reasonable cause to suspect there are any goods or technology that has been, is being, or is about to be exported from the United States in violation of this Act.

"(iii) Detain (after search) or seize and secure for trial any goods or technology on or about such vehicle, vessel, aircraft, or person, or in such package or container, if such officer has probable cause to believe the goods or technology has been, is being, or is about to be exported from the United States in violation of this Act.

"(iv) Make arrests without warrant for any violation of this Act committed in his or her presence or view or if the officer has probable cause to believe that the person to be arrested has committed or is committing such a violation. The arrest authority conferred by clause (iv) of this subparagraph is in addition to any arrest authority under other laws.

"(3)(A) Subject to subparagraph (B) of this paragraph, the Secretary shall have the responsibility for the enforcement of section 8 of this Act and, in the enforcement of the other provisions of this Act, the Secretary is authorized to search, detain (after search), and seize goods or technology at those places within the United States other than those ports specified in paragraph (2)(A) of this subsection. The search, detention (after search), or seizure of goods or technology at those ports and places specified in paragraph (2)(A) may be conducted by officers or employees of the Department of Commerce designated by the Secretary with the concurrence of the Commissioner of Customs or a person designated by the Commissioner.

"(B) The Secretary may designate any officer or employee of the Department of Commerce to do the following in carrying out enforcement authority under this Act:

"(i) Execute any warrant or other process issued by a court or officer of competent jurisdiction with respect to the enforcement of the provisions of this Act.

"(ii) Make arrests without warrant for any violation of this Act committed in his or her presence or view, or if the officer or employee has probable cause to believe that the person to be arrested has committed or is committing such a violation.

"(iii) Carry firearms in carrying out any activity described in clause (i) or (ii).

"(4) All cases involving violations of this Act shall be referred to the Secretary for purposes of determining civil penalties and administrative sanctions under section 11(c) of this Act, or to the Attorney General for criminal action in accordance with this Act.

"(5) Notwithstanding any other provision of law, the United States Customs Service may expend in the enforcement of export controls under this Act not more than $12,000,000 in the fiscal year 1985 and not more than $14,000,000 in the fiscal year 1986.

"(6) Not later than 90 days after the date of the enactment of the Export Administration Amendments Act of 1984, the Secretary, with the concurrence of the Secretary of the Treasury, shall publish in the Federal Register procedures setting forth, in accordance with this subsection, the responsibilities of the Department of Commerce and the United States Customs Service in the enforcement of this Act. In addition, the Secretary, with the concurrence of the Secretary of the Treasury, may publish procedures for the sharing of information in accordance with subsection (c)(3) of this section, and procedures for the submission to the appropriate departments and agencies by private persons of information relating to the enforcement of this Act.".

(b) Section 12(c)(3) of the Act is amended—

(1) by striking out "Departments or agencies which obtain" and inserting in lieu thereof "Any department or agency which obtains";

(2) by inserting ", including information pertaining to any investigation," after "enforcement of this Act";

(3) by striking out "the department" and inserting in lieu thereof "each department", and

(4) by adding at the end thereof the following: "The Secretary and the Commissioner of Customs, upon request, shall exchange any licensing and enforcement information with each other which is necessary to facilitate enforcement efforts and effective license decisions. The Secretary, the Attorney General, and the Commissioner of Customs shall consult on a continuing basis with one another and with the heads of other departments and agencies which obtain information subject to this paragraph, in order to facilitate the exchange of such information.".

UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION; REGULATIONS

SEC. 124. (a) Section 15 of the Export Administration Act of 1979 is amended—

(1) in the section heading by inserting "Administrative and" before "Regulatory"; and

(2) by striking out "Sec. 15." and inserting in lieu thereof the following:

"SEC. 15. (a) UNDER SECRETARY OF COMMERCE.—The President shall appoint, by and with the advice and consent of the Senate, an Under Secretary of Commerce for Export Administration who shall carry out all functions of the Secretary under this Act which were delegated to the Office of the Assistant Secretary of Commerce for Trade Administration before the effective date of the Export Administration Amendments Act of 1984 and such other functions as the Secretary may prescribe. The Secretary shall designate three Assistant Secretaries of Commerce to assist the Under Secretary in carrying out such functions.

"(b) ISSUANCE OF REGULATIONS.—".

(b) Section 15 of the Act is further amended by adding after subsection (b), as designated by subsection (a) of this section, the following:

"(c) AMENDMENTS TO REGULATIONS.—If the Secretary proposes to amend regulations issued under this Act, the Secretary shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives on the intent and rationale of such amendments. Such report shall evaluate the cost and burden to United States exporters of the proposed amendments in relation to any enhancement of licensing objectives. The Secretary shall consult with the technical advisory committees authorized under section 5(h) of this Act in formulating or amending regulations issued under this Act. The procedures defined by regulations in existence as of January 1, 1984, with respect to sections 4 and 5 of this Act, shall remain in effect unless the Secretary determines, on the basis of substantial and reliable evidence, that specific change is necessary to enhance the prevention of diversions of exports which would prove detrimental to the national security of the United States or to reduce the licensing and paperwork burden on exporters and their distributors.".

(c) Section 5314 of title 5, United States Code, is amended by inserting "Under Secretary of Commerce for Export Administration," after "Under Secretary of Commerce for Economic Affairs,".

IMPORT SANCTIONS

SEC. 125. Chapter 4 of title II of the Trade Expansion Act of 1962 (19 U.S.C. 1861 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 233. IMPORT SANCTIONS FOR EXPORT VIOLATIONS.

"(a) Any person who violates any national security export control imposed under section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404), or any regulation, order, or licenses issued under that section, may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe.

"(b) Except as provided in subsection (a) of this section, any person who violates any regulation issued under a multilateral agreement, formal or informal, to control exports for national security purposes, to which the United States is a party, may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe, but only if—

"(1) negotiations with the government or governments, party to the multilateral agreement, with jurisdiction over the violation have been conducted and been successful in restoring compliance with the regulation involved;

"(2) the President, after the failure of such negotiations, has notified the government or governments described in paragraph (1) and the other parties to the multilateral agreement that the United States proposes to subject the person committing the violation to specific controls on the importing of goods or technology into the United States upon the expiration of 60 days from the date of such notification; and

"(iii) a majority of the parties to the multilateral agreement (other than the United States), before the end of that 60-day period, have expressed to the President concurrence in the proposed import controls or have abstained from stating a position with respect to the proposed controls.".

TECHNICAL AMENDMENT

SEC. 126. Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) is amended by striking out "(f)" and inserting in lieu thereof "(g)".

AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 127. Section 502B of the Foreign Assistance Act of 1961 is amended (1) by striking the word "Committee" the first place it appears in paragraph (2) and inserting in lieu thereof "Committees'; and (2) by inserting after the words "Foreign Relations" the first place it appears the phrase "and Banking, Housing, and Urban Affairs (when licenses are to be issued pursuant to the Export Administration Act of 1979)".

EXPORT OF HORSES

SEC. 128. The Act of March 3, 1891 (46 U.S.C. 466a and 466b) is amended by adding at the end thereof the following:

SEC. 3. (a) Notwithstanding any other provision of law, no horse may be exported by sea from the United States, or any of its territories and possessions, unless such horse is part of a consignment of horses with respect to which a waiver has been granted under subsection (b).

"(b) The Secretary of Commere, in consultation with the Secretary of Agriculture, may issue regulations providing for the granting of waivers, permitting the export by sea of a specified consignment of horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.

"(c)(1) whosoever knowingly violates this section or any regulation, order, or license issued hereunder shall be fined not more than five times the value of the consignment of horses involved or $50,000, whichever is greater, or imprisoned not more than 5 years, or both.

"(2) The Secretary of Commerce, after notice and opportunity for an agency hearing on the record, may impose a civil penalty not to exceed $10,000 for each violation of this section or any regulation, order, or license issued hereunder, either in addition to or in lieu of any other liability or penalty which may be imposed.".

ALASKAN OIL STUDY

SEC. 129. (a) The President shall—

(1) undertake a comprehensive review of the issues and related data concerning possible changes in the existing incentives to produce crude oil from the North Slope of Alaska (including changes in Federal and State taxation, pipeline tariffs, and Federal leasing policies) and possible changes in the existing distribution of crude oil from the North Slope of Alaska (including changes in expert restrictions which would permit experts at free market levels and at levels of 50,000 barrels per day, 100,000 barrels per day, 200,000 barrels per day, and 500,000 barrels per day), as well as the appropriations of continuing existing controls including, but not limited to—

(A) the effect of such changes on the energy and national security of the United States and its allies;

(B) the role of such changes in United States foreign policymaking, including international energy policymaking;

(C) the impact of such changes on employment levels in the maritime industry, the oil industry, and other industries;

(D) the impact of such changes on the refiners and consumers;

(E) the impact of such changes on the revenues and expenditures of the Federal Government and the government of Alaska;

(F) the effect of such changes on incentives for oil and gas exploration and development in the United States; and

(G) the effect of such changes on the overall trade deficit of the United States, and the trade deficit of the United States with respect to particular countries, including the effect of such changes on trade barriers of other countries; and

(2) develop, after consulting with appropriate State and Federal officials and other persons, findings, options, and recommendations regarding the production and distribution of crude oil from the North Slope of Alaska.

(b) Not later than 9 months after the date of the enactment of this Act, the President shall transmit a report to the Congress containing the result of the review under subsection (a)(1), and the findings, options, and recommendations developed under subsection (a)(2).

TITLE II—EXPORT PROMOTION PROGRAMS

REQUIREMENT OF PRIOR AUTHORIZATION

SEC. 201. (a) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out any export promotion program may be obligated or expended only if—

(1) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of this Act; or

(2) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

(b) To the extent that legislation enacted after the making of an appropriation to carry out any export promotion program authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) For purposes of this title, the term "export promotion program" means any activity of the Department of Commerce designed to stimulate or assist United States businesses in marketing their goods and services abroad competitively with businesses from other countries, including but not limited to—

(1) trade development (except for the trade adjustment assistance program) and dissemination of foreign marketing opportunities and other marketing information to United States producers of goods and services, including the expansion of foreign markets for United States textiles and apparel and any other United States products;

(2) the development of regional and multilateral economic policies which enhance United States trade and investment interests, and the provision of marketing services with respect to foreign countries and regions;

(3) the exhibition of United States goods in other countries; and

(4) the operations of the United States Commercial Service and the Foreign Commercial Service, or any successor agency.

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. There is authorized to be appropriated for each of the fiscal years 1985 and 1986 to the Department of Commerce to carry out export promotion programs $113,273,000.

BARTER ARRANGEMENTS

SEC. 203. (a) The Secretary of Agriculture shall, not later than 90 days after the date of the enactment of this Act, submit to the Congress a report on the status of Federal programs relating to the barter or exchange of commodities owned by the Commodity Credit Corporation for materials and products produced in foreign countries. Such report shall include details of any changes necessary in existing law to allow the Department of Agriculture to implement fully any barter program.

(b) Notwithstanding any other provision of law, the President is authorized—

(1) to barter stocks of agricultural commodities acquired by the Government for petroleum and petroleum products, and for other materials vital to the national interest, which are produced abroad, in situations in which sales would otherwise not occur; and

(2) to purchase petroleum and petroleum products, and other materials vital to the national interest, which are produced abroad and acquired by persons in the United States through barter for agricultural commodities produced in and exported from the United States through normal commercial trade channels.

(c) The President shall take steps to ensure that any barter described in subsections (a) and (b)(1) and any purchases authorized by subsection (b)(2) safeguard existing export markets for agricultural commodities operating on conventional business terms from displacement by barters described in subsections (a), (b)(1), and (b)(2). In addition, the President shall ensure that any such barter is consistent with the international obligations of the United States, including the General Agreement on Tariffs and Trade.

TITLE III—SOUTH AFRICA

SHORT TITLE

SEC. 301. This title may be cited as the "United States Policy Toward South Africa Act of 1984".

Subtitle 1—Sullivan Fair Employment Principles Endorsement and Implementation of Fair Employment Principles

SEC. 311. It is the policy of the United States that any United States person who—

(1) has a branch or office in South Africa, or

(2) controls a corporation, partnership, or other enterprise in South Africa,

in which more than 20 people are employed should take the necessary steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, the opposition of the United States to apartheid is reaffirmed by actions including, but not limited to, implementation of those principles relating to employment practices set forth insection 312 of this Act.

STATEMENT OF PRINCIPLES

SEC. 312. (a) The principles referred to in section 311 of this Act are as follows:

(1) Desegregating the races in each employment facility, including—

(A) removing all race designation signs;

(B) desegregating all eating, rest, and work facilities; and

(C) terminating all regulations which are based on racial discrimination.

(2) Providing equal employment for all employees without regard to race or ethnic origin, including—

(A) assuring that any health, accident, or death benefit plans that are established are nondiscriminatory and open to all employees without regard to race or ethnic origin; and

(B)(i) implementing equal and nondiscriminatory terms and conditions of employment for all employees, and (ii) abolishing job reservations, job fragmentation, apprenticeship restrictions for blacks and other nonwhites, and differential employment criteria, which discriminate on the basis of race or ethnic origin.

(3) Assuring that the pay system is equitably applied to all employees without regard to race or ethnic origin, including—

(A) assuring that any wage and salary structure that is implemented is applied equally to all employees without regard to race or ethnic origin;

(B) eliminating any distinctions between hourly and salaried job classifications on the basis of race or ethnic origin; and

(C) eliminating any inequities in seniority and ingrade benefits which are based on race or ethnic origin.

(4) Establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families.

(5) Increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs, including—

(A) developing training programs that will prepare substantial numbers of blacks and other nonwhites for such jobs as soon as possible, including—

(i) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of employees, including establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; and

(ii) creating on-the-job training programs and facilities to assist employees to advance to higher paying jobs requiring greater skills;

(B) establishing procedures to assess, identify, and actively recruit employees with potential for further advancement;

(C) identifying blacks and other nonwhites with high management potential and enrolling them in accelerated management progams; and

(D) establishing timetables to carry out this paragraph.

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health, including——

(A) providing assistance to black and other nonwhite employees for housing, health care, transportation, and recreation either through the provision of facilities or services or providing financial assistance to employees for such purposes, including the expansion or creation of in-house medical facilities or other medical programs to improve medical care for black and other nonwhite employees and their dependents; and

(B) participating in the development of programs that address the education needs of employees, their dependents, and the local community.

(7) Implementing fair labor practices, including—

(A) recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity;

(B) refraining from—

(i) interfering with, restraining, or coercing employees in the exercise of their rights of self-organization under this paragraph,

(ii) dominating or interfering with the formation or administration of any labor organization, or sponsoring, controlling, or contributing financial or other assistance to it; except that an employer may permit employees to confer with the employer during working hours without loss of time or pay,

(iii) encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other condition of employment,

(iv) discharging or otherwise disciplining or discriminating against any employee who has exercised any rights of self-organization under this paragraph, and

(v) refusing to bargain collectively with any organization freely chosen by employees under this paragraph; and

(C)(i) allowing employees to exercise rights of self-organization, including solicitation of fellow employees during nonworking hours, (ii) allowing distribution and posting of union literature by employees during nonworking hours in nonworking areas, and (iii) allowing reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times where there are no other available channels which will enable the labor organization to communicate with employees through reasonable efforts.

(b) The Secretary may issue guidelines and criteria to assist persons in implementing the principles set forth in subsection (a) of this section.

ADVISORY COMMITTEE

SEC. 313. (a) The Secretary shall establish an Advisory Committee (1) to advise the Secretary with respect to the implementation of those principles set forth in section 312(a), and (2) to review periodically the reports submitted pursuant to section 314(a) and, where necessary, to supplement the information contained in such reports. The Advisory Committee shall be composed of at least 12 members appointed by the Secretary from among persons in the United States and South Africa representing trade unions committed to nondiscriminatory policies, representatives of business (including the American Chamber of Commerce in South Africa), and the academic community, and from among community and church leaders, including those in South Africa, who have demonstrated a concern for equal rights. In addition to the appointed members of the Advisory Committee, the United States Ambassador to South Africa shall be a member of the Advisory Committee, ex officio. The Committee shall be authorized to meet in the United States Embassy in South Africa or such other location as the Secretary may designate.

(b) Members of the Advisory Committee in South Africa shall be appointed for 3-year terms, except that of the members first appointed, four shall be appointed for terms of two years, and four shall be appointed for terms of one year, as designated at the time of their appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(c) The Secretary shall provide the necessary clerical and administrative assistance to the Advisory Committee.

(d) Members of the Advisory Committee shall serve without pay, except that, while away from their homes or regular places of business in the performance of services for the Committee, members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

IMPLEMENTATION

SEC. 314. (a) The Secretary shall submit an annual report to the Congress describing—

(1) the extent to which each United States person referred to in section 311 of this Act has implemented each of the principles set forth in section 312 of this Act;

(2) the progress each United States person referred to in section 311 of this Act has made since the previous annual report in implementing each of those principles;

(3) the actions the Secretary has taken to encourage implementation of those principles, as well as any related actions taken by other departments or agencies of the United States Government; and

(4) any other information relating to the implementation by United States persons of those principles that the Secretary believes is appropriate.

(b) The Secretary shall publish and make generally available to the public each annual report submitted pursuant to subsection (a).

(c) The Secretary may, to such extent or in such amounts as are provided in appropriation Acts, enter into contracts with one or more private organizations to assist the

Secretary in preparing the report required by subsection (a).

(d) Each United States person referred to in section 311 of this Act shall submit directly to the Secretary, or through an organization with which the Secretary has a contract under subsection (c)—

(1) a detailed and fully documented annual report on the progress of that person in implementing the principles set forth in section 312 of this Act; and

(2) such other information relating to implementation of the principles set forth in section 312 of this Act as the Secretary shall by regulation require.

The reports and information required by this subsection shall be submitted at such times as the Secretary shall by regulation direct.

(e)(1) The Secretary shall make available to the Advisory Committee established pursuant to section 313, and may make available to the public, information obtained pursuant to subsection (d) that relates to the employment practices of United States persons referred to in section 311 with respect to blacks and other nonwhite employees.

(2) Notwithstanding any other provision of law, the Secretary shall not make available to the Advisory Committee or disclose to the public any information that would harm the competitive position or the proprietary interests, or would reveal trade secrets or confidential commercial or financial information, of any United States person required to submit reports under subsection (d), as defined under regulations of the Secretary.

(f) The Secretary shall undertake all reasonable efforts to verify the information submitted under subsection (d), including the establishment of arrangements with United States persons and entities referred to in section 311 of this Act for onsite monitoring, at least once every two years, of their activities and facilities in South Africa.

(g) The Secretary shall make reasonable and continuing efforts to promote the implementation of this subtitle and any regulations issued to carry out this subtitle.

(h) There are authorized to be appropriated such sums as may be necessary to the Department of State to carry out the provisions of this subtitle. The Secretary may establish an office to carry out such provisions.

(i) Upon the request of any United States person subject to the provisions of this subtitle which is made within 60 days after the publication of the Secretary's report pursuant to subsection (b) of this section, the Secretary shall, afford an opportunity for a hearing, within 90 days after such publication, in which such person may comment on the contents of such report.

INVESTMENT LIMITATIONS

Sec. 315. (a) In any case in which the President determines, after notice and an opportunity for a hearing, that a United States person referred to in section 311 of this Act is not making a good faith effort toward implementing the provisions of this subtitle, the Secretary may issue an order prohibiting that United States person from making any investment in South Africa for a period of one year, subject to subsection (b) of this section. The Secretary's decision to hold such a hearing shall be made on the basis of the annual report submitted pursuant to section 314(a).

(b) The President may exempt a United States person that is subject to an order of the President under subsection (a) from the prohibition contained in the order for the purpose of making a particular investment or investments referred to in subsection (c)(1)(B) in that person's foreign affiliate in South Africa, but only to the extent that—

(A) the investment or investments are necessary to replace or upgrade worn out or obsolete equipment;

(B) the purpose of the investment or investments is to make improvements in the workplace in the training, health, safety, and other working conditions of blacks and other nonwhite employees; or

(C) the investment or investments are for educational, housing, or health facilities, or other projects of significant humanitarian value, which are available to all employees on a totally nondiscriminatory basis and which are located in geographic areas accessible to all employees without any legal or administrative restriction.

(c) For purposes of subsection (a)—

(1) the term "investment in South Africa" means—

(A) establishing or contributing funds (including making a loan or other extension of credit) for the establishment of a business enterprise in South Africa;

(B) investing funds in a foreign affiliate in South Africa, including—

(i) acquiring a share or interest in the foreign affiliate;

(ii) acquiring a bond or other debt instrument issued by the foreign affiliate;

(iii) making capital contributions in money or kind to the foreign affiliate; and

(iv) making a loan or other extension of credit, with a maturity of more than two years, to the foreign affiliate;

except that this subparagraph shall not be construed to prohibit an investment which consists of earnings derived from a foreign affiliate in South Africa and which is made in that foreign affiliate; and

(C) making a loan or other extension of credit in a business enterprise in South Africa;

(2) the term "funds" means money or other resources;

(3) the term "foreign affiliate" means a business enterprise which is controlled by a United States person;

(4) the term "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage; and

(5) the term "branch" means the operations or activities conducted by a person in a different location in its own name rather than through an incorporated entity, and such term includes an office of that person.

(d)(1) The President shall take the necessary steps to insure compliance with an order of the President issued under subsection (a) and the regulations issued under this section, including the use of monitoring provided in section 314(f).

(2) Any United States person that fails to comply with an order of the President issued under subsection (a) or the regulations issued under this section shall so notify the Secretary of Commerce. Such United States person shall be subject to the penalties provided in section 11 of the Export Administration Act of 1979 for violations of that Act.

(e) The Secretary may issue such regulations as are necessary to carry out the provisions of this section.

REGULATIONS AND EFFECTIVE DATE

Sec. 316. (a) The Secretary shall, not later than 120 days after the date of the enactment of this Act, issue such regulations as are necessary to carry out this subtitle.

(b) Before issuing final regulations pursuant to subsection (a), the Secretary shall publish in the Federal Register the regulations proposed to be issued and shall give interested persons, including the Advisory Committee established pursuant to section 313 of this Act, at least 30 days to submit comments on the proposed regulations. The Secretary shall, in issuing the final regulations, take into account the comments so submitted.

(c) The policy set forth in section 311 of this Act shall become the policy of the United States Government on the date of the enactment of this Act.

(d) The first annual report of the Secretary under section 314 of this Act shall be submitted to the Congress not later than one year after the date on which final regulations issued pursuant to subsection (a) of this section are published. Each subsequent annual report shall be submitted not later than the end of each 1-year period thereafter.

Subtitle 2—General Provisions

COOPERATION OF OTHER DEPARTMENTS AND AGENCIES

Sec. 321. (a) Each department and agency of the United States shall cooperate with the Secretary in carrying out the provisions of this title, including, upon the request of the Secretary, taking steps to ensure implementation of the provisions of this title and any regulations issued to carry out this title.

(b) The Secretary may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out the Secretary's functions under this title.

DEFINITIONS

Sec. 322. For purposes of this title—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of State;

(3) the term "South Africa" includes the Republic of South Africa; any territory under the administration, legal or illegal, of South Africa; and the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Venda, and Ciskei; and

(4) a United States person shall be presumed to control a corporation, partnership, or other enterprise in South Africa if—

(A) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the corporation, partnership, or enterprise;

(B) the United States person beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the corporation, partnership, or enterprise if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(E) the United States person has authority to appoint a majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(F) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

CONSTRUCTION OF TITLE; SEVERABILITY

SEC. 323. (a) Nothing in this title shall be construed as constituting any recognition by the United States of the homelands referred to in section 322(3) of this Act.

(b) If any provision of this title or the application of this title to any person or circumstances is held invalid, neither the remainder of this title nor the application of that provision to other persons or circumstances shall be affected thereby.

TITLE IV—NUCLEAR EXPORTS

SEC. 401. (a) The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by inserting after section 131 the following new section:

SEC. 132. RESTRICTIONS ON CERTAIN EXPORTS.—

"a. (1) Notwithstanding any other provision of law—

"(A) no license may be issued under the Export Administration Act of 1979 for the export to a non-nuclear-weapon state for use in a nuclear production or utilization facility of any item or related technical data which, as determined under section 309(c) of the Nuclear Non-Proliferation Act of 1978, could be of significance for nuclear explosive purposes, or which, in the judgment of the Secretary of Commerce, is likely to be diverted for use in such a facility;

"(B) the Nuclear Regulatory Commission shall not issue any license for the export to a non-nuclear-weapon state of a component part, item, or substance which the Commission has determined, under section 109b. of this Act to be especially relevant from the standpoint of export control because of its significance for nuclear explosive purposes;

"(C) the Secretary of Energy shall not approve the retransfer to a non-nuclear-weapon state of any such component part, item, or substance; and

"(D) the Secretary of Energy shall not, under section 57b. of this Act, authorize any person to engage, directly or indirectly, in the production of special nuclear material in a non-nuclear-weapon state;

unless (i) such state maintains International Atomic Energy Agency safeguards on all its peaceful nuclear activities, and (ii)(I) such export, retransfer, or production is under the terms of an agreement for cooperation arranged pursuant to section 123 of this Act or (II) such state has entered into nuclear cooperation with the United States pursuant to an agreement for peaceful nuclear cooperation. For purposes of this subsection, 'non-nuclear-weapon state' is a non-nuclear-weapon state within the meaning of the Treaty on the Non-Proliferation of Nuclear Weapons.

"(2) The restrictions contained in clause (ii) of paragraph (1) shall apply only to a country which is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons or the Treaty for the Prohibition of Nuclear Weapons in Latin America, or which the President determines is in a region of particular volatility or sensitivity.

"b. Nothing in this section shall preclude—

"(1) an export, retransfer, or activity generally licensed or generally authorized by the Nuclear Regulatory Commission, the Department of Commerce, or the Department of Energy;

"(2) assistance (A) for the purpose of developing or applying International Atomic Energy Agency safeguards, or United States safeguards as set forth in an agreement for cooperation arranged pursuant to section 123 of this Act, (B) for programs of the International Atomic Energy Agency which are generally available to its member states, (C) for reducing the use of highly enriched uranium in research or test reactors, or (D) for other technical programs for the purpose of reducing proliferation risks, such as programs to extend the life of reactor fuel and activities to which section 223 of the Nuclear Waste Policy Act of 1982 applies; or

"(3) assistance which is necessary for humanitarian reasons to protect the public health and safety.

"c. The restrictions contained in subsection a.(1)(D) shall not apply to activities involving radiation protection and health physics; decontamination; waste management; and other assistance for the safe operation of a facility which is under International Atomic Energy Agency safeguards or United States safeguards. The exception contained in the preceding sentence shall apply only in instances where the Secretary of State, in concurring with the determination by the Secretary of Energy pursuant to section 57b. of this Act, determines that approval of such activities or assistance would further United States nonproliferation objectives with regard to the recipient country. The Department of Energy shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of all authorizations issued pursuant to this subsection.

"d. The prohibitions contained in subsection a. shall not apply to a particular export, retransfer, or activity or group of exports, retransfers, or activities if the President determines that to apply the prohibitions thereto would be seriously prejudicial to the achievement of United States nonproliferation objectives or would otherwise jeopardize the common defense and security and if, at least 60 days before the export, retransfer, or activity or initial export, retransfer, or activity is carried out, the President submits that determination, together with the reasons for that determination, to the Congress.

"e. With respect to any authorization described in subsection a. (1)(D) which is made after August 1, 1983, the restrictions set forth in that subparagraph shall apply to any contract executed under that authorization after October 1, 1984.".

(b) The table of contents of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 131 the following new item:

"Sec. 132. Restrictions on certain exports.".

AGREEMENTS FOR COOPERATION

SEC. 402. (a) Section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)) is amended—

(1) by inserting "the consistency of the text of the agreement for cooperation with all the requirements of this Act," after "Assessment Statement regarding" in subsection a.;

(2) by inserting "after the submission of the text of the proposed Agreement for Cooperation together with the accompanying non-classified nuclear proliferation assessment to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House, and after consultation with such Committees for a period of not less than 30 days of continuous session (as defined in section 130g. of this Act) concerning the consistency of the terms of the proposed agreement with all the requirements of this Act," before "the President" in subsection b.; and

(3) by inserting "During the sixty-day period the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations shall each hold hearings on the proposed agreements and submit a report to their respective bodies recommending whether it should be approved or disapproved," before the sentence which begins "Any such proposed agreement" in subsection d.

AGREEMENTS FOR COOPERATION

SEC. 403. (a) Subsection d. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)) is amended—

(1) by striking out "adopts a concurrent resolution" and inserting in lieu thereof "adopts, and there is enacted, a joint resolution"; and

(2) by striking out the period at the end of the first proviso and inserting in lieu thereof ": *Provided further*, That an agreement for cooperation exempted by the President pursuant to subsection a. from any requirement contained in that subsection shall not become effective unless the Congress adopts, and there is enacted, a joint resolution authorizing such agreement.".

(b) Section 130 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following:

"i. (10 For the purposes of this subsection, the term 'joint resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the Congress (does or does not) favor the proposed agreement for cooperation transmitted to the Congress by the President on ——————', with date of the transmission of the proposed agreement for cooperation inserted in the blank, and the affirmative or negative phrase within the parenthetical appropriately selected.

"(2) On the day on which a proposed agreement for cooperation is submitted to the House of Representatives and the Senate under section 123 d., a joint resolution with respect to such agreement for cooperation shall be introduced (by request) in the House by the chairman of the Committee on Foreign Affairs, for himself and the ranking minority member of the Committee, or by Members of the House designated by the chairman and ranking minority member; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement for cooperation is submitted, the joint resolution shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session.

"(3) All joint resolutions introduced in the House of Representatives shall be referred to the appropriate committee or committees and all joint resolutions introduced in the Senate be referred to the Committee on Foreign Relations and any other appropriate committee.

"(4) If the committee of either House to which a joint resolution has been referred has not reported it at the end of 45 days after its introduction, the committee shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter; except that, in the case of a joint resolution which has been referred to more than one committee, if before end of that 45-day period one such committee has reported the joint resolution, any other committee to which the joint resolution was referred shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter.

"(5) A joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purposes of expediting the consideration and passage of joint resolutions under this subsection, it shall be in order for the Committee on Rules of the House of Representatives (notwithstanding the provisions of clause 4(b) of Rule XI of the Rules of the House of Representatives) to present for immediate consideration, on the day reported, a resolution of the House of Representatives providing procedures for the consideration of a joint resolution under this subsection similar to the procedures set forth in section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

"(6) In the case of a joint resolution described in paragraph (1), if prior to the passage by one House of a joint resolution of that House, that House receives a joint resolution with respect to the same matter from the other House, then—

"(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(B) the vote of final passage shall be on the joint resolution of the other House.".

(c) The amendments made by this section shall apply to any agreement for cooperation which is entered into after the date of the enactment of this Act.

TECHNICAL AMENDMENT

Sec. 126. Section 38(e) of the Arms Export Control Act.

The text of the House amendment to the Senate amendment is as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SHORT TITLE

Section 1. Titles I and II of this Act may be cited as the "Export Administration Amendments Act of 1984".

TITLE I—AMENDMENTS TO EXPORT ADMINISTRATION ACT OF 1979

REFERENCE TO THE ACT

Sec. 101. For purposes of this title, the Export Administration Act of 1979 shall be referred to as "the Act".

FINDINGS

Sec. 102. (a) Section 2 of the Act (50 U.S.C. App. 2401) is amended in paragraph (3) by striking out "which would strengthen the Nation's economy" and inserting in lieu thereof "consistent with the economic, security, and foreign policy objectives of the United States".

(b) Section 2(6) of the Act is amended to read as follows:

"(6) Uncertainty of export control policy can inhibit the efforts of United States business and work to the detriment of the overall attempt to improve the trade balance of the United States.".

(c) Section 2 of the Act is amended by adding at the end thereof the following:

"(10) It is important that the administration of export controls imposed for foreign policy purposes give special emphasis to the need to control exports of goods and substances hazardous to the public health and the environment which are banned or severely restricted for use in the United States, and which, if exported, could affect the international reputation of the United States as a responsible trading partner.

"(11) The acquisition of national security sensitive goods and technology by the Soviet Union and other countries the actions or policies of which are adverse to the national security interests of the United States, has led to the significant enhancement of Soviet bloc military-industrial capabilities, thereby creating a greater threat to the security of the United States, its allies, and other friendly nations, and increasing the defense budget of the United States.

"(12) Availability to proscribed destinations of goods and technology from foreign sources is a fundamental concern of the United States and should be eliminated through negotiations and other appropriate means whenever possible.

"(13) Excessive dependence of the United States, its allies, or countries sharing common strategic objectives with the United States, on energy and other critical resources from potential adversaries can be harmful to the mutual and individual security of all those countries.".

DECLARATION OF POLICY

Sec. 103. Section 3 of the Act (50 U.S.C. App. 2402) is amended—

(1) in paragraph (3), by inserting before the period at the end thereof "or common strategic objectives";

(2) in paragraph (7)—

(A) by striking out "every reasonable effort" in the second sentence and inserting in lieu thereof "reasonable and prompt efforts"; and

(B) by striking out "resorting to the imposition of controls on exports from the United States" in the second sentence and inserting in lieu thereof "imposing export controls";

(3) in paragraph (8)—

(A) by striking out "every reasonable effort" in the second sentence and inserting in lieu thereof "reasonable and prompt efforts"; and

(B) by striking out "resorting to the imposition of export controls" in the second sentence and inserting in lieu thereof "imposing export controls";

(4) in paragraph (9)—

(A) by inserting "or common strategic objectives" after "commitments" each place it appears; and

(B) by inserting before the period at the end thereof the following: ", and to encourage other friendly countries to cooperate in restricting the sale of goods and technology that can harm the security of the United States"; and

(5) by adding at the end thereof the following:

"(12) It is the policy of the United States to sustain vigorous scientific enterprise. To do so involves sustaining the ability of scientists and other scholars freely to communicate research findings, in accordance with applicable provisions of law, by means of publication, teaching, conferences, and other forms of scholarly exchange.

"(13) It is the policy of the United States to control the export of goods and substances banned or severely restricted for use in the United States in order to foster public health and safety and to prevent injury to the foreign policy of the United States as well as to the credibility of the United States as a responsible trading partner.

"(14) It is the policy of the United States to cooperate with countries which are allies of the United States and countries which share common strategic objectives with the United States in minimizing dependence on imports of energy and other critical resources from potential adversaries and in developing alternative supplies of such resources in order to minimize strategic threats posed by excessive hard currency earnings derived from such resource exports by countries with policies adverse to the security interests of the United States.

"(15) It is the policy of the United States, particularly in light of the Soviet massacre of innocent men, women, and children aboard Korean Air Lines flight 7, to continue to object to exceptions to the International Control List for the Union of Soviet Socialist Republics, subject to periodic review by the President.".

GENERAL PROVISIONS

Sec. 104. (a) Section 4(a)(2) of the Act (50 U.S.C. App. 2403(a)(2)) is amended to read as follows:

"(2) Validated licenses authorizing multiple exports, issued pursuant to an application by the exporter, in lieu of an individual validated license for each such export, including, but not limited to, the following:

"(A) A distribution license, authorizing exports of goods to approved distributors or users of the goods in countries other than proscribed countries. The Secretary shall grant the distribution license primarily on the basis of the reliability of the applicant and foreign consignees with respect to the prevention of diversion of goods to proscribed destinations. The Secretary shall have the responsibility of determining, with the assistance of all appropriate agencies, the reliability of applicants and their immediate consignees. The Secretary's determination shall be based on appropriate investigations of each applicant and periodic reviews of licensees and their compliance with the terms of licenses issued under this Act. Factors such as the applicant's products or volume of business, or the consignees' geographic location, sales distribution area, or degree of foreign ownership, which may be relevant with respect to individual cases, shall not be determinative in creating categories or general criteria for the denial of applications or withdrawal of a distribution license.

"(B) A comprehensive operations license, authorizing exports and reexports of technology and related goods, including items from the list of militarily critical technologies developed pursuant to section 5(d) of this Act which are included on the control list in accordance with that section, from a domestic concern to and among its foreign subsidiaries, affiliates, joint venturers, and licensees that have long-term, contractually defined relations with the exporter, are located in countries other than proscriber destination, and are approved by the Secretary. The Secretary shall grant the license to manufacturing, laboratory, or related operations on the basis of approval of the exporter's systems of control, including internal proprietary controls, applicable to the technology and related goods to be exported rather than approval of individual export transactions. The Commissioner of Customs, with the assistance of all appropriate agencies shall periodically, but not less frequently than annually, perform audits of licensing procedures under this subparagraph in order to assure the integrity and effectiveness of those procedures.

"(C) A project license, authorizing exports of goods or technology for a specified activity.

"(D) A service supply license, authorizing exports of spare or replacement parts for goods previously exported.".

(b) Section 4 of the Act (50 U.S.C. App. 2403) is amended—

(1) in subsection (b)—

(A) by striking out "Commodity" and "commodity"; and

(B) by striking out "consisting of any goods or technology subject to export controls under this Act" and inserting in lieu thereof "stating license requirements (other than for general licenses) for exports of goods and technology under this Act"; and

(2) in subsection (c)—

(A) by striking out "significant" and inserting in lieu thereof "sufficient";

(B) by inserting after "those produced in the United States" the following: "so as to render the controls ineffective in achieving their purposes"; and

(C) by adding at the end thereof the following: "In complying with the provisions of this subsection, the President shall give strong emphasis to bilateral or multilateral negotiations to eliminate foreign availability. The Secretary and the Secretary of Defense shall cooperate in gathering information relating to foreign availability, including the establishment and maintenance of a jointly operated computer system.".

(c) Section 4(f) of the Act is amended to read as follows:

"(f) Notification of the Public Consultation With Business.—The Secretary shall keep the public fully apprised of changes in export control policy and procedures instituted in conformity with this Act with a view to encouraging trade. The Secretary shall meet regularly with representatives of a broad spectrum of enterprises, labor organizations, and citizens interested in or affected by export controls, in order to obtain their views on United States export control policy and the foreign availability of goods and technology.".

NATIONAL SECURITY CONTROLS

Sec. 105. (a)(1) Section 5(a)(1) of the Act (50 U.S.C. App. 2404(a)(1)) is amended by inserting after the first sentence the following new sentence: "The authority contained in this subsection includes the authority to prohibit or curtail the transfer of goods or technology within the United States to embassies and affiliates of prescribed countries.".

(2) Section 5(a)(2) of the Act is amended—

(A) by striking out "(A)"; and

(B) by striking out subparagraph (3).

(3) Section 5(a)(3) of the Act is amended by striking out the last sentence.

(b)(1) Section 5(c) of the Act is amended—

(A) in paragraph (1) by striking out "commodity"; and

(B) by amending paragraph (3) to read as follows:

"(3) The Secretary shall review the list established pursuant to this subsection at least once each year in order to carry out the policy set forth in section 3(2)(A) of this Act and the provisions of this section, and shall promptly make such revisions of the list as may be necessary after each such review. Before beginning each annual review, the Secretary shall publish notice of that annual review in the Federal Register, provide an opportunity during such review for comment and the submission of data, with or without oral presentation, by interested Government agencies and other affected or potentially affected parties, and publish in the Federal Register any revisions in the list with an explanation of the reasons for the revisions. The Secretary shall further assess, as part of such review, the availability from sources outside the United States of goods and technology comparable to those subject to export controls imposed under this section.".

(2) The amendment made by paragraph (1)(B) of this subsection shall take effect on October 1, 1985.

(C) Section 5(e) of the Act is amended—

(1) in paragraph (1) by striking out "a qualified general license in lieu of a validated license" and inserting in lieu thereof "the multiple validated export licenses described in section 4(a)(2) of this Act in lieu of individual validated licenses"; and

(2) by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) The Secretary, subject to the provisions of subsection (1) of this section, shall not require an individual validated export license for replacement parts which are exported to replace on a one-for-one basis parts that were in a good that had been lawfully exported from the United States.

"(4) The Secretary shall periodically review the procedures with respect to the multiple validated export licenses, taking appropriate action to increase their utilization by reducing qualification requirements or lowering minimum thresholds, to combine procedures which overlap, and to eliminate those procedures which appear to be of marginal utility.

"(5) The export of goods subject to export controls under this section shall be eligible, at the discretion of the Secretary, for a distribution license and other licenses authorizing multiple exports of goods, in accordance with section 4(a)(2) of this Act. The export of technology and related goods subject to export controls under this section shall be eligible for a comprehenaive operations license in accordance with section 4(a)(2)(B) of this Act.".

(d) Section 5(g) of the Act is amended to read as follows:

"(g) Indexing.—In order to ensure that requirements for validated licenses and multiple export licenses are periodically removed as goods or technology subject to such requirements becomes obsolete with respect to the national security of the United States, regulations issued by the Secretary may, where appropriate, provide for annual increases in the performance levels of goods or technology subject to any such licensing requirement. The regulations issued by the Secretary shall establish as one criterion for the removal of goods or technology from such license requirements the anticipated needs of the military of prescribed countries. Any such goods or technology which no longer meets the performance levels established by the regulations shall be removed from the list established pursuant to subsection (c) of this section unless, under such exceptions and under such procedures as the Secretary shall prescribe, any other department or agency of the United States objects to such removal and the Secretary determines, on the basis of such objection, that the goods or technology shall not be removed from the list. The Secretary shall also consider, where appropriate, removing site visitation requirements for goods and technology which are removed from the list unless objections described in this subsection are raised.".

(e) Section 5(i) of the Act (50 U.S.C. App. 2404(i)) is amended—

(1) by striking out paragraph (3);

(2) in paragraph (4)—

(A) by striking out "(4)" and inserting in lieu thereof "(3)"; and

(B) by striking out "pursuant to paragraph (3)" and inserting in lieu thereof "by the members of the Committee"; and

(3) by adding at the end thereof the following:

"(4) Agreement to enhance full compliance by all parties with the export controls imposed by agreement of the Committee through the establishment of appropriate mechanisms.

"(5) Agreement to improve the International Control List and minimize the approval of exceptions to that list, strengthen enforcement and cooperation in enforcement efforts, provide sufficient funding for the Committee, and improve the structure and function of the Secretariat of the Committee by upgrading professional staff, translation services, data base maintenance, communications, and facilities.

"(6) Agreement to coordinate the systems of export control documents used by the participating governments in order to verify effectively the movement of goods or technology subject to controls by the Committee from the country of any such government to any other place.

"(7) Agreement to establish uniform, adequate criminal and civil penalties to deter more effectively diversions of items controlled for export by agreement of the Committee.

"(8) Agreement to increase on-site inspections by national enforcement authorities of the participating governments to ensure that end users who have imported items controlled for export by agreement of the Committee are using such items for the stated end uses, and that such items are, in fact, under the control of those end users.

"(9) Agreement to strengthen the Committee so that it functions effectively in controlling export trade in a manner that better protects the national security of each participant to the mutual benefit of all participants.".

(f) Section 5(j) of the Act is amended to read as follows:

"(j) Commercial Agreements With Certain Countries.—(1) Any United States firm, enterprise, or other nongovernmental entity which enters into an agreement with any agency of the government of a prescribed country, that calls for the encouragement of technical cooperation and that is intended to result in the export from the United States to the other party of unpublished technical data of United States origin, shall report to the Secretary the agreement with such agency with sufficient detail.

"(2) The provisions of paragraph (1) shall not apply to colleges, universities, or other educational institutions.".

(g) Section 5(k) of the Act is amended—

(1) by inserting after "conducting negotiations with other countries" the following: ", including those countries not participating in the group known as the coordinating committee,"; and

(2) by adding at the end thereof the following: "In cases where such negotiations produce agreements on export restrictions comparable in practice to those maintained by the Coordinating Committee, the Secre-

tary shall treat exports, whether by individual or multiple licenses, to countries party to such agreements in the same manner as exports to members of the Coordinating Committee are treated, including the same manner as exports are treated under subsection (b)(2) of this section and section 10(c) of the Act.".

(h) Section 5(l) of the Act is amended to read as follows:

"(l) Diversion of Controlled Goods or Technology.—(1) whenever there is reliable evidence, as determined by the Secretary, that goods or technology which were exported subject to national security controls under this section have been diverted to an unauthorized use or consignee in violation of the conditions of an export license, the Secretary for as long as that diversion continues—

"(A) shall deny all further exports, to or by the party or parties responsible for that diversion or who conspired in that diversion, of any goods or technology subject to national security controls under this section, regardless of whether such goods or technology are available from sources outside the United States; and

"(B) may take such additional actions under this Act with respect to the party or parties referred to in subparagraph (A) as the Secretary determines are appropriate in the circumstances to deter the further unauthorized use of the previously exported goods or technology.

"(2) As used in this subsection, the term 'unauthorized use' means the use of United States goods or technology in the design, production, or maintenance of any item on the United States Munitions List, or the military use of any item on the International Control List of the Coordinating Committee.".

(i) Section 5 of the Act is amended by adding at the end thereof the following new subsections:

"(m) Goods Containing Microprocessors.—Export controls may not be imposed under this section on a good solely on the basis that the good contains an embedded microprocessor, if such microprocessor cannot be used or altered to perform functions other than those it performs in the good in which it is embedded. An export control may be imposed under this section on a good containing an embedded microprocessor referred to in the preceding sentence only on the basis that the functions of the good itself are such that the good, if exported, would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States.

"(n) Security Measures.—The Secretary and the Commissioner of Customs, in consultation with the Director of the Federal Bureau of Investigation, shall provide advice and technical assistance to persons engaged in the manufacture or handling of goods or technology subject to export controls under this section to develop security systems to prevent violations or evasions of those export controls.

"(o) Recordkeeping.—The Secretary, the Secretary of Defense, and any other department or agency consulted in connection with a license application under this Act or a revision of a list of goods or technology subject to export controls under this Act, shall make and keep records of their respective advice, recommendations, or decisions in connection with any such license application or revision, including the factual and analytical basis of the advice, recommendations, or decisions.

"(p) National Security Control Office.—To assist in carrying out the policy and other authorities and responsibilities of the Secretary of Defense under this section, there is established in the Department of Defense a National Security Control Office under the direction of the Under Secretary of Defense for Policy. The Secretary of Defense may delegate to that office such of those authorities and responsibilities, together with such ancillary functions, as the Secretary of Defense considers appropriate.

"(q) Exclusion for Agricultural Commodities.—This section does not authorize export controls on agricultural commodities, including fats and oils or animal hides and skins.".

FOREIGN AVAILABILITY

Sec. 106. (a) Section 5(f)(1) of the Act (50 U.S.C. App. 2404(f)(1)) is amended by inserting after "The Secretary, in consultation with" the following: "the Secretary of Defense and other".

(b) Section 5(f)(3) of the Act is amended to read as follows:

"(3) The Secretary shall make a foreign availability determination under paragraph (1) or (2) on the Secretary's own initiative or upon receipt of an allegation from an export license applicant that such availability exists. In making any such determination, the Secretary shall accept the representations of applicants made in writing and supported by reasonable evidence, unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information. In making determinations of foreign availability, the Secretary may consider such factors as cost, reliability, the availability and reliability of spare parts and the cost and quality thereof, maintenance programs, durability, quality of end products produced by the item proposed for export, and scale of production. For purposes of this paragraph, 'evidence' may include such items as foreign manufacturers' catalogues, brochures, or operation or maintenance manuals, articles from reputable trade publications, photographs, and depositions based upon eyewitness accounts.".

(c) Section 5(f)(4) of the Act is amended by striking out the first sentence and inserting in lieu thereof the following: "In any case in which export controls are maintained under this section notwithstanding foreign availability, on account of a determination by the President that the absence of the controls would prove detrimental to the national security of the United States, the President shall actively pursue negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability. If, within 6 months after the President's determination, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period described in the preceding sentence for an additional period of 12 months if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.".

(d)(1) Section 5(f)(5) of the Act is amended to read as follows:

"(5) The Secretary shall establish in the Department of Commerce an Office of Foreign Availability which, in the fiscal years 1984 and 1985, shall be under the direction of the Assistant Secretary of Commerce for Trade Administration, and, in the fiscal years 1986 and thereafter, shall be under the direction of the Under Secretary of Commerce for Export Administration. The Office shall be responsible for gathering and analyzing all the necessary information in order for the Secretary to make determinations of foreign availability under this Act. The Secretary shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate at the end of each 6-month period during a fiscal year information on the operations of the Office, and on improvements in the Government's ability to assess foreign availability, during that 6-month period, including information on the training of personnel, the use of computers, and the use of Foreign Commercial Service officers. Such information shall also include a description of representative determinations made under this Act during that 6-month period that foreign availability did or did not exist (as the case may be), together with an explanation of such determinations.".

(2) Section 5(f)(6) of the Act is amended by striking out "Office of Export Administration" and inserting in lieu thereof "Office of Foreign Availability".

(e) Section 5(f) of the Act is amended by adding at the end thereof the following new paragraph:

"(7) The Secretary shall issue regulations with respect to determinations of foreign availability under this Act not later than 6 months after the date of the enactment of the Export Administration Amendments Act of 1984.".

(f) Section 5(h)(1) of the Act is amended by inserting ", the intelligence community," after "Departments of commerce, Defense, and State".

(g) Section 5(h)(1) of the Act is amended in the second sentence—

(1) by striking out "and" at the end of clause (C); and

(2) by striking out the period at the end of the sentence and inserting in lieu thereof the following: ", and (E) any other questions relating to actions designed to carry out the policy set forth in section 3(2)(A) of this Act.".

(h) Section 5(h)(6) of the Act is amended by striking out "and provides adequate documentation" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "the technical advisory committee shall submit that certification to the Congress at the same time the certification is made to the Secretary, together with the documentation for the certification. The Secretary shall investigate the foreign availability so certified and, not later than 90 days after the certification is made, shall submit a report to the technical advisory committee and the Congress stating that (A) the Secretary has removed the requirement of a validated license for the export of the goods or technology, on account of the foreign availability, (B) the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, or (C) The Secretary has determined on the basis of the investigation that the foreign availability does not exist. To the extent necessary, the report may be submitted on a classified basis. In any case in which the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, the President shall actively pursue such negotiations with the governments of the appropriate foreign countries. If, within 6 months after the Secretary submits such report to the Congress, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period described in the preceding sentence for an additional period of 12 months if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.".

(i) Section 4(c) of the Act is amended—

(1) by striking out "significant" and inserting in lieu thereof "sufficient"; and

(2) by inserting after "those produced in the United States" the following: "so as to render the controls ineffective in achieving their purposes".

(j) Subsections (f)(1), (f)(2), and (h)(6) of section 5 of the Act are each amended by striking out "sufficient quality" and inserting in lieu thereof "comparable quality".

SEC. 107. (a) Subsection 5(b) of the Act is amended—

(1) by inserting "(1)" immediately before the first sentence; and

(2) by adding at the end thereof the following:

"(2) No authority or permission to export may be required under this section before goods or technology are exported in the case of exports to a country which maintains export controls on such goods or technology cooperatively with the United States pursuant to the agreement of the group known as the Coordinating Committee, if the goods or technology is at such a level of performance characteristics that the export of the goods or technology to controlled countries requires only notification of the participating governments of the Coordinating Committee.".

(b)(1) Section 10(c) of the Act is amended by striking out "In each case" and inserting in lieu thereof "Except as provided in subsection (o), in each case".

(2) Section 10(d) of the Act is amended—

(A) by striking out "In each case" and inserting in lieu thereof "Except in the case of exports described in subsection (o), in each case"; and

(B) by adding at the end thereof the following: "Notwithstanding the 10-day period set forth in subsection (b), in the case of exports described in subsection (o), in each case in which the Secretary determines that it is necessary to refer an application to any other department or agency for its information and recommendations, the Secretary shall, immediately upon receipt of the properly completed application, refer the application to such department or agency for its review, which review shall be concurrent with that of the Department of Commerce.".

(3) Section 10(e) of the Act is amended—

(A) in paragraph (1)—

(i) by striking out ", within 30 days after its receipt of the application,"; and

(ii) by inserting after the first sentence the following: "The information or recommendations shall be submitted within 20 days after the department or agency receives the application or, in the case of exports described in subsection (o), before the expiration of the time periods permitted by that subsection; and

(B) in paragraph (2)—

(i) by striking out "If the head" and inserting in lieu thereof "(A) Except in the case of exports described in subsection (o), if the head", and

(ii) by adding at the end thereof the following:

"(B) In the case of exports described in subsection (o), if the head of any such department or agency notifies the Secretary, before the expiration of the 15-day period provided in subsection (o)(1), that more time is required for review by such department or agency, the Secretary shall notify the applicant, pursuant to subsection (o)(1)(C), that additional time is required to consider the application, and such department or agency shall have additional time to consider the application within the limits permitted by subsection (o)(2). If such department or agency does not submit its recommendations within the time periods permitted under subsection (o), it shall be deemed by the Secretary to have no objection to the approval of such application.".

(4) Section 10(f) of the Act is amended—

(A) in paragraphs (1), (2), and (4) by adding at the end of each such paragraph the following: "The provisions of this paragraph shall not apply in the case of exports described in subsection (o)."; and

(B) in paragraph (3) by striking out "In the event" and inserting in lieu thereof "Except in the case of exports described in subsection (o), in the event".

(5) Section 10 of the Act, as amended by section 12(a) of this Act, is amended by adding at the end thereof the following new subsection:

"(o) EXPORTS TO MEMBERS OF COORDINATING COMMITTEE.—(1) fifteen working days after the date of formal filing with the Secretary of an individual validated license application for the export of goods or technology to a country that maintains export controls on such goods or technology pursuant to the agreement of the governments participating in the group known as the Coordinating Committee, a license for the transaction specified in the application shall become valid and effective and the goods or technology are authorized for export pursuant to such license unless—

"(A) the application has been otherwise approved by the Secretary, in which case it shall be valid and effective according to the terms of the approval;

"(B) the application has been denied by the Secretary pursuant to this section and the applicant has been so informed; or

"(C) the Secretary requires additional time to consider the application and the applicant has been so informed.

"(2) In the event that the Secretary notifies an applicant pursuant to paragraph (1)(C) that more time is required to consider an individual validated license application, a license for the transaction specified in the application shall become valid and effective and the goods or technology are authorized for export pursuant to such license 30 working days after the date that such license application was formally filed with the Secretary unless—

"(A) the application has been otherwise approved by the Secretary, in which case it shall be valid and effective according to the terms of the approval, or

"(B) the application has been denied by the Secretary pursuant to this section and the applicant was so informed.

"(3) In reviewing an individual license application subject to this subsection, the Secretary shall evaluate the information set forth in the application and the reliability of the end-user.

"(4) Nothing in this subsection shall affect the scope or availability of licenses authorizing multiple exports set forth in section 4(a)(2) of this Act.

"(5) The provisions of this subsection shall take effect on February 1, 1985.".

MILITARILY CRITICAL TECHNOLOGIES

SEC. 108. (a) Section 5(d) of the Act (50 U.S.C. App. 2404(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B) by striking out "and" after "test equipment,";

(B) by adding "and" at the end of subparagraph (C);

(C) by inserting after subparagraph (C) the following:

"(D) keystone equipment which would reveal or give insight into the design and manufacture of a United States military system,"; and

(D) by inserting after "possessed by" the following: ", or available in fact from sources outside the United States to, "; and

(2) by striking out paragraphs (4) through (6) and inserting in lieu thereof the following:

"(4) The Secretary and the Secretary of Defense shall integrate items on the list of militarily critical technologies into the control list in accordance with the requirements of subsection (c) of this section. The integration of items on the list of militarily critical technologies into the control list shall proceed with all deliberate speed. Any disagreement between the Secretary and the Secretary of Defense regarding the integration of an item on the list of militarily critical technologies into the control list shall be resolved by the President. A good or technology shall be included on the control list only if the Secretary finds that proscribed countries do not possess that good or technology, or a functionally equivalent good or technology, and the good or technology or functionally equivalent good or technology is not available in fact to a proscribed country from sources outside the United States in sufficient quantity and of comparable quality so that the requirement of a validated license for the export of such good or technology is or would be ineffective in achieving the purpose set forth in subsection (a) of this section, except in the case of a determination of the President with respect to goods or technology under subsection (f)(1) of this section. The Secretary and the Secretary of Defense shall jointly submit a report to the Congress, not later than October 1, 1985, on actions taken to carry out this paragraph. For the purposes of this paragraph, assessment of whether a good or technology is functionally equivalent shall include consideration of the factors described in subsection (f)(3) of this section.

"(5) The Secretary of Defense shall establish a procedure for reviewing the goods and technology on the list of militarily critical technologies at least annually for the purpose of removing from the list of militarily critical technologies any goods or technology that are no longer militarily critical. The Secretary of Defense may add to the list of militarily critical technologies any good or technology that the Secretary of Defense determines is militarily critical, consistent with the provisions of paragraph (2) of this subsection. If the Secretary and the Secretary of Defense disagree as to whether any change in the list of militarily critical technologies by the addition or removal of a good or technology should also be made in the control list, consistent with the provisions of the fourth sentence of paragraph (4) of this subsection, the President shall resolve the disagreement.

"(6) The establishment of adequate export controls for militarily critical technology and keystone equipment shall be accompanied by suitable reductions in the controls on the products of that technology and equipment.

"(7) The Secretary of Defense shall, not later than October 1, 1985, report to the Congress on efforts by the Department of Defense to assess the impact that the transfer of goods or technology on the list of militarily critical technologies to proscribed countries has had or will have on the military capabilities of those countries.".

FOREIGN POLICY CONTROLS

Sec. 109. (a) Section 6(a) of the Act is amended—

(1) in paragraph (1)—

(A) by striking out "or (8)" and inserting in lieu thereof "(8), or (13)"; and

(B) by inserting in the second sentence after "Secretary of State" the following: ", the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the United States Trade Representative,";

(2) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(3) by inserting after paragraph (1) the following new paragraph:

"(2) Any export control imposed under this section shall apply to any transaction or activity undertaken with the intent to evade that export control, even if that export control would not otherwise apply to that transaction or activity."; and

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by striking out "(e)" and inserting in lieu thereof "(f)".

(b) Section 6(b) of the Act is amended to read as follows:

"(b) Criteria.—(1) Subject to paragraph (2) of this subsection, the President may impose, extend, or expand export controls under this section only if the President determines that—

"(A) such controls are likely to achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls, and that foreign policy purpose cannot be achieved through negotiations or other alternative means;

"(B) the proposed controls are compatible with the foreign policy objectives of the United States and with overall United States policy toward the country to which exports are to be subject to the proposed controls;

"(C) the reaction of other countries to the imposition, extension, or expansion of such export controls by the United States is not likely to render the controls ineffective in achieving the intended foreign policy purpose or to be counterproductive to United States foreign policy interests;

"(D) the effect of the proposed controls on the export performance of the United States, the competitive position of the United States in the international economy, the international reputation of the United States as a supplier of goods and technology, or on the economic well-being of individual United States companies and their employees and communities does not exceed the benefit to United States foreign policy objectives; and

"(E) the United States has the ability to enforce the proposed controls effectively.

"(2) In determining whether to extend export controls in effect under this section on October 1, 1984, as required by subsection (a)(3) of this section, the President shall consider the criteria set forth in paragraph (1) of this subsection and shall consider the foreign policy consequences of modifying the export controls.".

(c) Section 6(c) of the Act is amended to read as follows:

"(c) Consultation With Industry.—The Secretary in every possible instance shall consult with and seek advice from affected United States industries and appropriate advisory committees established under section 135 of the Trade Act of 1974 before imposing any control under this section. Such consultation and advice shall be with respect to the criteria set forth in subsection (b)(1) and such other matters as the Secretary considers appropriate.".

(d) Section 6 of the Act is further amended—

(1) by redesignating subsections (d) through (k) as subsections (e) through (l), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) Consultation With Other Countries.—When imposing export controls under this section, the President shall, at the earliest appropriate opportunity, consult with the countries with which the United States maintains export controls cooperatively, and with such other countries as the President considers appropriate, with respect to the criteria set forth in subsection (b)(1) and such other matters as the President considers appropriate.".

(e) Section 6(f) of the Act, as redesignated by subsection (d) of this section, is amended to read as follows:

"(f) Consultation With the Congress.—(1) The President may impose or expand export controls under this section, or extend such controls as required by subsection (a)(3) of this section, only after consultation with the Congress, including the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(2) The President may not impose, expand, or extend export controls under this section until the President has submitted to the Congress a report—

"(A) specifying the purpose of the controls;

"(B) specifying the determinations of the President with respect to each of the criteria set forth in subsection (b)(1), the bases for such determinations, and any possible adverse foreign policy consequences of the controls;

"(C) describing the nature, the subjects, and the results of, or the plans for, the consultation with industry pursuant to subsection (c) and with other countries pursuant to subsection (d);

"(D) specifying the nature and results of any alternative means attempted under subsection (e), or the reasons for imposing, expanding or extending the controls without attempting any such alternative means; and

"(E) describing the availability from other countries of goods or technology comparable to the goods or technology subject to the proposed export controls, and describing the nature and results of the efforts made pursuant to subsection (h) to secure the cooperation of foreign governments in controlling the foreign availability of such comparable goods or technology. Such report shall also indicate how such controls will further significantly the foreign policy of the United States or will further its declared international obligations.

"(3) To the extent necessary to further the effectiveness of the export controls, portions of a report required by paragraph (2) may be submitted to the Congress on a classified basis, and shall be subject to the provisions of section 12(c) of this Act. Each such report shall, at the same time it is submitted to the Congress, also be submitted to the General Accounting Office for the purpose of assessing the report's full compliance with the intent of this subsection.

"(4) In the case of export controls under this section which prohibit or curtail the export of any agricultural commodity, a report submitted pursuant to paragraph (2) shall be deemed to be the report required by section 7(g)(3) of this Act.

"(5) In addition to any written report required under this section, the Secretary, not less frequently than annually, shall present in oral testimony before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on policies and actions taken by the Government to carry out the provisions of this section.".

(f) Section 6(g) of the Act, as redesignated by subsection (d) of this section, is amended—

(1) by inserting after the first sentence the following: "This section also does not authorize export controls on donations of goods (including, but not limited to, food, educational materials, seeds and hand tools, medicines and medical supplies, water resources equipment, clothing and shelter materials, and basic household supplies) that are intended to meet basic human needs."; and

(2) by striking out the last sentence and inserting in lieu thereof the following: "This subsection shall not apply to any export control on medicine, medical supplies, or food, except for donations, which is in effect on the date of the enactment of the Export Administration Amendments Act of 1984. Notwithstanding the preceding provisions of this subsection, the President may impose export controls under this section on medicine, medical supplies, food, and donations of goods in order to carry out the policy set forth in paragraph (13) of section 3 of this Act.".

(g)(1) Section 6(h) of the Act, as redesignated by subsection (d) of this section, is amended—

(A) by inserting "(1)" immediately before the first sentence; and

(B) by adding at the end thereof the following:

"(2) Before extending any export control pursuant to subsection (a)(3) of this section, the President shall evaluate the results of his actions under paragraph (1) of this subsection and shall include the results of that evaluation in his report to the Congress pursuant to subsection (f) of this section.

"(3) If, within 6 months after the date on which export controls under this section are imposed or expanded, or within 6 months after the date of the enactment of the Export Administration Amendments Act of 1984 in the case of export controls in effect on such date of enactment, the President's efforts under paragraph (1) are not successful in securing the cooperation of foreign governments described in paragraph (1) with respect to those export controls, the Secretary shall thereafter take into account the foreign availability of the goods or technology subject to the export controls. If the Secretary affirmatively determines that a good or technology subject to the export controls is available in sufficient quantity and comparable quality from sources outside the United States to countries subject to the export controls so that denial of an export license would be ineffective in achieving the purposes of the controls, then the Secretary shall, during the period of such foreign availability, approve any license application which is required for the export of the goods or technology and which meets all requirements for such a license. The Secretary shall remove the goods or technology from the list established pursuant to subsection (l) of this section if the Secretary determines that such action is appropriate.

"(4) In making a determination of foreign availability under paragraph (3) of this subsection, the Secretary shall follow the procedures set forth in section 5(f)(3) of this Act.".

(2) The amendments made by paragraph (1) of this subsection shall not apply to export controls imposed under subsection (i), (j), or (k) of section 6 of the Act (as redesignated by subsection (d) of this section) before the date of the enactment of this Act.

(h) Section 6(i) of the Act, as redesignated by subsection (d) of this section, is amended by striking out "(f), and (g)" and inserting in lieu thereof "(e), (g), and (h)".

(i)(1) Section 6(j) of the Act, as redesignated by subsection (d) of this section, is amended to read as follows:

"(j) Countries Supporting International Terrorism.—(1) The Secretary and the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 days before any license is approved for the export of goods or technology valued at more than $7,000,000 to any country concerning which the Secretary of State has made the following determinations:

"(A) Such country has repeatedly provided support for acts of international terrorism.

"(B) Such exports would make a significant contribution to the military potential of such country, including its military logistics capability, or would enhance the ability of such country to support acts of international terrorism.

"(2) Any determination which has been made with respect to a country under paragraph (1) of this subsection may not be rescinded unless the President, at least 30 days before the proposed rescission would take effect, submits to the Congress a report justifying the rescission and certifying that—

"(A) the country concerned has not provided support for international terrorism, including support or sanctuary for any major terrorist or terrorist group in its territory, during the preceding 6-month period; and

"(B) the country concerned has made explicit assurances that it will not support acts of international terrorism in the future.".

(2) Any determination with respect to any country which was made before January 1, 1982, under section 6(i) of the Act, as in effect before the date of the enactment of this Act, and which was no longer in effect on the date of the enactment of this Act, shall be reinstated upon the expiration of 90 days after such date of enactment unless, within that 90-day period, the President submits a report under section 6(j)(2) of the Act, as amended by subsection (d) of this section and paragraph (1) of this subsection, containing the certification described in such section 6(j)(2) with respect to that country.

(j)(1) Section 6(k)(1) of the Act, as redesignated by subsection (d) of this section, is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this Act—

"(A) any determination of the Secretary of what goods or technology shall be included on the list established pursuant to subsection (l) of this section as a result of the export restrictions imposed by this subsection shall be made with the concurrence of the Secretary of State, and

"(B) any determination of the Secretary to approve or deny an export license application to export crime control or detection instruments or equipment shall be made in concurrence with the recommendations of the Secretary of State submitted to the Secretary with respect to the application pursuant to section 10(e) of this Act,

except that if the Secretary does not agree with the Secretary of State with respect to any determination under subparagraph (A) or (B), the matter shall be referred to the President for resolution.".

(2) The amendment made by paragraph (1) of this subsection shall apply to determinations of the Secretary of Commerce which are made on or after the date of the enactment of this Act.

(k) Section 6(l) of the Act, as redesignated by subsection (d) of this section, is amended—

(1) in the first sentence by striking out "commodity"; and

(2) by amending the second sentence to read as follows: "The Secretary shall clearly identify on the control list which goods of technology, and which countries or destinations, are subject to which types of controls under this section.".

(l) Section 6 of the Act is further amended by adding at the end thereof the following:

"(m) Effect on Existing Contracts and Licenses.—The President may not, under this section, prohibit or curtail the export or reexport of goods, technology, or other information—

"(1) in performance of a contract or agreement entered into before the date on which the President reports to the Congress, pursuant to subsection (f) of this section, his intention to impose controls on the export or reexport of such goods, technology, or other information; or

"(2) under a validated license or other authorization issued under this Act;

unless and until the President determines and certifies to Congress that (A) a breach of the peace poses a serious and direct threat to the strategic interest of the United States, (B) the prohibition or curtailment of such contracts or agreements will be instrumental in remedying the situation posing the direct threat, and (C) the controls shall continue only so long as such direct threat persists.

"(n) Extension of Certain Controls.—Those export controls imposed under this section with respect to South Africa which were in effect on February 28, 1982, and ceased to be effective on March 1, 1982, September 15, 1982, or January 20, 1983, shall become effective on the date of the enactment of this subsection, and shall remain in effect until 1 year after such date of enactment. At the end of that 1-year period, any of those controls made effective by this subsection may be extended by the President in accordance with subsection (b) and (f) of this section.

"(o) Expanded Authority To Impose Controls.—(1) In any case in which the President determines that it is necessary to impose controls under this section—

"(A) with respect to goods, technology, other information, or persons other than that authorized by subsection (a)(1) of this section; or

"(B) without any limitation contained in subsection (c), (d), (e), (g), (h), or (m) of this section,

the President may impose those controls only if the President submits that determination to the Congress, together with a report pursuant to subsection (f) of this section with respect to the proposed controls, and only if a law is enacted authorizing the imposition of those controls. If a joint resolution authorizing the imposition of those controls is introduced in either House of Congress within 30 days of continuous session after the Congress receives the determination and report of the President, that joint resolution shall immediately be referred to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives. If either such committee has not reported the joint resolsution at the end of 30 days of continuous session after its referral, such committee shall be deemed to be discharged from further consideration of the resolution.

"(2) For purposes of this subsection, the term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: "That the Congress, having received on a determination of the President under section 6(o)(1) of the Export Administration Act of 1979 with respect to the export controls which are set forth in the report submitted to the Congress with that determination, authorizes the President to impose those export controls.', with the date of the receipt of the determination and report inserted in the blank.

"(3) For purposes of this subsection—

"(A) continuity of session is broken only by an adjournment of the Congress sine die, and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.".

METALLIC SCRAP

Sec. 110. Section 7(c) of the Act (50 U.S.C. App. 2406(c)) is amended to read as follows:

"(c) Petitions for Monitoring or Controls.—(1)(A) Any entity, including a trade association, firm, or certified or recognized union or group of workers, that is representative of an industry or a substantial segment of an industry that process metallic materials capable of being recycled may transmit a written petition to the Secretary requesting the monitoring of exports or the imposition of export controls, or both, with respect to such material, in order to carry out the policy set forth in section 3(2)(C) of this Act.

"(B) Each petition shall be in such form as the Secretary shall prescribe and shall contain information in support of the action requested. The petition shall include any information reasonably available to the petitioner indicating that each of the criteria set forth in paragraph (3)(A) of this subsection is satisfied.

"(2) Within 15 days after receipt of any petition described in paragraph (1), the Secretary shall publish a notice in the Federal Register. The notice shall (A) include the name of the material that is the subject of the petition, (B) include the Schedule B number of the material as set forth in the Statistical Classification of Domestic and Foreign Commodities Exported from the United States, (C) indicate whether the petitioner is requesting that controls or monitoring, or both, be imposed with respect to the exportation of such material, and (D) provide that interested persons shall have a period of 30 days beginning on the date of publication of such notice to submit to the Secretary written data, views or arguments, with or without opportunity for oral presentation, with respet to the matter involved. At the request of the petitioner or any other entity described in paragraph (1)(A) with respect to the material that is the subject of the petition, or at the request of any entity representative of producers of exporters of such material, the Secretary shall conduct public hearings with respect to the subject of the petition, in which case the 30-day period may be extended to 45 days.

"(3)(A) Within 45 days after the end of the 30- or 45-day period described in paragraph (2), as the case may be, the Secretary shall determine whether to impose monitoring or controls, or both, on the export of such material, in order to carry out the policy set forth in section 3(2)(C) of this Act. In making such determination, the Secretary shall determine whether—

"(I) there has been a significant increase, in relation to a specific period of time, in exports of such material in relation to domestic supply and demand;

"(ii) there has been a significant increase in the domestic price of such material or a domestic shortage of such material relative to demand;

"(iii) exports of such material are as important as any other cause of a domestic price increase or shortage relative to demand found pursuant to clause (ii);

"(iv) a domestic price increase or shortage relative to demand found pursuant to clause (ii) has significantly adversely affected or may significantly adversely affect the national economy or any sector thereof, including a domestic industry; and

"(v) monitoring or controls, or both, are necessary in order to carry out the policy set forth in section 3(2)(C) of this Act.

"(B) The Secretary shall publish in the Federal Register a detailed statement of the reasons for the Secretary's determination pursuant to subparagraph (A) of whether to impose monitoring or controls, or both, including the findings of fact in support of that determination.

"(4) Within 15 days after making a determination under paragraph (3) to impose monitoring or controls on the export of a material, the Secretary shall publish in the Federal Register proposed regulations with respect to such monitoring or controls. Within 30 days following the publication of such proposed regulations, and after considering any public comments thereon, the Secretary shall publish and implement final regulations with respect to such monitoring or controls.

"(5) For purposes of publishing notices in the Federal Register and scheduling public hearings pursuant to this subsection, the Secretary may consolidate petitions, and responses thereto, which involve the same or related materials.

"(6) If a petition with respect to a particular material or group of materials has been considered in accordance with all the procedures prescribed in this subsection, the Secretary may determine, in the absence of significantly changed circumstances, that any other petition with respect to the same material or group of materials which is filed within 6 months after the consideration of the prior petition has been completed does not merit complete consideration under this subsection.

"(7) The procedures and time limits set forth in this subsection with respect to a petition filed under this subsection shall take precedence over any review undertaken at the initiative of the Secretary with respect to the same subject as that of the petition.

"(8) The Secretary may impose monitoring or controls on a temporary basis after a petition is filed under paragraph (1)(A) but before the Secretary makes a determination under paragraph (3) only if (A) the failure to take such temportary action would result in irreparable harm to the entity filing the petition, or to the national economy or segment thereof, including a domestic industry, and (B) the Secretary considers such action to be necessary to carry out the policy set forth in section 3(2)(C) of this Act.

"(9) The authority under this subsection shall not be construed to affect the authority of the Secretary under any other provision of this Act, except that if the Secretary determines, on the Secretary's own initiative, to monitor, control, or both, the export of metallic materials capable of being recycled, pursuant to the authority of this section, the Secretary shall publish the reasons for such action in accordance with paragraph (3)(A) and (B).

"(10) Nothing contained in this subsection shall be construed to preclude submission on a confidential basis to the Secretary of information relevant to a decision to impose or remove monitoring or controls under the authority of this Act, or to preclude consideration of such information by the Secretary in reaching decisions required under this subsection. The provisions of this paragraph shall not be construed to affect the applicability of section 552(b) of title 5, United States Code.".

SHORT SUPPLY CONTROLS

Sec. 111. (a) Section 7(d) of the Act (50 U.S.C. App. 2406(d)) is amended—

(1) in paragraph (1) by striking out "unless" and all that follows through "met" and inserting in lieu thereof "subject to paragraph (2) of this subsection";

(2) in paragraph (2)(A) by striking out "makes and publishes" and inserting in lieu thereof "so recommends to the Congress after making and publishing";

(3) in paragraph (2)(B)—

(A) by striking out "reports such findings" and inserting in lieu thereof "includes such findings in his recommendation"; and

(B) by striking out "thereafter" and all that follows through the end of the sentence and inserting in lieu thereof "after receiving that recommendation, agrees to a joint resolution which approves such exports on the basis of those findings, and which is thereafter enacted into law."; and

(4) by adding at the end thereof the following:

"(4) Notwithstanding the provisions of section 20 of this Act, the provisions of this subsection shall expire on Septembrer 30, 1990.".

(h) Section 7(e)(1) of the Act is amended in the first sentence by striking out "No" and inserting in lieu thereof the following: "In any case in which the President determines that it is necessary to impose export controls on refined petroleum products in order to carry out the policy set forth in section 3(2)(C) of this Act, the President shall notify the Congress of that determination. The President shall also notify the Congress if and when he determines that such export controls are no longer necessary. During any period in which a determination that such export controls are necessary is in effect, no".

(c)(1) Section 7(i)(1) of the Act is amended—

(A) in the last sentence by inserting "harvested from State or Federal lands" after "red cedar logs";

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(C) by inserting after paragraph (1) the following new paragraphs:

"(2) To the maximum extent practicable, the Secretary shall utilize the multiple validated export licenses described in section 4(a)(2) of this Act in lieu of a validated license for exports under this subsection.".

(2) Section 7(i)(5)(A) of the Act, as redesignated by paragraph (1)(3) of this subsection, is amended to read as follows:

"(A) lumber of American Lumber Standards Grades of Number 3 dimension or better, or Pacific Lumber Inspection Bureau Export R-List Grades of Number 3 common or better;".

(d) Section 7(g)(3) of the Act is amended to read as follows:

"(3)(A) If the President imposes export controls on any agricultural commodity in order to carry out the policy set forth in paragraph (2)(B), (2)(C), (7), or (8) of section 3 of this Act, the President shall immediately transmit a report on such action to the Congress, setting forth the reasons for the controls in detail and specifying the period of time, which may not exceed 1 year, that the controls are proposed to be in effect. If the Congress, within 60 days after the date of its receipt of the report, adopts a joint resolution pursuant to paragraph (4) approving the imposition of the export controls, then such controls shall remain in effect for the period specified in the report, or until terminated by the President, whichever occurs first. If the Congress, within 60 days after the date of its receipt of such report, fails to adopt a joint resolution approving such controls, then such controls shall cease to be effective upon the expiration of such 60-day period.

"(B) The provisions of subparagraph (A) and (4) shall not apply to export controls—

"(i) which are extended under this Act if the controls, when imposed, were approved by the Congress under subparagraph (A) and paragraph (4); or

"(ii) which are imposed with respect to a country as part of the prohibition or curtailment of all exports to that country.

"(4)(A) For purposes of this paragraph, the term 'resolution' means only a joint resolution the matter after the resolving clause of which is as follows: 'That, pursuant to section 7(g)(3) of the Export Administration Act of 1979, the President may impose export controls as specified in the report submitted to the Congress on —— .', with the blank space being filled with the appropriate date.

"(B) On the day on which a report is submitted to the House of Representatives and the Senate under paragraph (3), a joint resolution with respect to the export controls specified in such report shall be introduced (by request) in the House by the Chairman of the Committee on Foreign Affairs, for himself and the ranking minority member of the Committee, or by Members of the House designated by the chairman and ranking minority member; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such a report is submitted, the joint resolution shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session.

"(C) All joint resolutions introduced in the House of Representatives shall be referred to the appropriate committee and all joint resolutions introduced in the Senate shall be referred to the Committee on Banking, Housing, and Urban Affairs.

"(D) If the committee of either House to which a joint resolution has been referred has not reported the joint resolution at the end of 30 days after its referral, the committee shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter.

"(E) A joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and passage of joint resolutions under this paragraph, it shall be in order for the Committee on Rules of the House of Representatives (notwithstanding the provisions of clause 4(b) of Rule XI of the Rules of the House of Representatives) to present for immediate consideration, on the day reported, a resolution of the House of Representatives providing procedures for the consideration of a joint resolution under this paragraph similar to the procedures set forth in section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

"(F) In the case of a joint resolution described in subparagraph (A), if, before the passage by one House of a joint resolution of that House, that House receives a resolution with respect to the same matter from the other House, then—

"(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(ii) the vote on final passage shall be on the joint resolution of the other House.

"(5) In the computation of the period of 60 days referred to in paragraph (3) and the period of 30 days referred to in subparagraph (D) of paragraph (4), there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.".

(e) Section 7 of the Act is further amended by striking out subsection (j) and inserting in lieu thereof the following:

"(j) Effect of Controls on Existing Contracts.—The export restrictions contained in subsection (i) of this section and any export controls imposed under this section shall not affect any contract to harvest unprocessed western red cedar from State lands which was entered into before October 1, 1979, and the performance of which would make the red cedar available for export. Any export controls imposed under this section on any agriculatural commodity, including fats and oils and animal hides and skins, or on any forest product or fishery product, shall not affect any contract to export entered into before the date on which such controls are imposed. For purposes of this subsection, the term 'contract to export' includes, but is not limited to, an export sales agreement and an agreement to invest in an enterpirse which involves the export of goods or technology.".

LICENSING PROCEDURES

Sec. 112. (a) Section 10 of the Act (50 U.S.C. App. 2409) is amended—

(1) by striking out "60" each place it appears and inserting in lieu thereof "40";

(2) by striking out "90" each place it appears and inserting in lieu thereof "60"; and

(3) by striking out "30" each place it appears and inserting in lieu thereof "20";

(b) Section 10(f)(2) of the Act is amended—

(1) by inserting "in writing" after "inform the applicant"; and

(2) by striking out ", and shall accord" and all that follows through the end of the paragraph and inserting in lieu thereof the following: ". Before a final determination with respect to the application is made, the applicant shall be entitled—

"(A) to respond in writing to such questions, considerations, or recommendations within 30 days after receipt of such information from the Secretary; and

"(B) upon the filing of a written request with the Secretary within 15 days after the receipt of such information, to respond in person to the department or agency raising such questions, considerations, or recommendations.".

(c) Section 10(f)(3) of the Act is amended by striking out the first sentence and inserting in lieu thereof the following: "In cases where the Secretary has determined that an application should be denied, the applicant shall be informed in writing, within 5 days after such determination is made, of—

"(A) the determination,

"(B) the statutory basis for the proposed denial,

"(C) the policies set forth in section 3 of this Act which would be furthered by the proposed denial,

"(D) what if any modifications in or restrictions on the goods or technology for which the license was sought would allow such export to be compatible with export controls imposed under this Act,

"(E) which officers and employees of the Department of Commerce who are familiar with the application will be made reasonably available to the applicant for considerations with regard to such modifications or restrictions, if appropriate,

"(F) to the extent consistent with the national security and foreign policy of the United States, the specific considerations which led to the determination to deny the application, and

"(G) the availability of appeal procedures.

The Secretary shall allow the applicant at least 30 days to respond to the Secretary's determination before the license application is denied.".

(d) Section 10 of the Act is amended—

(1) in the section heading by adding "; other inquiries" after "applications"; and

(2) by adding at the end thereof the following new subsection:

"(k) Changes in Requirements for Applications.—Except as provided in subsection (b)(3) of this section, in any case in which, after a license application is submitted, the Secretary changes the requirements for such a license application, the Secretary may request appropriate additional information of the applicant, but the Secretary may not return the application to the applicant without action because it fails to meet the changed requirements.

"(l) Other Inquiries.—(1) In any case in which the Secretary receives a written request asking for the proper classification of a good or technology on the control list, the Secretary shall, within 10 working days after receipt of the request, inform the person making the request of the proper classification.

"(2) In any case in which the Secretary receives a written request for information about the applicability of export license requirements under this Act to a proposed export transaction or series of transactions, the Secretary shall, within 30 days after receipt of the request, reply with that information to the person making the request.

"(m) Small Business Assistant.—Not later than 120 days after the date of the enactment of this subsection, the Secretary shall develop and tramsit to the Congress a plan to assist small businesses in the export licensing application process under this Act. The plan shall include, among other things, arrangements for counseling small businesses on filing applications and identifying goods or technology on the control list, proposals for seminars and conferences to educate small businesses on export controls and licensing procedures, and the preparation of informational brochures.

"(n) Reports on License Applications.—(1) Not later than 180 days after the date of the enactment of this subsection, and not later than the end of each 3-month period thereafter, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate a report listing—

"(A) all applications on which action was completed during the preceding 3-month period and which required a period longer than the period permitted under subsection (c), (f)(1), or (h) of this section, as the case may be, before notification of a decision to approve or deny the application was sent to the applicant; and

"(B) in a separate section, all applications which have been in process for a period longer than the period permitted under subsection (c), (f)(1), or (h) of this section, as the case may be, and upon which final action has not been taken.

"(2) With regard to each application, each listing shall identify—

"(A) the application case number;

"(B) the value of the goods or technology to which the application relates;

"(C) the country of destination of the goods or technology;

"(D) the date on which the application was received by the Secretary;

"(E) the date on which the Secretary approved or denied and the application;

"(F) the date on which the notification of approval or denial of the application was sent to the applicant; and

"(G) the total number of days which elapsed between receipt of the application, in its properly completed form, and the earlier of the last day of the 3-month period to which the report relates, or the date on which notification of approval or denial of the application was sent to the applicant.

"(3) With respect to an application which was referred to other departments or agencies, the listing shall also include—

"(A) the departments or agencies to which the application was referred;

"(B) the date or dates of such referral; and

"(C) the date or dates on which recommendations were received from those departments or agencies.

"(4) With respect to an application referred to any other department or agency which did not submit or has not submitted its recommendations on the application within the period permitted under subsection (e) of this section to submit such recommendations, the listing shall also include—

"(A) the office responsible for processing the application and the position of the officer responsible for the office; and

"(B) the period of time that elapsed before the recommendations were submitted or that has elapsed since referral of the application, as the case may be.

"(5) Each report shall also provide an introduction which contains—

"(A) a summary of the number of applications described in paragraph (1) (A) and (B) of this subsection, and the value of the goods or technology involved in the applications, grouped according to—

"(i) the number of days which elapsed before action on the applications was completed, or which has elapsed without action on the applications being completed, as follows: 61 to 75 days, 76 to 90 days, 91 to 105 days, 106 to 120 days, and more than 120 days; and

"(ii) the number of days which elapsed before action on the applications was completed, or which has elapsed without action on the applications being completed, beyond the period permitted under subsection (c), (f)(1), or (h) of this section for the processing of applications, as follows: not more than 15 days, 16 to 30 days, 31 to 45 days, 46 to 60 days, and more than 60 days; and

"(B) a summary by country of destination of the number of applicants described in paragraph (1)(A) and (B) of this subsection, and the value of the goods or technology involved in the applications, on which action was not completed within 60 days.".

VIOLATIONS

Sec. 113. (a) Section 11(a) of the Act (50 U.S.C. App. 2410(a)) is amended by inserting after "violates" the following: "or conspires to or attempts to violate".

(b) Section 11(b) of the Act is amended—

(1) in paragraph (1)—

(A) by striking out "exports anything contrary to" and inserting in lieu thereof "violates or conspires to or attempts to violate";

(B) by striking out "such exports" and inserting in lieu thereof "the exports involved"; and

(C) by inserting after "benefit of" the following: ", or that the destination or intended destination of the goods or technology involved is,";

(2) in paragraph (2) by striking out the last sentence; and

(3) by adding after paragraph (2) the following new paragraphs:

"(3) Any person who possesses any goods or technology—

"(A) with the intent to export such goods or technology in violation of an export control imposed under section 5 or 6 of this Act or any regulation, order, or license issued with respect to such control, or

"(B) knowing or having reason to believe that the goods or technology would be so exported,

shall, in the case of a violation of an export control imposed under section 5 (or any regulation, order, or license issued with respect to such control), be subject to the penalties set forth in paragraph (1) of this subsection and shall, in the case of a violation of an export control imposed under section 6 (or any regulation, order, or license issued with respect to such control), be subject to the penalties set forth in subsection (a).

"(4) any person who takes any action with the intent to evade the provisions of this Act or any regulation, order, or license issued under this Act shall be subject to the penalties set forth in subsection (a), except that in the case of an evasion of an export control imposed under section 5 or 6 of this Act (or any regulation, order, or license issued with respect to such control), such peson shall be subject to the penalties set forth in paragraph (1) of this subsection.

"(5) Nothing in this subsection or subsection (a) shall limit the power of the Secretary to define by regulations violations under this Act.".

(c) Section 11(c) of the Act is amended by adding at the end thereof of the following new paragraph:

"(3) An exception to any order issued under this Act which revokes the authority of a United States person to export goods or technology may not be made unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate are first consulted concerning the exception.

"(4) The President may provide by regulation standards for establishing levels of civil penalty as provided in this subsection based upon the seriousness of the violation, the culpability of the violator, and the violator's record of cooperation with the Government in disclosing the violation.".

(d) Section 11(e) of the Act is amended—

(1) by inserting after "subsection (c)" the following: "or any amounts realized from the forefeiture of any property interest or proceeds pursuant to subsection (g)"; and

(2) by inserting after "refund any such penalty" the following: "imposed pursuant to subsection (c)".

(e) Section 11 of the Act is further amended by redesignating subsection (g) as subsection (i) and by inserting after subsection (f) the following new subsections:

"(g) Forfeiture of Property Interest and Proceeds.—(1) Any person who is convicted under subsection (a) or (b) of a violation of an export control imposed under section 5 of this Act (or any regulation, order, or license issued with respect to such control) shall, in addition to any other penalty, forfeit to the United States—

"(A) any of his interest in, security of, claim against, or property or contractual rights of any kind in the goods or tangible items that were the subject of the violation;

"(B) any of his interest in, security of, claim against, or property or contractural rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation; and

"(C) any of his property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

"(2) The procedures in any forfeiture under this subsection, and the duties and authority of the courts of the United States and the Attorney General with respect to any forfeiture action under this section or with respect to any property that may be subject to forfeiture under this section, shall be governed by the provisions of section 1963 of title 18, United States Code.

"(h) Prior Convictions.—No person convicted of a violation of section 793, 794, or 798 of title 18, United States Code, section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be eligible, at the discretion of the Secretary, to apply for or use any export license for a period for up to 10 years from the date of the conviction. Any outstanding export license in which such person has an interest may be revoked, at the discretion of the Secretary, at the time of the conviction.".

(f) Section 11(i) of the Act, as redesignated by subsection (e) of this section, is amended by striking out "(or (f)" and inserting in lieu thereof "(f), (g), or (h)".

ADMINISTRATIVE PROCEDURE

Sec. 114. Section 13 of the Act (50 U.S.C. App. 2412) is amended by adding at the end thereof the following:

"(c) Procedures Relating to Civil Penalties and Sanctions.—(1) In any case in which a civil penalty or other civil sanction (other than a temporary denial order or a penalty or sanction for a violation of section 8) is sought under section 11 of this Act, the charged party is entitled to receive a formal complaint specifying the charges and, at his or her request, to contest the charges in a hearing before an administrative law judge. Before such hearing is held, the charged party may submit a response to the complaint, including briefs and other supporting materials. The charged party and the Government may present and cross-examine relevant witnesses. With the approval of the administrative law judge, the Government may present evidence in camera in the presence of the charged party or his or her representative. The charged party may argue orally his or her case in recorded proceedings before the administrative law judge, who shall then make his or her findings of fact and conclusions of law in a written decision, which shall be referred to the Secretary. The Secretary shall, in a written order, affirm, modify, or vacate the decision of the administrative law judge within 30 days after receiving the decision. The order of the Secretary shall be final and is not subject to judicial review.

"(2) The proceedings described in paragraph (1) shall be concluded within a period of 1 year after the compliant is submitted, unless the administrative law judge extends such period for good cause shown.

"(d) Imposition of Temporary Denial Orders.—(1) In any case in which it is necessary, in the public interest, to prevent an imminent violation of this Act or any regulation issued under this Act, the Secretary may, without a hearing, issue an order temporarily denying United States export privileges (hereinafter in this subsection referred to as a 'temporary denial order') to a person. A temporary denial order may be effective no longer than 60 days unless renewed in writing by the Secretary for additional 60-day periods in order to prevent such an imminent violation, except that a temporary denial order may be renewed only after notice and an opportunity for a hearing is provided.

"(2) A temporary denial order shall define the imminent violation and state why the temporary denial order was granted without a hearing. The person or persons subject to the issuance or renewal of a temporary denial order may file an appeal of the temporary denial order with an administrative law judge who shall, within 10 working days after the appeal is filed, recommend that the temporary denial order be affirmed, modified, or vacated. Parties may submit briefs and other material to the judge. The recommendation of the administrative law judge shall be submitted to the Secretary who shall either accept, reject, or modify the recommendation by written order within 5 working days after receiving the recommendation. The written order of the Secretary under the preceding sentence shall be final and is not subject to judicial review. The temporary denial order shall be affirmed only if it is reasonable to believe that the order is required in the public interest to prevent an imminent violation of this Act or any regulation issued under this Act.

"(e) APPEALS FROM LICENSE DENIALS.—A determination of the Secretary, under section 10(f) of this Act, to deny a license may be appealed by the applicant to an administrative law judge who shall have the authority to conduct proceedings to determine only whether the item sought to be exported is in fact on the control list. Such proceedings shall be conducted within 90 days after the appeal is filed. Any determination by an administrative law judge under this subsection and all materials filed before such judge in the proceedings shall be reviewed by the Secretary, who shall either affirm or vacate the determination in a written decision within 30 days after receiving determination. The Secretary's written decision shall be final and is not subject to judicial review. Subject to the limitations provided in section 12(c) of this Act, the Secretary's decision shall be published in the Federal Register.

"(f) APPOINTMENT OF ADMINISTRATIVE LAW JUDGES.—Any person who, for at least 2 of the 10 years immediately preceding the date of the enactment of the Export Administration Amendments Act of 1984, has served as a hearing commissioner of the Department of Commerce, shall be considered as qualified for selection and appointment as an administrative law judge under section 3105 of title 5, United States Code.".

ANNUAL REPORT

SEC. 115. Section 14 of the Act (50 U.S.C. App. 2413) is amended by adding at the end thereof the following:

"(e) REPORT ON EXPORTS TO PROSCRIBED COUNTRIES.—The Secretary shall include in each annual report a detailed report which lists every license during the year approved under the provisions of this Act for exports to proscribed countries. Such report shall specify to whom such license was granted, the type of good or technology exported, and the country receiving such good or technology. The information required by this subsection shall be subject to the provisions of section 129(c) of this Act.

"(f) REPORT ON DOMESTIC ECONOMIC IMPACT OF EXPORTS TO PROSCRIBED COUNTRIES.—The Secretary shall include in each annual report a detailed description of the extent of injury to United States industry and the extent of job displacement caused by United States exports of goods and technology to proscribed countries. This report shall also include a full analysis of the consequences of exports of turnkey plants and manufacturing facilities to such countries which are used by such countries to produce goods for export to the United States or to compete with United States products in export markets.". Review by the Secretary of Defense and the Secretary of State.

SEC. 116. Section 15 of the Act (50 U.S.C. App. 2414) is amended by adding the following new sentence at the end thereof: "Any such regulations issued to carry out the provisions of section 5, or of section 4(a) for the purpose of administering the provisions of section 5, may be issued only after submission of the regulations for review to the Secretary of Defense, the Secretary of State, and such other departments and agencies as the Secretary considers appropriate. The preceding sentence does not require the concurrence or approval by any official, department, or agency to which such regulations are submitted.".

DEFINITIONS

SEC. 117. Section 16 of the Act (50 U.S.C. App. 2415) is amended—

(1) in paragraph (3), by inserting "natural or manmade substance," after "article,";

(2) by amending paragraph (4) to read as follows:

"(4) the term 'technology' means the information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data, but not the goods themselves;";

(3) by redesignating paragraph (5) as paragraph (8); and

(4) by inserting after paragraph (4) the following new paragraphs:

"(5) the term 'export' means—

"(A) an actual shipment, transfer, or transmission of goods or technology out of the United States;

"(B) a transfer of goods or technology in the United States to an embassy or affiliate of a controlled country; or

"(C) a transfer to any person of goods or technology either within the United States or outside of the United States with the knowledge or intent that the goods or technology will be shipped, transferred, or transmitted to an unauthorized recipient; and

"(6) the term 'United States' means the States of the United States, the District of Columbia, and any commonwealth, territory, dependecy, or possession of the United States, and includes the outer Contential Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a));".

EFFECT ON OTHER ACTS

SEC. 118. (a) Section 17(a) of the Act (50 U.S.C. App. 2416(a)) is amended by striking out "Nothing" and inserting in lieu thereof "Except as otherwise provided in this Act, nothing".

(b) Section 17 of the Act is further amended by adding at the end thereof the following:

"(f) AGRICULTURAL ACT OF 1970.—Nothing in this Act shall affect the provisions of the last sentence of section 812 of the Agricultural Act of 1970. (7 U.S.C.) 612c-3).".

AUTHORIZATION OF APPROPRIATIONS

SEC. 119. Section 18 of the Act (50 U.S.C. App. 2417) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 18. (a) REQUIREMENT OF AUTHORIZING LEGISLATION.—(1) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out the purposes of this Act may be obligated or expended only if—

"(A) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of the Export Administration Amendments Act of 1984; or

"(B) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

"(2) To the extent that legislation enacted after the making of an appropriation to carry out the purposes of this Act authorized the obligation or expenditure thereof, the limitation contained in paragraph (1) shall have no effect.

"(3) The provisions of this subsection shall not be superseded except by a provision of law enacted after the date of the enactment of the Export Administration Amendments Act of 1984 which specifically repeals, modifies, or supersedes the provisions of this subsection.

"(b) AUTHORIZATION.—They are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

"(1) $24,600,000 for the fiscal year 1985, of which $8,712,000 shall be available only for enforcement, $1,851,000 shall be available only for foreign availability assessments under subsections (f) and (h)(6) of section 5 of this Act, and $14,037,000 shall be available for all other activities under this Act;

"(2) $28,000,000 for the fiscal year 1986, of which $10,000,000 shall be available only for enforcement, $2,000,000 shall be available for foreign availability assessments under subsections (f) and (h)(6) of section 5 of this Act, and $16,000,000 shall be available for all other activities under this Act; and

"(3) such additional amounts for each of the fiscal years 1985 and 1986 as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.".

TERMINATION OF AUTHORITY

SEC. 120. Section 20 of the Act (50 U.S.C. App. 2419) is amended to read as follows:

"TERMINATION DATE

"SEC. 20. The authority granted by this Act terminates on September 30, 1989.".

HOURS OF OFFICE OF EXPORT ADMINISTRATION

SEC. 121. The Secretary of Commerce shall modify the office hours of the Office of Export Administration of the Department of Commerce on at least four days of each workweek so as to accommodate communications to the Office by exporters throughout the continental United States during the normal business hours of those exporters.

CIVIL PENALTIES

SEC. 122. Section 11(c)(1) of the Act is amended by striking out "head" and all that follows through "thereof" and inserting in lieu thereof "Secretary (and officers and employees of the Department of commerce specifically designated by the Secretary)".

ENFORCEMENT

SEC. 123. (a) Section 12(a) of the Act (50 U.S.C. App. 2411(a)) is amended—

(1) by inserting "(1)" immediately before the first sentence;

(2) by striking out "may make such investigations and" and inserting in lieu thereof "(A) may make such investigations within the United States, and the Commissioner of Customs (and officers or employees of the United States Customs Service specifically designated by the Commissioner) may make

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such investigations outside of the United States, and (B) May";

(3) By striking out "the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and" and inserting in lieu thereof "a district court of the United States,";

(4) by adding at the end thereof the following new sentence: "In addition to the authority conferred by this paragraph, the Secretary (and officers or employees of the Department of Commerce designated by the Secretary) may conduct, outside the United States, prelicense investigations and postshipment verifications of items licensed for export, and investigations in the enforcement of section 8 of this Act."; and

(5) by adding at the end thereof the following new paragraphs:

"(2)(A) Subject to subparagraph (B) of this paragraph, the United States Customs Service is authorized, in the enforcement of this Act, to search, detain (after search), and seize goods or technology at those ports of entry or exit from the United States where officers of the Customs Service are authorized by law to conduct such searches, detentions, and seizures, and at those places outside the United States where the Customs Service, pursuant to agreements or other arrangements with other countries, is authorized to perform enforcement activities.

"(B) An officer of the United States Customs Service may do the following in carrying out enforcement authority under this Act:

"(i) Stop, search, and examine a vehicle, vessel, aircraft, or person on which or whom such officer has reasonable cause to suspect there are any goods or technology that has been, is being, or is about to be exported from the United States in violation of this Act.

"(ii) Search any package or container in which such officer has reasonable cause to suspect there are any goods or technology that has been, is being, or is about to be exported from the United States in violation of this Act.

"(iii) Detain (after search) or seize and secure for trial any goods or technology on or about such vehicle, vessel, aircraft, or person, or in such package or container, if such officer has probable cause to believe the goods or technology has been, is being, or is about to be exported from the United States in violation of this Act.

"(iv) Make arrests without warrant for any violation of this Act committed in his or her presence or view or if the officer has probable cause to believe that the person to be arrested has committed or is committing such a violation.

The arrest authority conferred by clause (iv) of this subparagraph is in addition to any arrest authority under other laws.

"(3)(A) Subject to subparagraph (B) of this paragraph, the Secretary shall have the responsibility for the enforcement of section 8 of this Act and, in the enforcement of the other provisions of this Act, the Secretary is authorized to search, detain (after search), and seize goods or technology at those places within the United States other than those ports specified in paragraph (2)(A) of this subsection. The search, detention (after search), or seizure of goods or technology at those ports and places specified in paragraph (2)(A) may be conducted by officers or employees of the Department of Commerce designated by the Secretary with the concurrence of the Commissioner of Customs or a person designated by the Commissioner.

"(B) The Secretary may designate any officer or employee of the Department of Commerce to do the following in carrying out enforcement authority under this Act:

"(i) Execute any warrant or other process issued by a court or officer of competent jurisdiction with respect to the enforcement of the provisions of this Act.

"(ii) Make arrests without warrant for any violation of this Act committed in his or her presence or view, or if the officer or employee has probable cause to believe that the person to be arrested has committed or is committing such a violation.

"(iii) Carry firearms in carrying out any activity described in clause (i) or (ii).

"(4) All cases involving violations of this Act shall be referred to the Secretary for purposes of determining civil penalties and administrative sanctions under section 11(c) of this Act, or to the Attorney General for criminal action in accordance with this Act.

"(5) Notwithstanding any other provision of law, the United States Customs Service may expand in the enforcement of export controls under this Act not more than $12,000,000 in the fiscal year 1985 and not more than $14,000,000 in the fiscal year 1986.

"(6) Not later than 90 days after the date of the enactment of the Export Administration Amendments Act of 1984, the Secretary, with the concurrence of the Secretary of the Treasury, shall publish in the Federal Register procedures setting forth, in accordance with this subsection, the responsibilities of the Department of Commerce and the United States Customs Service in the enforcement of this Act. In addition, the Secretary, with the concurrence of the Secretary of the Treasury, may publish procedures for the sharing of information in accordance with subsection (c)(3) of this section, and procedures for the submission to the appropriate departments and agencies by private persons of information relating to the enforcement of this Act.".

(b) Section 12(c)(3) of the Act is amended—

(1) by striking out "Departments or agencies which obtain" and inserting in lieu thereof "Any department or agency which obtains";

(2) by inserting ", including information pertaining to any investigation," after "enforcement of this Act";

(3) by striking out "the department" and inserting in lieu thereof "each department", and

(4) by adding at the end thereof the following: "The Secretary and the Commissioner of Customs, upon request, shall exchange any licensing and enforcement information with each other which is necessary to facilitate enforcement efforts and effective license decisions. The Secretary, the Attorney General, and the Commissioner of Customs shall consult on a continuing basis with one another and with the heads of other departments and agencies which obtain information subject to this paragraph, in order to facilitate the exchange of such information.".

UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION; REGULATIONS

Sec. 124. (a) Section 15 of the Export Administration Act of 1979 is amended—

(1) in the section heading by inserting "Administrative and" before "Regulatory"; and

(2) by striking out "Sec. 15." and inserting in lieu thereof the following:

"Sec. 15. (a) Under Secretary of Commerce.—The President shall appoint, by and with the advice and consent of the Senate, an Under Secretary of Commerce for Export Administration who shall carry out all functions of the Secretary under this Act which were delegated to the office of the Assistant Secretary of Commerce for Trade Administration before the effective date of the Export Administration Amendments Act of 1984 and such other functions as the Secretary may prescribe. The Secretary shall designate three Assistant Secretaries of Commerce to assist the Under Secretary in carrying out such functions.

"(D) Issuance of Regulations.—".

(b) Section 15 of the Act is further amended by adding after subsection (b), as designated by subsection (a) of this section, the following:

"(c) Amendments to Regulations.—If the Secretary proposes to amend regulations issued under this Act, the Secretary shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives on the intent and rationale of such amendments. Such report shall evaluate the cost and burden to United States exporters of the proposed amendments in relation to any enhancement of licensing objectives. The Secretary shall consult with the technical advisory committees authorized under section 5(h) of this Act in formulating or amending regulations issued under this Act. The procedures defined by regulations in existence as of January 1, 1984, with respect to sections 4 and 5 of this Act, shall remain in effect unless the Secretary determines, on the basis of substantial and reliable evidence, that specific change is necessary to enhance the prevention of diversions of export which would prove detrimental to the national security of the United States or to reduce the licensing and paperwork burden on exporters and their distributors.".

(c) Section 5314 of title 5, Untied States Code, is amended by inserting "Under Secretary of Commerce for Export Administration," after "Under Secretary of Commerce for Economic Affairs,".

IMPORT SANCTIONS

Sec. 125. Chapter 4 of title II of the Trade Expansion Act of 1962 (19 U.S.C. 1861 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 233. IMPORT SANCTIONS FOR EXPORT VIOLATIONS

"(a) Any person who violates any national security export control imposed under section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2434), or any regulation, order, or license issued under that section, may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe.

"(b) Except as provided in subsection (a) of this section, any person who violates any regulation issued under a multilateral agreement, formal or informal, to control exports for national security purposes, to which the United States is a party, may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe, but only if—

"(1) negotiations with the government or governments, party to the multilateral agreement, with jurisdiction over the violation have been conducted and been unsuccessful in restoring compliance with the regulation involved;

"(2) the President, after the failure of such negotiations, has notified the government or governments described in paragraph (1) and the other parties to the multilateral agreement that the United States proposes to subject the person committing the violation to specific controls on the importing of goods or technology into the United States upon the expiration of 60 days from the date of such notification; and

"(3) a majority of the parties to the multilateral agreement (other than the United States), before the end of that 60-day period, have expressed to the President concurrence in the proposed import controls or have abstained from stating a position with respect to the proposed controls.".

TECHNICAL AMENDMENT

SEC. 126. Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) is amended by striking out "(f)" and inserting in lieu thereof "(g)".

AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 127. Section 502B of the Foreign Assistance Act of 1961 is amended (1) by striking the word "Committee" the first place it appears in paragraph (2) and inserting in lieu thereof "Committees"; and (2) by inserting after the words "Foreign Relations" the first place it appears the phrase "and Banking, Housing, and Urban Affairs (when licenses are to be issued pursuant to the Export Administration Act of 1979)".

EXPORT OF HORSES

SEC. 128. The Act of March 3, 1991 (46 U.S.C. 466a and 466b) is amended by adding at the end thereof the following:

"SEC. 3. (a) Notwithstanding any other provision of law, no horse may be exported by sea from the United States, or any of its territories and possessions, unless such horse is part of a consignment of horses with respect to which a waiver has been granted under subsection (b).

"(b) The Secretary of Commerce, in consultation with the Secretary of Agriculture, may issue regulations providing for the granting of waivers, permitting the export by sea of a specified consignment of horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.

"(c)(1) Whosoever knowingly violates this section or any regulation, order, or license issued hereunder shall be fined not more than five times the value of the consignment of horses involved or $50,000, whichever is greater, or imprisoned not more than 5 years, or both.

"(2) The Secretary of Commerce, after notice and opportunity for an agency hearing on the record, may impose a civil penalty not to exceed $10,000 for each violation of this section or any regulation, order, or license issued hereunder, either in addition to or in lieu of any other liability or penalty which may be imposed.".

ALASKAN OIL STUDY

"SEC. 129. (a) The President shall—

(1) undertake a comprehensive review of the issues and related data concerning possible changes in the existing incentives to produce crude oil from the North Slope of Alaska (including changes in Federal and State taxation, pipeline tariffs, and Federal leasing policies) and possible changes in the existing distribution of crude oil from the North Slope of Alaska (including changes in export restrictions which would permit exports at free market levels and at levels of 50,000 barrels per day, 100,000 barrels per day, 200,000 barrels per day, and 500,000 barrels per day), as well as the appropriations of continuing existing controls including, but not limited to—

(A) the effect of such changes on the energy and national security of the United States and its allies;

(B) the role of such changes in United States foreign policymaking, including international energy policymaking;

(C) the impact of such changes on employment levels in the maritime industry, the oil industry, and other industries;

(D) the impact of such changes on the refiners and consumers;

(E) the impact of such changes on the revenues and expenditures of the Federal Government and the government of Alaska;

(F) the effect of such changes on incentives for oil and gas exploration and development in the United States; and

(G) the effect of such changes on the overall trade deficit of the United States, and the trade deficit of the United States with respect to particular countries, including the effect of such changes on trade barriers of other countries; and

(2) develop, after consulting with appropriate State and Federal officials and other persons, findings, options, and recommendations regarding the production and distribution of crude oil from the North Slope of Alaska.

(b) Not later than 9 months after the date of the enactment of this Act, the President shall transmit a report to the Congress containing the results of the review under subsection (a)(1), the findings, options, and recommendations developed under subsection (a)(2).

TITLE II—EXPORT PROMOTION PROGRAMS

REQUIREMENT OF PRIOR AUTHORIZATION

SEC. 201. (a) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out any export promotion program may be obligated or expended only if—

(1) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of this Act; or

(2) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

(b) To the extent that legislation enacted after the making of an appropriation to carry out any export promotion program authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) For purposes of this title, the term "export promotion program" means any activity of the Department of Commerce designed to stimulate or assist United States businesses in marketing their goods and services abroad competitively with businesses from other countries, including but not limited to—

(1) trade development (except for the trade adjustment assistance program) and dissemination of foreign marketing opportunities and other marketing information to United States producers of goods and services, including the expansion of foreign markets for United States textiles and apparel and any other United States products;

(2) the development of regional and multilateral economic policies which enhance United States trade and investment interests, and the provision of marketing services with respect to foreign countries and regions;

(3) the exhibition of United States goods in other countries; and

(4) the operations of the United States Commercial Service and the Foreign Commercial Service, or any successor agency.

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. There is authorized to be appropriated for each of the fiscal years 1985 and 1986 to the Department of Commerce to carry out export promotion programs $113,273,000.

BARTER ARRANGEMENTS

SEC. 203. (a) The Secretary of Agriculture shall, not later than 90 days after the date of the enactment of this Act, submit to the Congress a report on the status of Federal programs relating to the barter or exchange of commodities owned by the Commodity Credit Corporation for materials and products produced in foreign countries. Such report shall include details of any changes necessary in existing law to allow the Department of Agriculture to implement fully any barter program.

(b) Notwithstanding any other provision of law, the President is authorized—

(1) to barter stocks of agricultural commodities acquired by the Government for petroleum and petroleum products, and for other materials vital to the national interest, which are produced abroad, in situations in which sales would otherwise not occur; and

(2) to purchase petroleum and petroleum products, and other materials vital to the national interest, which are produced abroad and acquired by persons in the United States through barter for agricultural commodities produced in and exported from the United States through normal commercial trade channels.

(c) The President shall take steps to ensure that any barter described in subsections (a) and (b)(1) and any purchases authorized by subsection (b)(2) safeguard existing export markets for agricultural commodities operating on conventional business terms from displacement by barters described in subsections (a), (b)(1), and (b)(2). In addition, the President shall ensure that any such barter is consistent with the international obligations of the United States, including the General Agreement on Tariffs and trade.

TITLE III—SOUTH AFRICA

SHORT TITLE

SEC. 301. This title may be cited as the "United States Policy Toward South Africa Act of 1984".

Subtitle 1—Sullivan Fair Employment Principles Endorsement and Implementation of Fair Employment Principles

SEC. 311. It is the policy of the United States that any United States person who—

(1) has a branch or office in South Africa, or

(2) controls a corporation, partnership, or other enterprise in South Africa,

in which more than 20 people are employed should take the necessary steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, the opposition of the United States to apartheid is reaffirmed by actions including, but not limited to, implementation of those principles relating to employment practices set forth in section 312 of this Act.

STATEMENT OF PRINCIPLES

SEC. 312. (a) The principles referred to in section 311 of this Act are as follows:

(1) Desegregating the races in each employment facility, including—

(A) removing all race designation signs;

(B) desegregating all eating, rest, and work facilities; and

(C) terminating all regulations which are based on racial discrimination.

(2) Providing equal employment for all employees without regard to race or ethnic origin, including—

(A) assuring that any health, accident, or death benefit plans that are established are nondiscriminatory and open to all employees without regard to race or ethnic origin; and

(B)(i) implementing equal and nondiscriminatory terms and conditions of employment for all employees, and (ii) abolishing job reservations, job fragmentation, apprenticeship restrictions for blacks and other nonwhites, and differential employment criteria, which discriminate on the basis of race or ethnic origin.

(3) Assuring that the pay system is equitably applied to all employees without regard to race or ethnic origin, including—

(A) assuring that any wage and salary structure that is implemented is applied equally to all employees without regard to race or ethnic origin;

(B) eliminating any distinctions between hourly and salaried job classifications on the basis of race or ethnic origin; and

(C) eliminating any inequities in seniority and ingrade benefits which are based on race or ethnic origin.

(4) Establishing a miimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families.

(5) Increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs, including—

(A) developing training programs that will prepare substantial numbers of blacks and other nonwhites for such jobs as soon as possible, including—

(i) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of employees, including establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; and

(ii) creating on-the-job training programs and facilities to assist employees to advance to higher paying jobs requiring greater skills;

(B) establishing procedures to assess, identify, and actively recruit employees with potential for further advancement;

(C) identifying blacks and other nonwhites with high management potential and enrolling them in accelerated management programs; and

(D) establishing timetables to carry out this paragraph.

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health, including—

(A) providing assistance to black and other nonwhite employees for housing, health care, transportation, and recreation either through the provision of facilities or services or providing financial assistance to employees for such purposes, including the expansion or creation of increase of inhouse medical facilities or other medical programs to improve medical care for black and other nonwhite employees and their dependents; and

(B) participating in the development of programs that address the education needs of employees, their dependents, and the local community.

(7) Implementing fair labor practices, including—

(A) recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity;

(B) refraining from—

(i) interfering with, restraining, or coercing employees in the exercise of their rights of self-organization under this paragraph,

(ii) dominating or interfering with the formation or administration of any labor organization, or sponsoring, controlling, or contributing financial or other assistance to it; except that an employer may permit employees to confer with the employer during working hours without loss of time or pay,

(iii) encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other condition of employment,

(iv) discharging or otherwise disciplining or discriminating against any employee who has exercised any rights of self-organization under this paragraph, and

(v) refusing to bargain collectively with any organization freely chosen by employees under this paragraph; and

(c)(i) allowing employees to exercise rights of self-organization, including solicitation of fellow employees during nonworking hours, (ii) allowing distribution and posting of union literature by employees during nonworking hours in nonworking areas, and (iii) allowing reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times where there are no other available channels which will enable the labor organization to communicate with employees through reasonable efforts.

(b) The Secretary may issue guidelines and criteria to assist persons in implementing the principles set forth in subsection (a) of this section.

ADVISORY COMMITTEE

SEC. 313. (a) The Secretary shall establish an Advisory Committee (1) to advise the Secretary with respect to the implementation of those principles set forth in section 312(a), and (2) to review periodically the reports submitted pursuant to section 314(a) and, where necessary, to supplement the information contained in such reports. The Advisory Committee shall be composed of at least 12 members appointed by the Secretary from among persons in the United States and South Africa representing trade unions committed to nondiscriminatory policies, representatives of business (including the American Chamber of Commerce in South Africa), and the academic community, and from among community and church leaders, including those in South Africa, who have demonstrated a concern for equal rights. In addition to the appointed members of the Advisory Committee, the United States Ambassador to South Africa shall be a member of the Advisory Committee, ex officio. The Committee shall be authorized to meet in the United States Embassy in South Africa or such other location as the Secretary may designate.

(b) Members of the Advisory Committee in South Africa shall be appointed for 3-year terms, except that of the members first appointed, four shall be appointed for terms of two years, and four shall be appointed for terms of one year, as designated at the time of their appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(c) The Secretary shall provide the necessary clerical and administrative assistance to the Advisory Committee.

(d) Members of the Advisory Committee shall serve without pay, except that, while away from their homes or regular places of business in the performance of services for the Committee, members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

IMPLEMENTATION

SEC. 314. (a) The Secretary shall submit an annual report to the Congress describing—

(1) the extent to which each United States person referred to in section 311 of this Act has implemented each of the principles set forth in section 312 of this Act;

(2) the progress each United States person referred to in section 311 of this Act has made since the previous annual report in implementing each of those principles;

(3) the actions the Secretary has taken to encourage implementation of those principles, as well as any related actions taken by other departments or agencies of the United States Government; and

(4) any other information relating to the implementation by United States persons of those principles that the Secretary believes is appropriate.

(b) The Secretary shall publish and make generally available to the public each annual report submitted pursuant to subsection (a).

(c) The Secretary may, to such extent or in such amounts as are provided in appropriation Acts, enter into contracts with one or more private organizations to assist the Secretary in preparing the report required by subsection (a).

(d) Each United States person referred to in section 311 of this Act shall submit directly to the Secretary, or through an organization with which the Secretary has a contract under subsection (c)—

(1) a detailed and fully documented annual report on the progress of that person in implementing the principles set forth in section 312 of this Act; and

(2) such other information relating to implementation of the principles set forth in section 312 of this Act as the Secretary shall by regulation require.

The reports and information required by this subsection shall be submitted at such times as the Secretary shall by regulation direct.

(e)(1) The Secretary shall make available to the Advisory Committee established pursuant to section 313, and may make available to the public, information obtained pursuant to subsection (d) that relates to the employment practices of United States persons referred to in section 311 with respect to blacks and other nonwhite employees.

(2) Notwithstanding any other provision of law; the Secretary shall not make available to the Advisory Committee or disclose to the public any information that would harm the competitive position or the proprietary interests; or would reveal trade secrets or confidential commercial or financial information, of any United States person required to submit reports under subsection (d), as defined under regulations of the Secretary.

(f) The Secretary shall undertake all reasonable efforts to verify the information submitted under subsection (d), including the establishment of arrangements with United States persons and entities referred to in section 311 of this Act for onsite monitoring, at least once every two years, of their activities and facilities in South Africa.

(g) The Secretary shall make reasonable and continuing efforts to promote the implementation of this subtitle and any regulations issued to carry out this subtitle.

(h) There are authorized to be appropriated such sums as may be necessary to the Department of State to carry out the provisions of this subtitle. The Secretary may establish an office to carry out such provisions.

(i) Upon the request of any United States person subject to the provisions of this subtitle which is made within 60 days after the publication of the Secretary's report pursuant to subsection (b) of this section, the Secretary shall, afford an opportunity for a hearing, within 90 days after such publication, in which such person may comment on the contents of such report.

REGULATIONS AND EFFECTIVE DATE

SEC. 315. (a) The Secretary shall, not later than 120 days after the date of enactment of this Act, issue such regulations as are necessary to carry out this subtitle.

(b) Before issuing final regulations pursuant to subsection (a), the Secretary shall publish in the Federal Register the regulations proposed to be issued and shall give interested persons, including the Advisory Committee established pursuant to section 313 of this Act, at least 30 days to submit comments on the proposed regulations. The Secretary shall, in issuing the final regulations, take into account the comments so submitted.

(c) The policy set forth in section 311 of this Act shall become the policy of the United States Government on the date of the enactment of this Act.

(d) The first annual report of the Secretary under section 314 of this Act shall be submitted to the Congress not later than one year after the date on which final regulations issued pursuant to subsection (a) of this section are published. Each subsequent annual report shall be submitted not later than the end of each 1-year period thereafter.

Subtitle 2—Loans

PROHIBITION ON LOANS TO THE GOVERNMENT OF SOUTH AFRICA

SEC. 321. (a) No bank organized under the laws of the United States may make any loan directly or through a subsidiary to the Government of South Africa or to any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa, as determined by regulations issued by the Secretary. The prohibition contained in this subsection shall not apply to loans for educational, housing, or health facilities or other projects of significant humanitarian value which are available to all persons of a totally nondiscriminatory basis and which are located in geographic areas accessible to all population groups without any legal or administrative restriction.

(b) The prohibition contained in subsection (a) of this section shall not apply to any loan for which a written agreement is entered into before the date of the enactment of this Act. Except as otherwise required under such a loan agreement, no loan made before October 1, 1984, may be modified, renewed, or extended in any manner which provides for a repayment period that extends beyond one year after the date of the enactment of this Act.

(c) For purposes of this section—

(1) the term "loan" means a loan, credit sale, or the supplying of funds through the acquisition of securities; and

(2) the term "bank" means any depository institution as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), any corporation organized under section 25(a) of the Federal Reserve Act (12 U.S.C. 611 et seq.), any corporation having an agreement or undertaking with the Federal Reserve Board under section 25 of the Federal Reserve Act (12 U.S.C. 601 et seq.), and any bank holding company as defined in section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)).

ENFORCEMENT; PENALTIES

SEC. 322. (a) The Secretary, in consultation with the Secretary of the Treasury and the Secretary of Commerce, shall take the necessary steps to insure compliance with the provisions of this subtitle, including—

(1) issuing such regulations as the Secretary considers necessary to carry out this subtitle;

(2) establishing mechanisms to monitor compliance with the provisions of this subtitle and any regulations issued pursuant to paragraph (1) of this subsection;

(3) in any case in which the Secretary has reason to believe that a violation of this subtitle has occurred or is about to occur, referring the matter to the Attorney General for appropriate action; and

(4) in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of this subtitle, referring the matter to the Attorney General for appropriate action.

(b) Any person that violates section 321 of this Act shall be fined not more than $1,000,000.

(c)(1) Whenever a person violates section 321 of this Act—

(A) any officer, director, or employee of such person, or any natural person in control of such person, who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

WAIVER BY PRESIDENT

SEC. 323. (a) The President may waive the prohibition contained in section 321 of this Act for periods of not more than one year each if, with respect to each such waiver—

(1) the President determines that the Government of South Africa has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in that country and toward an end to discrimination based on race or ethnic origin;

(2) the President submits any such determination, and the basis for the determination, to the Congress; and

(3) the Congress fails to enact a joint resolution disapproving the waiver within 90 days after the receipt of the President's determination.

(b)(1) For purposes of this subsection, the term "joint resolution" means a joint resolution, the matter after the resolving clause of which is as follows: "That the Congress, having received on ——— a determination of the President under section 323(a) of the United States Policy Toward South Africa Act of 1984 with respect to a waiver of the prohibition contained in section 321 of that Act, does not approve that waiver.", with the date of the receipt of the President's determination inserted in the blank.

(2) On the day on which a determination is submitted to the House of Representatives and the Senate under subsection (a) of this section, a joint resolution with respect to such determination shall be introduced (by request) in the House by the Chairman of the Committee on Foreign Affairs, for himself and the ranking minority members of the committee, or by Members of the House designated by the chairman and ranking minority member; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such a determination is submitted, the joint resolution shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session.

(3) All joint resolutions introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs and all joint resolutions introduced in the Senate shall be referred to the Committee on Banking, Housing, and Urban Affairs.

(4) If the committee of either House to which a joint resolution has been referred has not reported it at the end of 30 days after its introduction, the committee shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect of the same matter.

(5) A joint resolution under this section shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and passage of joint resolutions under this section, it shall be in order for the Committee on Rules of the House of Representatives (notwithstanding the provisions of clause 4(b) of Rule XI of the Rules of the House of Representatives) to present for immediate consideration, on the day reported, a resolution of the House of Representatives providing procedures for the consideration of such a joint resolution under this section similar

to the procedures set forth in section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

(6) In the case of a joint resolution described in paragraph (1), if prior to the passage by one House of a joint resolution of that House, that House receives a joint resolution with respect to the same matter from the other House, then—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(7) In the computation of the 90-day period referred to in subsection (a)(3) of this section and the 30-day period referred to in paragraph (4) of this subsection, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.

Subtitle 3—General Provisions

COOPERATION OF OTHER DEPARTMENTS AND AGENCIES

SEC. 331. (a) Each department and agency of the United States shall cooperate with the Secretary in carrying out the provisions of this title, including, upon the request of the Secretary, taking steps to ensure implementation of the provisions of this title and any regulations issued to carry out this title.

(b) The Secretary may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out the Secretary's functions under this title.

DEFINITIONS

SEC. 332. For purposes of this title—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(1) the term "Secretary" means the Secretary of State;

(3) the term "South Africa" includes the Republic of South Africa; any territory under the administration, legal or illegal, of South Africa; and the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Venda, and Ciske; and

(4) a United States person shall be presumed to control a corporation, partnership, or other enterprise in South Africa if—

(A) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the corporation, partnership, or enterprise;

(B) the United States person beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(E) the United States person has authority to appoint a majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(F) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

APPLICABILITY TO EVASIONS

SEC. 333. Subtitle 2 of this title shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of subtitle 2 of this title or any regulations issued to carry out that subtitle.

CONSTRUCTION OF TITLE; SEVERABILITY

SEC. 334. (a) Nothing in this title shall be construed as constituting any recognition by the United States of the homelands referred to in section 332(3) of this Act.

(b) If any provision of this title or the application of this title to any person or circumstances is held invalid, neither the remainder of this title nor the application of that provision to other persons or circumstances shall be affected thereby.

NUCLEAR EXPORTS

SEC. 401. (a) The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by inserting after section 131 the following new section:

"SEC. 132. RESTRICTIONS ON CERTAIN EXPORTS.—

"a.(1) Notwithstanding any other provision of law—

"(A) no license may be issued under the Export Administration Act of 1979 for the export to a non-nuclear-weapon state for use in a nuclear production or utilization facility of any item or related technical data which, as determined under section 390(c) of the Nuclear Non-Proliferation Act of 1978, could be of significance for nuclear explosive purposes, or which, in the judgment of the Secretary of Commerce, is likely to be diverted for use in such a facility.

"(B) the Nuclear Regulatory Commission shall not issue any license for the export to a non-nuclear-weapon state of a component part, item, or substance which the Commission has determined, under section 109b of this Act to be especially relevant from the standpoint of export control because of its significance for nuclear explosive purposes;

"(C) the Secretary of Energy shall not approve the retransfer to a non-nuclear-weapon state of any such component part, item, or substance; and

"(D) the Secretary of Energy shall not under section 57b. of this Act, authorize any person to engage, directly or indirectly, in the production of special nuclear material in a non-nuclear weapon state;

unless (i) such state maintains International Atomic Energy Agency safeguards on all its peaceful nuclear activities, and (ii)(I) such export, retransfer, or production is under the terms of an agreement for cooperation arranged pursuant to section 123 of this Act or (II) such state has entered into nuclear cooperation with the United States pursuant to an agreement for peaceful nuclear cooperation. For purposes of this subsection, 'non-nuclear weapon state' is a non-nuclear weapon state within the meaning of the Treaty on the Non-Proliferation of Nuclear Weapons.

"(2) The restrictions contained in clause (ii) of paragraph (1) shall apply only to a country which is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons or the Treaty for the Prohibition of Nuclear Weapons in Latin America, or which the President determines is in a region of particular volatility or sensitivity.

"b. Nothing in this section shall preclude—

"(1) an export, retransfer, or activity generally licensed or generally authorized by the Nuclear Regulatory Commission, the Department of Commerce, or the Department of Energy;

"(2) assistance (A) for the purpose of developing or applying International Atomic Energy Agency safeguards, or United States safeguards as set forth in an agreement for cooperation arranged pursuant to section 123 of this Act, (B) for programs of the International Atomic Energy Agency which are generally available to its member states, (C) for reducing the use of highly enriched uranium in research or test reactors, or (D) for other technical programs for the purpose of reducing proliferation risks, such as programs to extend the life of reactor fuel and activities to which section 223 of the Nuclear Waste Policy Act of 1982 applies; or

"(3) assistance which is necessary for humanitarian reasons to protect the public health and safety.

"c. The restrictions contained in subsection a.(1)(D) shall not apply to activities involving radiation protection and health physics; decontamination; waste management; and other assistance for the safe operation of a facility which is under International Atomic Energy Agency safeguards or United States safeguards. The exception contained in the preceding sentence shall apply only in instances where the Secretary of State, in concurring with the determination by the Secretary of Energy pursuant to section 57 b. of this Act, determines that approval of such activities or assistance would further United States nonproliferation objectives with regard to the recipient country. The Department of Energy shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of all authorizations issued under this subsection.

"d. The prohibitions contained in subsection a. shall not apply to a particular export, retransfer, or activity or group of exports, retransfers, or activities if the President determines that to apply the prohibitions thereto would be seriously prejudicial to the achievement of United States nonproliferation objectives or would otherwise jeopardize the common defense and security and if, at least 60 days before the export, retransfer, or activity or initial export, retransfer, or activity is carried out, the President submits that determination, together with the reasons for that determination, to the Congress.

"e. With respect to any authorization described in subsection a.(1)(D) which is made after August 1, 1983, the restrictions set forth in that subparagraph shall apply to any contract executed under that authorization after October 1, 1984.".

(b) The table of contents of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 131 the following new item:

"Sec. 132. Restrictions on certain exports.".

AGREEMENTS FOR COOPERATION

SEC. 402. (a) Section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) is amended—

(1) by inserting "the consistency of the text of the agreement for cooperation with all the requirements of this Act," after "Assessment Statement regarding" in subsection a.;

(2) by inserting "after the submission of the text of the proposed Agreement for Co-

operation together with the accompanying non-classified nuclear proliferation assessment to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the house, and after consultation with such Committees for a period of not less than 30 days of continuous session (as defined in section 130 g. of this Act) concerning the consistency of the terms of the proposed agreement with all the requirements of this Act" before "the President" in subsection b.; and

(3) by inserting "During the sixty-day period the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations shall each hold hearings on the proposed agreements and submit a report to their respective bodies recommending whether it should be approved or disapproved." before the sentence which begins "Any such proposed agreement" in subsection d.

AGREEMENTS FOR COOPERATION

Sec. . (a) Subsection d. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)) is amended—

(1) by striking out "adopts a concurrent resolution" and inserting in lieu thereof "adopts, and there is enacted, a joint resolution";

(2) by striking out the period at the end of the first proviso and inserting in lieu thereof "*: Provided further,* That an agreement for cooperation exempted by the President pursuant to subsection a. from any requirement contained in that subsection shall not become effective unless the Congress adopts, and there is enacted, a joint resolution stating that the Congress does favor such agreement."; and

(3) by striking out "130 of this Act for the consideration of Presidential submissions" and inserting in lieu thereof "130 i. of this Act".

(b) Section 130 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2159(a) is amended—

(1) in the first sentence—

(A) by striking out "123 d.,"; and

(B) by striking out ", and in addition, in the case of proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 d., or 144 c., the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate,"; and

(2) in the provisio, by striking out "and if, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c. of this Act, the other relevant committee of that House has reported such a resolution, such committee shall be deemed discharged from further consideration of that rseolution".

(c) Section 130. of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following:

"1. (1) For the purposes of this subsection, the term 'joint resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the Congress (does or does not) favor the proposed agreement for cooperation transmitted to the Congress by the President on —— with the date of the transmission of the proposed agreement for cooperation inserted in the blank, and the affirmative or negative phrase within the parenthetical appropriately selected.

"(2) On the day on which a proposed agreement for cooperation is submitted to the House of Representatives and the Senate under section 123 d., a joint resolution with respect to such agreement for cooperation shall be introduced (by request) in the House by the chairman of the Committee on Foreign Affairs, for himself and the ranking minority member of the Committee, or by Members of the House designated by the chairman and ranking minority member; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement for cooperation is submitted, the joint resolution shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session.

"(3) All joint resolutions introduced in the House of Representatives shall be referred to the appropriate committee or committees and all joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations and any other appropriate committee.

"(4) If the committee of either House to which a joint resolution has been referred has not reported it at the end of 45 days after its introduction, the committee shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter; except that, in the case of a joint resolution which has been referred to more than one committee, if before the end of that 45-day period one such committee has reported the joint resolution, any other committee to which the joint resolution was referred shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter.

"(5) A joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and passage of joint resolutions under this subsection, it shall be in order for the Committee on Rules of the House of Representatives (notwithstanding the provisions of clause 4(b) of Rule XI of the Rules of the House of Representatives) to present for immediate consideration, on the day reported, a resolution of the House of Representatives providing procedures for the consideration of a joint resolution under this subsection similar to the procedures set forth in section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

"(6) In the case of a joint resolution described in paragraph (1), if prior to the passage by one House of a joint resolution of that House, that House receives a joint resolution with respect to the same matter from the other House, then—

"(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(B) the vote on the final passage shall be on the joint resolution of the other House.".

(d) The amendments made by this section shall apply to any agreement for cooperation which is entered into after the date of the enactment of this Act.

The **SPEAKER** pro tempore. The gentleman from Florida [Mr. Fascell] is recognized for 1 hour.

Mr. FASCELL. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the distinguished gentleman from Wisconsin [Mr. Roth].

Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, we are on the consideration of an amendment to the Senate amendment to the House bill.

Just to refresh our memories, the Members will recall that the Export Administration Amendments Act passed this House last October. While we were in conference, a simple extension became necessary because of the long conference and the expiration of the President's authority under the Export Administration Act. That simple extension has been over with the other body.

When after 7 months in the conference we had reached agreement on almost everything and we got down to the last few hours of this session, the other body undertook to put their version of an Export Administration Act renewal on the simple extension bill and sent it to this House.

When it was received here one of the major provisions dealing with sanctions on South Africa, which had been previously included in the House passed bill, was not there.

The House amendment to the Senate amendment before us now restores the language that was included in the House passed bill and makes some other technical changes that are essential if this matter is to ultimately become law.

So that is the issue today, Mr. Speaker. Because of the short time remaining in the session, there was no other way to get the matter before us. We express our appreciation to the Rules Committee, Members on both sides, who undertook to give us this opportunity to get the matter to the floor, notwithstanding the fact that the House has already acted on this provision.

It becomes essential right now, if we are going to have any chance at all with respect to a new Export Administration Act, to get this amendment adopted and send it to the other body where they have greater flexibility. They can move with more speed then we can, when they make up their mind to do so, and perhaps we can salvage something out of this bill.

Mr. Speaker, before I turn this matter over for further discussion on the technical aspects of it, let me pay my respects to the chairman of the subcommittee, the gentleman from Washington [Mr. Bonker]; the ranking member, the gentleman from Wisconsin [Mr. Roth]; and other members of the subcommittee and the full committee who have worked far beyond and above the call of duty.

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I have never seen such diligence and perseverence and willingness on both sides of the aisle to work to get a bill. And this is an important bill, Mr.

Speaker. There are a lot of people who are affected by this, who are interested in it, and it has deserved and it has gotten very thorough attention by this Congress, over 2 years of consideration, 7 months in the conference, and we are down at this last minute and we certainly hope and pray that we can get a bill.

A bill of this kind, this difficult, with this many issues in it, is never perfect, depending on where you sit; it is either not enough or it is too much or it does not quite do this. But I will say this: After having been put through the mortar and the pestle of the kind of review and consideration given by all people, both those interested on the outside and our Members on the inside, I am convinced that we could not do any better than what we have right now, and I urge the Members to consider support for this amendment and send it to the other body.

PARLIAMENTARY INQUIRY

Mr. ROTH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ROTH. Mr. Speaker, at what time would it be appropriate to make a motion to have a separate vote on the proposed House amendment to the Senate amendment?

The SPEAKER pro tempore. The Chair's ruling is that in the form that the motion has been submitted, the proposed House amendment is not divisible; so only one vote on such a motion is in order.

Mr. ROTH. I thank the Chair.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume.

I thank the chairman of the committee for his kind remarks, and I want to also extend my thanks to him for his graciousness and for his demeanor in working on this very important piece of legislation. I know that he has been subject to a tremendous amount of pressure and just about everything short of actual fisticuffs. So I thank him for being able to make peace and to establish peace in this committee.

I also want to say that the chariman of the subcommittee, the gentleman from Washington [Mr. BONKER] has been most gracious. We have been working on this piece of legislation for 2 solid years; we have received and engaged in literally hundreds and hundreds of hours of testimony and debate in our subcommittee, on the House floor and in our conference committee. It has been a very, very trying time.

I know the Members of this House have been up for many, many hours now and that these are the last minutes of this session. I want to thank them for their indulgence.

We are never going to get an Export Administration Act with which everyone can agree. No one is completely satisfied with the final product, but I believe that both the business community and our national security will be better off if we approve the compromise that we are considering before us. In this package, everyone has given up a little in the spirit of moving ahead—on both sides of the aisle and in both Houses of Congress.

I believe that we have constructed an Export Administration Act that is going to allow us to give the President some authority and some discretion to protect our national security. After all, the Export Administration Act is a bill that deals with national security, and every Member of this House has an absolute obligation to protect our national security.

There are many contentious issues in this bill and that is why we are here only at the last hour to vote on this bill. The issues are complex and it will affect different parts of the executive branch in variant ways. Some Departments will gain provisions that they see in their interest—others will be unhappy with provisions that dilute their responsibilities. But in the last few days, we have been able to vastly improve three major items that might have provoked a veto from the President. I don't believe that the Senate would have sent us a bill if they had reason to believe that it would certainly be vetoed.

The three most contentious items have been:

First, the 10-G provision which would have put into statute the delineation of responsibility between the Defense and Commerce Departments concerning export license reviews. This was a Senate provision which the administration opposed. The President wants to continue to direct his Cabinet officers through Executive order on this matter. In the bill sent to this House, the Senate has dropped the 10-G provision. This was a huge concession on the part of Senator GARN.

Second, in exchange for this concession, the Senate bill dropped the ban on U.S. bank loans to South Africa. This administration opposes any form of controls on U.S. capital. It was the present Secretary of State who presided over the elimination of the last controls on U.S. capital when he was over at the Treasury Department. So dropping this provision would have removed another possible source of a veto.

It remains the policy of this Congress—and let me underline it—to ardently oppose the apartheid policies of South Africa. That is why the Senate agreed to the most important element of the South Africa provision—the requirement that U.S. companies invested in South Africa must begin implementing the Sullivan fair employment codes. In addition to the public scrutiny that these companies will receive, the Senate bill gives the President discretionary authority to penalize companies that are blatantly disregarding the Sullivan principles by imposing investment sanctions for 1 year on noncomplying companies.

I am extremely disappointed that the House amendment attaches the bank loan prohibition back on this bill. We had a tacit agreement with the Senate and I fear this action may ultimately kill this bill. The unfortunate consequence will be no provisions on South Africa.

Third, the third most contentious items concerns contract sanctity. The administration favored the House version and very much opposed the Senate provision that would have precluded the President from abrogating any contracts under any circumstances. In short, the Senate provision would have for all intent and purposes gutted the President's ability to impose foreign policy controls. In the bill that the Senate sent over to us last night, the contract sanctity provision is amended so that in the event that a breach of the peace poses a serious and direct threat to the strategic interests of the United States and curtailing contracts would be instrumental in remedying the direct threat, then the President could abrogate contracts. These controls could only exist as long as a direct threat to our national security persists.

This compromise will continue to provide to the business community certainty that their contracts will not be abrogated. The President would have to demonstrate overwhelmingly to the Congress that our national security was at stake.

This Congress is extremely sensitive to the abuse of foreign policy controls that has occurred in recent history. That is why this bill contains strict criteria that must be met before a President could impose foreign policy controls at all. And with this bill, if the President did meet the criteria to the satisfaction of the Congress, he still could not break contracts unless there was a direct national security threat to the United States. This is an extremely fair provision and the business community benefits from these assurances. At the same time, we do not totally preclude the President's ability to suspend contracts in an extremely dire situation.

So, in my opinion, the most contentious items to the administration have been dealt with in a fair manner. The remaining concerns expressed by the administration concern, frankly, turf problems among the agencies, or a difference in opinion between the executive and legislative branches over Congress' role in the export control process.

There are many important items that are included in this bill which took months and months of our time to develop in this bill.

There are important findings made in this bill. Conferees have agreed that exports are a high priority for this Government and that uncertainties in export control policy are detrimental to U.S. business interests. Conferees have agreed that it is important to U.S. foreign policy interests that we control the export of hazardous products that have been deemed unsafe in this country. We affirm that such controls are necessary for the United States to uphold its international reputation as a responsible trading partner. Conferees have agreed that the acquisition of national security sensitive technology has enhanced the Soviet military-industrial capabilities. These acquisitions have saved the Soviets millions of dollars in their military efforts. Broad recognition of this fact among the conferees has enabled us to modify the provisions in the Export Administration Act so that these acquisitions are stymied. Conferees have also agreed that this Government needs to take direct measures to eliminate the foreign availability of highly sensitive technology which we are unilaterally controlling. We must have the cooperation of our allies if we are going to be able to restrict successfully sensitive exports to the Soviet bloc. And finally, conferees have agreed that excessive dependence of the United States and its allies on energy and other critical resources coming from potential adversaries could be harmful to our mutual security.

Conferees have agreed to a number of policy statements concerning export controls. Foremost, I am pleased to see that the conferees have provided a policy statement on protecting the ability of the scientific community to communicate their research findings. This policy statement has been added to make explicit our view that traditional scientific communications activities of universities and the academic community; such as basic research, publications, and open classroom exchanges, should be free from restriction unless the scientific information in question is subject to security classification, controlled by a government contract, or trade secret restrictions. Clearly our national security depends on the strength of U.S. technology. And our edge in U.S. technology cannot be undermined by excessive controls on the free exchange of ideas, technological progress, and innovations.

FOREIGN AVAILABILITY

Conferees agreed to establish standards to be used by the Commerce Department when judging whether or not an item is available from a foreign source. That is, if a company presents evidence that a controlled product is available from another source which is of comparable quality and comparable quantity, then the Secretary is required to either eliminate the other source of product availability through negotiations or allow the U.S. product to be sold.

The provision requires that the Commerce and Defense Departments cooperate in gathering foreign availability information. Congress added the foreign availability requirement to the Export Administration Act in 1979. In large part, however, this provision has been ignored by the executive branch. In this bill, we reemphasize our concern that it is the responsibility of the executive branch to make foreign availability determinations.

Conferees agreed to my amendment which eliminated the need for export licenses for low-technology items being sold to our Cocom partners. This provision will eliminate the need for approximately 40,000 licenses. This will be particularly beneficial to the business community and it will free up Export Administration officers to concentrate on the more sensitive areas of technology transfer. For items that fall in the medium technology range on the control list, we have added requirements that will give greater speed and predictability to the U.S. exporting community. Again, here, this applies to exports to our Cocom countries. For these exports, if a U.S. exporter is not informed within 15 working days that his license application is denied, or that more time is needed to evaluate his case, then that export license is deemed approved automatically. If the Commerce Department needs more time, it is limited to only an additional 15 working days. So, U.S. exporters gain certainty that they may ship their products to cooperating countries within at least 15 days, or if necessary 30 days, of submitting an export license application unless the application is denied.

Conferees adopted the House provision which stated that controls could not be imposed on a product containing an embedded microprocessor unless the product itself would make a significant contribution to the military potential of a controlled country. This provision will be particularly beneficial to our high-tech firms.

MILITARILY CRITICAL TECHNOLOGIES LIST

Conferees, in the provision concerning the militarily critical technologies list [MCTL], have stated emphatically that the Commerce and Defense Departments should with all deliberate speed finalize the integration of the MCTL with the control list. To a great degree, the success or failure of the Export Administration Act as a workable statute depends on having the Commerce and Defense Department complete their work on the MCTL and on making that list the basis for goods and technologies subject to export controls.

This one provision harmonizes the interests of national security with those of the American business community. Conferees have agreed to authorize the Secretary of Defense to add certain items to the MCTL, and we require a foreign availability test to exclude items from the MCTL. We have also required Commerce and Defense to report to the Congress next year their progress in this area.

PROCEDURES FOR PROCESSING EXPORT LICENSES

Conferees have reduced the time permitted for processing applications in each phase of the application review process, we have specified procedures that an applicant can take if his license is denied. We have instructed the Secretary of Commerce to submit a plan to the Congress for assisting small business in the export license process. And we are requiring semiannual reports to Congress on applications that are pending beyond the statutory deadlines.

These are all provisions that will be extremely beneficial to the business community and will enable the Congress to keep better watch on the extent to which the executive branch is complying with the intent of this law.

UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION

To emphasize the importance this Congress attaches to the function of export controls, the bill authorizes an Under Secretary for Export Administration within the Department of Commerce. Presently, this function falls under the responsibility of an Assistant Secretary for Export Administration.

Mr. Speaker, this bill has many, many solid improvements over existing law. We have poured our hearts and soul into this legislation to protect our national security, to make our exporters more competitive, and to reign in the indiscriminate use of foreign policy trade sanctions. These issues affect each and everyone of us. I therefore urge my colleagues to adopt H.R. 4230.

Mr. HUTTO. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Florida.

Mr. HUTTO. In the opinion of the gentleman from Wisconsin, would the legislation that we are considering be more effective in controlling our technology to the East bloc than the present law?

Does the gentleman think it improves the present law as far as controlling our exports is concerned?

Mr. ROTH. Yes; I definitely do, because if I did not I would not be in favor of this legislation.

Mr. HUTTO. Would the gentleman answer for me what the 10-G provision is? It is my understanding that in the new bill, 10-G was eliminated by the Senate. Is this not the provision where the Department of Defense has the opportunity to review license applications to the Department of Commerce to see if in fact they would impinge on our ability to control the critical technologies that the Soviet Union has been getting by hook, crook, or steal, for a long, long time?

Mr. ROTH. I want to tell my good friend from Florida that 10-G does deal with the Secretary of Defense and his ability to withhold licenses. That is correct. But I think that our Secretary of Commerce is just as patriotic and just as concerned about the slippage of high technology to the Soviet Union as our Secretary of Defense. The President opposes the 10-G provision. He should have the discretion to instruct his cabinet officers how to carry out the provisions and intent of this law.

We have witnessed nothing but turf battles in this legislation. At some point we are going to have to tell the various agencies that we in the Congress will exercise our obligation to legislate and we expect the President to resolve the turf squabbles. That is what we are doing here today.

Mr. HUTTO. How can the Secretary of Commerce have the expertise that the Secretary of Defense has to determine whether or not it is militarily critical?

Mr. ROTH. I will reclaim the balance of my time and answer that the Secretary of Defense is not completely out of this game. The Secretary of Defense is still very much involved in the export licensing process and the determination of militarily critical technologies to be controlled.

It is just that we are not going to set in concrete a delineation of responsibilities between Defense and Commerce. We are at the last minute of the last hour, and if we are going to have to have a bill we are going to have to go with the bill as it is.

Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. ZSCHAU].

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Speaker, I am rising in support of the amendment and receding to the other body's provisions in this bill.

The Export Administration Act amendments that we are considering here are an extremely complex, in many ways obscure, but they constitute a very important piece of legislation that has been worked on over a 2-year period. At this point, with this single vote, we have the opportunity to go forward and to make major reforms in our export controls or to reject the work that has been done over a 2-year period of time.

Let me talk about the reforms. First the area of contract sanctity. In the past, embargoes have been placed on goods which have caused contracts to be abridged and, therefore, U.S. vendors to be deemed unreliable suppliers in foreign markets. Contract sanctity has been increased by these reforms so that only under very special and unusual circumstances would the President, with the consent of Congress, be able to abridge contracts of U.S. suppliers.

Second, another reform is getting the Congress involved again in approving the treaties involving the export of nuclear technology.

However, I believe the most important reform is in the area of the exports of high technology products.

Over the past several years, U.S. companies exporting high technology products have had a deal with very cumbersome licensing procedures, procedures that covered many, many products. Many times, only routine paper work was needed to get the license applications approved, but to often it took enormous amounts of time in order to do that.

What the House did in its work last year and what still remains in this bill is to focus the controls of high technology products on those technologies that are truly militarily critical—technologies that would make a substantial difference to the military might of our potential adversaries—and to streamline the export controls so that we can both control better by focusing our enforcement resources on the truly critical technology which might be shipped to potential sources of diversion to the Soviet Union while at the same time making it easier for our exporting companies to export to our NATO allies and Japan.

In addition, the title III provisions, with the reporting of the Sullivan Principles and the ban on bank loans to the Government of South Africa contained in the amendment, would send a clear signal that we oppose the practice of apartheid.

For all of those reasons—the reforms and the strong signal in title III—I support this legislation. I urge my colleagues to join me in supporting it.

□ 1130

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. ZSCHAU. I yield to the gentleman.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Speaker, the gentleman indicated that the export licensing procedure has been streamlined and is not going to be as cumbersome, and yet there were protections that are guaranteed by this legislation to make sure that critical technology does not get to our adversaries, namely, the Soviet Union. The VOX computers and other things of that type.

Can the gentleman elaborate just a little bit on that, because that is a real concern of mine.

Mr. ZSCHAU. I appreciate the gentleman raising the question. What has been done in this legislation is to strengthen the multilateral control group called Cocom, composed of our NATO allies in Japan, and improve the ability of that group to control technology that might leave those countries to the Soviet Union.

Second, it has increased the budget for export licensing so that we can have tighter controls. Finally, by focusing the procedures on those license applications that really make a difference, so are able to concentrate our resources on the truly critical technologies rather than having them diffused that don't matter by trying to control too many items.

Mr. BONKER. Mr. Speaker, I yield myself 8 minutes.

Mr. MITCHELL. Mr. Speaker, Will the gentleman yield?

Mr. BONKER. I yield to the gentleman.

Mr. MITCHELL. I thank the gentleman for yielding, and I regret I was a bit late getting here.

It is my understanding that there is a provision for sanctions against South Africa. That is through the bank loans; is that correct?

Mr. BONKER. The bill that is before us carries an original provision plus a House-sponsored amendment which would restore the prohibition on bank loans to the Government of South Africa and its affiliates, and maintain reporting compliance requirements on the Sullivan Principles for U.S. companies operating in South Africa.

Mr. MITCHELL. If the gentleman will yield further, that is why I asked the gentleman to yield because as I understand it, the original provision as offered by our colleague, Congressman GRAY, was a much tougher sanction and I am assuming that this is a watered-down version of what he originally proposed.

Mr. BONKER. It is the result of intensive negotiations among all parties and it is the final product that is in title III.

I yield further to the gentleman from Maryland.

Mr. MITCHELL. The gentleman is being very gracious.

It is always just astonishing to me how we will yield to evil; how we will compromise with the most racist government in the world; how we will water down a formidable assault against the apartheid of that nation in some sort of spirit of compromise.

If we take a position that human rights ought to be protected around the world, then there is no yielding.

There should be no yielding to the Botha government and its racist practices, and I for one am hurt that this kind of watering down took place.

Mr. BONKER. I agree with the gentleman, but I would remind him that we are trying to do what is possible. Having these provisions in the bill, which will be destined for the White House, will send a message. Anything beyond that, I think, is destined for nonaction on the Senate side, and there will be no message.

Mr. Speaker, first I would like to commend the chairman of the full committee, DANTE FASCELL, and the distinguished ranking member of the subcommittee, Mr. ROTH, for their cooperative efforts throughout this long and arduous effort to come up with an acceptable package on export controls for our country.

This bill, indeed, is controversial, and we have taken on some very tough issues. The Export Administration Act is the President's basic authority to control exports for foreign policy reasons and to also restrict the export of technology when there is suspicion that that technology to the Soviet Union or Eastern Bloc countries.

Beyond those two basic authorities, we have in this legislation a new title on South Africa. We have antiboycott provisions; we have continuation of the existing ban on the export of oil from Alaska. When one tries to accommodate all of the various and conflicting interests, it is indeed a very difficult task. But I think what we have brought to the floor is acceptable.

Let me make one comment about trade. In trade circles, this bill is considered the most important trade measure before Congress this year. We are faced with a trade deficit of $135 billion this year. That leaves the Congress with a dilemma: We can either go down the path of protectionism, and we avoided that path a few days ago when we accepted the trade bill conference report that was submitted to us, or we can export more. That is what this bill is all about: Removing the impediments that now are in the way of our exporters to enable us to compete more effectively in this fiercely competitive world economy, and to provide for export promotion.

What we have attempted to do in this legislation is to remove the stigma of the United States as an unreliable supplier by way of contract sanctity. We have taken away the President's authority to arbitrarily break contracts as has been the case in two previous occasions under two different administrations. In both cases, those actions were not warranted and they were not sustained. In both cases, the controls were lifted. But only after considerable punishment, not to the Soviet Union, but to U.S. suppliers.

We have provided in this legislation tremendous protections for the agricultural community by way of contract sanctity; by way of protections under the foreign policy and short supply sections; and protections under the national securtity section. That alone ought to provide all of the protection that the agriculture industry has sought and needs in this legislation.

The distinguished gentleman from California [Mr. ZSCHAU], has already covered the national security provisions of the bill. What we have attempted to do there is expedite licensing procedures by trying to focus on militarily critical technology, and to remove the uncertainty, the delays, and the possible denials of licenses at a time when our technology industry is trying to compete in the world.

We have also maintained very stringent requirements to control that technology that potentially would be diverted to Eastern Bloc countries, by providing for tougher penalties for violators of national security export controls, by requiring an import control authority against foreign violators of export controls, if approved by our allies, and by providing tighter export restrictions on various nuclear items and services to countries which pose nuclear proliferation risks.

So we have expedited procedures, but we have also tightened up where we feel we need to in order to protect our national security interests.

Mr. Speaker, let me make a final comment about what happens if we do not pass this bill today. We have not had an Export Administration Act since March 30, 1984. We have extended the current act on two different occasions, but since March, we have been functioning under the International Emergency Economic Powers Act. That is a rather tenuous authority for the President to maintain the existing controls. Indeed, he can use that authority rather selectively. But it does throw into jeopardy the existing antiboycott provisions in the act, the present ban on the export of Alaskan oil, and many other sections that were authorized by the Congress.

It would open up possible suits against many authorities that presently exist in the act. So I think the responsible thing for us to do is to recognize that the conferees, after laboring for so many months, really came up with a good, if not ingenious, bill. What we have attempted to do is to put the choice before this House to adopt what we feel is the best bill possible and to send it over to the other side.

Mr. Speaker, the conferees on S. 979 and H.R. 3231 were so close to agreement when the conference collapsed that the statement of the managers on the likely conference report was nearly complete.

□ 1140

The information contained in that proposed statement explains our intent on the agreement we reached in conference as well as our intent in agreeing to the Senate amendment to H.R. 4230.

This information is vital to the interpretation of an exceedingly complex bill.

Mr. Speaker, I add the following information for the benefit of my colleagues.

TITLE I—AMENDMENTS TO EXPORT ADMINISTRATION ACT OF 1979

SECTION 102—FINDINGS

The Senate bill amended section 2 of the Act to restate an exising finding that uncertainty of export policy can inhibit business, and to add new findings that transfers of national security sensitive technology and goods have enhanced Soviet military-industrial capabilities, that foreign availability should be eliminated, that excessive dependence on energy imports from potential adversaries can be harmful, and that controls should emphasize exports which could contribute to the military or economic potential of a potential adversary.

The House amendment restated an existing finding that exports, consistent with economic, security, and foreign policy objectives, are a high priority and added a new finding on the importance to U.S. foreign policy of controlling exports of hazardous goods and substances which could affect the international reputation of the United States as a responsible trading partner.

The committee of conference agreed to findings that exports, consistent with economic, security, and foreign policy objectives, are a high priority; that uncertainty of export control policy can inhibit business; that is is important to U.S. foreign policy to control exports of hazardous goods and subtances which could affect the international reputation of the United States as a responsible trading partner; that acquisitions of national security sensitive technology and goods have enhanced Soviet military-industrial capabilities; that foreign availability should be eliminated through negotiations and other appropriate means; and that excessive dependence on energy resources from potential adversaries can be harmful.

SECTION 103—POLICY

The Senate bill amended section 3 of the Act to restate existing policies on cooperation with countries with common strategic objectives and on requirements for prompt negotiations, and added new policies on sustaining the ability of scientists and other scholars freely to communicate their nonsensitive research findings, on encouraging U.S. allies to minimize their dependence on energy imports from potential adversaries thru controls and development of alternative supplies, on minimizing strategic threats posed by excessive hard currency earnings derived from energy exports by potential adversaries, and on disallowing U.S. exceptions to the COCOM list for the U.S.S.R.

The House amendment added new policies on protecting the ability of scientists and other scholars freely to communicate their research findings, and on controlling the export of goods and substances banned or restricted for use in the U.S.

The committee of conference agreed to policies on cooperation with countries with common strategic objectives and on requirements for prompt negotiations; on sustaining the ability of scientists and other scholars freely to communicate their research findings; on controlling the export of goods and substances banned or restricted for use in the U.S.; on cooperating with U.S. allies in minimizing dependence on energy imports from potential adversaries and developing alternative supplies in order to minimize strategic threats posed by excessive hard currency earnings derived from resource exports by potential adversaries; and on continuing to object to exceptions to the COCOM list for the U.S.S.R.

In insisting on a policy statement on scientific enterprise, the House conferees are deeply concerned that an overly broad interpretation of the Export Administration Act may seriously limit, on grounds of national security, the legitimate scientific communication process on which scientific productivity in the United States depends. Clearly, the strength of U.S. technology which underlies national security will not be maintained or improved if scientific and technological progress and innovation are inhibited as a result of overreaching security limitations on dissemination of scientific information under the Export Administration Act.

The policy statement on scientific enterprise makes explicit the view of the House conferees that traditional scientific communication activities of universities and the academic community, such as basic research, publications, and exchanges in the open classroom and among scholars, should be free from restriction unless the scientific information in question is subject to security classification under the President's Executive Order 12356 or its availability in the United States is limited by government contract controls or proprietary or trade secret restrictions. The House conferees recognize that there are legitimate concerns about the low of sensitive U.S. technology through scientific communication and exchanges which may be damaging to U.S. national security and that there is an important role for U.S. Government oversight. However, the House conferees believe that existing government authority to declare material classified, to control work performed under contracts, and to limit the entry to and movement within the United States of foreign nationals is adequate to meet virtually all of our reasonable security needs. Any application of the provisions of the Export Administration Act to traditional scientific communication that deviates from the views stated here bears a heavy burden of justification to the Congress.

SECTION 104—GENERAL PROVISIONS

Subsection (a)—Types of Licenses

The Senate bill amended section 4(a) of the act to repeal the authority of the Secretary to offer qualified general licenses and to authorize the Secretary to offer distribution licenses and comprehensive operations licenses, except for use in exporting to proscribed destinations.

The House amendment authorized the Secretary to offer distribution licenses, project licenses, service supply licenses, and comprehensive operations licenses, and in a related amendment to section 5(e) of the act, prohibited distribution and comprehensive operations licenses for exports to countries listed in section 620(f) of the Foreign Assistance Act.

The committee of conference agreed to repeal the authority of the Secretary to offer qualified general licenses and authorized the Secretary to offer distribution, comprehensive operations, project, and service supply licenses, except that distribution and comprehensive operations licenses may not be offered for exports to controlled countries.

In agreeing to the Executive branch's request to repeal the authority of the Secretary to offer qualified general licenses, the conferees do not intend that the Secretary rescind such licenses currently in effect; nor do the conferees necessarily intend that qualified general licenses not be available in the future. The conferees note that the Secretary retains authority to create by regulation such types of license as may assist in the effective and efficient implementation of the Act, and leave to the Secretary's discretion the possibility of continuing to offer the qualified general license or to create new types of licenses which the Secretary finds appropriate to protect national security and reduce the burden of individual validated licenses on U.S. exporters and on U.S. government agencies.

The conferees endorse the distribution license as a means of reducing the burden on exporters engaging in trade not prejudicial to the national security, and of reducing the license processing burden on administering authorities. The factors described in the provision to be considered when relevant in individual applications for a license are not to be determinative in creating categories or general criteria for denial of applications or for withdrawal of such a license. This does not limit the authority of the Secretary to determine which items on the control list are eligible for export under a distribution license.

The conferees note that in deleting the House requirement that a comprehensive operations license be valid for more than one year, their intent is to leave to the Secretary's discretion the length of time for which such a license would be valid. The conferees expect that on a case-by-case basis the Secretary may find it appropriate to authorize such a license for a period of several years; however, the Commissioner of Customs is required to perform annual audits of exports pursuant to such licenses.

Subsection (b)—Control List; Foreign Availability

The Senate bill amended sections 4(b) and 4(c) of the Act to rename the "commodity control list" as the "control list" and to restate the requirements for the list, and to establish standards of comparable quantity and of comparable quality for judging foreign availability, to require that the President give strong emphasis to negotiations to eliminate foreign availability, and to require that the Secretary of Commerce and the Secretary of Defense cooperate in gathering and assessing foreign availability information, including a jointly operated computer system.

The House amendment did not contain comparable provisions.

The committee of conference agreed to rename the "commodity control list" as the "control list" and to restate the requirements for the list, and to establish standards of sufficient quantity and of comparable quality for judging foreign availability, to require that the President give strong emphasis to negotiations to eliminate foreign availability and to require that the Secretary of Commerce and the Secretary of Defense cooperate in gathering foreign availability information, including a jointly operated computer system.

The conferees expect the Office of Foreign Availability established under section 106(d) to maintain the computer and to use the information gathered by the Departments of Commerce and Defense to assist the Secretary of Commerce in making determinations under sections 5(f) and (h) of the Act, as amended.

Subsection (c)—Consultation With the Public

The Senate bill amended section 4(f) of the Act to restate the requirements for notification of the public and to require consultation with the advisory committees created under section 135 of the Trade Act of 1974.

The House amendment did not contain a comparable provision.

The committee of conference agreed to restate the requirements for notification and consultation, but to leave to the Secretary's discretion which particular committees or organizations are consulted to carry out the intent of this subsection.

The conferees believe that more consultation on an ongoing basis with business is necessary, and the Congress will continue to consider how best to achieve more effective consultation.

Licensing by district offices

The Senate bill amended section 4 of the Act to create a new subsection (g) requiring the Secretary to study and report to Congress by November 1, 1984, on the feasibility of permitting Commerce Department District Offices to license nonsensitive exports to COCOM countries, Australia, New Zealand.

The House bill did not contain a comparable provision.

The committee of conference agreed to eliminate the Senate provision. However, the conferees note that the Department of Commerce is studying ways to utilize District Offices in responding to applicants' inquiries and speeding transmittal of documents, including use of computer terminals, overnight mail services, and training for District Office personnel in export license requirements, and wish to endorse such efforts.

SECTION 105—NATIONAL SECURITY CONTROLS

Subsection (a)—Transfers to Embassies

The Senate bill amended section 5(a) of the Act to add explicit authority to control domestic sales to embassies and affiliates of controlled countries, and re-exports from foreign countries of U.S.-origin goods.

The House amendment authorized controls on domestic sales to embassies and affiliates of controlled countries.

The committee of conference agreed to the House provision.

The conferees note that authority over re-exports is currently authorized by the Act and no additional authority was requested by the Executive branch.

Agencies to be consulted

The House amendment specified in section 5(a) of the Act additional agencies to be consulted when imposing national security controls.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to the Senate position.

List of controlled countries

The Senate bill amended section 5(b) of the Act to insert an additional criterion for determining national security export control policy toward individual countries.

The House amendment did not contain a comparable provision.

The committee of conference agreed to incorporate the Senate provision into a list of factors to be taken into account when the President makes a determination as to whether a country shall be removed from or added to the list of controlled countries.

H.R. 4230 omits the conference agreement.

License requirements for exports to China

The Senate bill amended section 5 of the Act to add a new subsection (q) requiring individual validated licenses for any export of controlled goods or technology to a nuclear weapons state, unless the country is a NATO member or has ratified and is in full compliance with the Non-Proliferation Treaty or is Israel, and provided one-year, renewable Presidential waivers if six criteria are met.

The House amendment to section 5(b) of the Act stated that exports to the People's Republic of China should be subject to no greater restriction than exports to any friendly, nonaligned country.

The conference compromise is to eliminate the Senate and House provisions.

Subsection (b)—Review of Control List

The Senate bill amended section 5(c) of the Act to restate the procedures for reviewing the control list and to require such review annually.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the Senate provision, with an amendment to delay the effective date until October 1, 1985.

The conferees recognize that current COCOM practice provides for a triennial review of the multilateral COCOM control list, but the conferees intend that, to the degree possible, the annual review of U.S. national security controls include a review and updating of at least one-third of the COCOM list.

Subsection (c)—Export Licenses

The Senate bill amended section 5(e) of the Act to restate the intent of Congress to encourage the use of licenses authorizing multiple exports, to repeal the requirement that the Secretary offer qualified general licenses, to eliminate individual validated licenses for replacement parts for goods lawfully exported from the United States, and to require periodic review by the Secretary of multiple export license procedures.

The House amendment required the Secretary to offer comprehensive operations licenses and distribution licenses for exports of goods and technology subject to controls under section 5, except for use in exporting to countries listed in section 620(f) of the Foreign Assistance Act.

The committee of conference agreed to combine the House and Senate provisions, with an amendment to section 4(a) to prohibit distribution and comprehensive operations licenses for exports to controlled countries.

Subsection (d)—Indexing

The Senate bill and the House amendment had similar provisions to revise section 5(g) of the Act to provide a criterion for regulations on indexing, a procedure for annual increases in the performance levels of goods and technology subject to control.

The committee of conference agreed to combine the House and Senate provisions.

Subsection (e)—Objectives for COCOM Negotiations

The Senate bill and the House amendment added to section 5(i) of the Act various new objectives for negotiations with the governments participating in the Coordinating Committee (COCOM).

The committee of conference agreed to combine the Senate and House objectives, with the exceptions of the Senate provisions on according treaty status to the multilateral agreement and the House provision on imposing sanctions against any country which commits violent acts against unarmed civilians of another country.

Subsection (f)—Reporting of Agreements to Export Technical Data

The Senate bill amended section 5(j) of the Act to expand the category of agreements to export technical data which must be reported to the Secretary, and to remove the exemption for colleges, universities, and other educational institutions from the reporting requirement if the technical data involves a technology identified by the Secretary of Defense as militarily critical.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the Senate position on expanding the category of agreements which must be reported to the Secretary, and to the House position to maintain the existing exemption for educational institutions.

In retaining the exemption in current law for colleges, universities, and other educational institutions from the requirement to report agreements which involve technical cooperation, the conferees note and emphasize that educational institutions remain subject to the same controls and license requirements for technology transfers as all other exports. Prior reporting of technical cooperation agreements, however, is a mechanism for possible prior restraint of scientific discourse. The courts have generally recognized and upheld a freer standard for such discourse in the academic setting than for "commercial speech". (See, for example, Trane Co. v. Baldrige, 552 Fed. Supp. 1378, Aff'd 728 F. 2d 915.) On that basis, the conferees conclude that it is appropriate to require prior reporting of commercial agreements with foreign government agencies, but to place no such requirement on colleges, universities, and other educational institutions, which must nevertheless obtain appropriate licenses before exporting any controlled technology, technical data, or goods. It is the intent of the conferees that U.S. government agencies should require, as part of U.S. government research contracts with colleges, universities, and other educational institutions, reporting to the Commerce Department of such institutions' agreements with any agency of the government of a controlled country that might involve transfer of technology or technical data, to the extent that any U.S. government agency might wish to be informed of such agreements.

Subsection (g)—Agreements With Non-COCOM Countries

The Senate bill amended section 5(k) of the Act to require negotiations on controls with countries which are not members of COCOM and to provide that countries which enter into agreements on export restrictions comparable in practice to those of COCOM are to be treated like COCOM countries for purposes of export controls.

The House amendment required negotiations on controls with countries which are not members of COCOM.

The committee of conference agreed to the Senate provision, with an amendment to specify that treating other countries like COCOM countries includes comparable treatment on exports by multiple as well as individual licenses, the elimination of licenses for low-technology items indicated in the Administrative Exception Notes, and the expedited processing of applications provided in the new subsection (o) of section 10 of the Act.

Subsection (h)—Diversion

The Senate bill amended section 5(l) of the Act to restate the authority to deny export privileges to parties who divert controlled goods or technology to significant military use and to include authority to deny export privileges on account of diversion to an unauthorized use or consignee.

The House amendment did not contain a comparable provision.

The committee of conference agreed to restate the authority to deny export privileges to parties who divert controlled goods or technology to an unauthorized use.

Subsection (i)—Exclusions; Requirements for Departments

Section 105(j) of the Conference Report provides certain exclusions from national security controls and imposes new requirements on departments administering such controls.

Embedded microprocessors

The House amendment stated that controls may not be imposed on a good containing an embedded microprocessor unless the function of the good itself is such that export of the good would make a significant contribution to the military potential of a controlled country.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to the House provision.

Security measures

The Senate bill amended section 5 of the Act to add a new subsection requiring the Commissioner of Customs to provide advice on security measures to manufacturers of controlled goods and technology.

The House amendment did not contain a comparable provision.

The committee of conference agreed to require the Secretary of Commerce and the Commissioner of Customs to provide advice on security measures.

Recordkeeping

The Senate bill amended section 5 of the Act to add a new subsection requiring departments and agencies to keep records of their recommendations and decisions with respect to license applications and control list revisions.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the Senate provision.

National Security Control Office

The Senate bill amended section 5 of the Act to add a new subsection establishing a National Security Control Agency in the Department of Defense.

The House amendment did not contain a comparable provision.

The committee of conference agreed to establish a National Security Control Office in the Department of Defense, in order to centralize the personnel in the Department of Defense who may review export license applications and speed to the Department of Commerce any recommendation of the Office on a license application. The conferees do not intend the Office to exercise any functions under this Act other than those which both are authorized to the Secretary of Defense under this Act and are delegated by the Secretary to the Office.

Exclusion for agricultural commodities

The Senate bill amended section 5 of the Act to add a new subsection prohibiting controls under section 5 on agricultural commodities.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the Senate provision.

SECTION 107—FOREIGN AVAILABILITY

Subsection (a)—Consultation With Other Agencies

The Senate bill amended subsection (f)(1) of section 5 of the Act to require the Secretary of Commerce to consult with the Secretary of Defense on foreign availability.

The House amendment to subsection (f)(1) provided a definition of "detrimental to the national security of the United States".

The committee of conference agreed to the Senate provision.

Subsection (b)—Representations of Applicants

The Senate bill amended subsection (f)(3) of section 5 of the Act to require the Secretary of Commerce to accept the representations of applicants with respect to foreign availability unless contradicted by reliable evidence and to provide factors for the Secretary of Commerce to consider in determining foreign availability.

The House amendment required the Secretary of Commerce to accept the representations of applicants with respect to foreign availability unless contradicted by reliable evidence.

The committee of conference agreed to require the Secretary of Commerce to accept the representations of applicants with respect to foreign availability unless contradicted by reliable evidence, to provide factors for the Secretary of Commerce to consider in determining foreign availability, and to provide examples of foreign availability evidence which applicants may supply to the Secretary of Commerce.

The conferees note that the Secretary may also make determinations of foreign availability on the Secretary's own initiative. The conferees urge the Secretary immediately to initiate an evaluation of the availability abroad of those goods and technology decontrolled to cooperating countries under section 107, and to eliminate, whenever foreign availability exists, license requirements for such exports to any country not included in the list in section 620(f) of the Foreign Assistance Act.

Subsection (c)—Negotiations on Foreign Availability

The Senate bill amended subsection (f)(4) of section 5 of the Act to require the President actively to pursue negotiations to eliminate foreign availability.

The House amendment required the President to conduct negotiations to eliminate foreign availability and required the Secretary of Commerce to eliminate controls on items available abroad if, after six months of negotiations, the foreign availability has not been eliminated, unless the President extends the negotiating period by an additional 12 months; after eighteen months of negotiations, if the foreign availability still exists, the Secretary of Commerce is required to eliminate the controls.

The committee of conference agreed to the House provision.

Subsection (d)—Office of Foreign Availability

The House amendment to subsection (f)(5) of section 5 of the Act established an Office of Foreign Availability in the Department of Commerce and required semiannual reports to Congress on the operations of the office.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to the House provision, incorporating in the reporting requirement the information on foreign availability activities required by the Senate amendment to section 14 of the Act.

Subsection (e)—Regulations

The House amendment to section 5(f) of the Act required the Secretary to issue within six months regulations with respect to determinations of foreign availability.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to the House provision.

Subsection (f)—Composition of Technical Advisory Committees

The Senate bill amended subsection (h)(1) of section 5 of the Act to include rerpesentatives of the intelligence community on the technical advisory committees.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the Senate provision.

Subsection (g)—Functions of Technical Advisory Committees

The Senate bill amended subsection (h)(2) of section 5 of the Act to expand the matters on which the Technical Advisory Committees shall advise the Secretary of Commerce.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the Senate provision.

Subsection (h)—Certifications by Technical Advisory Committees

The Senate bill amended section 5(f) of the Act to require the Secretary of Commerce to make a foreign availability determination upon request of the appropriate technical advisory committee.

The House amendment to subsection (h)(6) of section 5 of the Act established procedures for the Secretary of Commerce in considering certifications of foreign availability by the technical advisory committees, required the President to conduct negotiations to eliminate foreign availability, and required the Secretary of Commerce to eliminate controls on items available abroad if, after six months of negotiations, the foreign availability has not been eliminated, unless the President extends the negotiating period by an additional 12 months; after eighteen months of negotiations, if the foreign availability still exists, the Secretary of Commerce is required to eliminate the controls.

The committee of conference agreed to the House provision.

Subsection (j)—Standards for Judging Foreign Availability

The Senate bill amended subsections (f)(1) and (f)(2) of section 5 of the Act to establish standards of comparable quantity and of comparable quality for judging foreign availability.

The House amendment did not contain a comparable provision.

The committee of conference agreed to establish standards of sufficient quantity and of comparable quality.

SECTION 107—LICENSE REQUIREMENTS FOR EXPORTS TO COOPERATING COUNTRIES

The Senate bill amended section 5(e) of the Act to require general licenses in lieu of validated licenses for exports of goods or technology to countries which are party to a multilateral or bilateral agreement to restrict such exports, unless the goods or technology are included on the militarily critical technologies list and incorporated on the control list.

The House amendment to section 5(b) of the Act eliminated licensing requirements for exports of goods or technology to countries which control such exports cooperatively with the United States, except for exports to end-users specified by the Secretary, and authorized the Secretary to require notification by exporters to the Department of Commerce of exports which would otherwise be subject to control.

The committee of conference agreed to eliminate U.S. licensing requirements for exports to COCOM countries with respect to relatively low-technology items that require only notification for export under COCOM multilateral controls, that is, for items specified in the Administrative Exception Notes (AENs) of the control list. The committee of conference preserved U.S. licensing requirements for all other shipments of controlled goods and technology to such cooperating countries but with a modification in the licensing process, effective February 1, 1985, to provide greater speed and predictability for export license applicants. The application process for individual validated licenses for exports to such countries under section 10 of the Act would be amended to provide that if the Secretary did not inform the applicant within 15 working days after receipt of the export license application of the disposition of the application or that more time was necessary to consider it, a license automatically would become effective. If the Secretary notified the applicant that more time was necessary to consider the application, an additional 15-working-day period would be available for the Secretary to take action. At the end of this second 15-working-day period, however, absent action by the Secretary to deny, a license automatically would become effective.

The conferees intend that the notification by the Department of Commerce to an export license applicant that the Department has received an export license application shall contain an application number that shall be identical to the number of the subsequent license to export, and when a license becomes effective, either by government action or by the expiration of the specified time periods, the exporter may refer to that number (such as on a Shipper's Export Declaration) in exporting the goods or technology specified in the application, without waiting to receive a formal license to export.

U.S. exporters gain certainty that they may ship their products to cooperating countries within at least 15 or, if necessary, 30 working days of submitting an application, unless the application is denied. Export authority obtained in this manner will constitute an individual validated export license in all respects, and the same procedure shall apply to applications to re-export to other COCOM countries. General and multiple licensing procedures remain unaffected.

The same treatment of license applications shall be applied to exports to cooperating non-COCOM countries described in section 5(k), as amended.

SECTION 108—MILITARILY CRITICAL TECHNOLOGIES LIST

The Senate bill amended section 5(d) of the Act to authorize the Secretary of Defense to add certain goods to the Militarily Critical Technologies List (MCTL) and to provide a foreign availability test for excluding items from the MCTL; to require publication of the MCTL by January 1, 1985; to restate the requirement to add items on the MCTL to the control list, with a foreign availability test for excluding items on the MCTL from the control list; to require an annual report to Congress by the Secretary of Defense on actions taken to carry out section 5 of the Act; and to require reduction of controls on products of military critical technology as controls on such technology become adequate.

The House amendment required: integration of the MCTL into the control list by April 1, 1985, with resolution by the President by November 1, 1984, of any disputes between the Secretaries of Commerce and Defense, and with a foreign availability test for excluding items on the MCTL from the control list; evaluation by the General Accounting Office of the integration process; a joint report to Congress by the Secretaries of Commerce and Defense, and a report by the General Accounting Office, by April 1, 1985, on the integration process; annual revision by the Department of Defense on the MCTL; and a report to Congress by the Secretary of Defense by April 1, 1985, on efforts to assess the impact on the military capability of controlled countries of the transfer of items on the MCTL.

The committee of conference agreed to authorize the Secretary of Defense to add certain keystone equipment to the MCTL and to provide a foreign availability test for excluding items from the MCTL; to require integration with all deliberate speed of items on the MCTL into the control list, with resolution by the President of any disputes between the Secretaries of Commerce and Defense, and with a foreign availability test for excluding items on the MCTL from the control list; to require a joint report to Congress by Commerce and Defense by October 1, 1985, on the integration process; to require annual revision by the Department of Defense of the MCTL; to require reduction of controls on products of military critical technology as controls on such technology become adequate; and to require a report to Congress by the Secretary of Defense by October 1, 1985, on efforts to assess the impact on the military capability of controlled countries of the transfer of items on the MCTL.

In agreeing to delete the requirement of the House provision for an evalution by the General Accounting Office of the efforts to integrate the MCTL into the control list, the conferees agreed to ask the General Accounting Office to perform such an evaluation through a letter request from the committees concerned.

SECTION 109—FOREIGN POLICY CONTROLS

Subsection (a)—Agencies To Be Consulted; Evasion of Controls

The House amendment specified in section 6(a) of the Act additional agencies to be consulted when imposing controls and provided that controls apply to any transaction or activity undertaken with the intent to evade the controls.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to the House provision.

Extraterritoriality

The House amendment restated the President's authority in section 6(a) of the Act to impose controls, limiting that authority to controls on the export of goods or technology produced in the United States.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to the Senate position.

The conferees note that in adopting the Senate position on amendments to section 6(a) of the Act relating to existing export contracts, they intend to protect from disruption by new export controls both the foreign and domestic contracts entered into by U.S. nationals, as well as their foreign subsidiaries and affiliates. This action thereby limits the extraterritorial powers of the Executive branch, at least with respect to contractual commitments. Extraterritorial application of U.S. export controls affecting non-contractual transactions and relationships remains a serious matter of contention and strain upon U.S. relations with other countries, particularly with European governments, and possible ways of further limiting such effects merit continued study and consideration.

Import controls

The Senate bill amended section 6(a) of the Act to authorize the President to impose controls on imports from a country to which controls are imposed on exports if the President determines that the controls are consistent with U.S. international obligations.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the House position.

Expiration of controls

The Senate bill amended section 6(a) of the Act to provide that controls expire in six months unless extended.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the House position.

The conferees note that the President has the authority to add or lift controls at any time, and expect the President to modify controls, when appropriate, prior to the annual renewal date.

Subsection (b)—Criteria for Imposing Controls

The Senate bill amended section 6(b) of the Act to require the President to make certain determinants before imposing, extending, or expanding controls.

The House amendment restated the criteria in existing law which the President must consider before imposing, extending, or expanding controls.

The committee of conference agreed to require the President to make determinations when imposing new controls, or extending or expanding such controls, and to restate the criteria the President must consider when extending or expanding controls in effect on October 1, 1984.

Subsection (c)—Consultation With Industry

The Senate bill amended section 6(c) of the Act to restate the requirements for consultation with industry before imposing controls and to require consultations with the advisory committees created under section 135 of the Trade Act of 1974.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the Senate provision.

Subsection (d)—Consultation With Other Countries

The House amendment added a new subsection to section 6 of the Act to urge the President to consult with other countries before imposing controls.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to require consultation with other countries at the earliest appropriate opportunity.

Subsection (e)—Consultations With the Congress

The Senate bill amended section 6(e) of the Act to urge the President to consult with Congress before imposing controls and to require the President to submit a written report with specified contents to Congress and to the General Accounting Office before imposing, expanding, or extending controls, and to require the Secretary to testify before Congress six months after imposing controls if the controls are to remain in effect.

The House amendment required the President to consult with Congress and to submit a written report with specified contents to Congress before imposing expanding, or extending controls.

The committee of conference agreed to require the President to consult with Congress and submit a written report, combining the contents required by the Senate and House provisions, to Congress and to the General Accounting Office before imposing controls, and to require the Secretary to testify before Congress annually on controls.

In deciding to strengthen this provision, the conferees expressed their frustration that the Executive branch has tended to disregard existing requirements for consultations and reports to the Congress, which desires full explanations of the reasons for and effects of any foreign policy controls. The conferees note that two days after their action on this provision, the Commerce Department, prior to consulting the Congress, published in the Federal Register expanded controls on Iran. The notice of controls included the statement, "Members of Congress have been consulted." The conferees also observe that the delay, until November 29, 1982, in submitting the report required under section 6(e) on the June 22, 1982, imposition of controls on oil and gas refining and transmission equipment (controls which were terminated on November 13, 1983) fueled doubts about the wisdom and justifications of the controls. Under the 1979 Act, controls may be imposed, expanded, or extended prior to consultation with and reports to the Congress. The conferees emphasize that with the enactment of this provision, the President lacks authority to impose, expand, or extend policy controls until the requirements of this subsection have been satisfied.

Subsection (f)—Exclusion for Donations

The Senate bill amended section 6(f) of the Act to exempt from controls donations of items intended to meet basic human needs.

The House amendment exempted from controls all exports of food and donations of items intended to meet basic human needs.

The committee of conference agreed to the Senate provision.

The conferees intend to distinguish exports by U.S. individuals and private and voluntary charitable organizations of freely donated items of a people-to-people nature, on which controls may not be imposed, from exports of a commercial nature.

Subsection (g)—Foreign Availability

The Senate bill amended section 6(g) of the Act to require the President to evaluate foreign availability within six months of imposing controls, to approve license for exports of goods or technology available abroad in comparable quantity and comparable quality so that denial of licenses would be ineffective in achieving the purposes of the controls, and to consider removing such controls.

The House amendment included a similar provision, requiring approval of licenses for exports of similar goods or technology available abroad in sufficient quantity so that denial of licenses would be ineffective in achieving the purposes of the controls, with an exemption from the foreign availability test for controls imposed under section 6(h) to fulfill U.S. international obligations, under section 6(i) to further U.S. foreign policy on terrorism, or under section 6(j) on crime control and detection instruments and equipment to further U.S. foreign policy on human rights.

The committee of conference agreed to combine the Senate and House provisions, requiring approval of licenses for exports of goods or technology available abroad in sufficient quantity and comparable quality so that denial of licenses would be ineffective in achieving the purposes of the controls, and exempting from the foreign availability test controls imposed under subsections (h), (i), or (j) of section 6 before the date of enactment of this provision.

Subsection (i)—Countries Supporting International Terrorism

The Senate bill amended section 6(i) of the Act to restore Iraq to the list of countries supporting international terrorism 90 days after enactment unless the President makes the certification required to remove a country from the list to Congress during that 90 days, and provides that to remove a country from the list, the President must certify to Congress that such country has not provided support for terrorism or sanctuary for any major terrorist group during the preceding 6 months and such country has made explicit assurances that it will not support acts of international terrorism in the future.

The House amendment automatically restored Iraq for one year to the list of countries supporting international terrorism, and provided that to remove a country from the list, the President must certify to Congress that such country has not provided support for terrorism or terrorist groups during the preceding 12 months.

Subsection (j)—Crime Control Instruments

The House amendment provided in section 6(j) of the Act that disputes between the Secretaries of Commerce and State on items subject to control for human rights purposes, or on applications for licenses to export such items, shall be referred to the President for resolution.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to the House provision.

Subsection (k)—Control List

The Senate bill amended section 6(k) of the Act to rename the "commodity control list" as the "control list" and to restate the requirements for the list.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the Senate provision.

Subsection (l)—Contract Sanctity; Reimposition of Controls

The Senate bill amended section 6(a) of the Act to prohibit controls on exports of goods or technology in performance of a contract or agreement entered into before the date on which the President notifies Congress of the imposition of controls, and amended the International Emergency Economic Powers Act to emphasize the authority of the President to impose export controls, contracts notwithstanding, during a national emergency.

The House amendment provided that new export controls shall not affect any contract to export entered into or any export license issued before the date on which controls are imposed, unless the controls relate to actual or immiment acts of aggression, acts of terrorism, gross violations of internationally recognized human rights, or nuclear weapons tests, and provided a definition of contract to export. The House amendment also reimposed for one year certain controls designed to further U.S. foreign policy on antiterrorism, human rights, and South Africa which were lifted during 1982 and 1983. The House amendment also assured that Presidential requests for additional authority to control exports for foreign policy purposes will be dealt with expeditiously by the Congress by providing after 30 days automatic discharge of committee from consideration of a joint resolution providing additional authority.

The committee of conference agreed to the Senate provision with respect to the effect of controls on existing contracts and licenses, with further amendments to the International Emergency Economic Powers Act to provide the penalties of the Export Administration Act to violations of export controls imposed under the International Emergency Economic Powers Act, to provide an exemption from certain provisions relating to administrative procedure and judicial review, and to conform to the decision of the Supreme Court in Chadha v. I.N.S. by substituting joint resolution for concurrent resolution. The committee of conference also agreed to reimpose for one year certain controls designed to further U.S. foreign policy with respect to South Africa.

The conferees intend the provision exempting export contracts from disruption by new or expanded export controls for foreign policy purposes to constitute a strong and clear signal that the U.S. and U.S. companies can be relied upon to fulfill their export commitments regardless of changes in U.S. foreign policy. Increasing and often counterproductive use of foreign policy authorities to break contracts makes such a provision necessary. Although existing foreign policy controls would not be changed by this provision, and other provisions of this Act allow the President to break contracts with specific prior Congressional approval or under the International Emergency Economic Powers Act (IEEPA), the conferees intend that only the most extraordinary circumstances should, in the future, justify abrogation of export contracts. Any use of emergency powers for that purpose must involve circumstances that fully meet the stringent definition of a national emergency contained in IEEPA, and the conferees' adoption of language regarding that authority is intended only to confirm the availability of such authority when a genuine national emergency has been declared.

H.R. 4230, however, substitutes for the conference compromise a provision which prohibits controls on exports of goods or technology in performance of a contract or agreement entered into before the date on which the President notifies Congress of the imposition of controls, unless the President determines and certifies to Congress that a breach of the peace poses a serious and direct threat to the strategic interest of the United States and the prohibition or curtailment of such contracts or agreements will be instrumental in remedying the situation posing the direct threat. H.R. 4230 also reimposes for one year certain controls designed to further U.S. foreign policy with respect to South africa, and incorporates the House language on congressional consideration of Presidential requests for additional authority.

SECTION 110—PETITIONS FOR SHORT SUPPLY MONITORING OR CONTROLS

The House amendment to section 7(c) of the Act requires the Secretary to make and publish certain determinations on private petitions as well as on self-initiated motions before imposing monitoring or controls or both on exports of metallic materials capable of being recycled. The House amendment required, among other determinations, that the Secretary determine that a significant increase in exports of such material is or may be a substantial cause of adverse effect on the national economy or any sector thereof or on a domestic industry. The House amendment further required the Secretary to define certain operative terms used in the determination, and prohibited the Secretary from considering any new petitions filed within 6 months after action is completed on a prior petition.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to a provision which requires that each petition filed requesting the imposition of monitoring, controls, or both, on metallic materials capable of being recycled shall indicate that each of the criteria in section 7(c)(3)(A) is satisfied. The amendment requires the Secretary to make and publish certain determinations, including findings of fact in support of the determinations, before deciding whether to impose monitoring, controls, or both on exports of such material, including whether there has been a significant increase, in relation to a specific period of time, in exports of such material in relation to dometic supply and demand, and whether exports of such material are as important as any other cause of the domestic price increase or shortage relative to demand. The provision continues to permit the Secretary to deny complete consideration to any new petition filed within 6 months after consideration of the prior petition has been completed. The conference amendment also continues to allow the Secretary to impose monitoring, controls, or both, on a temporary basis after a petition is filed if the Secretary considers such action to be necessary to carry out the policy set forth in section 3(2)(C) of this Act, but before the Secretary makes a determination under section 7(c)(3) only if failure to take such temporary action would result in irreparable harm to the entity filing the petition, or to the national economy or segment thereof, including a domestic industry. This provision requires that if the Secretary determines, on his initiative, to monitor, control, or both, the export of such material, the Secretary shall publish the reasons for such determination in accordance with section 7(c)(3)(A) and (B).

Existing law requires that increased domestic prices or domestic shortage "results from" increased exports. This language is vague and may lead some to believe that exports have to be the sole or primary cause of an increase in domestic prices or a domestic shortage. The amendment adopted by the conferees would clarify this standard and require that exports of the material must be as important as any other cause of the increased domestic prices or shortage relative to demand found pursuant to clause (ii). Under this standard, increased exports need not be the sole or principal cause of the price rise or domestic shortage for exports of the material to be controlled or monitored. If exports are an important cause of the domestic price increase or domestic shortage relative to demand and other causes are not more important than exports, monitoring or controls may be imposed. No mathematical weighing of the factors that contribute to a price increase or shortage relative to demand is possible or desirable.

SECTION 111—SHORT SUPPLY CONTROLS

Subsection (a)—Domestically Produced Crude Oil

The Senate bill amended section 7(d) of the Act to require that prior to any export of Alaskan North Slope crude oil, the Congress must approve by joint resolution a Presidential report finding that the requirements of this subsection have been met and that Alaskan North Slope crude oil may be exported.

The House amendment to section 7(d) of the Act extended the date of expiration of this subsection to September 30, 1987, clarified that the President must seek authority from the Congress before any export of Alaskan North Slope crude oil may occur, and provided that the Congress must approve by joint resolution the Presidential report required under this subsection recommending the export of Alaskan North Slope crude oil prior to any export of such oil.

The committee of conference agreed to the House provision, with an amendment extending the date of expiration of section 7(d) six years.

H.R. 4230 specifies an expiration date for section 7(d) of September 30, 1990.

Subsection (b)—Refined Petroleum Products

The House amendment to section 7(e) of the Act to eliminate the 30-day Congressional review period of any export license application that would result in the export of more than 250,000 barrels or more of refined petroleum product to one country in any fiscal year during periods when short supply controls are not in effect on refined petroleum products.

The Senate bill did not contain a comparable provision.

The committee of the conference agreed to the House provision.

Subsection (c)—Unprocessed Red Cedar

The Senate bill amended section 7(i) of the Act to eliminate the validated license requirement for exports of unprocessed red cedar harvested from Federal or State lands; to direct the Secretary to utilize to the maximum extent practicable multiple validated export licenses for exports under this subsection of the Act; and to redefine the term "lumber without wane."

The House amendment to section 7(i) of the Act redefined the term "lumber without wane."

The committee of conference agreed to the Senate provision, with an amendment which retains the validated license requirement for exports of unprocessed western red cedar harvested from Federal or State lands.

The committee believes that the requirements of this provision may be met through alternatives to the present validated license requirement for each export shipment of unprocessed red cedar logs under a pre-October 1, 1979, harvesting contract on State lands and for exports of unprocessed red cedar logs harvested from private lands, including the granting of a single, validated license to an exporter for multiple shipments of such unprocessed red cedar logs.

Subsection (d)—Agricultural Commodities

The Senate bill amended section 6(a) of the act and created a new section 6(i) to provide that controls imposed on exports of any agricultural commodity for foreign policy or short supply purposes, unless in connection with a total embargo, would lapse in 60 days unless approved by a joint resolution of the Congress. The Senate amendment further provided that if the imposition of such controls is approved, the Congress, by joint resolution, must re-approve the extension of controls every 6 months. The Senate amendment also provided expedited procedures for Congressional consideration of resolutions of approval required by this subsection.

The House amendment to section 7(g) of the Act provided that controls imposed on exports of any agricultural commodity for foreign policy or short supply purposes would lapse in 60 days unless approved by a joint resolution of the Congress.

The conference compromise provides that controls imposed on exports of any agricultural commodity for foreign policy or short supply purposes, unless in connection with a total embargo, would lapse in 60 days unless approved by a joint resolution of the Congress. The conference compromise also incorporates a provision for expedited consideration of such a joint resolution, in the Senate through floor consideration, and in the House through committee consideration.

Subsection (e)—Effects of Controls on Existing Contracts

The Senate bill amended section 7 of the Act to provide that any export controls imposed for purposes of short supply shall not affect any contract to export entered into before the date on which such controls are imposed, including any contract to harvest unprocessed western red cedar from State lands for export subject to section 7(i).

The House amendment to section 7 of the Act provided that any export controls imposed for purposes of short supply shall not affect any contract to export entered into before the date on which such controls are imposed, including any contract to harvest unprocessed western red cedar from Federal or State lands for export subject to section 7(i).

The conference compromise accepted the Senate provision, with an amendment which provides for sanctity of contracts from export controls imposed under section 7 for any agricultural commodity (including fats, oils and animal hides), any forest product, and any fishery product.

The committee of the conference intends that this provision shall not affect the prohibition contained in section 7(i) of the Act (which took effect on September 30, 1982) on exports of all unprocessed western red cedar logs harvested from Federal or State lands for which contracts were entered into on or after October 1, 1979. The provision permits the export of unprocessed western red cedar logs under harvesting contract on State lands before October 1, 1979, to continue, less any amount that has been exported under the phase-out mandated in section 7(i)(1) (A) through (C) of the Act, and less any amount exported under section 101(o) of Public Law 96-536 and any other provision of law. The committee does not intend this section to affect controls mandated by other statutes on exports of unprocessed western red cedar logs harvested from Federal lands.

SECTION 112—PROCEDURES FOR PROCESSING EXPORT LICENSE APPLICATIONS

Subsection (a)—Deadlines

The Senate bill amended section 10 of the Act to reduce by one-third the time permitted for each phase of the application review process.

The House amendment reduced from 90 days to 60 days the time permitted for processing applications which do not require interagency review.

The committee of conference agreed to the Senate provision, which incorporates the House provision.

Subsection (b)—Procedures for the Applicant

The House amendment specified in subsection (f)(2) of section 10 of the Act procedures for the applicant if the Secretary proposes to deny an application.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to the House provision.

Subsection (c)—Procedures for the Secretary

The Senate bill amended section 10(f) of the Act to consolidate in subsection (f)(3) information specified in sections 5(a) and 10(f) of the Act which is to be provided to an applicant on the reasons for denial of an application.

The House amendment specified procedures for the Secretary if the Secretary proposes to deny an application.

The committee of conference agreed to he combine the provision.

Special procedures for the Secretary of Defense

The Senate bill amended section 10(g) of the Act to restate the authority of the Secretary of Defense to review applications for exports to any country to which exports are controlled for national security purposes, to authorize the Secretary of Defense to review applications for exports to other countries where there is likelihood of diversion to proscribed destinations, and to require the Secretary of Defense and Commerce to agree in advance on categories of licenses to be reviewed by the Secretary of Defense or to refer their disputes to the President for resolution.

The House amendment did not contain a comparable provision.

Although the conferees were unable to resolve this issue, the provision is omitted from H.R. 4230, as amended by the Senate. The Defense Department's authority under existing law to review proposed exports to proscribed destinations is adequate to protect national security, and no authority to review proposed exports to other destinations under this Act is appropriate.

Subsection (e)—Additional Application Processing Requirements

Section 112(e) of the Conference Report provides new requirements for processing export license applications.

Return of application

The House amendment added a new subsection to section 10 of the Act to prohibit returning an application to an applicant without action because requirements for such application are changed after the application is submitted.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to the House provision.

Classification requests

The House amendment added a new subsection to section 10 of the Act to require the Secretary to respond within 10 days to written requests for proper classification of a good or technology on the control list and within 30 days to written requests for other license requirement information.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to the House provision, with an amendment to allow the Secretary 10 working days to respond to written requests for proper classification of a good or technology on the control list.

Small business assistance

The Senate bill amended section 10 of the Act to add a new subsection requiring the Secretary to study and report to Congress within 120 days after the date of enactment on a plan to assist small businesses in the export licensing process.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the Senate provision.

Reports to Congress on application processing

The Senate bill amended section 10 of the Act to add a new subsection requiring semiannual reports to Congress on applications pending beyond the statutory deadlines.

The House amendment required quarterly reports to Congress on applications pending more than 60 days.

The committee of conference agreed to combine the House and Senate provisions, requiring, beginning six months after the date of enactment, quarterly reports to Congress on applications pending beyond the statutory deadlines.

SECTION 113—VIOLATIONS

Subsection (a)—General Violations

The Senate bill amended section 11(a) of the Act to apply penalties under that subsection to conspiring or attempting to violate the Act.

The House amendment applied the penalties of subsection (a) to conspiring or attempting to violate foreign policy or short supply controls.

The committee of conference agreed to the Senate provision.

The conferees intend to affirm that only a general criminal intent is needed to violate section 11(a). In other words, an act or failure to act is done "knowingly" if done voluntarily and purposely, and not because of mistake or accident or other innocent reason.

Subsection (b)—Willful Violations

The Senate bill amended section 11(b) of the Act to apply penalties under that subsection to conspiring or attempting to violate the Act or to exporting with knowledge that the destination or intended destination is a controlled country, to define "controlled country" as any country determined in accordance with section 5(b) of the Act, to provide penalties for possessing goods or technology with the intent to export the items contrary to the Act, and to provide authority to the Secretary of Commerce to define by regulation violations of the Act.

The House amendment applied the penalties of subsection (b) to conspiring or attempting to violate national security controls, provided penalties for possessing goods or technology with the intent to export or knowing or having reason to believe the items would be exported in violation of section 5 or 6 of the Act, and provided penalties for taking any action with the intent to evade the provisions of the Act.

The committee of conference agreed to apply the penalties of subsection (b) to conspiring or attempting to violate the Act or to exporting with knowledge that the destination or intended destination is a controlled country, to provide penalties for possessing goods or technology with the intent to export or knowing or having reason to believe the items would be exported in violation of section 5 or 6 of the Act, to provide penalties for taking any action with the intent to evade the provisions of the Act, to provide authority to the Secretary of Commerce to define by regulation violations of the Act, and to incorporate the definition of controlled country into the definitions section of the Act.

Subsection (c)—Civil Penalties; Administrative Sanctions

The Senate bill amended section 11(c) of the Act to provide that persons convicted of violations of other statutes may lose their privilege to export under this Act, and to authorize mitigation of civil penalties based on such factors as the violator's record of cooperation with the government in disclosing the violation.

The House amendment required that Congress be notified of any exceptions to orders denying authority to participate in U.S. export trade.

The committee of conference agreed to require that Congress be notified of any exceptions to denial orders, and to authorize mitigation of civil penalties.

Subsection (e)—Forfeiture; Prior Convictions

The Senate bill added new subsections to section 11 of the Act to require violators of national security controls to forfeit to the government goods or tangible items which were the subject of the violation and the tangible property used in and derived from committing the violation, and to provide that persons convicted of violating the Arms Export Control Act or certain espionage statutes may be ineligible to apply for or use an export license under this Act for a period up to 10 years.

The House amendment required violators of national security controls to forfeit to the government the goods or technology that were the subject of the violation or used to facilitate the commission of the violation and any proceeds derived from the transaction.

The committee of conference agreed to the Senate provision.

SECTION 114—EXEMPTION FROM JUDICIAL REVIEW

The Senate bill amended section 13 of the Act to add new subsections upgrading Commerce Department hearing commissioners to administrative law judge status, formalizing procedures and records within the Department of Commerce for appeal of orders temporarily denying export privileges and of civil penalties, and authorizing court review on procedural and factual grounds of the Secretary's actions on such appeals.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the Senate provision, with an amendment to delete the authorization for review by the courts of Secretarial decisions on appeals. The effect of the committee action, therefore, is to render such decisions final, as they are under current law.

SECTION 115—ANNUAL REPORT

The Senate bill amended Section 14 of the Act to require a quarterly report to Congress on the operations and improvements of the Government's ability to assess and effort to eliminate foreign availability, and to require in the annual report to Congress a list of licenses approved during the year for exports to countries to which exports are controlled by multilateral agreement to which the United States is a party and a detailed description of the extent of injury to U.S. industry and of job displacement caused by U.S. exports to countries to which exports are controlled by multilateral agreement to which the United States is a party.

The House amendment did not contain a comparable provision.

The committee of conference agreed to incorporate into the requirements for the semi-annual report to Congress under section 5(f) of the Act the information sought by the Senate on foreign availability activities and to require in the annual report to Congress a list of licenses, subject to section 12(c) of the Act, approved during the year for exports to controlled countries and a detailed description of the extent of injury to U.S. industry and of job displacement caused by U.S. exports to controlled countries.

SECTION 116—REGULATIONS

The Senate bill amended section 15 of the Act to require the Secretary of Commerce to submit regulations on national security controls, prior to their issuance, to the Secretaries of Defense and State for review and comment.

The House amendment did not contain a comparable provision.

The committee of conference agreed to require the Secretary of Commerce to submit regulations on national security controls, prior to their issuance, to the Secretaries of Defense and State for review.

The conferees do not intend that the Secretary of Commerce should wait for a reply from either of the departments before issuing regulations with respect to national security controls.

SECTION 117—DEFINITIONS

The Senate bill amended section 16 of the Act to restate the definitions of "good" and "technology" and to provide definitions of "export of goods", "export of technology", and "United States".

The House amendment did not contain a comparable provision.

The committee of conference agreed to restate the definitions of "good" and "technology", and to provide definitions of "export", "controlled country", and "United States".

SECTION 118—AGRICULTURAL ACT OF 1970

The Senate bill and the House amendment contained similar provisions which provided that nothing contained in the Act shall affect the provisions of the last sentence of section 812 of the Agricultural Act of 1970, which provides for sanctity of sales contracts from any export prohibition or curtailment imposed on any agricultural commodity or the products thereof if the sales contract was entered into before the President announces such action and if delivery is to occur within 270 days after the date on which the President imposes a suspension of trade, unless the President has declared a national emergency or the Congress has declared war.

The committee of conference agreed to the House provision.

SECTION 119—AUTHORIZATION OF APPROPRIATIONS

The Senate bill amended section 18 of the Act to authorize appropriations to the Department of Commerce of $11,610,000 for each of the fiscal years 1984 and 1985, and added a new section to the Act to authorize appropriations to the U.S. Customs Service of $12,000,000 for each of the fiscal years 1984 and 1985, and to require reports to Congress by the Commissioner of Customs 90 days prior to taking certain actions.

The House amendment established a requirement for annual authorization of appropriations to carry out the Act, and authorized appropriations to the Department of Commerce of $24,600,000 for each of the fiscal years 1984 and 1985, of which $15,000,000 shall be available only for enforcement, $2,100,000 shall be available only for foreign availability assessments, and $7,500,000 shall be available for all other activities.

The committee of conference agreed to require an annual authorization of appropriations to carry out the Act, and authorized appropriations to the Department of Commerce of $24,600,000 for fiscal year 1985, of which $8,712,000 shall be available only for enforcement, $1,851,000 shall be available only for foreign availability assessments, and $14,037,000 shall be available for all other activities, and authorized appropriations of $28,000,000 for fiscal year 1986, of which $10,000,000 shall be available only for enforcement, $2,000,000 shall be available only for foreign availability assessments, and $16,000,000 shall be available for all other activities.

The conferees believe that processing of export license applications and responses to inquiries from Commerce and Customs personnel at ports as to license requirements for particular shipments would be speeded by increasing the number of engineers and other highly trained personnel in the Commerce Department's Office of Export Administration (OEA). The conferees understand that present civil service ratings applicable to OEA personnel have resulted in compensation levels which are not comparable to opportunities in the private sector. The conferees expect the Executive branch to reevaluate, and upgrade where appropriate, civil service ratings applicable to such positions.

SECTION 120—TERMINATION DATE

The Senate bill amended section 20 of the Act to change the termination date to September 30, 1989.

The House amendment provided that the authority granted by the Act terminates on September 30, 1985.

The committee of conference agreed to a termination date of September 30, 1989.

OFFICE OF STRATEGIC TRADE

The Senate bill amended section 14 of the Act to require the President to submit to the Congress by March 15, 1985, a proposal to create an Office of Strategic Trade.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the House position.

SECTION 121—OFFICE HOURS

The House amendment required the Secretary to modify the office hours of the Office of Export Administration in order to accommodate the normal business hours of exporters throughout the continental United States and to study the feasibility of using computer terminals at ports in order to facilitate relevant agency interaction and reduce delays in export license issuance.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to require the Secretary to modify the office hours of the Office of Export Administration.

SECTION 122—CIVIL PENALTIES

The Senate bill amended section 11(c) of the Act to transfer to the Commissioner of Customs the general authority, currently exercised by the Secretary of Commerce pursuant to Executive Order 12214, to impose civil penalties for violations of the Act.

The House amendment did not contain a comparable provision.

The committee of conference agreed to provide to the Secretary of Commerce the authority to impose civil penalties.

SECTION 123—ENFORCEMENT

Subsection (a)—Enforcement Authority

The Senate bill amended section 12(a) of the Act to transfer all enforcement authorities under the Act, except with respect to section 8 of the Act (prohibitions on compliance with certain foreign boycotts) from the Secretary of Commerce to the Commissioner of Customs and to authorize Customs Service officers to stop and search vehicles, vessels, aircraft, persons, packages, and containers and seize any goods or technology exported or about to be exported in violation of the Act.

The House amendment granted additional enforcement authorities to the Department of Commerce, including executing warrants, making arrests, searching and seizing without a warrant with probable cause, and carrying firearms. The House amendment also limited the role of the Customs Service in export control enforcement to inspection, search, detention, and seizure at places where the Customs Service is legally authorized to engage in such activities, and investigations leading up to such enforcement actions. Customs inspections were limited by the House amendment to goods and technology about which information had been received of specific violations, and random inspections were prohibited. The House amendment limited funding for the enforcement activities of the Customs Service under this Act to $14-million in any fiscal year, and required the Customs Service to refer all cases after seizure of any goods or technology to the Commerce Department for further enforcement action.

The committee of conference agreed to continue the Commerce Department's exclusive authority to impose civil penalites under section 11 of the Act and to enforce section 8. Authority to investigate violations of export restrictions, including pre- and post-license investigations in the United States and overseas, is accorded to both Customs and Commerce, with Commerce enforcement activities at ports being subject to Customs concurrence. Officers of the Commerce Department are authorized to execute warrants, make arrests if such an officer has probable cause to believe a violation has been committed or is being committed, and carry firearms only to the extent necessary to execute such warrants and make such arrests. Customs' authority to search, detain, and seize goods and technology is limited to ports and borders, and to places outside the United States where the Customs Service has appropriate agreements with foreign governments to conduct such activities. Customs officials with reasonable cause to suspect violations are authorized to stop and search vehicles, vessels, aircraft, persons, packages, and containers suspected of containing goods exported or about to be exported in violation of export restrictions under this Act, and may detain such goods or technology or arrest persons with probable cause to believe that a violation has occurred or is occurring. Funding for Customs enforcement activities under this Act are limited to $12-million in FY 1985 and $14-million in FY 1986.

The conferees have agreed to an amendment to section 12 that would provide that officers of the Customs Service are authorized to conduct border searches in connection with suspected exports of goods and technology in violation of this Act. This amendment is in addition to, and not in limitation of, the authority that Customs officers already have. Although two United States Circuit Courts of Appeals have specifically held that Customs officers may conduct border searches for export shipment, the standard that applies to such searches is not clear in the remaining circuits. See *U.S.* v. *Ajlouny*, 629 F.2d 830 (2nd Cir. 1980); *U.S.* v. *Swarovski*, 557 F.2d 40 (2nd Cir. 1977), 592 F.2d 131 (2nd Cir. 1979); *U.S.* v. *Duncan*, 693 F.2d 971 (9th Cir. 1982); *U.S.* v. *Stanley*, 545 F.2d 661 (9th Cir. 1976). The purpose of the amendment is to make it clear that searches of exports under the Export Administration Act may be conducted on the same basis as searches governing imports.

The language as provided for by the bill contains specific authority for arrests without warrant in connection with the enforcement of this Act. This authority is in addition to any other arrest authority presently given to Customs officers. Although Customs officers currently make warrantless arrests for export violations, as well as for violations of other laws delegated to Customs for enforcement, *U.S.* v. *Swarovski*, 557 F.2d 40 (2nd Cir. 1977) held that such arrests were to be determined by the standards set forth in the various state laws since Congress had not given Customs officers specific Federal arrest authority in this area. One effect of this amendment is to create uniformity in the law of export arrests. Having to depend on 50 different state laws creates inefficiency and confusion in this area of great concern to national security.

Subsection (b)—Enforcement Information Sharing

The Senate bill amended subsection (c)(3) of section 12 of the Act to require other government agencies to report to the Customs Service any information pertaining to any ongoing investigation under this Act.

The House amendment did not contain a comparable provision.

The committee of conference agreed to require the Secretary of Commerce and the Commissioner of Customs upon request to exchange any licensing and enforcement information under this Act deemed necessary to facilitate their respective enforcement efforts and to achieve effective licensing decisions, and to consult on a continuing basis on such information exchanges.

SECTION 124—UNDER SECRETARY OF COMMERCE; REGULATIONS

The Senate bill amended section 15 of the Act to authorize an Under Secretary of Commerce for Export Administration and to require the Secretary to consult with the Technical Advisory Committees authorized under section 5(h) of the Act and report to Congress before amending regulations issued pursuant to the Act.

The House amendment did not contain a comparable provision.

The committee of conference agreed to authorize, beginning in fiscal year 1986, an Under Secretary of Commerce for export administration and to require the Secretary to consult with the Technical Advisory Committees and report to Congress before amending regulations issued pursuant to the Act.

SECTION 125—IMPORT CONTROLS

The Senate bill amended section 11(c) of the act to authorize the President to impose controls on imports into the United States of violators of U.S. or COCOM national security controls.

The House amendment did not contain a comparable provision.

The conferees agreed to the inclusion of authority to impose national security import controls as an amendment to the Trade Expansion Act of 1962 since such authority belongs more appropriately in trade law containing other provisions authorizing import restrictions for national security reasons. This import control authority would be solely within the jurisdiction of the Committee on Ways and Means in the House. The Chairman of the Subcommittee on Trade has assured the Senate conferees that he will not seek repeal of the authority before there has been a fair opportunity to assess actual experience in its operation, although the Subcommittee may wish to hold oversight hearings at such time as import controls are actually imposed.

SECTION 126—TECHNICAL AMENDMENT

Section 126 of the Conference Report contains a technical amendment, made necessary by the amendments in section 113 of the Conference Report to section 11 of the Export Administration Act, to the Arms Export Control Act.

SECTION 127—HUMAN RIGHTS CERTIFICATIONS

The Senate bill amended section 502B of the Foreign Assistance Act to require the President to submit to the Senate Committee on Banking, Housing, and Urban Affairs certain certifications with respect to exports of crime control equipment controlled under the Export Administration Act.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the Senate provision.

SECTION 128—EXPORT OF HORSES

The Senate bill removed section 7(j) of the Export Administration Act, and placed the provision in the Act of March 3, 1891. The effect is to continue the prohibition on the export by sea of any consignment of horses unless the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the Senate provision.

SECTION 129—ALASKAN OIL STUDY

The Senate bill required the establishment of a Presidential Advisory Commission to Study the Export of Crude Oil, composed of 7 members to be appointed by the President not later than 60 days after enactment of this Act. The Senate provision required the Commission to undertake a comprehensive review of the issues and related data concerning exports of crude oil, particularly Alaska North Slope crude oil, and to submit a final report to the President not later than January 1, 1985. The Senate provision further required the President to develop recommendations on the export of crude oil, particularly on the advisability of retaining section 7(d) of the Act, and to submit the Commission's report and his recommendations to the Congress not later than March 1, 1985. The Senate provision authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

The House amendment did not contain a comparable provision.

The committee of conference agreed to a compromise which requires the President to submit to the Congress 9 months after enactment of the Act a comprehensive review of the issues and related data concerning possible changes in the existing incentives to produce crude oil from the North Slope of Alaska, including changes in Federal and State taxation, pipeline tariffs, and Federal leasing policies, and possible changes in the existing distribution of crude oil from the North Slope of Alaska, including changes in export restrictions which would permit exports at free market levels and at levels of 50,000, 100,000, 200,000, and 500,000 barrels per day as well as the appropriateness of continuing existing controls. The conferees intend that the study include, but not be limited to, a review of the issues and related data on the effect of such changes on the energy and national security of the U.S. and its allies; the role of such changes in U.S. foreign policymaking, including international energy policymaking; the impact of such changes on employment levels in the maritime industry, the oil industry, and other industries; the impact of such changes on the refiners and consumers; the impact of such changes on the revenues and expenditures of the Federal Government and government of Alaska; the effect of such changes on incentives for oil and gas exploration and development in the U.S.; and the effect of such changes on the overall U.S. trade deficit, and the U.S. trade deficit with respect to particular countries, including the effect of such changes on the trade barriers of other countries. The compromise requires the President to develop, after consulting with appropriate State and Federal officials and other persons, findings, options and recommendations regarding the production and distribution of Alaskan North Slope crude oil, and to transmit a report to the Congress containing the results of the review under subsection (a)(1), and the findings, options, and recommendations developed under subsection (a)(2).

In agreeing to require the President to review the issues and related data concerning possible changes in existing incentives to produce crude oil from the North Slope of Alaska, the conferees expect the Department of Commerce to serve as the lead Executive Branch agency in preparing the review. It is the conferees' intent that the Secretary of Commerce, in the preparation of the review, may seek the advice of such other agencies and departments as the Secretary deems advisable, and should consult with representatives of the maritime industry, the oil industry, consumer groups, environmental groups, foreign governments, and all other industries, groups, or individuals likely to be affected by any change in existing law. The conferees intend that the report produced as a result of the review address each of the criteria set forth in subsection (a)(1) and provide a detailed description of each of the factors considered with respect to each of those criteria.

MEMBERSHIP OF THE FEDERAL RESERVE BOARD OF GOVERNORS

The Senate bill contained a sense of the Senate resolution that the President should nominate to the next vacancy on the Federal Reserve Board of Governors a person of demonstrable experience in small business or agriculture.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the House position.

MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT

The Senate bill amended section 201(e)(1)(E) (clause viii) of the Magnuson Fishery Conservation and Management Act to provide that the Secretary of State, in cooperation with the Secretary of Commerce, shall only consider other fishery matters as the Secretary deems appropriate in making annual allocations of U.S. fishery resources to a foreign country.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the House position.

TITLE II—EXPORT PROMOTION PROGRAMS

The Senate bill added a new section to the Act requiring the Secretary of Agriculture to submit within three months a report to Congress on the status of Federal programs relating to the barter or exchange of commodities owned by the Commodity Credit Corporation for materials and products produced in foreign countries, and added a new title II to the Act containing a sense of the Senate resolution that the Congress should enact the "Wheat Improvement Act of 1984" dealing with target prices for wheat, acreage reduction and diversion programs, and other matters.

The House amendment added a new title II to the Act to require an annual authorization of appropriations for Department of Commerce export promotion programs, to define "export promotion program", to authorize $100,458,000 for each of the fiscal years 1984 and 1985 to carry out export promotion programs, and to require the President to submit within six months a contingency plan to Congress on bartering surplus agricultural commodities for petroleum and other materials vital to the national interest which are produced abroad, and to authorize the President to conduct such barters.

The committee of conference agreed to add a new title II to the Act to require an annual authorization of appropriations for the Department of Commerce export promotion program, to define "export promotion program", to authorize $113,273,000 for each of the fiscal years 1985 and 1986 to carry out export promotion programs, and to require the Secretary of Agriculture to submit within three months to Congress a report on the status of Federal programs relating to the barter or exchange of commodities owned by the Commodity Credit Corporation for materials and products produced in foreign countries, and to authorize the President to conduct such barters, ensuring that such barters are consistent with international obligations of the United States, including the General Agreement of Tariffs and Trade.

DROUGHT ASSISTANCE

The Senate bill contained a sense of the Senate resolution that a program for drought assistance should be enacted by the Congress.

The House amendment did not contain a comparable provision.

The committee of conference agreed to the House position.

TITLE III—UNITED STATES POLICY TOWARD SOUTH AFRICA ACT OF 1984

The House bill established, in subtitle 1 of this title of the Act, a set of legally enforceable fair employment standards, known as the Sullivan Principles, for U.S. firms operating in South Africa with more than 20 employees; directed the Secretary of State to carry out the provisions of this subtitle, including the issuing of regulations; established and Advisory Council in South Africa and an American Advisory Council to advise the Secretary on the implementation of the provisions of this subtitle and to review periodically the reports submitted under this subtitle, and, where necessary, to supplement information contained in such reports; required the Secretary to establish mechanisms, including on-site monitoring, to ensure compliance with the provisions of this subtitle; prescribed penalties for noncompliance or violations of the provisions of this subtitle; and allowed the President to waive the provisions of this subtitle if the President determines that to require a U.S. person to comply with these provisions would harm the national security of the U.S., and if the President determines that the South African Government has terminated its practices of systematic racial discrimination and allows the people of South Africa, regardless of race or ethnic origin, to participate fully in the social, political, economic life in that country, and the President submits such determination to the Congress and the Congress approves the determination by joint resolution.

Subtitle 2 of this title of the Act provided that no bank operating under U.S. law may make any loan directly or through a foreign subsidiary to the South African Government or to any corporation, partnership or other organization owned or controlled by the South African Government, unless the loan is made for educational, housing or health facilities which are available on a totally nondiscriminatory basis in areas open to all population groups; provided that no person, including any bank operating under U.S. law, may import into the United States any South African krugerrand or any other gold coin minted or offered for sale by the South African Government; directed the Secretary of State, in consulation with the Secretaries of Treasury and Commerce, to take the necessary steps to ensure compliance with the provisions of this subtitle, including issuing regulations and establishing mechanisms to monitor compliance; prescribed penalties for violations of these provisions; and allowed the President to waive the prohibitions in this subsection for a period of not more than one year if the President determines that the South African Government has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in that country and toward an end to discrimination based on race or ethnic origin, and if the President submits such determination to the Congress and the Congress enacts a joint resolution approving the determination.

Subtitle 3 of this title of the Act prohibited any U.S. person from making any investment, including establishing or making a loan or other extension of credit, in South Africa, except for the reinvestment of earnings derived from an enterprise in South Africa established before the date of enactment of this Act or except for the purchase of securities on a securities exchange; directed the President to issue such licenses or orders as are necessary to carry out the provisions of this subtitle, including the establishment of mechanisms to monitor compliance; prescribed penalties for violations of the provisions of this subtitle; and allowed the President to waive the provisions of this subtitle if the President makes a determination, submits such determination that the South African Government has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in that country and toward an end to discrimination based on race or ethnic origin.

Title III of the House bill also provided definitions of the operative terms of the title, and provided that nothing in this title shall be construed as constituting any recognition by the U.S. of the homelands referred to in section 342(3) of the title.

The Senate bill did not contain a comparable provision.

The committee of conference agreed that it shall be the policy of the United States, beginning on the date of enactment of this Act, that any U.S. firm operating in South Africa with more than 20 employees should take the necessary steps to ensure that the opposition of the United States to apartheid is reaffirmed by actions including, but not limited to, implementation of the fair employment principles set forth in Section 312(a) of Title III of this Act. The provision directs the Secretary of State to issue guidelines and criteria to assist persons in implementing the principles set forth in Section 312(a) of this Title; and directs the Secretary to establish an Advisory Committee, which is authorized to meet in the U.S. Embassy in South Africa or such other location as the Secretary may designate, to advise the Secretary on implementation of the principles set forth in Section 312(a), to review periodically the reports submitted pursuant to Section 314(a), and where necessary, to supplement the information contained in such reports. The provision further requires the Secretary to submit an annual report to the Congress describing: 1) the extent to which each U.S. person referred to in Section 311 has implemented each of the principles set forth in Section 312(a); 2) the progress each U.S. person has made since the previous report in implementing those principles; 3) the actions the Secretary has taken to encourage implementation of those principles, as well as any related actions taken by other U.S. Government departments and agencies; and 4) any other information related to the implementation by U.S. persons of those principles that the Secretary believes is appropriate.

The committee of conference further agreed to require the Secretary to publish and make generally available to the public the annual report, and to authorize the Secretary to enter into contracts with one or more private organizations to assist in preparing the report. At such times as the Secretary may direct, each U.S. person referred to in Section 311 of this Title of the Act is required to submit to the Secretary, or through an organization with which the Secretary has a contract, a detailed and fully documented annual report on progress of that person in implementing the principles contained in Section 312(a), and such other information relating to implementation of those principles as the Secretary shall by regulation require. The Secretary shall make available to the Advisory Committee referred to in Section 313 and may make available to the public information obtained pursuant to Section 314(d) relating to employment practices of U.S. persons referred to in Section 311, but shall not make available to the Advisory Committee or disclose to the public any information that would harm the competitive position, proprietary interests, or would reveal trade secrets or confidential commercial or financial information, of any U.S. person required to submit such reports. The Secretary is further required to undertake all reasonable efforts to verify information submitted under Section 314(d), including the establishment of arrangements with U.S. persons and entities referred to in Section 311 for onsite monitoring of their activities and facilities, at least once every two years, and to make reasonable and continuing efforts to promote implementation of the provisions of this Title of the Act. Such sums as may be necessary are authorized to be appropriated to carry out the provisions of this Title of the Act. Upon the request of any U.S. person made within 60 days of publication of the Secretary's report required under Section 314(d), the Secretary shall afford an opportunity for a hearing, within 90 days after such publication, in which such person may comment on the contents of the report.

The committee of conference agreed to require the Secretary, not later than 120 days after the date of enactment of this Act, to issue such regulations as are necessary to carry out the provisions of this Title of the Act; to publish proposed regulations in the Federal Register; and to give interested persons, including the Advisory Committee, at least 30 days to submit comments on the proposed regulations. The Secretary's first annual report must be submitted to the Congress not later than one year after the date on which final regulations are published pursuant to Section 316(a) of this Title, and each subsequent annual report shall be submitted not later than the end of each 1-year period thereafter.

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The committee of conference agreed, in Subtitle 2 of this title, to provide that no bank organized under U.S. law may make any loan directly or through a subsidiary to the South African Government, or to any corporation, partnership, or other organization owned or controlled by the South African Government, as determined by regulations issued by the Secretary. The prohibition in Section 321(a) shall not apply to loans made for educational, housing, or health facilities or for other projects of significant humantarian value which are available to all persons on a totally nondiscriminatory basis and which are located in geographic areas accessible to all population groups without any legal or administrative restriction. The prohibition contained in Section 321(a) of this Title shall also not apply to any loan for which a written agreement is entered into before the date of enactment of this Act. Section 321(b) of this Title of the Act provides that except as otherwise required under such a loan agreement, no loan made before October 1, 1984 may be modified, renewed or extended in any manner which provides for a repayment period that extends beyond one year after the date of enactment of this Act. Section 321(c) sets forth definitions of the terms "loan" and "bank." Section 322 provides for enforcement and penalties, including the requirement that the Secretary, in consultation with the Secretaries of Commerce and the Treasury, shall take the necessary steps to ensure compliance with the provisions of Subtitle 2, including issuing regulations, establishing monitoring mechanisms, and referring cases of possible or actual violations as well as cases of furnishing false information to the Attorney General.

Section 323(a) provides that the President may waive the prohibition contained in Section 321 for periods of not more than one year each if, with respect to each such waiver, the President makes a determination that the South African Government has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in that country and toward an end to discrimination based on race or ethnic origin, and the President submits such determination, and the basis for it, to the Congress, and the Congress fails to enact a joint resolution disapproving the waiver within 90 days after the receipt of the President's determination. Section 323(b) sets forth procedures for expedited Congressional consideration of the joint resolution referred to in Section 323(a).

The committee of conference, in Subtitle 3 of this Title, requires each U.S. department and agency to cooperate with the Secretary in carrying out the provisions of this Title of Act, and sets forth definitions of the operative terms of this Title of the Act.

In adopting the provisions of Title III, the conferees have clearly underlined that it is the policy of the United States, in deed as in words, that the system of apartheid in South Africa is morally repugnant, runs counter to the principles of civilized nations and debases human dignity.

Subtitle 1 calls upon U.S.-controlled businesses employing more than 20 persons in South Africa to implement fair employment principles similar to the "Sullivan Principles" drawn up by Reverend Leon Sullivan in 1977 and amplified by him in succeeding years. Rev. Sullivan has campaigned tirelessly for these principles and the conferees encourage U.S. businesses in South Africa to continue to cooperate with the Sullivan effort until the new reporting system provided for by Subtitle 1 is fully installed.

It is the understanding of the conferees that adherence to the fair employment principles detailed in Section 312 would not require a U.S. firm to violate any existing South African law. The conferees emphasize that with the exception of Principle 6, the principles adhere closely to U.S. civil rights and labor law and do not propose a different or higher standard of behavior for U.S. employers in South Africa than that which is required for U.S. employers in the U.S. The principles are also designed to be applicable to the different labor situation in South Africa. For example, U.S. persons are called upon to provide "reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times where there are not other available channels which will enable the labor organization to communicate with employees through reasonable efforts" (Section 312(a)(7)(C)(iii)). This principle may be particularly relevant to South Africa as, under the Group Areas Act, there may be difficulties in so-called "non-African" labor organizers gaining admission to black townships where most workers live.

In order to promote U.S. policy that U.S. controlled companies should implement fair employment principles, Section 314(d) requires that such U.S. persons submit an annual report to the Secretary of State either directly or through a private party with which the Secretary has contracted concerning implementation of these principles. In addition, Section 314(f) provides that the Secretary undertake reasonable efforts to verify the information submitted, including arrangements with U.S. persons for on-site monitoring of their activities and facilities in South Africa. The Secretary of State is required under Section 314(a) to prepare and submit to the Congress an annual report evaluating each U.S. person's implementation of the principles. The conferees intend that the report assess implementation not simply in "yes" or "no" terms, but in qualitative and quantitative terms, so that there may be assurance of the thoroughness and integrity of the report. Section 314(b) calls for the Secretary to publish "and make generally available" the annual report. It is the intention of the conferees that a sufficient number of copies of the report be published so that it will be widely disseminated.

Section 313 of the Subtitle creates an Advisory Committee consisting of members appointed by the Secretary from among persons in the United States and South Africa representing trade unions committed to nondiscriminatory practices, businesses including the American Chamber of Commerce in South Africa, the academic community, and community and church leaders who have demonstrated a concern for equal rights. The U.S. Ambassador to South Africa will be a member of the Committee ex officio, and the Committee shall be authorized to meet in the U.S. Embassy or in other locations the Secretary may designate. The functions of the Advisory Committee will be to: (1) advise the Secretary with respect to the implementation of the Principles, including comments on proposed regulations, (2) review periodically the Secretary's public report, and (3) where necessary, supplement the information contained in such reports.

In adopting Subtitle I, the conferees do not intend to encourage U.S. investment in South Africa, but believe that, to the extent such investment exists, U.S.-controlled firms should observe the fair employment practices outlined in this subtitle.

Subtitle 2 includes a prohibition on loans by banks organized under U.S. law, made directly or through a subsidiary, "to the Government of South Africa or to any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa, as determined by regulations issued by the Secretary." (Section 321(a)). The conferees intend that the term "Government of South Africa" include the central government and its departments; state, provincial, municipal and local governments and their department; and "homeland" or other authorities administering territory, legally or illegally, in "South Africa" as defined in Section 332(3). The conferees further intend that the term "corporation, partnership, or other organization . . . owned or controlled by the Government of South Africa" include development banks, commercial enterprises, Boards, authorities and commissions such as ISCOR (Iron and Steel Corporation), SASOL (South African Coal, Oil and Gas Corporation), UCOR (Uranium Enrichment Corporation), ESCOM (Electricity Supply Commission), SABC (South African Broadcasting Corporation), and others which we owned or controlled by the South African government as defined above.

In prohibiting new loans to the South African Government, the conferees intend that the United States not be a party to financing South African Government enterprises which in turn undergird and underpin the South African Government's ability to proceed with apartheid. In addition to provision for enforcement and penalties (Section 322), Subtitle 2 therefore also includes a clause (Section 333) applying the provisions of the subtitle to any person who or which "undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of " Subtitle 2 of its regulations.

Concerning Section 321(b), which "grandfathers" loans for which there was a written agreement before the date of enactment and prohibits any other loans made before October 1, 1984 from being modified, renewed, or extended in any manner which provides for a repayment period that extends beyond one year after the date of enactment, it is the clear and strong intention of the conferees that all loans to the South African Government be drawn down to zero as quickly as possible.

Section 323 provides that the President may waive the prohibition contained in Section 321 under certain conditions provided that Congress fails to enact within 90 days a joint resolution, under expedited procedures, disapproving the waiver. The managers intend that the conditions for a waiver—"that the Government of South Africa has made substantial progress towards the full participation of all the people of South Africa in the social, political and economic life in that country and toward an end to discrimination based on race or ethnic origin"—require concrete Governmental actions that are clearly perceived by a majority of black South Africans as leading expeditiously to full national political power-sharing including universal suffrage. Thus such policies as the new constitutional dispensation, wherein "Coloreds" and "Asians" are given only limited power over narrow policy areas and Africans are totally excluded from power, and which has been clearly rejected by the black majority, would not justify a Presidential waiver. Nor would such current so-called "reforms" as official recognition of black trade unions, increased educational expenditures for "urban blacks", and the gradual elimination of "petty apartheid". Such proposed reforms as "dual citizenship" for citizens of "independent homelands", local and metropolitan representation of black "town councils", and the abolition of the Mixed Marriages and Immorality Acts, if all implemented, would not justify a Presidential waiver. The clear intent of the managers is that the waiver will not be exercised until the majority of black South Africans believes that substantial progress towards the goal of full participation in the social, economic and political life of the country for all the people in South Africa has been made.

TITLE IV—NUCLEAR EXPORTS

SECTION 401—NUCLEAR EXPORTS

The Senate bill provided, notwithstanding any other provision of law, that unless a non-nuclear-weapon state maintains International Atomic Energy Agency (IAEA) safeguards on all of its nuclear facilities and unless the export or retransfer is under the terms of an agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, the Nuclear Regulatory Commission shall not license for export to that country and the Secretary of Energy shall not approve for retransfer to that country any nuclear component, item, or substance which the Commission has determined to be especially relevant because of its significance for nuclear explosive purposes. The Senate provision did not preclude licensing for export or approving for retransfer graphite contained in fabricated non-nuclear commercial products or up to 25 kilograms of heavy water per year to any country for medical or non-nuclear enduses. The Senate bill further provided, notwithstanding any other provision of law, that unless a non-nuclear-weapon state maintains IAEA safeguards on all of its nuclear facilities, the Secretary of Energy shall give no authorization under section 57b. of the Atomic Energy Act of 1954 to engage, directly or indirectly, in the production of any special nuclear material in such country except under the terms of an agreement for cooperation arranged pursuant to section 123 of that Act. The Senate bill also provided that the prohibitions shall not apply if, at least 60 days prior to approval of the export, retransfer or authorization, the President determines and so states in an Executive order that withholding approval of such export, retransfer of authorization would be seriously prejudicial to the national security of the United States, and the President submits to the Congress a report setting forth such determination, together with the reasons therefor.

The House bill provided, notwithstanding any other provision of law, that no license may be issued for the export of goods or technology which are used or which, in the Secretary's judgment, are likely to be diverted for use in a nuclear production or utilization facility; that no authorization may be given to engage, directly or indirectly in the production of any special nuclear material; that no license may be issued for the export of component parts or other items or substances especially relevant because of their significance for nuclear explosive purposes; and that no approval may be given for the retransfer of any such goods, technology, special nuclear material, components, items or substances to any non-nuclear-weapon state unless the country maintains IAEA safeguards on all its peaceful nuclear activities. The House bill provided that these restrictions shall apply to any decision made after August 1, 1983. The House bill also provided that these restrictions shall not apply if, at least 60 days prior to the export, retransfer or other activity authorized, the President determines by Executive order that to apply the prohibition would be seriously prejudicial to the achievement of United States non-proliferation objectives or would otherwise jeopardize the common defense and security, and the President submits to the Congress the Executive order, together with the reasons for the determination.

The committee of conference agreed to combine the House and Senate provisions as an amendment to the Atomic Energy Act of 1954. The Conference adds a new Section 132 to the Atomic Energy Act of 1954 which requires that the Secretary of Commerce shall not issue any license under the Export Administration Act of 1979 for the export to a non-nuclear-weapon state for use in a nuclear production or utilization facility any item or related technical data which, as determined under section 309(c) of the Nuclear Non-Proliferation Act of 1978, could be of significance for nuclear explosive purposes, or which, in the Secretary's judgment, is likely to be diverted for use in such facility; that the Nuclear Regulatory Commission shall not issue any license for the export to a non-nuclear-weapon state of a component part, item or substance which the Commission has determined, under section 109 b. of the Act, to be especially relevant because of its significance for nuclear explosive purposes; and that the Secretary of Energy shall not approve the retransfer to any non-nuclear-weapon state of any such component, item or substance, and shall not, under section 57 b. of the Act, authorize any person to engage, directly or indirectly, in the production of any special nuclear material in a non-nuclear-weapon state unless the country maintains IAEA safeguards on all its peaceful nuclear activities, and such export, retransfer or production is under the terms of an agreement for cooperation arranged pursuant to section 123 of the Act, or the country has entered into nuclear cooperation with the United States pursuant to an agreement for peaceful nuclear cooperation arranged through the IAEA.

The conference agreed to define a "non-nuclear-weapon state" within the terms of the Treaty on the Non-Proliferation of Nuclear Weapons, and agreed that the requirement of an agreement for cooperation shall apply only to a country which is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons or the Treaty for the Prohibition of Nuclear Weapons in Latin America, as well as to any country which President determines is in a region of particular volatility or sensitivity.

The conference further agreed that this provision shall not preclude: 1) an export, retransfer, or activity generally licensed or generally authorized by the Nuclear Regulatory Commission, the Department of Commerce or the Department of Energy; 2) assistance to develop or apply IAEA safeguards or U.S. safeguards, as set forth in an agreement for cooperation; 3) assistance for IAEA programs generally available to its member states; 4) assistance for reducing the use of highly enriched uranium in research or test reactors; 5) technical programs for the purpose of reducing proliferation risks, such as those intended to extend the life of uranium fuel or to which section 223 of the Nuclear Waste Policy Act or 1982 applies; 6) assistance necessary for humanitarian reasons to protect the public health and safety; or 7) activities involving radiation protection and health physics; decontamination; waste management; and other assistance for the safe operation of a facility which is under IAEA safeguards of U.S. safeguards. The conference provision set forth in Sec. 124(b)(4) shall apply only in instances where the Secretary of State, in concurring with the Secretary of Energy pursuant to Sec. 57b. of the Atomic Energy Act, determines that approval of such activity would further U.S. non-proliferation objectives with regard to the recipient country. The conference provision further requires the Department of Energy to notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of all authorizations issued pursuant to Sec. 124(b)(4).

The committee of conference agreed that the restrictions set forth in Sec. 124(a)(1)(D) with respect to any authorization described in that subsection shall apply to any contract executed under that authorization after October 1, 1984.

The conference adopted the House provision allowing for a Presidential waiver. It is the conferees' intent that the President may seek a single waiver for a group of exports, retransfers, or activities only in the case where the approval of an individual license, retransfer, or authorization will involve more than a single shipment.

With regard to the exemptions enumerated in subsection (b)(4), the conferees expect the Executive branch to interpret these exceptions so as not to permit routine transfers otherwise restricted by subsection (a)(1)(D). The exemption contained in subsection (b)(4) is intended to permit assistance related to the safe operation of an operating nuclear facility which is subject to international safeguards or U.S. safeguards. The conferees intend that the Executive branch should have the flexibility to approve non-sensitive activities relating to the safe operation of such facilities in countries not accepting safeguards on all their nuclear activities when a determination has been made by the Secretary of State that such approvals will advance U.S. non-proliferation objectives.

It was also agreed by the conferees that some activities relating to safe reactor operations may include assistance for the maintenance of such nuclear facilities. Assistance for the maintenance of nuclear facilities shall be limited to safeguarded reactors supplied by the U.S. pursuant to section 103 of the Atomic Energy Act of 1954, in furtherance of U.S. non-proliferation policy and responsibilities incumbent upon the U.S. as the original supplier of such facilities. This assistance shall include that which ensures that these facilities can be operated in accord with the same standards of safety and protection of public health required of a reactor in the U.S.

The conferees intend that none of the activities listed in subsection (b)(4) should involve or be for the purpose of assisting the design, construction, fabrication, operation, or maintenance of a uranium enrichment or nuclear fuel reprocessing facility or a facility for the production of heavy water.

Finally, the conferees intend that nothing in this provision shall affect follow-up work performed under existing contracts or revoke existing authorizations under which such contracts have been signed.

SECTION 402—AGREEMENTS FOR COOPERATION

The Senate bill amended section 123 of the Nuclear Non-Proliferation Act of 1978 to require that proposed agreements for peaceful nuclear cooperation submitted by the President to Congress shall not take effect unless authorized by law. The Senate bill also amended section 130 of the Nuclear Non-Proliferation Act of 1978 to exempt proposed agreements for peaceful nuclear cooperation from the procedures set forth in that section for expedited Congressional consideration.

The House amendment did not contain a comparable provision.

The committee of the conference agreed to amend section 123 d. of the Atomic Energy Act of 1954 to require that if the President exempts an agreement for peaceful nuclear cooperation from any of the requirements of section 123 a. of the Act, the agreement shall not become effective unless the Congress adopts, and there is enacted, a joint resolution authorizing such agreement; and if the President does not exempt an agreement for cooperation from any of the requirements of section 123 a. of the Act, the agreement shall take effect in 60 days unless disapproved by a joint resolution of the Congress. The provision also requires the President, not less than 30 days prior to the formal submission of an agreement to the Congress, to submit the proposed agreement, together with a non-proliferation assessment (including an assessment of the consistency of the text of the agreement with all the requirements of this Act) to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, and to consult with these Committees on the consistency of the terms of the proposed agreement with all the requirements of this Act. The provision further requires these Committees, during the 60-day period required for Congressional consideration of an agreement, to conduct hearings and to submit a report to their respective Bodies on whether the agreement meets all the criteria of this Act. The conference further agreed that agreements for cooperation shall continue to be subject to expedited procedures for Congressional consideration. This provision amends section 130 of the Atomic Energy Act of 1954 to provide new expedited procedures for consideration of such agreements, in the Senate through floor consideration, and in the House through committee consideration.

Statement on nuclear nonproliferation policy

The Senate bill provided a sense of the Congress statement on U.S. nuclear nonproliferation policy.

The House bill did not contain a comparable provision.

The committee of the conference agreed to the Senate provision, with an amendment deleting the reference to the Middle East and South Asia as sensitive areas, deleting the reference to public recording of all sales of sensitive nuclear equipment, and making certain technical amendments.

Soviet gold coins

The House amendment provided that no person, including any bank operating under U.S. law, may import into the United States any gold coin minted or offered for sale by the Government of the Soviet Union; directed the Secretary of State, in consultation with the Secretaries of the Treasury and Commerce, to take the necessary steps to ensure compliance with this provision, including issuing regulations, and establishing mechanisms to monitor compliance; directed each department and agency of the United States to cooperate with the Secretary in carrying out this provision; and provided penalties, including fines, for violations of the provisions of this title.

The Senate bill did not contain a comparable provision.

The committee of conference agreed to the Senate position.

I yield to the gentleman from Texas [Mr. SAM B. HALL, JR.].

Mr. BERMAN. Will the gentleman yield for a question?

Does the language in the material seek to elaborate on the language affecting the contract sanctity provision?

Mr. BONKER. I expect we will be discussing the contract sanctity provision later, but the report language to which I referred is the draft statement of managers to accompany what was already agreed to by the conferees, and is particularly important for the bank loan provision, and for the nuclear nonproliferation provision of the act.

Mr. BERMAN. Does it speak to the issue of contract sanctity?

Mr. BONKER. I do not believe it speaks to the issue of contract sanctity; I have been assured.

Mr. SAM B. HALL, JR. I thank the gentleman for yielding to me.

Mr. Speaker, I think I know the answer to this, but I would like the record to reflect it.

Mr. BONKER. Mr. Speaker, I yield 1 minute to the gentleman from Texas.

The SPEAKER pro tempore. How much additional time does the gentleman from Washington want?

Mr. BONKER. I ask for 1 additional minute.

Mr. Speaker, I yield to the gentleman from Texas [Mr. SAM B. HALL, JR.].

Mr. SAM B. HALL, JR. Mr. Speaker, I understand that there are over 350 corporations now doing business in South Africa?

Mr. BONKER. Yes.

Mr. SAM B. HALL, JR. The Sullivan principles are probably being utilized fully by those corporations that are doing business now dealing with nondiscriminatory hiring tactics?

Mr. BONKER. Partially.

Mr. SAM B. HALL, JR. Does this bill have any effect on the continuation of those corporations doing business in South Africa?

Mr. BONKER. There is nothing in title III that is before us that would affect the corporations that are now located and doing business in South Africa. The only requirement would be a procedure, if you will, that information on implementation of the existing Sullivan Principles, which is now audited by a private accounting firm, would be reported to the State Department for public purposes.

Mr. SAM B. HALL, JR. I understand at one time there was a move afoot to restrict the corporations from increasing any additional moneys in South Africa? Does this bill affect that in any way?

Mr. BONKER. It certainly does not. That was the so-called Gray amendment that was in the original title III. If the gentleman had listened, the gentleman from Maryland was not pleased with the final product, because it excluded the Gray amendment.

Mr. Speaker, I yield myself 1 additional minute.

I yield to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. I thank the gentleman for yielding to me. My question is a simple one.

Mr. Speaker, I believe I am correct in my assumption that the gentleman and the committee do not intend to in any way affect or alter the jurisdiction of the committees now involved in authorization and oversight of the Export Enforcement Program?

Mr. BONKER. The gentleman is assuming correctly, and in no case does it invade the jurisdiction of the Committee on Energy and Commerce.

Mr. DINGELL. I thank my dear friend.

Mr. HUTTO. Will the gentleman from Washington yield to me?

Mr. BONKER. I yield to the gentleman from Florida.

The SPEAKER pro tempore. The time has expired.

Mr. BONKER. I yield myself 1 additional minute.

Mr. HUTTO. Mr. Speaker, I would like to ask a few questions regarding Cocom.

As you know, during the debate on this bill in the House, three times the House voted to allow the Secretary, if he felt it is in the best interests of our national security, to deny a license, and I want to ask you what the final provision is, or the provision in this new bill regarding the licensing to Cocom countries or any license at all required in Cocom trade?

Mr. BONKER. The final provision to which the Senate agreed would in effect decontrol shipments below AEN, which is low technology, to Cocom countries.

There would be notification, by way of an export license application, on shipments above AEN, and a license would still be required.

Mr. HUTTO. To Cocom countries?

Mr. BONKER. To Cocom countries.

Mr. HUTTO. Would the gentleman tell me about enforcement provisions in the House bill?

The SPEAKER pro tempore. The time of the gentleman from Washington [Mr. BONKER] has expired.

Mr. BONKER. In deference to the gentleman, and I would be glad to discuss this with him informally, but I have a list of speakers and I am jeopardizing their time.

Mr. HUTTO. One quick question.

The SPEAKER pro tempore. The gentleman has no more time remaining.

The Chair recognizes the gentleman from Wisconsin [Mr. Roth].

Mr. ROTH. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. Solomon].

Mr. SOLOMON. I thank the gentleman for yielding time to me.

Mr. Speaker, as a member of the conference on the Export Administration Act I rise in opposition to the bill. My major concern is that the bill does little to strengthen our ability to prevent Soviet access to Western military technology and equipment. Virtually all modern weaponry being developed and produced by the Soviet Union today is being done with technology and equipment they obtain from the West—and in many cases with the technology and equipment they are actually given by the West.

I oppose the bill because the important 10-g provision was dropped. This provision would have given limited authority to the Department of Defense to review certain export licensing categories. This provision would have reduced the chance that advanced Western technology ends up in the hands of the Soviets. Giving DOD some limited authority in this area would not have slowed up the licensing process, but it would have helped insure that military-related technology made in the United States would not become the essential components of Soviet weapon systems aimed at America and our friends.

The interception of American high technology equipment, including the Complext Vax computer on its way to the Soviet Union is but one incident attributable to the loose export controls administered by the Department of Commerce.

Let me cite other examples, in 1983, an international consulting group from Denver exported a nuclear weapon sesimograph and a laser system to a NATO ally to be shipped, upon receipt, to the Soviet Union. In 1982, two projection mask aligners used for microcircuitry in guidance systems were manufactured by a U.S. company and shipped to Switzerland. And from there, they were illegally diverted to Paris, and then to somewhere in the Soviet bloc.

In addition, in 1982, a state of the art computer technology for use in space equipment and missiles was diverted to Bulgaria. The list goes on and on and it has cost the American people millions of dollars and jeopardized our national security.

I also wonder who thinks that this bill will not be vetoed by the President when it reaches his desk. The official statement by the White House at this point is that they do not support the measure in its present form. And what about the various departments involved? OMB will recommend a veto. The Treasury Department will recommend a veto. The State Department will recommend a veto. And the Commerce Department will recommend a veto. What more needs to be said.

U.S. business concerns are also opposed to the bill, especially those corporations with operations in South Africa.

Turning now, Mr. Speaker, to title III, I have several serious concerns and objections about its provisions.

First, with or without the Solarz amendment, title III represents what I believe to be a double-edged sword. It will have the effect of making American companies operating in South Africa instruments of U.S. foreign policy toward that country. At the same time, these same American companies are made scapegoats for what some people perceive as the shortcomings of U.S. foreign policy toward South Africa. The companies will thus be caught in an untenable position.

Second, I believe title III represents an extraterritorial intrusion of U.S. labor law that is not germane for the purposes of export administration. In this connection, it also contains a mandate for the involvement of persons who are not American citizens in the consultative process concerning the enforcement of our own laws. This is a precedent we can ill afford to establish.

Third, and finally, this title is misleading. However much it may appear that the implementation of the Employment Practice Code remains voluntary, the effect of this title will be to make it mandatory. Make no mistake, American companies will be pulling out of South Africa is this title is enacted into law.

This title sets the stage for a campaign of disinvestment, something I am convinced the vast majority of black South Africans are opposed to. The recent poll conducted by the University of Natal more than bears out the excellent reputation that American companies have established with vast portions of South African public opinion. American companies have an enviable record of providing employment and other educational and socially constructive opportunities for black South Africans. Why cast these good faith efforts under a cloud? Why seek to punish, rather than to encourage?

Mr. Speaker, I am opposed to the passage of this conference report, regardless of whether or not the Solarz amendment is adopted. Without the Solarz amendment, title III will contain some very objectionable and open-ended language calling for disinvestment sanctions. This is new language that was never voted on by the conferees. On the other hand, should the Solarz amendment pass, and the bank loan provision be reinstated, the net result will be to kill the entire bill.

Should this conference report be returned to the Senate in altered form, a unanimous consent request would be required to bring it up for consideration on the floor. I can assure my colleagues that the likelihood of such a request being denied is very great.

I am opposed to this bill one way or the other—for the reasons that I have outlined concerning the national security controls and the South Africa provisions.

Mr. Chairman, under present law, we have trouble controlling the export of high technology. If this bill before us becomes law, we will severely weaken our ability to control the export of high technology that can be used in enemy weapons systems. We should defeat the bill.

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The SPEAKER pro tempore. The Chair will advise that the gentleman from Wisconsin [Mr. Roth] has 16 minutes remaining and the gentleman from Washington [Mr. Bonker] has 14½ minutes remaining.

Mr. BONKER. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. Solarz] the author of much of title III.

Mr. SOLARZ. I thank the gentleman for yielding this time to me and I want to pay tribute to him for his extraordinary work on behalf of this legislation. Without his patience, his diligence, his craftsmanship, we would not be here right now.

Mr. Speaker, the motion before us demonstrates the truth of Abba Eban's famous statement that politics is the only profession where there is life after death. Yesterday it appeared as if this bill was dead in the water, but then a new version of the Export Administration Act was adopted by the Senate.

What we have before us now is a motion which incorporates the bill as it was adopted by the Senate, with the addition of one provision which constitutes a stripped down version of the South African parts of the Export Administration Act that have already been adopted in the House and which were acceptable to a majority of the Senate conferees.

Let me give my colleagues a little bit of the background on the South African provisions of this legislation.

When it passed the Committee on Foreign Affairs it included three provisions: First, a requirement that all American firms doing business in South Africa comply with a set of fair employment principles; second, it called for a prohibition on the importation of Krugerrands; and third, it prohibited all U.S. bank loans to the Government of South Africa.

When the bill came up on the floor, the gentleman from Pennsylvania [Mr. Gray], in a masterful demonstration of legislative skill, secured the approval of the House for an additional provision which would have prohibited all new American investment in South Africa. That was supported by the gentleman from New York [Mr. Kemp], by the gentleman from Arkansas [Mr. Bethune], by the gentleman from Louisiana [Mr. Livingston], by the gentleman from Arkansas [Mr. Alexander], by the gentleman from Missouri [Mr. Skelton], by the gentlewoman from Louisiana [Mrs. Boggs], and by many others.

When we went to conference with the Senate, we knew that title III, the part on South Africa, would be controversial, so we agreed, in the interest of reaching a settlement, to make concessions, and we made many concessions.

We dropped the requirement that the Sullivan principles be mandatory. We dropped the prohibition on the importation of the Krugerrands. And because the Senate made it clear they would not agree, we also dropped the prohibition on new investment.

So what did we end up with? What we ended up with was a prohibition on American bank loans to the Government of South Africa. Some might say that is not very much, and indeed it does not touch the almost $4 billion in bank loans to the private sector of South Africa, but it is something. It would cut off $388 million in annual American bank loans to the Government of South Africa or economic entities controlled by that government.

It would represent the first time in American history, ever since the establishment of apartheid in 1948, that we will have imposed some form of economic sanctions against South Africa.

The adoption of this motion would put the South African Government on notice that we are not prepared to continue conducting businesss as usual with them in the absence of real progress toward the elimination of apartheid.

The administration has a different approach. Its policy toward South Africa is based on the notion of constructive engagement, "Let us embrace the racist regime in South Africa and maybe we can persuade them to make progress." I would say to my colleagues that that policy has been tried for 4 years and it has been a miserable failure. They have nothing to show for it in Namibia, we are no closer to a settlement there, and there has been no real progress toward the establishment of genuine racial equality for the black people of South Africa.

This motion represents a different approach. It substitutes a policy of constructive enragement for a policy of constructive engagement, which has completely failed.

So I say let us support this motion. Let us keep faith with the House, which has already voted for similar legislation by an overwhelming margin. Let us keep faith with America by voting for this motion which embodies our own commitment to racial justice and equality, and let us keep faith with the black majority in South Africa by demonstrating that we are opposed to apartheid by deed as well as by word, and that we are in favor of change rather than of the status quo in South Africa.

Mr. ROTH. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska [Mr. Bereuter], who has done such an outstanding job with this legislation and has devoted many, many hours to it.

Mr. BEREUTER. I thank my colleague from Wisconsin for yielding this time to me.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I would be pleased to yield to the gentleman from Kansas.

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Speaker, I just want to take this very brief time to pay a sincere thank you to the gentleman. He is known as Mr. Contract Sanctity all throughout the farm belt. He is one of the few aggies who serves on the Committee on Foreign Affairs, and when this issue comes up, we hear everything about high tech, foreign policy, and human rights as we have seen already in this debate.

The gentleman has the farmers' best interest at heart, he is protecting my farmers' best interests, and we thank the gentleman.

Mr. BEREUTER. I thank the distinguished gentleman, an agricultural leader in this body, for his kind remarks.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Speaker, I just listened to a very moving appeal by the gentleman from New York excoriating, as well he should, apartheid in South Africa. It is a reprehensible, racist system.

I look forward to the day that the gentleman directs his talent and his legislative ability toward the extermination of religious apartheid in the Soviet Union, which is equally reprehensible but toward which we seem to have a more benign attitude.

Mr. BEREUTER. Mr. Speaker, I would like to emphasize that I very much appreciate the extremely able leadership provided on this legislation by our chairman, the distinguished, able, and hard-working gentleman from Washington [Mr. Bonker], by the gentleman from Wisconsin [Mr. Roth], and by the gentleman from California [Mr. Zschau], among others. They have been invaluable in crafting this legislation.

This Member, too, is as interested in national security issues, industrial export licensing reform, foreign availability, West-West trade, and East-West trade, as anyone else in the body. I have tried to direct special attention, however, to the agriculture export elements in this legislation. This is very strong agriculture export legislation.

Improvements have been made in many areas. They relate a limitation on the use of export controls on agricultural commodities for national security reasons. It remedies a dangerous flaw in the legislative veto mechanism caused by the Supreme Court's recent Chadha decision so that embargo actions or sanctions automatically lapse after 60 days unless reauthorized by a joint resolution of the Congress. A third point that I would make and concentrate upon is the fact that the bill adds incremental improvements in the sanctity granted agriculture export contracts.

In addition to reaffirming the 270-day contract sanctity period granted in the Futures Trading Act of 1982, the bill before us today accords unlimited sanctity to agricultural commodities in the event of embargo on the basis of short supply concerns. Had such a provision been in effect in 1973, perhaps the United States' unchallenged dominance of the Japanese soybean market might still exist.

Furthermore, the bill significantly narrows the circumstances under which contracts can be broken. Henceforth, we will follow a policy whereby contracts will remain in force even after the imposition of export controls.

The only exemption to that contract sanctity policy will be in circumstances where a "breach of peace" occurs.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the distinguished gentleman from Illinois [Mr. Michel], the Republican leader who I believe would like to engage in a colloquy at this point.

Mr. MICHEL. I appreciate the gentleman yielding, because I understand this legislation includes an exception to the contract sanctity rule for instances in which there is a breach of peace.

Mr. Speaker, I would like to know if there is a definition of "breach of peace" within the legislation. If not, then it is my belief that without such elaboration on this operative phrase, the objectives of the contract sanctity provision itself could be seriously undermined.

Would the gentleman from Nebraska please explain for my benefit, if he can, what is meant by the term "breach of the peace"?

Mr. BEREUTER. The distinguished gentleman from Illinois, the minority leader, raises a very valid point.

I assure the gentleman that the term "breach of peace" would be intended to be construed only in its most narrow sense. It is clearly not the intent of the drafters of this language that the term "breach of peace" be interpreted to include anything beyond the actual act of aggression by one country against another.

□ 1200

It is simply the intent that activities including, but not limited to terrorism and gross human rights violations, not be included within the scope of this provision, the term "breach of peace." The items just referred to, as reprehensible as they are, are presently covered under other sections of the Export Administration Act or elsewhere in U.S. law.

Mr. Speaker, I thank the gentleman from Illinois for his very important question.

Mr. MICHEL. Mr. Speaker, I would say to the gentleman that I certainly thank him for his explanation. I am pleased that it was not the gentleman's intention to extend the definition or implication of the term, "breach of peace," beyond an actual act of aggression by one country against another.

The SPEAKER pro tempore. The time of the gentleman from Nebraska [Mr. BEREUTER] has expired.

Mr. BONKER. Mr. Speaker, I yield 4 minutes to the distinguished chairman of the subcommittee on Africa, the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I want to begin, first of all, by extending my personal appreciation to our chairmen, the gentleman from Florida [Mr. FASCELL], and the gentleman from Washington [Mr. BONKER], for their leadership and for their legislative skill which has brought this legislation to the point where it now rests before the House. I also want to pay particular tribute to the gentleman from Philadelphia [Mr. GRAY] and the gentlemen from New York [Mr. SOLARZ] for their leadership in crafting the provision respecting South Africa.

As previous speakers have indicated, this bill is probably the most significant trade bill to come before Congress this session. It is the product of painstaking and thorough consideration of the many concerns involved in setting U.S. trade policy. The conferees debated long and hard on the best way to protect our national security interests and further our foreign policy goals without unnecessarily hampering our economic performance in the world marketplace. I am sure that all of us have some reservations about certain provisions in this package, but I think it does represent a successful attempt to balance many national policy objectives. Other Members have spoken about the impact of this bill on the use of foreign policy export controls and about the important changes in the national security section of this legislation.

I would like to focus my comments on three sections of this bill—the provisions concerning South Africa, nuclear nonproliferation, and the restrictions on the export of Alaskan oil—sections I believe to be absolutely critical and deserving of the bipartisan support of this body.

I want to say at the outset that the content of the South Africa provision falls far short of what the House enacted in the first instance and falls far short of what in my view would represent ideal American national policy.

We have heard on the floor today and in previous debates on the subject of South Africa repeated affirmations by all of our colleagues, on both sides of the aisle, of American hostility and opposition to the apartheid regime. The tragedy is that the policies our Government has been pursuing have led to a very different perception on the part of South Africans and, indeed, the entire world.

The issue really is whether or not we are going to put our policies in conformity with our professed opposition to apartheid. The reality is that in the past several years the policy of constructive engagement has effectively created the perception that the United States has now accommodated itself to apartheid. We have been told by the administration that the normalization of relationships with the South African Government was going to create more leverage and more influence for the United States so we could help the Africaner regime move away from the system of apartheid and get South Africa to remove itself from its illegal occupation in Namibia.

Tragically, the messages that we have been sending out, under the banner of "constructive engagement"—relaxing trade restrictions, substituting quiet diplomacy for public condemnations, and so forth—have only had the effect of giving to the South African Government the clear understanding that they now have a much freer hand to do what they will, both internally and in the region. Indeed as we enter the debate today, the situation inside South Africa and within the region has sharply deteriorated. In the past several weeks there are 2,000 people that have been arrested. There are over 80 black South Africans who have been killed at the hands of South African security forces. And now, as a consequence of constructive engagement, the United States for the first time is seen as directly implicated in these developments.

So what we are trying to do in this legislation is to initiate a different set of messages, to redirect our diplomacy, to make clear both to the administration and to the South Africans themselves that the United States, in fact, does not embrace or condone apartheid. We want, through this legislation, to make equally clear that we understand that American national interests do not lie in allegiance to the current Afrikaner regime.

This legislation, though it does not go as far as I wish it did, by imposing a prohibition on American banking loans to the South African Government, by restoring the trade restrictions that the Reagan administration had relaxed that had earlier been imposed on sales to the South African military and police, and by imposing new controls on nuclear commerce with South Africa, begins to send a very different and concrete message to all of South Africa and the world.

Many of the constructive engagement initiatives have been rationalized on the basis that we are trying to facilitate nonviolent, evolutionary change in South Africa. I submit that the ultimate tragedy is that our policies are having precisely the opposite effect by giving the signal to the South African Government that they have a much freer hand to do what they will, we are adding to the repression, we are adding to the violence, and we are adding to the instability of that region and compromising American national interests.

I would also like to mention the new restrictions on the export of nuclear technology and assistance that have been included in this bill. If adopted, this bill will put in place critical new provisions which further tighten export controls on all nuclear technology, equipment and dual-use items. Although it does not go as far as my amendment adopted in this House last year or as far as similar amendments passed in the Senate, it does begin to correct a very dangerous loophole in existing law by restricting nuclear exports to those countries which have not signed the Nuclear Nonproliferation Treaty. Last year both the House and Senate passed broad prohibitions on the export of any nuclear assistance, expressing the conviction that these countries, including South Africa, should not benefit from U.S. nuclear technology unless and until they agree to clearly forswear the development of nuclear weapons. This bill is an important first step in support of that principle.

The final provision I would like to highlight is the provision I was privileged to offer that would extend existing restrictions on the export of Alaskan crude oil. In 1973, when Congress passed the Trans-Alaska Pipeline Authorization Act, it established a clear-cut national policy that Alaskan oil should be developed for domestic use. This policy has been reaffirmed and strengthened numerous times in the past decade. The export restrictions are prudent and are essential to both our energy security and the security of our Nation. These restrictions guarantee that no export of Alaskan oil will occur unless it can be demonstrated that such exports will directly benefit the American consumer and are clearly in the national interest. Furthermore, unlike other laws affecting oil exports, the restriction in this legislation guarantees a strong, affirmative congressional role in any export decision.

Mr. Speaker, I urge support for the three important provisions and adoption of this legislation.

Mr. ROTH. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I would ask all my colleagues, before they vote on this bill, to look at one particular section, and that is the foreign-availability section. I think it is an extraordinarily outrageous provision in the bill.

What does the foreign-availability section say? It says that if the French, for example, are selling militarily critical technology to the Soviet Union that could be used to kill young Americans, young Israelis, and young Frenchmen, and our President cannot negotiate the French out of selling this technology within 18 months, if he cannot convince them to stop because it is dangerous to peace in the world, then our corporations in the United States can go ahead and sell that killing technology to the Soviet Union also, and not the Members of this House nor the Members of the other body nor the President of the United States can stop American corporations from selling militarily critical technology to our adversaries.

Now, it has been stated by the gentleman from Washington that we have big trade deficits. That may be true, but we also spend almost $300 billion a year on defense, and a great deal of that money is spent because we are continually having to confront our own technology in the weapons systems of our adversaries.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I cannot yield, Mr. Speaker. I only have about 30 seconds left.

Mr. Speaker, I would plead with the Members of this House. I think it is not consistent with the principles of any of the Members of this House, liberal, conservative, Democrat, or Republican, to go along with this bill that would allow us or allow our corporations for profit to sell militarily critical technology to our adversaries.

Mr. Speaker, Lenin said at one time, "The capitalists are so greedy they will sell us the rope with which to hang them." I hope we do not prove them right. I ask the Members to please vote against this bill.

The SPEAKER pro tempore. The Chair advises the gentleman from Washington [Mr. BONKER] that he has 6½ minutes remaining and the gentleman from Wisconsin [Mr. ROTH] has 9 minutes remaining.

The Chair recognizes the gentleman from Washington [Mr. BONKER].

Mr. BONKER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. MICA] who has made such a great contribution to this legislation.

Mr. MICA. Mr. Speaker, first let me point out, with regard to the remarks of the previous speaker, that there is no reduction in the Defense Department's role in this legislation. I think we have tremendous protection for the Department of Defense in militarily critical technology.

I would like to make a couple of quick points, and I am sorry there is so little time in which to do it. The first point is that we have been debating South Africa quite a bit here. It is important, it is personal, and everybody has strong feelings on the subject, but I would remind my colleagues that this is not just a South Africa bill. I say to the Members, vote your conscience on that. It is important. But there are 50 titles and hundreds of provisions in the bill. We had 14 conferences, 7 months of conferences, and hundreds of Members' hours were put into those conferences, and thousands of staff hours went into this bill.

What is the bill? I would like to ask my colleagues in their offices to tune up for just a minute. This is the Export Administration Act. This deals with day-to-day trade and licensing for American business. This is not the National Emergency Powers Act; this is the Export Administration bill.

Businesses throughout America must apply every day for licenses to ship their products abroad. Over 130,000 were processed last year, and they are projecting 150,000 to 200,000. This is the procedure whereby we can participate in international trade.

We have just come off a record deficit. Economists today are saying that next year this House will talk not only about the national deficit, but about the trade deficit, and one cannot be solved without the other.

□ 1210

So let me just say again, it is important on South Africa, but the majority, the vast majority of the sections of this bill deal with day-to-day trade for American business, and think of the choice. The choice is simply this, if we do not pass this bill there is no U.S. policy for international trade. We cannot participate. We revert to the National Emergency Powers Act which gives the President the right to do anything he wants.

I might remind my colleagues, we are operating under right now and there are court challenges with regard to this.

Mr. SAVAGE. Mr. Speaker, will the gentleman yield?

Mr. MICA. If I have some time, I will; but the point I would like to make again is that this is the Export Administration Act. This is for day-to-day business of all of the businesses in America. I think that has been left behind in this very emotional issue. It is important, and I think my colleague, the gentleman from New York [Mr. SOLARZ] made a very stirring statement with regard to the concerns on South Africa, so I am not diminishing that. I am simply saying let us keep the bill in perspective. There has been a great deal of time, a great deal of effort, and without this bill we leave America in limbo with regard to international trade.

Mr. SAVAGE. Mr. Speaker, I have a question. Would the gentleman yield?

Mr. MICA. I have no more time, Mr. Speaker.

Mr. ROTH. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I rise in reluctant support of H.R. 4230.

In particular, I strongly support the provisions of the legislation requiring a study of the issues surrounding the export of crude oil from Alaska's North Slope.

Section 129 of the legislation requires the President to undertake a study of possible changes in export restrictions which would permit exports at free market levels or at another set level. The study shall consider fully all aspects of oil exports which have not been fully considered by the Congress for sometime. The President then is to report back to the Congress within 9 months with his findings based on this study and recommendations as to resolving these issues.

Mr. Speaker, earlier this year, I submitted testimony to the Foreign Affairs Committee stating my support for a revision of the export restrictions. I believe the time has come to expressly authorize the export of Alaska North Slope crude oil and receive all of the benefits of this export in the form of increased revenues to the Treasury and a strengthening of our allies' oil supplies. A blind adherence to prohibition of oil exports ignores the changes in the international oil supply situation which have occurred over the last decade.

Although I would prefer an immediate action to expressly allow exports, the amendment contained in this legislation will allow a full review of export possibilities. It preserves progress toward a reasonable export and marks a change in a policy of rigid adherence to an energy market situation which has changed significantly over the past 10 years.

Mr. SAVAGE. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I have no further time, Mr. Speaker.

Mr. SAVAGE. Everyone wants to avoid a question on this?

The SPEAKER pro tempore. The time of the gentleman from Alaska [Mr. Young] has expired.

Mr. ROTH. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. Zschau].

Mr. ZSCHAU. Mr. Speaker, I thank the gentleman from Wisconsin for yielding.

Mr. Speaker, I asked for this time in order to engage the chairman, the gentleman from Washington, in a colloquy.

Mr. Speaker, I noticed that in several places in the bill H.R. 4230, as amended by the other body, the term "controlled country" is changed to "proscribed country" or "proscribed destinations."

I am wondering if the gentleman from Washington finds those changes significant, or whether those words are interchangeable in the bill.

Mr. BONKER. Mr. Speaker, if the gentleman will yield, I appreciate the gentleman raising this point, because it ought to be clarified. I want to assure the gentleman that it does not matter whether the words are "controlled country" or "proscribed country" or "proscribed destinations" or even "controlled destinations", because what we are referring to are the countries listed in section 620(F) of the Foreign Assistance Act of 1961, those Communist countries to which foreign aid is prohibited. A Communist country is a Communist country is a Communist country, however you characterize it.

Mr. ZSCHAU. Mr. Speaker, I appreciate the clarification.

Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we have produced a bill as complex and as far reaching as this one is, we want to zero in on the most relevant issues. The objectives in the Export Administration Act today are the same as they have always been in the past. They are threefold.

The first objective is to strengthen the national security export controls of truly significant military goods and technology. We have done that in this legislation.

A second objective is to simplify the export licensing procedure and system. We have done that. Last year, over 120,000 export licenses were required of our exporters. This year, with this legislation we are going to eliminate the need for about 40,000 of those licenses. In this legislation, we are strengthening our controls on the sale of highly sophisticated technology to the Communist bloc and making it easier for our companies to export nonsensitive, lower technology items. This will save millions of dollars for the vast majority of exporters who will no longer need licenses and it will free up our export control officers to focus on the more sensitive areas of concern.

Our third objective is to ensure that the President and the Congress fully examine the imposition of foreign policy export controls before they take effect. We have addressed all three of these major issues in this legislation to my satisfaction. As a result, we have a much better system of export controls.

Mr. SAVAGE. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I will in just 1 minute, yes.

I had before mentioned that we are very grateful to the chairman and our subcommittee chairman and all the members of this committee who have spent so much time on this bill. We cannot mention every one, but all the committee members have put so much time into this effort.

I think that we would be remiss if we did not mention the staff hours that went into this bill. This subcommittee has the best staffers, the most dedicated staffers anywhere on the Hill. You can call here at 11 o'clock at night and they are still on the job. I want to thank them as we come to the conclusion of this debate.

Mr. SAVAGE. Mr. Speaker, will the gentleman yield?

Mr. ROTH. Yes, I yield to my friend, the gentleman from Illinois.

Mr. SAVAGE. Mr. Speaker, my problem is that I hear expressions of concern about trade relations with Communist countries and so forth. I know, I have visited South Africa a couple years ago. I know of no nation in this world that is more Fascist, racist, and undemocratic than the apartheid lily white South African regime. If we are that concerned about democracy and trading with countries that are dictatorial, why is it in this conference that they dropped out a portion of the amendment of the gentleman from Pennsylvania [Mr. Gray] that wanted to limit trade with South Africa by American firms that caused Congressman Bill Gray, now hospitalized, to send out this written statement in which he referred to that dropping out. He said that it is a break of faith with the House position by the House conferees and has declared that he is going to vote against it.

Mr. ROTH. Mr. Speaker, I will take back the balance of my time and try to answer the gentleman.

First of all I wish to say that yes, we are indeed saddened and concerned to hear that the gentleman from Pennsylvania [Mr. Gray] is in the hospital. The gentleman from Pennsylvania [Mr. Gray] did a yeoman's job. He did a fantastic job in this area.

But I will in deference, yield to the gentleman from New York who has crafted the House amendment to this legislation.

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for yielding.

We dropped the Gray provision for one reason and one reason only, because after 6 months of arguing, trying to persuade, convince and cajole, pressure and everything else you do around here to get the Senate to agree to something, it became clear that they would not accept it. So we were confronted with a situation where either we could get an agreement prohibiting the bank loans which would cut off $388 million, or we would have nothing. If we could have gotten the Gray proposal, believe me, we would have gotten it.

Let me just say to the gentleman finally——

Mr. SAVAGE. Mr. Speaker, may I ask a question?

Mr. ROTH. I am sorry. I have no more time.

Mr. SAVAGE. I just wanted to ask one question.

The SPEAKER pro tempore. The gentleman from Washington controls the time.

Mr. BONKER. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. Berman].

Mr. BERMAN. Mr. Speaker, I thank the gentleman from Washington for allotting me this time.

I would like to comment with specific reference to the colloquy between the gentleman from Nebraska [Mr. Bereuter] and the distinguished minority leader, the gentleman from Illinois [Mr. Michel] because I have a very different construction of the exception to the contract sanctity provision than the one that those two discussed, and I know that many of my colleagues in the House and Senate who support this bill and support this provision share my concern. The record should be corrected on how to interpret the authority reserved for a President to halt contracted exports.

☐ 1220

Under Black's Legal Dictionary the breach of the peace, which is the exception provided for in the contract sanctity language, is defined as, "a violation or disturbance of the public tranquility and order. Breach of the peace is a generic term, and includes all violations of public peace or order and acts tending to a disturbance threat."

Acts of terrorism, gross violations of human rights, and nuclear weapons tests certainly would qualify, depending on the specific situation, as a violation of public and international peace or order.

I would suggest that at the very least we have differences within this House and in this Congress on the breadth of that exception.

As the person who first proposed the breach of the peace formulation to the Senate, I am pleased that it was accepted and incorporated in the bill we are now considering.

I suggested breach of the peace because it is a term with a long legal history and has been interpreted to apply to serious threats of disaster as well as actual violence. For example, the court found in *Head* v. *State* (96 S.W.2d 981, 982, 131 Tex.Cr.R. 96): "Where means which cause disquiet and disorder, and which threaten danger and disaster to the community, are used, it amounts to a breach of the peace, although no actual personal violence is employed."

It would follow that when breach of the peace is applied to crises in international relations, as in this provision, the phrase cannot reasonably be narrowly construed to apply only to an acutal act of aggression by one country against another.

Mr. ROTH. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. I want to underscore the colloquy between the distinguished gentleman from Nebraska [Mr. BEREUTER] and the distinguished minority leader [Mr. MICHEL].

The distinguished gentleman from California [Mr. BERMAN], the last speaker, gave us his impression of an amendment which he put on the House bill. However, the House bill is really not under consideration now. The bill before us was put together in the other body.

The colloquy between the two gentlemen I just mentioned is essentially the same as one given in the other body by the Senators who put this bill together. Therefore, the definition, the Bereuter-Michel definition, seems to me is exactly what is correct, not the expanded definition which the gentleman from California [Mr. BERMAN] would like to have ascribed to his amendment. That is not a part of the question here.

Mr. Speaker, there are some pluses and minuses in this bill. The contract sanctity provision is flawed. Customs is given enforcement authority which should belong to Commerce. The South Africa title is counterproductive, finally, the import control section is a step backward.

I know the Department of Commerce, although its interests, I think, have been well protected by the gentleman from Washington, [Mr. BONKER], is not happy with the bill, and its criticisms are well founded. But the flaws it has identified are not likely to be corrected next year, and they are outweighed by the improvements in the bills.

By and large, the trading business community believes it needs this bill.

I have traveled often with the distinguished Trade Subcommittee, and its chairman, Mr. GIBBONS. As we have gone to various countries around the world, we have frequently heard American firms say we are shooting ourselves in the foot. Americans abroad tell us we have to improve our export licensing program. For many of them, improvement of export licensing is their first trade priority.

The conference committee has brought us an improved export licensing program. Its members, the distinguished gentleman from Wisconsin [Mr. ROTH], "Mr. Licensing," the distinguished gentleman from Nebraska [Mr. BEREUTER], "Mr. Contract Sanctity," the distinguished gentleman from California [Mr. ZSCHAU], "Mr. High Tech," the gentleman from Florida [Mr. MICA], the gentleman from New York [Mr. SOLARZ], and others on the majority side have done a magnificent job. But all of their efforts, as signficant as they are, pale in the light of the efforts of the gentleman from Washington [Mr. BONKER].

Whatever glory is even associated with the bill belongs to DON BONKER. He has handled this matter with persistence, with skill, with determination, and with great effectiveness. He has defended the Commerce Department as best he could, and the House position as best he could.

His bill is far from perfect. But it is an improvement. Contract sanctity, licensing procedures, foreign availability and general enforcement have been enhanced. He has carefully avoided the main pitfall, a statutory grant of enforcement authority to the Defense Department.

Even if this is a close call, I am going to vote with the gentleman from Washington. He has earned my support and deserves your support, too.

Mr. BONKER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, mass murder is occurring in South Africa. The minority continues its brutal war against the majority at any cost. The battles in this war range from the firing upon crowds in the streets to the forcible deportation of people to so-called homelands where they are left to starve. In the occupied areas of South Africa the majority is forced to live under a series of laws which are calculated to restrict, control and humiliate. None of the armbands required in Hitler's Germany are needed in South Africa. The badge of the oppressed is color.

It is the clear duty of the whole of the civilized world to oppose this uncivilized oppression with a unified position in opposition. Trade and investment sanctions are one means at our disposal. Unfortunately the sanctions included in the Export Administration Act before us are far too weak.

The House-passed version of the Export Administration Act contained strong economic sanctions against the apartheid regime in South Africa. The House/Senate conference committee agreed to a proposal offered by Senator JOHN HEINZ which prohibits new bank loans to the South African Government, and requires U.S. companies operating in South Africa to submit reports to the Secretary of State on their compliance with the Sullivan Code of Fair Employment Principles. This proposal succeeded after the conferees defeated a proposal by Representative BILL GRAY to limit new investment by American companies in South Africa.

I certainly hoped that the House would speak with a stronger voice reflecting a strong stand against the mass murder which is occurring in South Africa. However, if my vote is needed for passage I will support this bill because it is a beginning.

It is my hope that next year the 99th Congress will address our responsibility more forcefully and recognize that we bear part of the burden of blame for what is happening in South Africa. Failure to act would mean that the blood of the helpless majority of South Africa would be on our hands.

Mr. BONKER. Mr. Speaker, I yield 30 seconds to the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I thank the gentleman for yielding too brief a time; 30 seconds is not much, but I thank him for that.

Not a long speech. The bill has been criticized for doing too much in restricting trade with South Africa. It does not do too much. It does too little.

Those who argue that it does too much are believers in the ultimate trickle down theory. It does not work in South Africa. The segregationist laws and practices prevent growth of personal liberty on the part of black South Africans. We should trade much less with South Africa, not much more.

Therefore, the bill can be criticized because it does too little to restrict trade with South Africa.

But, in truth, given the late date, the lack of cooperation from the administration and the attitude of the Senate, the gentlemen who bring us this bill have done the best job possible under the circumstances. I thank them for that and I support the bill. Let's pass the bill. It is better than the status quo. Far better. It is a step, albeit a small one, toward restricting trade with South Africa.

Mr. BONKER. Mr. Speaker, I yield to the distinguished Chairman of the Subcommittee on Trade of the Committee on Ways and Means, the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, this bill is a vast improvement over the law and should be supported. This bill is a substantial trade law and will help us with our trade imbalance, will protect the security of the United States, and will do as much as can be done at this time for South Africa.

For all of those reasons it should be supported.

I have been a member of the conference invited in because a part of it pertained to the jurisdiction of the Ways and Means Committee. I know how hard the conferees labored. I know how stubborn people were in the other body.

This bill goes as far as we can go. I think for that reason it should be supported.

We need a better trade law, a better export administration law, and this bill provides it.

One of the allusions that Americans labor under is the fact that we control all technology. We do not. If you go around the world and visit the plants on this side and that side of the Iron Curtain you will be surprised to see that foreigners have a lot of high technology, move it very rapidly. We try to restrain it by artificial means and it just does not work.

Obviously we cannot give away our high technology. This bill protects it to the best extent that we can, and it allows for the flexibility that we must have to have a sensible trade policy.

● Mrs. LLOYD. Mr. Speaker, I cannot support the bill because I reject the intention and substance of the nuclear amendments. These nuclear amendments are an unfortunate reminder of the unilateral approach which was taken toward our friends and our enemies during the Carter administration. These amendments smack of the presumptuous attitude of yesteryear that said we should dictate conditions to other countries, ignore any concerns for their sovereignty and, in so far as it is convenient, renounce the sanctity of existing contractual agreements. I have visited a number of foreign countries over the past 5 years to discuss nuclear nonproliferation issues and have documented my findings in several reports which the committee has made available to the whole House. The bankruptcy of the Carter approach was confirmed everywhere I visited and, unfortunately, these amendments appear to be nothing more than merely mischievious examples of that "nuclear option as a last resort" mentality. They also are elements of a thinly disguised, although purportedly well-intentioned effort to "hamstring" U.S. nuclear commerce.

The first amendment is clearly broader than existing law, since it does not focus on the technology being exported but insists that the receiving country have all its activities under IAEA safeguards rather than simply constraining the NRC licensed items to be designated for a safeguarded facility.

The second amendment ties nuclear cooperative agreements to countries which are parties to the NPT, ignoring the fact that a number of countries have refused to sign the NPT, not because they are interested in manufacturing nuclear weapons, but because they feel that their signing simply reinforces the perception that they are "have not" countries. These nations are not proliferation suspects, they simply don't want to be perceived as submitting to the desires of the "haves." This amendment is also framed in a sinister manner, since it introduces the requirement that the "receiver" country for any nuclear exports must have all is activity under IAEA safeguards, rather than simply calling for a specific case-by-case review for such license approvals.

The third amendment, which effects the Department of Energy, raises some significant questions with respect to whether the safety of existing reactors might even be jeopardized. It appears to be specifically directed at the country of South Africa, although it is not clear whether its potential impact on all nations friendly to the United States has been carefully considered.

It would appear to me much more sensible to focus on sensitive technologies as does current law with respect to such DOE authorizations given the concurrence of the Department of State. This is another foreign policy gambit which more properly should be addressed in other legislation after careful consideration by the entire Foreign Affairs Committee.

The facts are, Mr. Speaker, that the Nuclear Non-Proliferation Act of 1978 is restrictive enough with respect to export of nuclear technology and provides any President with discretion to waive its provisions whenever it is in the national interest to do so. These amendments do not provide that necessary degree of flexibility to any administration, but simply provide further disincentives to peaceful and benign U.S. export of civilian nuclear technology by further tying the hands of the Nuclear Regulatory Commission, the Department of Commerce, the Department of Energy, and the Department of State.

I would have hoped that the history of the unfortunate Carter implementation of nonproliferation policy would have taught the Members of this body some lessons. Unfortunately, it appears to me that we have not learned from the 1977-81 period and, moreover, these amendments do not demonstrate congressional good faith in the people who are now or will be charged with the U.S. responsibilities to rationally apply export constraints in the context of a meaningful nuclear nonproliferation policy. Instead, these amendments are saying that we will cater to the visceral whims of certain Members who have a discomfort with the nuclear option, foreign or domestic, and rob the officials of present and future administrations of flexibility in discharging their responsibilities.●

● Mr. McKINNEY. Mr. Speaker, today I rise in support of the Export Administration Act, and especially applaud the provision extending the ban on the export of Alaskan crude oil for 6 years. But first, I wish to thank the conferees for all the long hours and fine work they put into this conference report and I congratulate them for bringing this measure to the House floor before the close of the session.

Congress has mandated that Alaskan oil be retained for domestic use three times since 1977. If Alaskan oil is sent to Japan, the biggest loser will be the American people, who will pay an estimated $1.5 billion more to drive their cars, heat their homes, and fuel their factories. This is because domestic oil would be replaced with Middle Eastern oil, which averages $4 a barrel more than Alaskan oil. The U.S. taxpayer would also lose because exports could cost the U.S. Treasury up to $1.5 billion in defaults on federally insured tanker loans, thereby increasing the growing Federal deficit. Moreover, unrestricted exports would halt the progress we have made toward energy independence, a goal largely ignored in today's oil glut but still crucial to our national security.

During this Congress, my colleague, HOWARD WOLPE, and I introduced H.R. 1197, which would have permanently ban the export of Alaska North Slope [ANS] crude oil. This measure was cosponsored by 237 Members of the House, and a companion measure was cosponsored by almost half the Senate. Given this substantial commitment to keeping our oil for domestic use, I did not support the Senate provision of S. 979 that calls for a study of the export issue. Proponents and opponents of export have studied—and argued—this issue exhaustively over the last decade. Yet the sides remain lopsided. In the House, the extension of export prohibition was never in question; in the Senate the vote against an export was 70-20. Furthermore, the current provisions provide a mechanism for allowing exports based on a Presidential finding in favor of exports. This ensures an ongoing review of the export issue and allows flexibility in the event of a major change in the statuo quo.

In the bill before us, however, a Presidential study on the export of crude oil is required. Although I feel this is unnecessary, the conferees did work out an agreement with which I am comfortable. It is expected that the President, in the preparation of a review, will seek the advice of agencies including; the maritime industry, the oil industry, consumer groups, environmental groups, foreign governments, and all other industries, groups, or individuals likely to be affected by any change in existing law.

Also, I was pleased the conferees used the House language on the matter of the congressional role regarding exports found to be in the national interest by the President. This change was made necessary by the recent Supreme Court decision ruling the congressional veto unconstitutional.

Again, I congratulate the conferees for bringing this measure to the floor and urge my colleagues to support the conference report and continue the ban to export crude oil.●

The **SPEAKER** pro tempore. All time has expired.

Pursuant to House Resolution 615, the previous question is considered as ordered on the motion.

The question is on the motion offered by the gentleman from Florida [Mr. FASCELL].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 269, nays 62, answered "present" 18, not voting 83, as follows:

[Roll No. 461]

YEAS—269

Ackerman
Addabbo
Akaka
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Archer
AuCoin
Badham
Barnes
Bartlett
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Bliley
Boehlert
Boland
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Broomfield
Brown (CO)
Broyhill
Bryant
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Clinger
Coats
Coleman (MO)
Conte
Corcoran
Coughlin
Coyne
Craig
Darden
Daschle
Daub
Davis
Dicks
Dingell
Donnelly
Dorgan
Downey
Duncan
Durbin
Dwyer
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foley
Ford (MI)
Fowler
Frank
Franklin
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Goodling
Gore
Gradison
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hamilton
Harrison
Hatcher
Hertel
Hightower
Holt
Hoyer
Huckaby
Hughes
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Lewis (CA)
Loeffler
Long (MD)
Lowery (CA)
Lowry (WA)
Luken
Lungren
Madigan
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McDade
McGrath
McHugh
McKernan
McKinney
Mica
Michel
Miller (CA)
Mineta
Minish
Moakley
Molinari
Mollohan
Moody
Moore
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nowak
O'Brien
Oberstar
Obey
Olin
Ortiz
Oxley
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Petri
Porter
Price
Pritchard
Rahall
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Rodino
Roe
Roemer
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Scheuer
Schneider
Schumer
Seiberling
Sensenbrenner
Sharp
Shelby
Sikorski
Sisisky
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Solarz
Spratt
St Germain
Staggers
Stangeland
Stark
Studds
Sundquist
Swift
Synar
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traxler
Valentine
Vandergriff
Vento
Volkmer
Vucanovich
Walker
Weber
Weiss
Whitehurst
Whittaker
Whitten
Williams (MT)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NAYS—62

Applegate
Barnard
Bateman
Bilirakis
Burton (IN)
Chappie
Cheney
Conable
Courter
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
DeWine
Dreier
Edwards (OK)
Gekas
Gingrich
Gonzalez
Hall, Ralph
Hall, Sam
Hansen (UT)
Hartnett
Hopkins
Hubbard
Hunter
Hutto
Hyde
Ireland
Kasich
Kindness
Lagomarsino
Latta
Lent
Lewis (FL)
Livingston
Lloyd
Lott
Lujan
Mack
McCandless
McCollum
Miller (OH)
Moorhead
Nichols
Nielson
Patman
Quillen
Robinson
Rogers
Schaefer
Shumway
Shuster
Skeen
Smith, Denny
Snyder
Solomon
Spence
Stratton
Stump
Taylor
Wortley

ANSWERED "PRESENT"—18

Boggs
Clay
Collins
Conyers
Dellums
Dixon
Ford (TN)
Hall (IN)
Hawkins
Hayes
Leland
Mitchell
Owens
Rangel
Savage
Stokes
Towns
Wheat

NOT VOTING—83

Albosta
Alexander
Aspin
Bates
Bethune
Boner
Bonior
Breaux
Brown (CA)
Clarke
Coelho
Coleman (TX)
Cooper
Crockett
D'Amours
de la Garza
Derrick
Dickinson
Dowdy
Dymally
Dyson
Early
Ferraro
Foglietta
Fuqua
Gephardt
Gramm
Gray
Hammerschmidt
Hance
Hansen (ID)
Harkin
Hefner
Heftel
Hiler
Hillis
Horton
Howard
Jenkins
Kaptur
Leath
Lipinski
Long (LA)
Lundine
MacKay
Marriott
Martin (NC)
McCurdy
McEwen
McNulty
Mikulski
Montgomery
Morrison (CT)
Murphy
Oakar
Ottinger
Packard
Patterson
Paul
Pickle
Pursell
Ratchford
Reid
Roybal
Rudd
Sawyer
Schroeder
Schulze
Shannon
Shaw
Siljander
Simon
Skelton
Stenholm
Tallon
Udall
Vander Jagt
Walgren
Watkins
Waxman
Weaver
Whitley
Williams (OH)

☐ 1240

Mr. NIELSON of Utah and Mr. LEWIS of Florida changed their votes from "yea" to "nay".

Mr. PARRIS and Mrs. VUCANOVICH changed their votes from "nay" to "yea."

Mr. HAWKINS and Mr. RANGEL changed their votes from "yea" to "present."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BONKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just enacted.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

(Mr. MITCHELL asked and was given permission to address the House for 1 minute.)

Mr. MITCHELL. Mr. Speaker, it is rather unusual to get a unanimous consent for an explanation of a vote, but I think the situation we just dealt with was unusual.

☐ 1250

If you will check the record, you will find that I and a number of the members of the Congressional Black Caucus voted "present." On the roll-call vote on H.R. 4230, we voted "present" to protest against what we consider to be weak-kneed, go-along policy on the part of this Government of ours with the racist practices in South Africa.

There were some good features in the bill. But in every other situation, our President and our Congress can come out forthrightly, and strongly, and staunchly against that which is evil. We even send arms around the world for those who we think will fight evil people. In this situation, we continue to play footsy with South Africa, we continue to aid a government which is determined to crush human rights on the part of black South Africans. We had no recourse in this House. We are outnumbered. Some of our white friends wanted to join us, and we told them no, it was our singular and sobering responsibility to register this protest—and it was a protest—by voting "present" against the bill.

MAKING IN ORDER CONSIDERATION OF MOTION TO TAKE FROM SPEAKER'S TABLE H.R. 5479, AND TO CONCUR IN THE SENATE AMENDMENT WITH AN AMENDMENT TO THE HOUSE AMENDMENT TO THE SENATE AMENDMENTS WITH AN AMENDMENT

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that it shall be in order to consider in the House, any rule of the House to the contrary notwithstanding, a motion to take from the Speaker's table the bill (H.R. 5479) to amend section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, with respect to awards of expenses of certain agency and court proceedings, and for other purposes, with a Senate amendment to the House amendment to the Senate amendments thereto, and to concur in the Senate amendment to the House amendment to the Senate amendments with an amendment, and that the previous question be considered as ordered on the motion.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so in order to inquire of the gentleman whether or not it is his intention under this procedure that the question is going to be put on the bill.

Mr. KASTENMEIER. If the gentleman will yield, yes, it is the intention that the question be put for a vote before the entire body.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENTS WITH RESPECT TO AWARDS OF EXPENSES OF CERTAIN AGENCY AND COURT PROCEEDINGS

Mr. KASTENMEIER. Mr. Speaker, pursuant to the order of the House, I move to take from the Speaker's table the bill (H.R. 5479) to amend section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, with respect to awards of expenses of certain agency and court proceedings, and for other purposes, with a Senate amendment to the House amendment to the Senate amendments thereto, and to concur in the Senate amendment to the House amendment to the Senate amendments with an amendment.

The Clerk read the title of the bill.

The text of the Senate amendment to the House amendment to the Senate amendments is as follows:

In lieu of the matter proposed to be inserted by the amendment of the House of Representatives to the amendments of the Senate, insert: That (a) section 504(a)(1) of title 5, United States Code, is amended—

(1) by striking out "as a party to the proceeding", and

(2) by adding at the end thereof the following: "The decision of the adjudicative officer on the application for fees and other expenses shall be the final administrative decision under this section.".

(b) Section 504(a)(2) of title 5, United States Code, is amended by adding at the end thereof the following: "When the United States appeals the underlying merits of an adversary adjudication, no decision on an application for fees and other expenses in connection with that adversary adjudication shall be made under this section until a final and unreviewable decision is rendered by the court on the appeal or until the underlying merits of the case have been finally determined pursuant to the appeal.".

(c) Section 504(b) of title 5, United States Code, is amended—

(1) by amending paragraph (1)(B) to read as follows:

"(B) 'party' means a party, as defined in section 551(3) of this title, who is (i) an individual whose net worth did not exceed $2,000,000 at the time the adversary adjudication was initiated, or (ii) any owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization, the net worth of which did not exceed $7,000,000 at the time the adversary adjudication was initiated, and which had not more than 500 employees at the time the adversary adjudication was initiated; except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) exempt from taxation under section 501(a) of such Code, or a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association;";

(2) in paragraph (1)(C)—

(A) by inserting "(i)" before "an adjudication under";

(B) by inserting before the semicolon at the end thereof the following: ", and (ii) any appeal of a decision made pursuant to section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) before an agency board of contract appeals as provided in section 8 of that Act (41 U.S.C. 607)"; and

(C) by striking out "and" at the end thereof;

(3) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(E) 'position of the agency' includes the underlying action which led to the adversary adjudication; except that fees and expenses may not be awarded to a party for any portion of the adversary adjudication in which the party has unreasonably protracted the proceedings.".

(d) Section 504(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) If a party or the United States is dissatisfied with a determination of fees and other expenses made under subsection (a), that party or the United States (as the case may be) may, within 30 days after the determination is made, appeal the determination to the court of the United States having jurisdiction to review the merits of the underlying decision of the agency adversary adjudiction. The court's determination on all appeals heard under this paragraph shall be based solely on the factual record made before the agency. The court may modify the determination of fees and other expenses only if the court finds that the failure to make an award of fees and other expenses, or the calculation of the amount of the award, was unsupported by substantial evidence.".

(e) Section 504(d) of title 5, United States Code, is amended to read as follows:

"(d) Fees and other expenses awarded under this subsection shall be paid by any agency over which the party prevails from any funds made available to the agency by appropriation or otherwise.".

(f) Section 504 of title 5, United States Code, is amended by adding at the end thereof the following:

"(f) If complete payment of the fees and other expenses awarded under this section is not made within 60 days after the final agency action making an award of such fees and other expenses, interest shall be paid on the amount remaining due. Such interest shall be computed at the rate the Secretary of the Treasury establishes for interest payments under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and shall run from the date which is 61 days after the date of such award up to and including the date such payment is posted by certified or registered mail.".

SEC. 2. (a) Section 2412 of title 28, United States Code, is amended—

(1) in subsections (a) and (b) by striking out "or any agency and any official of the United States" each place it appears and inserting in lieu thereof "or any agency or any official of the United States";

(2) in subsection (d)(1)(A) by inserting ", including proceedings for judicial review of agency action," after "in tort)"; and

(b) Section 2412(d)(2) of title 28, United States Code, is amended—

(1) in subparagraph (B)—

(A) in clause (i) by striking out "$1,000,000" and inserting in lieu thereof "$2,000,000"; and

(B) by striking out "(ii)" and all that follows through the end of the subparagraph and inserting in lieu thereof the following: "or (ii) any owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization, the net worth of which did not exceed $7,000,000 at the time the civil action was filed, and which had not more than 500 employees at the time the civil action was filed; except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) exempt from taxation under section 501(a) of such Code, or a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association;";

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(D) 'position of the United States' includes the underlying agency action which led to the litigation; except that fees and expenses may not be awarded to a party for any portion of the litigation in which the party has unreasonably protracted the proceedings;

"(E) 'civil action brought by or against the United States' includes an appeal by a party, other than the United States, from a decision of a contracting officer rendered pursuant to a disputes clause in a contract with the Government or pursuant to the Contract Disputes Act of 1978;

"(F) 'court' includes the United States Claims Court;

"(G) 'final judgment' means a judgment that is final and not appealable; and

"(H) 'prevailing party', in the case of eminent domain proceedings, means a party who obtains a final judgment (other than by settlement), exclusive of interest, the amount of which is at least as close to the highest valuation of the property involved that is attested to at trial on behalf of the property owner as it is to the highest valuation of the property involved that is attested to at trial on behalf of the Government.".

(c) Section 2412(d)(4) of title 28, United States Code, is amended to read as follows:

"(4) Fees and other expenses awarded under this subsection to a party shall be paid by any agency over which the party prevails from any funds made available to the agency, by appropriation or otherwise.".

(d) Section 2412 of title 28, United States Code, is amended by adding at the end thereof the following:

"(f) If complete payment of the costs or fees and other expenses awarded under this section is not made within 60 days after the award of such costs or fees and other expenses, interest shall be paid thereafter on the amount remaining due. Such interest shall be computed at the rate the Secretary of the Treasury establishes for interest payments under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and shall run from the date which is 61 days after the date of such award up to and including the date such payment is posted by certified or registered mail.".

Sec. 3. Section 206 of the Equal Access to Justice Act is amended—

(1) by striking out "Nothing" and inserting in lieu thereof "(a) Except as provided in subsection (b), nothing"; and

(2) by adding at the end thereof the following:

"(b) Section 206(b) of the Social Security Act (42 U.S.C. 406(b)(1)) shall not prevent an award of fees and other expenses under section 2412(d) of title 28, United States Code. Section 206(b)(2) of the Social Security Act shall not apply with respect to any such award but only if any fees collected by the claimant's attorney or withheld for such attorney pursuant to such section 206(b) are refunded to the claimant insofar as the fees relate to the same work for which the claimant's attorney is awarded fees under section 2412 (d) of title 28, United States Code.".

Sec. 4. Section 203(c) of the Equal Access to Justice Act (Public Law 96-481) is repealed.

Sec. 5. Section 204(c) of the Equal Access to Justice Act is repealed.

Sec. 6. Section 207 of the Equal Access to Justice Act, is repealed.

Sec. 7. Section 208 of the Equal Access to Justice Act is amended by adding at the end thereof the following: "Awards may be made for fees incurred before October 1, 1981, in any such adversary adjudication or civil action.".

Sec. 8. (a) Section 7430 (b) (1) of the Internal Revenue Code of 1954 (relating to maximum dollar amount) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

(b) Subparagraph (A) of section 7430 (c)(2) of such Code (defining prevailing party) is amended to read as follows:

"(A) In general.—The term 'prevailing party' means any party to any proceeding described in subsection (a) (other than the United States or any creditor of the taxpayer involved)—

"(i) which has substantially prevailed with respect to—

"(I) the amount in controversy, or

"(II) the most significant issue or set of issues presented, and

"(ii) with respect to which the United States has not established that its position in the civil proceeding was substantially justified.

In determining whether the position of the United States in any civil proceeding was substantially justified, the court may take into account the administrative actions of the Internal Revenue Service in the matter giving rise to the issues in such proceeding. Notwithstanding this subparagraph, a party shall not be treated as a prevailing party if special circumstances would make an award unjust.".

(c) Section 7430(f) of such Code (relating to termination date) is amended by striking out "1985" and inserting in lieu thereof "1989".

Sec. 9. (a) Except as otherwise provided in this section, the amendments made by this Act shall be effective as of October 1, 1984, and shall apply to cases pending on such date.

(b) The amendments made to section 504(b)(1)(C)(ii) of title 5, United States Code, by subsection (c)(2) of the first section of this Act, and the amendments to section 2412(d)(2)(E) of title 28, United States Code, made by section 2(b)(3) of this Act shall apply to any adversary adjudication which was pending on or commenced on or after October 1, 1981 in which applications for fees and expenses were timely filed and were dismissed for lack of jurisdiction.

(c)(1) Except as provided in paragraph (2), the amendments made by section 8 of this Act shall apply to civil actions or proceedings pending on, or commenced after, the 45th day after the date of the enactment of this Act.

(2) The amendments made by section 8 shall not apply to any action or proceeding pending on such 45th day if there has been a determination by any court of the United States (including the Tax Court and the United States Claims Court) with respect to—

(A) the awarding of reasonable litigation costs in such proceeding, or

(B) the most significant issue or set of issues presented in such proceeding.

The text of the House amendment to the Senate amendment to the House amendment to the Senate amendment is as follows:

House amendment to the Senate amendment to the House amendment to the Senate amendments: In lieu of the matter proposed to be inserted by the Senate amendment, insert:

That (a) section 504(a)(1) of title 5, United States Code, is amended—

(1) by striking out "as a party to the proceeding", and

(2) by adding at the end thereof the following: "The decision of the adjudicative officer on the application for fees and other expenses shall be the final administrative decision under this section.".

(b) Section 504(a)(2) of title 5, United States Code, is amended by adding at the end thereof the following: "When the United States appeals the underlying merits of an adversary adjudication, no decision on an application for fees and other expenses in connection with that adversary adjudication shall be made under this section until a final and unreviewable decision is rendered by the court on the appeal or until the underlying merits of the case have been finally determined pursuant to the appeal.".

(c) Section 504(b) of title 5, United States Code, is amended—

(1) by amending paragraph (1)(B) to read as follows:

"(B) 'party' means a party, as defined in section 551(e) of this title, who is (i) an individual whose net worth did not exceed $2,000,000 at the time the adversary adjudication was initiated, or (ii) any owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization, the net worth of which did not exceed $7,000,000 at the time the adversary adjudication was initiated, and which had not more than 500 employees at the time the adversary adjudication was initiated; except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) exempt from taxation under section 501(a) of such Code, or a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association;";

(2) in paragraph (1)(C)—

(A) by inserting "(i)" before "an adjudication under";

(B) by inserting before the semicolon at the end thereof the following: ", and (ii) any appeal of a decision made pursuant to section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) before an agency board of contract appeals as provided in section 8 of that Act (41 U.S.C. 607)"; and

(C) by striking out "and" at the end thereof;

(3) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(E) 'position of the agency' includes the underlying action which led to the adversary adjudication; except that fees and expenses may not be awarded to a party for any portion of the adversary adjudication in which the party has unreasonably protracted the proceedings.".

(d) Section 504(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) If a party or the United States is dissatisfied with a determination of fees and other expenses made under subsection (a), that party or the United States (as the case may be) may, within 30 days after the determination is made, appeal the determination to the court of the United States having jurisdiction to review the merits of the underlying decision of the agency adversary adjudication. The court's determination on all appeals heard under this paragraph shall be based solely on the factual record made before the agency. The court may modify the determination of fees and other expenses only if the court finds that the failure to make an award of fees and other expenses, or the calculation of the amount of the award, was unsupported by substantial evidence.".

(e) Section 504(d) of title 5, United States Code, is amended to read as follows:

"(d) Fees and other expenses awarded under this subsection shall be paid by any agency over which the party prevails from any funds made available to the agency by appropriation or otherwise.".

(f) Section 504 of title 5, United States Code, is amended by adding at the end thereof the following:

"(f) If complete payment of the fees and other expenses awarded under this section is not made within 60 days after the final agency action making an award of such fees and other expenses, interest shall be paid on the amount remaining due. Such interest shall be computed at the rate the Secretary of the Treasury establishes for interest payments under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and shall run from the date which is 61 days after the date of such award up to and including the date such payment is posted by certified or registered mail.".

SEC. 2. (a) Section 2412 of title 28, United States Code, is amended—

(1) in subsections (a) and (b) by striking out "or any agency and any official of the United States" each place it appears and inserting in lieu thereof "or any agency or any officials of the United States"; and

(2) in subsection (d)(1)(A) by inserting ", including proceedings for judicial review of agency action," after "in tort)".

(b) Section 2412(d)(2) of title 28, United States Code, is amended—

(1) in subparagraph (B)—

(A) in clause (i) by striking out "$1,000,000" and inserting in lieu thereof "$2,000,000"; and

(B) by striking out "(ii)" and all that follows through the end of the subparagrah and inserting in lieu thereof the following: "or (ii) any owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization, the net worth of which did not exceed $7,000,000 at the time the civil action was filed, and which had not more than 500 employees at the time the civil action was filed; except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) exempt from taxation under section 501(a) of such Code, or a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association;";

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(D) 'position of the United States' includes the underlying agency action which led to the litigation; except that fees and expenses may not be awarded to a party for any portion of the litigation in which the party has unreasonably protracted the proceedings;

"(E) 'civil action brought by or against the United States' includes an appeal by a party, other than the United States, from a decision of a contracting officer rendered pursuant to a disputes clause in a contract with the Government or pursuant to the Contract Disputes Act of 1978;

"(F) 'court' includes the United States Claims Court;

"(G) 'final judgment' means a judgment that is final and not applicable; and

"(H) 'prevailing party', in the case of eminent domain proceedings, means a party who obtains a final judgment (other than by settlement), exclusive of interest, the amount of which is at least as close to the highest valuation of the property involved that is attested to at trial on behalf of the property owner as it is to the highest valuation of the property involved that is attested to at trial on behalf of the Government.".

(c) Section 2412(d)(4) of title 28, United States Code, is amended to read as follows:

"(4) Fees and other expenses awarded under this subsection to a party shall be paid by any agency over which the party prevails from any funds made available to the agency, by appropriation or otherwise.".

(d) Section 2412 of title 28, United States Code, is amended by adding at the end thereof the following:

"(f) If complete payment of the costs or fees and other expenses awarded under this section is not made within 60 days after the award of such costs or fees and other expenses, interest shall be paid thereafter on the amount remaining due. Such interest shall be computed at the rate the Secretary of the Treasury establishes for interest payments under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and shall run from the date which is 61 days after the date of such award up to and including the date payment is posted by certified or registered mail.".

SEC. 3. Section 206 of the Equal Access to Justice Act is amended—

(1) by striking out "Nothing" and inserting in lieu thereof "(a) Except as provided in subsection (b), nothing"; and

(2) by adding at the end thereof the following:

"(b) Section 206(b) of the Social Security Act (42 U.S.C. 406(b)(1)) shall not prevent an award of fees and other expenses under section 2412(d) of title 28, United States Code. Section 206(b)(2) of the Social Security Act shall not apply with respect to any such award but only if any fees collected by the claimant's attorney or withheld for such attorney pursuant to such section 206(b) are refunded to the claimant insofar as the fees relate to the same work for which the claimant's attorney is awarded fees under section 2412(d) of title 28, United States Code.".

SEC. 4. Section 203(c) of the Equal Access to Justice Act (Public Law 96-481) is repealed.

SEC. 5. Section 204(c) of the Equal Access to Justice Act is repealed.

SEC. 6. Section 207 of the Equal Access to Justice Act, is repealed.

SEC. 7. Section 208 of the Equal Access to Justice Act is amended by adding at the end thereof the following: "Awards may be made for fees incurred before October 1, 1981, in any such adversary adjudication or civil action.".

SEC. 8. (a) Except as otherwise provided in this section, the amendments made by this Act shall be effective as of October 1, 1984, and shall apply to cases pending on such date.

(b) The amendments made to section 504(b)(1)(C)(ii) of title 5, United States Code, by subsection (c)(2) of the first section of this Act, and the amendments to section 2412(d)(2(E) of title 28, United States Code, made by section 2(b)(3) of this Act shall apply to any adversary adjudication which was pending on or commenced on or after October 1, 1981, in which applications for fees and expenses were timely filed and were dismissed for lack of jurisdiction.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 1 hour.

Mr. KASTENMEIER. Mr. Speaker, I yield myself half of my time, that is to say, 30 minutes, to the gentleman from Ohio [Mr. KINDNESS], representing the minority, pending which I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the amendment which this body is returning to the other body relating to H.R. 5479. It is imperative that the Equal Access to Justice Act be extended, since several provisions of the act expired on October 1, 1984. Therefore, the amendment which I have sponsored removes controversial areas of H.R. 5479, as amended by this body on October 4 and the other body on October 4 and 5. The provisions of the legislation which have been deleted included:

First, the TEFRA provision, which is opposed by the gentleman from Illinois [Mr. ROSTENKOWSKI] who is chairman of the Committee on Ways and Means; and second, the language relating to court remands in social security cases.

The TEFRA provision relating to tax cases has been deleted from the amendment from the other body in deference to the opposition of the gentleman from Illinois [Mr. ROSTENKOWSKI]. Deletion of that provision is also responsive to concerns raised by the administration through the Deputy Secretary of the Treasury, Hon. R.T. McNamar, in a letter to the gentleman from New Jersey [Mr. RODINO], the chairman of the Committee on the Judiciary—letter dated September 28, 1984—and in other letters received by me from the chief judge, Hon. Howard A. Dawson, Jr., of the U.S. Tax Court—letter dated September 28, 1984. I could have supported inclusion of the TEFRA provision in H.R. 5479 on the merits, but as noted above have deferred to the gentleman from Illinois [Mr. ROSTENKOWSKI] and in a sense to the administration at this time.

I have reluctantly agreed to the other body's removal of the social security remand language. The language would have clarified what we believe to be the correct interpretation of the current law: That a remand in a social security proceeding generally makes the claimant the prevailing party. The language as contained in H.R. 5479 when it passed this body originally on September 11, was proposed by the gentleman from Connecticut [Mr. Morrison] in the Committee on the Judiciary and was widely supported. Unfortunately, the Senator from Louisiana, [Mr. Long], modified the remand provision in the other body with three exceptions, only one of which was agreeable to the gentleman from Connecticut [Mr. Morrison] and this body. When we returned the amendment to the other body on October 4, H.R. 5479 as so amended contained the one exception relating to remands to the extent the remand was pursuant to the Social Security Disability Reform Act of 1984. Unfortunately the Senator from Louisiana, [Mr. Long], and the other body rejected the compromise language, and returned the bill deleting all language relating to remands. We are returning the amendment without the language relating to remands, due to the controversy surrounding the subject. We therefore will leave it to the courts to determine on a case-by-case basis whether a person has prevailed when a remand is ordered in a Social Security case, hoping the courts will apply current law to treat remands as conferring prevailing party status.[1] If this rule does not prevail in the courts, I will endeavor to assist the gentleman from Connecticut [Mr. Morrison] to enact separate, clarifying legislation on this issue next year.

We have included the language in the other body's amendment which covers retroactively to October 1, 1981, certain proceedings which were decided by the Board of Contracts Appeals and in which fee applications were timely filed but then dismissed for lack of jurisdiction, based on the decision in *Fidelity Construction Co.* v. *United States*, 700 F. 2d 1379 (Fed. Cir. 1983). This language, added by the Senator from Iowa, Mr. Grassley, would apply, we believe, to a small number of cases. Judical review for these fee applications would be governed by those provisions of the original act in effect prior to October 1, 1984. Both bodies have covered Board of Contract Appeals proceedings prospectively, commencing October 1, 1984.

I am hopeful the other body will accept this compromise.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Speaker, I would sincerely like to commend the gentleman from Wisconsin for bringing this bill and for the patience with which he has shepherded this bill to the point it is in today, and I would also like to give tribute the gentleman from Iowa [Mr. Smith] who was the originator of this legislation a number of years ago.

This legislation is really one of the most important steps that the Congress has taken to let the private citizen of this country and to let the small business person in this country have some means of coping with government bureaucracy that gets out of hand.

Without this legislation, a small business person or an individual could be subject to harassment by the overzealous Federal bureaucrat who can put that individual to tremendous legal expenses over specious and unwarranted litigation.

This legislation puts an end to that, and I commend the gentleman from Iowa for suggesting and proposing that when these legal expenses are paid that it ought to come out of the salaries and expense accounts of these agencies and not out of a separate pot.

The last point I would like to make, because I think it is such an important matter for the individuals of this country and small businesses confronted with an enormous, rich bureaucracy, is that at some point this has got to be extended to the Internal Revenue Service. The Internal Revenue Service is an agency perhaps more than any other that is capable of harassing an individual or small business without proper justification, the overzealous auditor or the individual who may let his personal whim get involved.

I would hope that we will very soon, in the next Congress, let the Internal Revenue Service know that they are not above the law, no agency is above the law, and this legislation goes a long way to provide some protection to the individual small businessman.

Mr. KASTENMEIER. I thank the gentleman from Georgia for his comments. I agree with what he has said. He states the case very well. I also am pleased that he made reference to the gentleman from Iowa who indeed was the primary House sponsor of this measure at the outset. Indeed it has many champions in this body and in the other body. It is, I think, one of the most well-supported initiatives offered in the Congress in perhaps the last 4 or 5 years.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Iowa.

□ 1300

Mr. SMITH of Iowa. I want to thank the gentleman for tenaciously pursuing this matter to extend this act. Also the gentleman from Ohio [Mr. Kindness]. It is a very important bill, and I understand the practical situation; we cannot do anything about IRS this year due to the way the House jurisdiction is set up and so forth. I certainly agree, and I think we all agree that somehow IRS must be brought within the purview of this legislation in the future.

Mr. KASTENMEIER. I thank the gentleman from Iowa and I would say that the passage of this bill by this Congress will not mean that we will not further further improve this bill or the issue of attorney's fees for those who prevail against the U.S. Government, whether possibly in Social Security or IRS cases or in other circumstances. These are still matters which I would say that a future Congress will want to confront.

Mr. Speaker, I reserve the balance of my time.

● Mr. MORRISON of Connecticut. Mr. Speaker, I am pleased to support these amendments to the Equal Access to Justice Act. This act had done a great deal to make it possible, for the first time, for small business owners and ordinary citizens of modest means to bring legal challenges to unjustifiable actions of the Federal Government. I applaud its purpose and the impact it has had over the past 3 years.

I expect that it will continue to be effective far into the future. I have been particularly concerned about the availability of the EAJA to Social Security claimants and their attorneys. Surely there is no group of Americans more in need of assistance in protecting their legal rights than the elderly and disabled persons who must rely on Social Security to live. I had successfully sponsored an amendment in the Judiciary Committee to clarify that a Social Security recipient should be considered to have prevailed within the meaning of the act when that person obtains a Federal court remand order in his or her favor. Although this amendement has been deleted from the bill in the flurry of activity during the final hours of this Congress, this should not be of major import. For my amendment was only intended to clarify what should be the proper reading of the act—a Social Security claimant should be considered to prevail when that recipient wins a remand order necessary to the ultimately favorable disposition of his or her case.

Because most Social Security appeals into the Federal courts challenge, not the underlying factual determination by the agency, but the appropriateness of the legal standards which were applied, these appeals must be contained—for the purposes of the EAJA—as discrete from the ultimate question of the claimant's eligibility for benefits. Where the Secretary has forced the claimant into court to obtain an order directing the Secretary to apply the proper legal standard in determining his or here case and the party obtains the requested relief, that party has as surely prevailed as any other litigant in the Federal courts. And where that party has been forced to take that appeal to court because the position of the agency was not "substantially justified" within the meaning of the EAJA, that party should be entitled to fees as surely as any other party. In my view, *MacDonald* v. *Schweiker,* 553 F. Supp. 536 (E.D. N.Y. 1982) states the proper rule of law. However, it should not be relevant whether a case has an impact beyond its particular facts. It is sufficient that a claimant was unjustly forced into court to vindicate his or her rights.●

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[1] See, *Ceglia* v. *Schweiker*, 566 F. Supp. 118, 121-22 (E.D.N.Y. 1983); *MacDonald* v. *Schweiker*, 553 F. supp. 536, 538 (E.D.N.Y. 1982).

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Wisconsin for yielding one-half of the time on this matter, and I assure my colleagues that we will not consume very much more of that time.

Mr. Speaker, I want to underline and agree with the statements that have been by the gentleman from Wisconsin explaining the action that we are proposing to do here at the present time, with which I certainly agree. It is really the only step we may take at this point that makes sense in order to assure the reauthorization of the Equal Access to Justice Act.

I too, join with the gentleman from Georgia and the gentleman from Iowa as well in expressing the concern that at some future time we must address the problem of the Internal Revenue Service being brough under the Equal Access to Justice Act. The institutional reason for resistance on the part of the Internal Revenue Service and the Treasury Department is that they have a lot of agents out there and they cannot have an attorney at the elbow of each agent when they are doing examinations or audits, and dealing with taxpayers. Later on in the administration process, when an attorney finally gets into the handling of the matter, a decision may be made that the position taken by the agent was not substantially justified.

However, what we are basically talking about here in terms of equal access to justice, certainly ought to apply to taxpayers. That is to say to the Internal Revenue Service. I hope we can address that at a future time that is an early time in the next Congress, hopefully.

Mr. Speaker, I have no requests for time. I urge approval of the motion of the gentleman from Wisconsin and yield back the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the previous question is considered as ordered on the motion.

The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MAKING TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 6163, COURT ORGANIZATION ACT OF 1984

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 154) to correct the enrollment of the bill (H.R. 6163), and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. KINDNESS. Mr. Speaker, reserving the right to object, I shall not object. I think this action is very necessary and it is technical in nature.

I would yield to the gentleman from Wisconsin in order that he may explain the parliamentary situation faced by the House.

Mr. KASTENMEIER. I would state to the gentleman that the technical amendment from the other body corrects a drafting error in title V of H.R. 6163 in section 5041(b). A reference to clauses 1 through 3 should have been 1 through 4. It is a technical error only, a clerical error, and does not have substantive effect.

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for his explanation and we would certainly want to express our appreciation to the Senator from Kansas for his expeditious handling of this problem.

Mr. Speaker, I withdrawn my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 154

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 6163) to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

In section 501(4) strike out "(iii)" the first place it appears and insert in lieu thereof "(iv)".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 6027, LOCAL GOVERNMENT ANTITRUST ACT OF 1984

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 616 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 616

Resolved, That upon the adoption of this resolution it shall be in order to consider at any time, clause 2 of rule XXVIII to the contrary notwithstanding, the conference report on the bill (H.R. 6027) to clarify the application of the Clayton Act to the official conduct of local governments, and for other purposes.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 616 is a very simple rule. All it does is waive clause 2 of rule XXVIII. The 3-day layover rule for conference reports in order to allow prompt consideration of the conference report on H.R. 6027, the local Government Anti-Trust Act of 1984.

H.R. 6027 was passed by the House under suspension of the rules 2 months ago on August 8, 1984, by a vote of 414 to 5. The bill was passed by the other body. With an amendment, on October 4, 1984. The House agreed to a conference yesterday, and late yesterday afternoon, agreement was reached on a conference report.

If this rule is adopted, the conference report on this bill may be brought up immediately and considered under the normal House procedures for consideration of conference reports.

Mr. Speaker, we are all hoping that we are in the final day of this Congress. If this important legislation dealing with the liability of municipal governments in antitrust cases is to be cleared for the President's signature by this Congress, it is necessary to waive the 3-day layover rule to allow consideration of the conference report today. This rule merely provides the House with an opportunity to work its will in this matter.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that the gentleman from California has adequately explained this rule, and I have no further comments to make.

Mr. Speaker, I do have one request for time, and I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. I thank the gentleman for yielding to me.

Mr. Speaker, on August 8, the House of Representatives passed H.R. 6027 by a vote of 414 to 5, providing for immunity for units of local government from antitrust treble damage suits under the Clayton Act. The bill at that time it left the House was completely retroactive; that is, it covered all pending cases.

The Senate then passed their version making the exemption from treble damages available in pending case depending on all the circumstances in that particular case:

> This subsection shall not apply to cases pending on the date of enactment of this Act unless the defendant establishes and the court determines, in light of all the circumstances, including the stage of litigation and the availability of alternative relief under the Clayton Act, that it would be inequitable not to apply this subsection to a pending case. In consideration of this subsection, existence of a jury verdict shall be deemed to be prima facie evidence that this subsection shall not apply.

Then, Mr. Speaker, the night before last the House defeated a resolution on suspension that went beyond the Senate's language to provide that a court shall consider a jury verdict or district court judgment as creating a strong presumption that it would be inequitable to apply the section to pending cases.

> A court shall consider a jury verdict or district court judgment, or any stage of litigation subsequent thereto, as creating a strong presumption that it would be inequitable to apply this section to a pending case.

That was defeated; the presumption language.

Yesterday, the chairman of the Judiciary Committee graciously sent the bill to conference where the Senate insisted on their original language with a small modification.

> In consideration of this section, existence of a jury verdict, district court judgment or any stage of litigation subsequent thereto, shall be deemed prima facie evidence that this section shall not apply.

From the language of the conference report and the prior action of the House, it is clear that regarding pending cases which have reached jury verdicts, then, that there is no presumption, strong or otherwise, that the section shall not be applied to cases which have gone to jury verdict or beyond and indeed indications are made as to circumstances and equities where it should be applied.

□ 1310

Second, the existence of a jury verdict is merely determined to be prima facie evidence that the section—the exemption from treble damages shall not apply.

Clearly, the meaning of that language is simply that the burden of going forward with the evidence that the section should be applied shifts to the defending unit of local government which has been sued under the Clayton Act.

There is absolutely no presumption involved. It is simply a shift of the burden of going forward with the evidence.

That unit of local government is entitled to bring before the courts all of the circumstances which may make it inequitable not to apply the section in the particular case.

These include, but from the language are plainly not limited to, the stage of litigation and the availability of alternative relief under the Clayton Act.

This is plain from the language of the report, but the managers went further and provided additional guidance with language in their statement:

> The application to pending cases of the money damage protection afforded by sections 3 will be based upon a case-by-case determination by the District Court. The local government has the burden of proof to establish to the court's satisfaction that it would be inequitable not to apply this act to the pending case. The court is to consider all relevant circumstances. The statute metions two of the factors that the court should consider—stage of litigation and the availability of alternative relief under the Clayton Act. Where a pending case is in an early stage of litigation and where injunctive relief can remedy the problem, the defendant local government may be able more easily to sustain its burden. Where a case is in more advanced stages of litigation or where injunctive relief is unavailable or incomplete, the burden would be more difficult. If a case has progressed to or beyond a jury verdict or district court judgment, a local government defendant would need compelling equities on its side to justify the application of this section to the pending case.

First, it must be stated that the Supreme Court has never ruled that local governments may be held liable for treble damages at all or indeed for any money damages. The Boulder case did not reach that question.

The legislation here under consideration leaves that question open to be answered by the courts by their interpretation of the Clayton Act.

Second, the language of both the conference report and the managers' statement accompanying it gives the court great latitude in considering "all the circumstances," that is the language of the conference report, "all relevant circumstances," that is the language of the managers statement.

Two of these are mentioned: stage of litigation and alternative relief, but others are obviously contemplated, and would include: whether the unit of local government was exercizing its legislative, executive administrative or regulatory, judicial authority; the adverse impact that an antitrust damage award would have on the unit of local government and its residents; and whether the action taken by the unit of local government was in furtherance of Federal or State laws, regulations or policies; and other relevant circumstances.

Thus, for example, if there were to be a mandate on local government under Federal law to pursue a certain course of conduct and the pursuit of that course by the local government was part of the conduct charged as being in violation of the Clayton Act, then clearly the court would have to consider that circumstance in its determination of the applicability of the section; and clearly, too, any instructions to the jury that did not include consideration of the facts that the defendant's conduct was mandated or in accordance with other Federal law would be defective.

This consideration would also apply to the regulations adopted in accordance with law and with policies in furtherance of the law.

Similarly, the court and the jury would have to consider the effect on the unit of local government and its taxpayers of a damage award. Could it be paid at all? What would it do to tax rates? Would it adversely affect future revenues by discouraging business locations or drive away existing business or residents?

Finally, it must be said that the entire thrust of the legislation we have under consideration is to ensure that for the future, no unit of local government will have to bear the burden on its taxpayers of a money damage award.

None did prior to the Boulder case. None has up to the moment of this litigation.

One inequity that is terribly compelling, it seems to me, would be that which allows a recovery of money damages against just one, or a small group of defendant municipalities, while all others, before and after, engaging in the same type of conduct have no such penalty.

This is not the intent of Congress in passing this legislation, and I would assume that courts across the country, in determining the application of the section would keep this in the forefront of their thinking.

Mr. Speaker, I am satisfied that the language of the bill and the guiding words of the managers report will allow the courts to do justice in the cases before them in all the circumstances of those cases and in reference to all of the equities.

I commend the conferees for their wisdom and sense of fairness and equity to the communities across our land.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, we have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. RODINO. Mr. Speaker, pusuant to House Resolution 616, I call up the conference report on the bill (H.R. 6027) to clarify the application of the Clayton Act to the official conduct of local governments, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will read the conference report.

The Clerk proceeded to read the conference report.

(For conference report and statement see proceedings of the House of October 10, 1984.)

Mr. RODINO (during the reading). Mr. Speaker, I ask unanimous consent that the conference report be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

POINT OF ORDER

Mr. WILSON. Mr. Speaker, I have a point of order.

I make the point of order that the last section of the conference report contains nongermane matters within the definition of clause 4 of rule XXVIII.

The SPEAKER pro tempore. Does the gentleman from New Jersey desire to be heard on the point of order?

Mr. RODINO. The gentleman from New Jersey desires to be heard on the point of order.

Mr. WILSON. I would also like to be heard, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

Mr. WILSON. Mr. Speaker, if the objectionable section had been offered to the House bill, it would have been in violation of the provisions of clause 7 of rule XVI of the House rules. The provision is a repeal of appropriations law.

That provision deals with spending levels for the Federal Trade Commission for this fiscal year. The legislation is a permanent piece of legislation that amends our antitrust laws. These amendments reduce monetary damages that local governments may be liable for in antitrust suits.

That has nothing to do with the provision of the last section of this conference report to which my point of order is directed.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Speaker, I rise in opposition to the point of order against section 5 of the conference report. The fundamental purpose of this conference report it to provide for continued enforcement of the antitrust laws without severely damaging local governments. This legislation before us continues to ensure that antitrust violations will be prosecuted; but limits the amount of damages which can be assessed in such a case against a local governmental unit. It allows the aggrieved party to ensure that injunctive relief will be available to terminate anticompetitive activity of a local government.

The fundamental purpose of the section against which the gentleman raises a point of order is to permit the Federal Trade Commission to continue to bring antitrust suits against municipalities. The Federal Trade Commission is limited in the remedies that it may pursue: The FTC cannot seek damages, only injunctive relief. That is what this bill is all about, preventing damage suits while leaving injunctive remedies in place.

Mr. Speaker, I believe that the provisions of section 5 are wholly consistent with the fundamental purpose of the rest of the conference report and are therefore germane and the point of order should not be sustained.

The SPEAKER pro tempore. Does the gentleman from New York desire to be heard on the point of order?

Mr. FISH. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York on the point of order.

Mr. FISH. Mr. Speaker, H.R. 6027 protects local governments, as well as its officials and employees, against money damages in suits under our antitrust laws.

However, it implicitly continues to allow suits for injunctive relief, when no money damages are involved, to enforce these antitrust laws against possible anticompetitive actions by units of local governments.

□ 1320

These suits for injunctive relief may be brought either by a private party or by the antitrust enforcement agencies, the Department of Justice, or the FTC.

The so-called taxicab rider which would be repealed by section 5 of this bill currently impedes the ability of the FTC to bring the very type of injunctive relief enforcement which the bill before us envisions and presumes. While removing the threat of money damages, we do not intend that local governments be totally immune from Federal antitrust laws. Suits for injunctive relief will be a safety net against potential anticompetitive activities by localities.

This repeal of section 510 of Public Law 98-411 is fully consistent with the overall purposes of this bill. To remove section 5 from this legislation would, ironically, prevent the FTC enforcement when a locality is involved in anticompetitive conduct.

Again, the FTC would not recover money damages under the structure of H.R. 6027, but it could seek an injunction to bring anticompetitive activities by localities to a halt. The fair balance in this legislation would be distorted if the FTC remains unable to exercise its normal statutory responsibilities to enforce compliance with our antitrust laws.

Section 5 is consistent with the fundamental purposes of this legislation and should remain in this bill. It is germane in a logical, substantive sense. This is an antitrust bill. The FTC is an antitrust enforcement agency. H.R. 6027 is an amendment to the Clayton Act. The FTC, along with the Department of Justice, enforces that very same Clayton Act.

Section 510 of Public Law 98-411 was, in reality, legislation on an appropriation bill, so its repeal is germane, but the fact is that its original enactment was not germane.

The SPEAKER pro tempore. Does the gentleman from Texas [Mr. WILSON] wish to be heard further on his point of order?

Mr. WILSON. No, Mr. Speaker.

The SPEAKER pro tempore (Mr. HOYER). If not, the Chair has had the opportunity of reviewing the point of order raised by the gentleman from Texas that pursuant to clause 4 of rule XXVIII, the conferees on H.R. 6027 have agreed to a nongermane Senate provision. Section 5 of the conference report on H.R. 6027 contains the substance of section 3 of the Senate amendment, which repealed section 510 of Public Law 98-411, the State, Justice, Commerce Appropriation Act for fiscal year 1985. The section proposed to be repealed prohibits the expenditure of funds in that appropriation act for the Federal Trade Commission to conduct antitrust actions against municipalities or other units of local government.

H.R. 6027 as passed by the House only addresses the issue of antitrust remedies for claims against local governments, and merely limits monetary relief for a Federal or private cause of action against a local government under the Clayton Act. While the House bill may limit the remedies which the FTC may obtain in such suits, in the same way it limits any claimant, the House bill does not address the general authority of the FTC to prosecute antitrust actions, or the conditions under which the FTC may use its appropriated funds for the coming fiscal year. The Chair would also point out that the conference report and Senate amendment directly amend a general appropriation act not addressed in the House bill.

For the reasons stated, the Chair sustains the point of order.

Does the gentleman from Texas have a motion pursuant to clause 4 of rule XXVIII?

MOTION OFFERED BY MR. WILSON

Mr. WILSON. Mr. Speaker, I move, pursuant to clause 4(b) of rule XXVIII, to strike section 5 of the conference report.

The SPEAKER pro tempore. The gentleman from Texas [Mr. WILSON] is entitled to 20 minutes in support of his motion.

Does the gentleman from Texas wish to use his time?

Mr. WILSON. Mr. Speaker, I am prepared to yield back my time.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. RODINO] is entitled to 20 minutes in opposition to the motion.

Mr. RODINO. Mr. Speaker, I rise in opposition to the motion offered by the gentleman from Texas.

I understand full well the frustration of the gentleman from Texas who proposes this motion. I do not understand why the FTC chose to bring this case. While philosophically I would support the right of the FTC to proceed with enforcement actions, nonetheless, I thought that it was poor judgment at the time. It was not a wise use of enforcement resources.

I also know that the FTC matter has been dealt with earlier by this House. But reading the debate of that matter on the earlier occasion, I see that many Members were acting out of the same frustration that I am sure the gentleman from Texas is acting from, that the Congress had not yet dealt with the broader issue of antitrust liability of local governments in private treble damage actions.

Today we are dealing with that broader enforcement issue. There is every likelihood that if we approve the gentleman's amendment, we will kill the legislation which seeks to cure the very problem that we have been confronted with. We may achieve something small in so doing, but we will, in effect, be losing the war. We will lose this legislation that every one of our local governments urgently seeks.

Mr. Speaker, let us take a look at it this way: This FTC provision is not what some have said it is. If we allow the FTC to proceed, it involves but a single case. The only FTC proceeding is against the city of Minneapolis. No other local government is involved at this point.

The FTC seeks solely injunctive relief. There is no claim for damages.

Numerous editorials from all over the country, including the Wall Street Journal and the New York Times, have condemned the anticompetitive features of taxicab regulatory schemes such as that in use in Minneapolis.

The State Legislature in Minnesota can, if it wishes, simply by passing a bill specifically authorizing the regulatory scheme in use, wholly exempt the city of Minneapolis from the FTC proceeding.

Now the motion before us asks the Congress to intervene in a matter involving only one city in one State; whereas, the issue before us is whether we will deal with the threat that is now present in all of the cities, all of the municipalities, and all of the counties.

Mr. Speaker, I have a letter from the National Association of Counties which I shall include in the RECORD, and I shall not read all of it, but the pertinent statement, and this is signed by the executive director, Matthew B. Coffey, October 9, 1984:

> While counties recognize the commendable efforts by some members to protect cities from FTC actions, as well as private suits, we do not believe that Congress should fail to resolve final passage of legislation over the FTC issue.

Mr. Speaker, if the motion of the gentleman from Texas should prevail, that is exactly what would happen. This legislation would die, and it is for this reason, Mr. Speaker, that I urge the House to vote down the motion of the gentleman from Texas.

The full text of the letter follows:

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, October 9, 1984.

DEAR MEMBER OF CONGRESS: The National Association of Counties (NACo) views protective antitrust legislation as the single most important local government issue the 98th Congress has faced. Without this legislation, counties and other local governments are left open to suit on a host of governmental matters. This threat of suit has undermined the public policy process in cities and counties across the country.

Congress has an opportunity to stand on record regarding the application of federal antitrust statutes to local governments and their officials. We plead with Congress to take advantage of this opportunity before adjournment.

While counties recognize the commendable efforts by some members to protect cities from FTC actions, as well as private suits, we do not believe that Congress should fail to resolve final passage of legislation over the FTC issue.

The Senate has made it clear that it will not accept protective legislation unless that legislation also gives the FTC the same authority private parties enjoy to bring injunctive actions. Counties have made the choice to support FTC authority in order to secure Senate passage of a final remedies bill. We strongly believe that the FTC issue is insignificant when compared with the broader legislation already approved by both Houses. It is too minor to allow inaction to defeat the critically needed protection for local governments.

Sincerely yours,

MATTHEW B. COFFEY
Executive Director.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Speaker, I want to share in the gentleman's concern that the action that the gentleman from Texas is recommending to delete this section, would have the effect of defeating this bill because of the parliamentary situation confronting us.

As I understand it, if this motion should be adopted, we would go back to the House bill, and perhaps other amendments would be possible at that point. But that does not guarantee that something may happen on the way to the other body or in the other body that would prevent this bill from being enacted. That is what concerns me.

I think the conference has come up with a fair compromise. I am concerned that what is going to happen here is that we are going to derail this compromise that has been reached. We have a chance to adopt the policy contained in this conference report, and it seems to me that it is in all of our interest. I know that a lot of our city officials have contacted us about this bill and about these issues.

□ 1330

I would certainly hate to see this bill go down to defeat.

Mr. Speaker, if the gentleman will yield for just a comment, we can talk about the FTC part of this conference report. The FTC part of this report goes much, much farther than just related to one case, relating to municipal taxicab regulation. This motion amounts to a blanket prohibition on the authority of the FTC to look at anything that might be anticompetitive that is occurring out there with respect to our cities.

I might say that this is not related in any way to the other parts of the bill that address the treble damages issue because the FTC has never gone in and asked for penalties or damages from the cities in these cases, though, as the gentleman pointed out, he might disagree with that particular case. But what if the FTC had a case that the gentleman did not disagree with? Then he certainly would not want to prevent the FTC from taking a look at this.

Mr. Speaker, that is what the gentleman is in effect doing with his motion, and I do not think he wants to go that far.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I thank my committee chairman for yielding.

My only comment to my good friend, the gentleman from North Carolina [Mr. Broyhill], is that under this bill the FTC cannot sue for damages, only injunctive relief. We have limited them that much. Even opponents of the FTC should accept that fact, that we have limited them to injunctive relief only, and as the committee chairman has said earlier, any State can do what has already happened in Minnesota, and that is to insulate its municipalities from any FTC enforcement.

Mr. Speaker, let us be realistic. This is the last day of the 98th Congress. This amendment was forced on us in conference by the Senate. There are those in the other body who will filibuster this bill if this section is deleted, if the motion carries.

Cities and localities all over this Nation need the protection of this bill. Over 200 suits are now pending. If this bill dies, we will have a lot of explaining to do to the taxpayers of this country who will foot a potentially onerous bill.

Mr. Speaker, I would like to read another part of the letter from the National Association of Counties that was read by our committee chairman. I might say also that the National League of Cities has also been for this bill. This has been a bipartisan effort for the better part of 2 years. The letter to which I referred goes on, after the part the chairman read, as follows:

> The Senate has made it clear that it will not accept protective legislation unless that legislation also gives the FTC the same authority private parties enjoy to bring injunctive actions. Counties have made the choice to support FTC authority in order to secure Senate passage of a final remedies bill. We strongly believe that the FTC issue is insignificant when compared with the broader legislation already approved by both Houses. It is too minor to allow inaction to defeat the critically needed protection for local governments.

Mr. RODINO. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Does the gentleman from Texas [Mr. Wilson] wish to utilize his 20 minutes?

Mr. WILSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. Sabo].

Mr. SABO. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Mr. Speaker, I rise with certain mixed emotions on the amendment we have before us. I had been thinking of the possibility of offering the same point of order and decided not to for fear that an adverse vote on this amendment might kill this bill, because I am one who basically strongly supports the basic thrust of the bill before us.

At the same time I deeply regret that the conferees saw fit to vote to repeal the rider on our appropriation bill which restricted the FTC and which only passed within the last 2 months.

Let me give the House a brief history. The FTC decided to file antitrust suits against two cities, Minneapolis and New Orleans, as that related to taxicab regulation in our two cities. Last spring, while we were considering the State, Justice, Commerce appropriation bill, we adopted a rider restricting the authority of the FTC, and other agencies, to file such suits against local units of government.

We came to the House floor, and an amendment was offered to strike that rider from the bill. There is not on record a recorded vote because the machine broke down. At the time the machine broke down there were over 300 no votes on the amendment to strike the rider. I think there were 60 to 70 yea votes. The House voted, and voted overwhelmingly.

We went to conference on the State, Justice, and Commerce bill. We came back with a compromise that restricted only the FTC, no other agency, from filing suit. As a matter of fact, what the rider did was really to refer the question back to the appropriate committee of jurisdiction in the House.

What that rider said is that: None of the funds appropriated or otherwise made available by this Act to the Federal Trade Commission, unless specifically authorized by law hereafter, may be obligated or expended to issue, implement, administer, conduct, or enforce any antitrust action against a municipality or other unit of local government, except that this limitation shall not apply to a private antitrust action.

It made clear that we were referring the question back to the committee of jurisdiction, the Committee on Energy and Commerce, to resolve the issue for the future.

That limitation was passed by the House and the Senate and sent to the President as part of that appropriation bill and signed into law. Now, 2 months later, we have the same issue back before us. We have the repeal in this bill, simply because some Members of the other body say they will not pass the basic bill unless we repeal what we did 2 months ago.

They won in the Senate by, I think, about a 10-vote margin. When we dealt with the issue in the House, we won by better than a 3-to-1 or 4-to-1 margin. That is the dilemma we find ourselves in.

Let me speak to the merits of the FTC. It is true that at this point it is down to one case. I think it is an indication of the sort of stupidity that we see facing us as it relates to antitrust suits. In Louisiana, which did not change one single regulation, simply because the legislature acted, then that makes valid the existing regulation that applies in New Orleans. In Minneapolis, operating under a home-rule charter, we are still subject to the suit.

I do not know what the FTC has in mind for the future. I would assume they picked their best case to be their first one. I think it is clear that the FTC is very interested in pursuing other cases in the future.

Let me say this about Minneapolis taxicab regulations. I do not pretend to be a total expert on them; I think that is something for the city council and the mayor of the city of Minneapolis to sort out and come to some conclusion on. I have yet, however, to find a cabdriver who has gotten rich driving cabs in the city of Minneapolis.

But apparently that is a priority of the FTC today. There are regulations to assure service throughout the city, and there are set maximum limits on fees and, I think, otherwise generally acceptable regulations that exist, clearly not of the nature that should be of interest to the Federal Trade Commission.

I would feel less badly about that limitation being on this bill if I thought this were the last action the FTC was going to take. However, it is clear that they are very interested in preserving their authority. My understanding is that they lobbied all night in the Senate to get this repealer in the bill. So what they have in mind I simply do not know.

So I regret very much that the conference committee saw fit to repeal this rider. I respect the judgment the House is going to have to make if Members support the other parts of the bill as I do.

Are certain Senators serious when they say they would leave all the municipalities in the country subject to antitrust suits unless they can have their way in overriding this rider? I cannot make that judgment.

□ 1340

The SPEAKER pro tempore (Mr. Hoyer). The Chair would observe that the discussion about the other body, of course, and what they may or may not do is speculation and that is not consistent with the rules and would urge Members to try to refrain from such expressions.

Mr. WILSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. Philip M. Crane].

Mr. PHILIP M. CRANE. I respect the statement of the Speaker, but I have before me a letter from the National Association of Counties, signed

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by Matthew Coffey, who is executive director, indicating that from the standpoint of county government this is the most important issue to come through the 98th Congress and that they reluctantly went along with this FTC provision added to it because, in their own words, the Senate has made it clear that they will not accept protective legislation unless this FTC provision is included.

Senate is a broad term. How can anyone read the mind of the Senate? My interest is that if there is anybody who is conversant, because I certainly know the mechanisms whereby that could be an obstructionist body to passage if this legislation were made, but can anyone provide any insight as to specifics with regard to Senate objections? Is there anyone who knows for a fact, and it goes to the point that the Chair made, how do we read the mind of that other body?

The SPEAKER pro tempore. The Chair does not have that ability.

Mr. RODINO. Mr. Speaker, will the gentleman rephrase his question?

Mr. PHILIP M. CRANE. My question is, as the Speaker indicated earlier, how can we read——

The SPEAKER pro tempore. The Chair presumes the gentleman from Texas is yielding to the gentleman from New Jersey for the purpose of responding to a question?

Mr. WILSON. Yes; for the purpose of responding to a question, that is right.

Mr. PHILIP M. CRANE. Yes; if the gentleman from Texas will yield, I will restate the question to the chairman.

Mr. WILSON. Yes; I yield.

Mr. PHILIP M. CRANE. That is, as the Speaker has ruled, we cannot read the mind of the other body, and while we have been notified by the National Association of Counties of what the other body's intentions are if this provision were stricken from this bill, since we cannot read their mind, can the chairman provide us any insight as to precisely who has given him that information or whether he has something substantive upon which to confirm the statement contained in the letter from the National Association of Counties.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. WILSON. I yield to the gentleman from New Jersey.

Mr. RODINO. Mr. Speaker, I thank the gentleman for yielding. All I can state is that while the House conferees had presumed to be supportive of the position without an FTC repealer and urged that that be the case, the Senate conferees were unanimous in opposition, and in strong opposition, and this Member and the others who were conferees read clearly the intention, not only stated, but unequivocally demonstrated that there would be no legislation if that FTC repealer were not part of the conference.

Mr. PHILIP M. CRANE. Mr. Speaker, would the gentleman from Texas yield for yet another question of the chairman?

Mr. WILSON. I yield.

Mr. PHILIP M. CRANE. Mr. Speaker, is that position taken by as I understand three Senate conferees, is that not correct, three?

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. WILSON. I yield.

Mr. RODINO. There were in my memory three conferees in the other body who were present, but the representation made by the conferees on the part of the other body, the representations were to the effect that this is what the other body's position was. It was vigorously stated and it was assumed by the House conferees that in view of the fact that while we do not minimize the importance of the issue and recognize that a year ago this may have been more important than it is now, because I think we are dealing with the total issue now, we recognized that it was important to go forward in the conference in order to preserve the position of the very cities, municipalities, and counties, that are involved here and to be protective of them by adopting this conference.

Mr. SEIBERLING. Mr. Speaker, will the gentleman from Texas yield?

Mr. WILSON. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I was one of the conferees and I can say they made the point flatly it being the last day of the session, and we know the rules of the other body which allow a single Member to hold them and tie them in a knot, that that was exactly what was going to happen, because some Members felt so strongly about this particular matter that if we did not yield to the Senate on this point, that those Members would simply tie this thing up until the Congress adjourned.

Mr. WILSON. Was it the position of our conferees that they did not really wish to yield on this point?

Mr. SEIBERLING. It was, indeed.

Mr. RODINO. Mr. Speaker, will the gentleman yield again?

Mr. WILSON. Yes.

Mr. RODINO. It was not only that position, but that position was stated initially.

I might say that I recall as well and the record of the other body is that this particular issue was voted on two separate occasions and the other body again was for a repealer of the FTC provision.

Mr. PHILIP M. CRANE. Mr. Speaker, will the gentleman from Texas yield to the gentleman from Illinois?

Mr. WILSON. I yield.

Mr. PHILIP M. CRANE. Mr. Speaker, it seems to me on the basis of past history where sometimes conferees have not necessarily reflected the views of their entire Chamber, notwithstanding the emotional commitment they may have to an issue, and in fact it has been overturned on many occasions in the past.

In view, furthermore, of the commitment of the National Association of Counties, the League of Mayors, I do not know anyone in local government who does not want to see this legislation passed at any and all costs, even with the exclusion as indicated here by Mr. Coffey, representing the National Association of Counties.

I do confess to having a resentment on top of that that the other body would tell us how to run our business and I think they have done that egregiously.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank my friend for yielding.

I just want to comment parenthetically almost that I cannot believe a Member, any Member of the other body, would leave the towns and villages and hamlets and counties and municipalities in an entire State vulnerable to triple-damage suits because of some pique over the Federal Trade Commission. I cannot believe a Member of the upper body from the realms of Mount Olympus where they reside would be so reckless over this one issue, and if there is such a Member, it would be interesting to watch that operation, and I thank my friend.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. WILSON. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I also was a conferee and I went to the conference with the firm conviction that we had, first of all, to take that repealer out. I sympathize with the gentleman's position, but I came to the conclusion that there was no question but that the other body's conferees would let this legislation go down the drain over that issue.

What we are talking about are literally hundreds and hundreds of communities around this country that are exposed to antitrust suits if we do not deal with it in the context of this particular bill.

So I say to my colleagues, having gone to the conference with the intent of standing firm on that, because we just passed that limitation just a couple months ago, that I came to the conclusion that there was no alternative except to deal with the other body as they intended, and that was to permit the repealer to stay in the bill.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. WILSON. I yield to my friend, the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I share the gentleman's concerns expressed here. I will just mention that as a conferee, what the gentleman from Illinois [Mr. HYDE] said is correct, except he was a little fuzzy on some of the facts. He mentioned Olympus. I thought Olympus was in Washington and I think the gentleman meant to talk about Ohio.

Mr. HYDE. Whatever, whatever.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield further?

Mr. WILSON. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Well, Mr. Speaker, with all due respect to one of the Senate conferees, he was not the problem. The problem was not a Senate conferee, but another Member who would exercise his full powers as a Member of that body.

Mr. HYDE. Mr. Speaker, would the gentleman yield further?

Mr. WILSON. I yield.

Mr. HYDE. I think the gentleman is talking about a different Member of the other body. This illustrates the terrible confusion on this issue.

The **SPEAKER** pro tempore. The gentlemen are out of order and should delete specific references to the other body's Members.

Mr. PHILIP M. CRANE. Mr. Speaker, will the gentleman yield for just one more comment?

Mr. WILSON. I yield.

Mr. PHILIP M. CRANE. Mr. Speaker, I suggest that what we might try is deleting this section and then the real Senator who objects can stand up.

Mr. WILSON. Mr. Speaker, I think the gentleman's suggestion has a great deal of merit.

Mr. Speaker, I have no more requests for time, but this does strike me as a rather classic case of a meritorious piece of legislation being held hostage by the other body and its rules.

□ 1350

Mr. RODINO. Mr. Speaker, first of all let me just emphasize that while we understand the frustration of Members who seek to ensure that the limitation is imposed on the FTC, nonetheless the municipalities, the parties that are affected, only yesterday sent this letter stressing the importance of this legislation.

I want to read again from that letter—just one sentence:

> The matter that is being discussed is too minor to allow inaction to defeat the critically needed protection for local governments.

I would ask all of those who say they are concerned: Why play Russian roulette? Why take this risk of what might occur when we know for certain that the action that we take today could cure the problem that affects the municipalities that are so concerned.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. I thank the gentleman for yielding. I am not going to take the 3 minutes because I think we have discussed the issue pretty will here.

As the chairman points out and as the gentleman from Illinois, [Mr. HYDE], points out, the FTC is not the issue here at all; the FTC is a matter which is irritating. It runs only for 10 more months and it affects one city.

The big issue here is whether or not we are going to leave naked to antitrust suits hundreds, perhaps thousands of municipalities throughout the country. Every person in this House of Representatives represents cities, counties, towns, villages, each vulnerable unless we defeat the motion of the gentleman from Texas, our good friend, Mr. WILSON, and unless we go ahead and approve the conference report.

I would like to point out, Mr. Speaker, that your Judiciary Committee in bringing up this bill just day before yesterday tried to eliminate the FTC matter. In other words, supported the House position. The bill had no repealer in it. The House in its wisdom, or the opposite, turned us down, I was the floor leader and we lost this suspension by 12 votes. If we had won on the suspension night before last we would not be standing here today.

So please support the bill. But to support the bill you really cannot take a chance if the FTC, small issue but irritating issue, and I understand the gentleman from Minnesota, is still in there, but is eliminated. We cannot take that chance. We cannot play chicken with the other body like this. There is too much at stake.

I yield back the balance of my time.

Mr. RODINO. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. I thank the distinguished chairman.

I myself am a former local government official. I was also an antitrust lawyer before I got to this body. I can say from personal experience in both fields that unless we enact this bill we are going to see local governments tied in knots all across this Nation. Local officials will fear to take any action that someone may object to on economic grounds for fear of antitrust treble damage actions. That, of course, is exactly what happened in the case of a community represented by the gentleman from Illinois [Mr. HYDE]: $28 million judgment against a small community and its officials.

So all I can say is that while I do not like the FTC's current policies and in particular do not like their trying to stick their long arm into local governments, nevertheless, the problem of the FTC pales into insignificance compared to the threat hanging over local governments from antitrust treble damage actions.

We are talking about a virtual paralysis of local government in any matter affecting economics.

Let me read again from the National Association of Counties letter:

> The National Association of Counties view protective antitrust legislation as the single most important local government issue the 98th Congress has faced. Without this legislation counties and other local governments are left open to suit on a whole host of governmental matters. This threat of suit has undermined the public policy process in cities and counties across the country.

So I just do not feel, ladies and gentleman, that we can afford to take chances in this situation. We have this day and this day only in which to act to protect local government and local officials from this kind of paralyzing antitrust action.

Let us deal with the FTC problem another day if we must. However, I would note that the States can, in fact, already do, have the power to enact laws to minimize their local governments from FTC action, as the State of Minnesota has already done.

I yield back the balance of my time.

Mr. RODINO. Mr. Speaker, I merely want to urge the Members of this body to recognize that unless we reject this motion we are going to be, as I stated before, playing Russian roulette with a matter that I believe all of us recognize is so tremendously important to the cities and the municipalities that are threatened with the possibility of treble damage suits.

If you really are concerned about the cities, the counties, the municipalities of America, then vote no on this motion.

I yield back the balance of my time.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. WILSON].

The question was taken; and on a division (demanded by Mr. WILSON) there were—yeas 8, nays 23.

Mr. PHILIP M. CRANE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 36, nays 298, not voting 98, as follows:

[Roll No. 462]

YEAS—36

Ackerman
Boggs
Carney
Corcoran
Crane, Daniel
Crane, Philip
Dannemeyer
Dorgan
Dreier
Frenzel
Frost
Gonzalez
Hall, Ralph
Hammerschmidt
Kazen
Lehman (FL)
Levitas
Livingston

Loeffler
Lujan
Madigan
Moore
Oberstar
Obey
Roth
Sabo
Schneider
Schumer
Shuster
Sikorski
Skeen
Stump
Tauzin
Taylor
Williams (MT)
Wilson

NAYS—298

Addabbo
Akaka
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Archer
AuCoin
Badham
Barnard
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Borski
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Boucher
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Brooks
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Brown (CO)
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Evans (IA)
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Flippo
Florio
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Ford (MI)
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Gibbons
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Glickman
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Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Sam
Hamilton
Hansen (UT)
Harrison
Hartnett
Hawkins
Hayes
Hertel
Hightower
Holt
Hopkins
Hoyer
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Jones (NC)
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Lewis (CA)
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Lowery (CA)
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Miller (CA)
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Morrison (WA)
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Savage
Sawyer
Schaefer
Scheuer
Seiberling
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Shelby
Shumway
Sisisky
Slattery
Smith (FL)
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Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
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Solomon
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Thomas (CA)
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Wolf
Wolpe
Wortley
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Young (AK)
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NOT VOTING—98

Albosta
Alexander
Anthony
Aspin
Bates
Berman
Bethune
Boner
Bonior
Breaux
Brown (CA)
Cheney
Clarke
Coelho
Coleman (TX)
Cooper
Coyne
Crockett
D'Amours
de la Garza
Derrick
Dickinson
Dowdy
Dymally
Dyson
Early
English
Ferraro
Foglietta
Frank
Fuqua
Gaydos
Gephardt
Gramm
Gray
Hance
Hansen (ID)
Harkin
Hatcher
Hefner
Heftel
Hiler
Hillis
Horton
Howard
Jacobs
Jenkins
Kaptur
Leath
Lewis (FL)
Lipinski
Long (LA)
Lundine
MacKay
Marriott
Martin (IL)
Martin (NC)
McCurdy
McEwen
McNulty
Mikulski
Montgomery
Morrison (CT)
Murphy
Oakar
Ottinger
Packard
Patterson
Paul
Pickle
Pritchard
Pursell
Quillen
Ratchford
Reid
Roybal
Rudd
Schroeder
Schulze
Sensenbrenner
Shannon
Shaw
Siljander
Simon
Skelton
Smith, Denny
Stark
Stenholm
Tallon
Traxler
Udall
Vander Jagt
Walgren
Watkins
Waxman
Weaver
Whitley
Williams (OH)

□ 1410

Messrs. BOEHLERT, FRANKLIN, DINGELL, and ANDREWS of Texas changed their votes from "yea" to "nay."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HARRISON). The gentleman from New Jersey [Mr. RODINO] will be recognized for 30 minutes, and the gentleman from New York [Mr. FISH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the matter before us is one of considerable interest. It involves the conference report on H.R. 6027. This is very important legislation. We have heard the earlier discussion. I think we addressed the core of the issue. Whether or not we adopt this conference report will determine whether the cities, the municipalities, the counties of America will be protected from the threat of antitrust damage suits.

Mr. Speaker, in these waning hours of the Congress it is important that we consider this matter. It is tremedously important to the cities, the counties, and the municipalities of America that we act affirmatively on this conference report in order to assure that they are protected from the threats that are now looming as to the possibility of treble damage suits.

H.R. 6027 will free local governments from the frequently paralyzing concern that their actions will inadvertently give rise to treble damage suits. Such suits can, as we have seen in some recent litigation, threaten a municipality with bankruptcy. The mere threat of such suits can deter citizens from accepting elected positions in local government out of fear of personal liability for treble damages.

□ 1420

Mr. Speaker, there is I think unanimity among all of us on the need for this legislation. It is important that we take this crucial step. There have been differences on the question of whether this bill should apply to pending cases. The conferees have resolved those differences. Not everyone is entirely satisfied with the resolution; but we cannot lose the opportunity to take the action we have the opportunity to take, and that is the major objective of this legislative—to protect our local government for the future.

This bill does so in a straightforward and effective manner, and the various associations representing local governments around this country are solidly in support of this legislation. They need this legislation.

I urge support of the conference report.

An explanation of the provisions of the conference report follows:

AN EXPLANATION OF THE PROVISIONS OF H.R. 6027, AS AMENDED

SECTION 1

Section 1 establishes the short title of this legislation: the "Local Government Antitrust Act of 1984."

SECTION 2

Section 2 sets forth definitions of four terms relevant to application of Section 3.

Paragraph 1—Paragraph 1 defines "local government" for both general and special function governmental units. The term "local government" includes a "city, county, parish, town, township, village or any other general function governmental unit established by State law."

The term local government may also include special function governmental units such as a "school district, sanitary district, or any other special function governmental unit established by State law in one or more States." The definition does not include States or their agencies with state-wide jurisdiction. Such entities receives antitrust immunity directly from the "state action" doctrine first enunciated by the Supreme Court in Parker against Brown, 317 U.S. 341 (1943). The definition of general and special function governmental units would usually have a geographic jurisdiction that is not contiguous with, and is generally substantially smaller than, that of the State that established it. The definition, however, would encompass special purpose governmental units that operate in more than one State, such as, for example, regional planning boards, environmental organizations, or airport or port authorities. For purposes of the definition of "local government," the phrase "established by State law" does not necessarily connote a specific or affirmatively expressed authorization by a state. General authorization by a State—as in the case of a home rule amendment—may bring a local government within the meaning of "established by State law."

It should be noted that a "special function governmental unit" should not be read to include largely private, regulatory bodies that operate with the sanction of a local government. By analogy to the state action doctrine, a group such as a county bar association, dental association or medical association that regulates entry and enforces professional ethics is not a local governmental unit. See *Hoover* v. *Ronwin* (No. 82-1474)—U.S.— (May 14, 1984); *Goldfarb* v. *Virginia State Bar*, 421 U.S. 773 1975).

Paragraph 2—Paragraph 2 adopts the definition of "person" from the first section of the Clayton Act (15 U.S.C. 12(a)), and adds the clarifying phrase "but does not include any local government." This clarification eliminates the possibility that a term such as "municipal corporation" might be construed as a "corporation" within the definition of "person".

Paragraph 3—Paragraph 3 adopts the definition of "State" from section 4G(2) of the Clayton Act (15 U.S.C. 15G(2)).

SECTION 3

Subsection (a). Subsection (a) precludes actions for damage under section 4, 4A and 4C of the Clayton Act against "any local government, or official or employee thereof acting in any official capacity." Actions of officials that fall outside a local government's authority, such as participation in criminal acts, would fall outside the protection of this section. See *Affiliated Capitol Corp.* v. *City of Houston*, —— F.2d —— (5th Cir. July 16, 1984) (en banc).

SECTION 4

Section 4 defines the limits of protection for antitrust damage liability conferred on persons (other than local governments) for antitrust violations that arise out of the conduct of local governments. Suits against local governments often name parties other than the local governments as defendants. Or, the named defendants may be solely non-governmental parties even though the basis of the liability is conduct of a local government. To what extent do such non-governmental persons benefit from this legislation's proscription on antitrust damage suits?

Section 4 adopts the test applied by the Supreme Court in *Parker* v. *Brown, supra*, 317 U.S. at 350-351 ("The Sherman Act . . . gives no hint that it was intended to restrain State action of *official action directed by a State*" (emphasis supplied)). Thus, non-governmental persons will be protected from damage suits under section 4 of this legislation if the claim is "based on any *official action directed by a local government*" (emphasis supplied).

Adopting this test from *Parker* v. *Brown* allows the courts to apply, by analogy, the interpretive case law that determines when non-governmental persons will be protected as a result of action directed by a State. There is no automatic protection for a non-governmental person simply because the conduct alleged to violate the antitrust laws has some connection with a local government's action. To be protected, the non-governmental person must show that the conduct was compelled by a local government acting within its authority, (*Goldfarb* v. *Virginia State Bar*, 421 U.S. 773 (1979)) or that ongoing conduct is subject to continuing supervision by a local government (*California Liquor Dealers* v. *Midcal Aluminum, Inc.*, 445 U.S. 97 (1980)).

A wholly permissive grant of authority for a local government to a non-governmental person does not convey the protection of section 4 to that non-governmental person. For example, the granting of a plumber's license, a liquor license, or a zoning permit would not, by itself, convey any protection on the licensee. On the other hand, if the local government imposes substantial conditions on the licensee, such as the obligation to operate a restaurant on the premises of a municipally-owned airport building, this may be sufficient to bring the licensee within the protection of section 4, at least insofar as the licensee is carrying out the "direction" of the local government. Contracts entered into by non-governmental persons with local governments may also create binding obligations that meet the "direction" test.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Let me address a question to my distinguished chairman and friend, and first let me preface it by saying that I admire all of the work that the gentleman and the conferees have done on this bill. But may I just ask this question, because this bill troubled me from the start, when it came through our committee: we say here we are moving very swiftly to protect States and counties and local governments from the terrible onslaught and threat of treble damage suits, the very existence of which will dissuade people from joining local government, the very threat of which can cause government to shrivel and blow away.

Let me ask this question: Why do we not show the same compassion for companies and groups and industries and corporations which suffer the very same thing, a threat of treble damage suits which, if I understand the gentleman correctly, can cause them to shrink and shrivel and dry away and not be able to perform their task and dissuade directors from joining these corporations?

I guess the question is: Why should we philosophically move at this point to protect local government, which is in some cases more financially able to withstand these aggressive lawyers who merchandise treble damage suits and class actions than perhaps certain small companies and corporations?

Mr. RODINO. The issue that was before us during the course of the many hearings that we have held was that local governments are threatened with large antitrust damage suits.

That was the issue that we dealt with. It was for this reason that this legislation addresses that particular point.

Mr. MAZZOLI. Well, it addresses that thing. But, again, I would ask my chairman, if the gentleman will continue to yield: Is there something philosophically different about local government, with the resources that it has at its disposal, and a company or a corporation or a business?

I just wondered.

Mr. RODINO. I will reclaim my time and respond to the gentleman, briefly, that there is a difference.

Philosophically I would say that one has to recognize that municipalities, local governments, are not there for a profit motive; they are there to serve the local citizenry. And I believe that we have to take into account the fact that individuals and others who engage in possible violations of antitrust laws would do so on the basis of the fact that they engage in their enterprises for the purpose of making a profit solely for themselves. This is the distinguishing factor.

Mr. MAZZOLI. If the gentleman will yield further, my last statement: Are we not by this action insulating State and local municipal government in their antitrust activities? They can now combine in restraint of trade, they can violate antitrust laws, and the individual citizens of the community cannot reach them.

Mr. RODINO. The gentleman is incorrect in the conclusion that he reaches, since local governments are still subject to injunctive suits and Federal enforcement. So I believe that this matter is remedied by the fact that the injunctive relief still prevails.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I would like to just respond a little further to the question the gentleman from Kentucky has raised.

First of all, the policy of the antitrust laws is to encourage competition in the private sector. Local governments are not in the private sector. Public policy, with respect to local government, is a different policy. Second, local governments are supported by the taxpayers. If we allow treble damages against local governments the taxpayers are going to end up paying the bill for official actions by local governments.

If a local government goes beyond its powers and tries to interfere with trade by activities in the private sector, then there are injunctive remedies that are not touched by this bill. Furthermore, for local officials who abuse their official power, there is the electoral process by which the public can dispose of them.

So those are the protections we have that will still be there to prevent local governments from overstepping.

Mr. RODINO. Mr. Speaker, I reserve the balance of my time.

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority would like to participate in this very high-level discussion here before we get on to the merits of the conference report. I certainly concur with what the gentleman from Ohio has said, and what the chairman of the committee has said, that the antitrust laws deal with concentrations of economic power, whereas government choices are not profit motivated.

Prior to the Lafayette case, we did not know that the municipalities were subject to the antitrust laws. In fact, we felt they had the same immunity as do the States. And it is that that we are trying to rectify here today.

Mr. Speaker, I am happy to yield 1 minute to my friend, the gentleman from Pennsylvania [Mr. GEKAS], on this subject.

Mr. GEKAS. I thank the distinguished gentleman from New York.

I just wanted to add to that already stated premise that the real difference between these two subjects happens to be the fact that the targets of one; namely, the suits against local governments, are eventually the taxpayers who support those local governments; and, on the other hand, the target would be the entrepreneur profit result of money making, which is laudable and which we extol and which we need, but that is the essential difference.

Mr. MAZZOLI. Mr. Speaker, would my friend from New York yield for just a moment?

Mr. GEKAS. I yield back the balance of my time.

Mr. FISH. Mr. Speaker, I would be happy to yield to the gentleman.

Mr. MAZZOLI. Let me address my friend from Pennsylvania. The gentleman from Kentucky is not unmindful of the fact that the taxpayers would have to pay in some form of taxation any award directed to the municipality for an antitrust violation, but what I am saying is, is it right and fair that small business or other business which is constrained and which is acted against by a city or a county acting in restraint of trade, acting against the law, as we have it up to date, is it right that that individual would have no right of action?

If I understand correctly, what they have here is an opportunity to get a restraining order against future antitrust violations. But if I am a business person and I lose a contract because there is connivance between State and local authorities and some other company, I have no recourse, I have no place to go, I do not get any award at all.

So I am sorry for the taxpayer, but I also feel a little sorry for the business who now faces this Goliath and has no cause of action.

Mr. GEKAS. I agree with the gentleman. But it is apples and oranges we are talking about. I happen to like both apples and oranges.

Mr. FISH. Mr. Speaker, the gentleman from Kentucky should know that in this bill if the action of the municipality is beyond its authority, then an action does lie by the small businessmen the gentleman was citing.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Ohio.

Mr. SEIBERLING. In addition to that, if there were conspiracy between local officials and private parties, treble damage action would lie against the private parties. This bill only exempts actions by government and actions directed by government.

Mr. FISH. Mr. Speaker, now for the purposes of presenting this conference report to this House, I yield 5 minutes to the gentleman from Illinois [Mr. HYDE] who introduced almost 2 years ago the first bill that became part of the legislation that we are dealing with today.

Mr. HYDE. Mr. Speaker, if I could just respond, briefly, to some of the comments made by the gentleman from Kentucky, who apparently has left the floor, the difference, really, between antitrust law's applicability to commercial transactions is that it only looks at one issue, and that is the anticompetitive nature of the conduct complained of.

Competition is important in free enterprise and the operation of our economic system. When you move over to governmental decisions, then the competitive factor is not relevant, really, or far less relevant than environmental considerations, health considerations, safety considerations, and a whole panoply of issues that a governmental body must take into consideration in its judgments allocating contracts, access to sewer lines, zoning, and things like that.

□ 1430

So it is clear that the antitrust laws ought to be inapplicable to governmental decisions certainly in their most harsh aspect and that is treble damages for governmental decisions. The problem is governments make decisions, State governments and local governments, based on their best judgment on a range of considerations that are not contemplated by antitrust laws. So the antitrust law is a square peg trying to be forced into the round hole of governmental operation. This remedy is very much needed.

This is important legislation. I might point out parenthetically that this body can move if its priorities are such that they want to move. We have waited 2 years since the Boulder case gave us this ticking bomb, and we finally, on the last day of the session, have a bill before us. That is glacier-like activity; I do not know why. I am sure there are good reasons, but I do look at this in the background in the bill offered by the gentleman from Oklahoma, the chairman of the Budget Committee, which was filed in 1 week and was up here 7 days later for a vote.

So we can move in meteoric fashion or glacier fashion depending again on the issue. Nevertheless, we are here, thank God, we have a bill and it is a good bill and I want it to be adopted. The statement of managers on H.R. 6027 emphasizes the protections against money damages afforded in this legislation are potentially applicable to pending cases through case-by-case determinations by the district courts.

The statement of managers on H.R. 6027 emphasizes that the protections against money damages afforded in this legislation are potentially applicable to pending cases through case-by-case determinations by the district courts. The conferees agreed that "the court is to consider all relevant circumstances." While the language of subsection 3(b) of the bill only mentions two of the factors that the court should consider—that is, the stage of litigation and the availability of alternative relief under the Clayton Act—the court is free to consider other relevant factors that led to the local government decision being challenged under the antitrust laws. In this analysis, the conferees intend that the courts be allowed to consider factors other than just impact on competition and mere marketplace factors. So, for example, included among the factors that courts should consider in evaluating whether or not a current local government defendant should be protected from money damages would be the following:

First, whether the unit of local government was exercising its legislative, regulatory, executive, administrative, or judicial authority;

Second, the adverse impact that an antitrust damage award would have on the unit of local government and its residents; and

Third, whether the action taken by the unit of local government was in furtherance of Federal or State laws, policies, or regulations.

In the context of this legislation, it also should be emphasized that the Supreme Court has never ruled that local governments that violate the Federal antitrust laws may be held liable for money damages. In fact, no final judgment has been entered assessing such damages against any locality. That issue is open and is presently being litigated in cases making their way toward several courts of appeal. The purpose of H.R. 6027 is to take that issue from the courts as to any case filed after its effective date. The purpose of subsection 3(b) is to allow courts, in cases filed before its effective date, to do two things. First, it allows them to decide the question of whether the Congress of 1890 intended to make a damage remedy available against local governments. Second, if that issue is decided in the affirmative, subsection 3(b) allows the court to go on to decide, based upon a showing to be made by the defendant concerning all relevant facts and circumstances, whether the present intention of Congress was to eliminate such a remedy with respect to the case in question.

This is good legislation; I am pleased that it has been adopted in the conference, and I urge its adoption by this body.

Mr. FISH. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this piece of legislation is exceedingly important and I hope it will get a unanimous vote of support. The language that was discussed by the gentleman from Illinois just preceding me is extremely important because it emphasizes the reason why we are even enacting such legislation. That is the recognition that local units of government have a function far different than those that are profitmaking enterprises.

A local unit has a function that is obviously the same as those of our State governments. Because of that, it is unfair to judge them and their activities purely on an anticompetitive basis, that is purely by the regular rules by which you analyze normal antitrust cases. That is why in the statement of managers we have the language that the gentleman referred to, that is, "All relevant circumstances to be considered."

I would just like to underscore what the gentleman from Illinois said because I think it reflects the attitude of many of us who were on the conference and appropriately reflects the attitude of the membership of this House. That is if we are to include such circumstances, those circumstances would be, among others: First, whether that unit of local government was exercising its legislative, regulatory, executive, administrative, or judicial authority. Second, just as importantly, whether an adverse impact would be felt by the unit of local government and its residents because of the antitrust damage award. This is important because certainly we do not want the antitrust laws of our country to result in insolvency with respect to our local governments, nor to intrude in such a way on local government that we do not have people coming forth to serve on local government out of fear of potential antitrust suits. Third, whether the action taken by the unit of local government was in furtherance of Federal or State laws, policies and regulations.

In other words, the totality of the circumstances must be taken into account, and those circumstances should include the unique nature of local governments and the people who are serving in those responsible positions. Unless you allow that to be entertained by the courts when they make these decisions, we will have added virtually nothing with this legislation.

It is extraordinarily important that these things be contempleted by this act, and I would suggest that this interpretation is within the definition of the words chosen by the conferees, at least as far as this conferee is concerned.

Mr. FISH. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. SAWYER].

Mr. SAWYER. I thank the gentleman for yielding me this time.

Mr. Speaker, only about 2 days ago, I took the well of the House and urged a no vote on a quite similar bill. I pointed out that we were seeking that route to avoid going to conference and that it left totally unprotected those 200-plus municipalities and counties that are subject to pending litigation, and that if we did not go to conference, they would be left unprotected.

The House responded, myself and other people in their judgments, and refused to pass that bill. As a result, we did go to conference as predicted, and we have come out with legislation that goes not the whole way to protecting those in pending litigation, but a long way toward it.

So I think and expect that most district judges and other Federal judges will not exercise the clear intent of the conference in the report of the managers and the language in that report to take into account whether the cities were carrying legitimate municipal functions or county functions, and protecting their people, whether or not they were protecting such things as environment or other elements outside of the pure anticompetitive element of things and outside and beyond the maturation or state of the litigation.

□ 1440

We did not accomplish everything, but I think we opened the door wide enough, so that I will be very surprised, and I think the conferees as a group will be both surprised and disappointed, if the Federal judge is now given the clear picture of what the Congress intended; do not step in and protect municipalities and counties from these treble damage lawsuits that are devastating to the very people that the antitrust laws were designed to protect.

The only reason we have antitrust laws, treble damages, is to protect the citizen against exploitation by commercial interests, by illegitimate means, and to turn those antitrust laws around to where the citizen is facing the barrel, the very people we intend to protect, is basically wrong, so I am delighted that we voted down the bill here in the House, brought about what we were intending to do there, a conference, and came out of that conference with most of what we wanted and a clear signal to the Federal judges.

For any of you who have any reservations about a yes vote on this which I strongly urge, I have a letter of the National Association of Counties wherein they say that the passage of this legislation is the singlemost important local government issue that faced this Congress.

We came out with substantially what we wanted, protection for the municipalities on pending litigation.

The judges clearly have the door open; and the point of where the Congress wishes them to go, and I urge support.

Mr. ERLENBORN. Will the gentleman yield to me?

Mr. SAWYER. I yield to the gentleman.

Mr. ERLENBORN. I thank the gentleman for yielding to me.

Mr. Speaker, in the language relative to retroactivity, it says, paraphrasing from that: The subsection shall not apply unless the court determines in the light of all the circumstances that it would be inequitable not to apply this subsection to a pending case.

Can the gentleman tell me, does that mean that the court can look at the judgment which might be a judgment including treble damages and say: Well, that is too much, that would be too much of a burden. That would be inequitable.

But if it is only actual damages it would be equitable, and the court would have the authority to change the judgment to make it equitable, or would the court be able to reject or not reject just on the basis of the judgment as it stands?

Mr. SAWYER. The intention clearly was, when you get into an equitable thing, it gives the court the broad chancery powers of a court to do anything, including down to just converting it into injunctive relief or some other relief, but that was what was clearly intended by that and we came into full agreement with the Senate on the language that should go into the report, the managers of the bill, to clearly indicate that the court should take into account whether these were legitimate functions of a city or county and incidentally, had an anticompetitive effect and whether it would be inequitable to the very citizens that the antitrust laws are designed to protect, to saddle them with an impact such as this, when their government is acting basically in their interest, even though it might have an anticompetitive effect.

Hopefully, we have solved the problem far enough now to entrust the rest of it to the good hands and good judgment of the Federal judges around the country, and I have great confidence that they will take that up, and I want to compliment Mr. HYDE, Mr. LUNGREN, Mr. PORTER, and others that helped in getting this resolved.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 648) "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 89. An act to permit the transportation of passengers between Puerto Rico and other U.S. ports on foreign-flag vessels when U.S. flag service for such transportation is not available;

H.R. 5399. An act to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

H.R. 5492. An act to provide for the conservation and management of Atlantic striped-bass, and for other purposes;

H.R. 5616. An act to amend chapter 47 of title 18 of the United States Code to provide penalties for fraud and related activities in connection with access devices and computers, and for other purposes; and

H.R. 6286. An act to amend title 35, United States Code, to increase the effectiveness of the patent laws, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrences of the House is requested:

S. 2499. An act to authorize the appropriation of funds for certain maritime programs for fiscal year 1985.

CONFERENCE REPORT ON H.R. 6027, LOCAL GOVERNMENT ANTITRUST ACT OF 1984

Mr. FISH. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I rise in support of the conference report, and I want to commend the gentleman from New York, the chairman of the committee, and the gentleman from New York, the ranking minority member of the committee for the fine work that they did with respect to the report.

I want to pick up on something that my esteemed colleague from Illinois [Mr. HYDE] said earlier; and that is, that the Supreme Court of the United States has never ruled as to whether local governments are or are not liable for treble money damages when there is a violation of the federal antitrust laws.

That is a question that has not been answered by the courts and probably will be in some time in the future, because a number of cases are working their way up through the system.

What this conference report does, it really say, that for any conduct in the future, that question is decided, for any conduct that has been pending, that question will be decided based upon all the circumstances of the specific case in considering all of the equities that might be involved in that case, and it seems to me that that leaves a great deal of latitude for the court to decide on a case-by-case basis what in fact should be done for those 200 cases that are presently pending, and on which there is a risk to municipalities across our country of about $4 billion in terms of addendum.

Regarding a case in my own legislative district, the Unity Ventures case, the bill forces the district court to consider factors that it refused to consider when the case was filed, and that it instructed the jury in that case not to consider.

When those factors are considered as part of all the circumstances involved in the case, it is clear that the jury verdict could, under the language of this bill, be overturned. The bill rectifies what must be considered erroneous jury instructions by requiring consideration of all of the circumstances surrounding the challenged governmental action.

The fact that the jury was precluded from considering all the circumstances can mean that under the bill, that verdict could not be the basis of a money damage award.

This bill also requires the court to consider concepts of equity. No damages may be awarded if it would be inequitable to allow them. Imposing antitrust damages is inequitable, unless it is intended to further a change in the type of conduct being punished by the damage award, but the conduct being challenged in this particular case was dictated by the Congress.

It is my understanding that the agreement that this verdict would punish was entered into under the direct mandate of the Federal Water Pollution Control Act in 1972. That act funded a national effort to clean up lakes and streams by building large new regional sewer plants.

The regulations governing that funding required the county or municipality to enter into the challenge agreement, and Congress expressly recognized and sanctioned the fact that such agreement would eliminate the type of competition that the verdict in the case sought to foster.

The Senate report on the legislation said, quote:

> The independent functions of units of government in areas of population concentration without regard to the pollution-related requirements of other areas of the same region will not be possible. Uncontrolled growth and expansion and competition among units of government will be reduced if effective environmental controls are to be imposed.

This specific encouragement of intergovernmental cooperation, despite its anticompetitive side effects, in the area of pollution control in sewer development, is but one example of the general congressional encouragement given to such units of local government to cooperate.

Since at least 1959, when Congress created the Advisory Commission on Intergovernmental Relations, this Congress has supported, encouraged, and required the very types of activity that the verdict in the case was sought to condemn.

But the Congress has never shared the view that this bill compels the district court to recognize these circumstances.

I am also pleased to see that this bill requires the court to consider the availability of injunctive relief under the Clayton Act as one of the factors. This will force the Court to review the issue of whether a plaintiff comes into court with clean hands that are essential to securing relief under that act.

If the Court finds the defendant's unclean hands would bar equitable relief under the act, then this bill would serve to bar that defendant's claim for money damages based on the same finding of unclean hands.

I think the bill and the conference report is in good shape.

The language in the managers statement further clarifies the very liberal interpretation that can be given by courts to pending cases to work out an equitable settlement, and I commend the conference report to my colleagues and urge its adoption.

Mr. FISH. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PHILIP M. CRANE].

Mr. PHILIP M. CRANE. Mr. Speaker, I believe I rise in enthusiastic support of a long overdue piece of legislation, but inasmuch as I do not have legal training, I would like to engage my esteemed colleague from Illinois [Mr. Hyde] who is one of the principal sponsors of H.R. 6027 in a colloquy just to get some points of clarification.

Am I correct that in addition to the factors stated in the bill, a court would be required to consider all of the circumstances of a particular case in deciding whether section 3(a) should apply?

□ 1450

Mr. HYDE. If the gentleman will yield, the gentleman is correct. The intent is to have a trial court consider all pertinent factors needed to make the equitable determination of whether the protections of section 3(a) shall apply to pending cases.

Mr. PHILIP M. CRANE. I am interested in the other factors that a court would consider in determining whether section 3(a) would be applicable to pending cases. Would, for example, these factors include: First, the need to protect units of local government and their taxpayers from the considerable financial harm that could result from a damage award; second, the degree to which the local government's action was directed by, or predicated on, Federal law or direction; and third, whether the local government was exercising its lawful authority under State law?

Mr. HYDE. If the gentleman will yield further, yes, these factors, among others, might well be considered by a court in determining whether the bill is applicable to a particular pending case. However, it will, of course, be up to the court on a case-by-case basis.

Mr. PHILIP M. CRANE. The bill provides that a court, in taking into account the stage of litigation, shall consider a jury verdict or district court judgment as prima facie evidence that it would be inequitable to apply section 3(a) to a pending case. Am I correct that, on the other hand, the fact that pretrial discovery has not been completed in a pending case might then support a determination that section 3(a) is applicable?

Mr. HYDE. If the gentleman will yield further, the Congressman is correct. That is an important distinction between the first and second sentences of section 3(b) for purposes of retroactive application. Beyond that, it should be emphasized that prima facie evidence can be overcome or rebutted by more persuasive evidence brought forth by a local government defendant.

Mr. PHILIP M. CRANE. I interpret, then, that what the gentleman is saying is, looking at section 3(a) and 3(b), those sentences could be juxtaposed to read thus:

> In consideration of this section, existence of a jury verdict shall be deemed to be prima facie evidence that subsection (a) shall not apply unless the defendant establishes and the court determines, in light of all the circumstances, that it would be inequitable not to apply this subsection to a pending case.

Mr. HYDE. I believe the gentleman is correct.

Mr. PHILIP M. CRANE. Likewise, in looking to the availability of alternative relief—another factor expressly mentioned in the bill—the court would determine whether an injunction would be sufficient to halt continuing injury caused by an ongoing antitrust violation. And the presence of this factor in a particular case might also support a determination that section 3(a) is applicable?

Mr. HYDE. If the gentleman will yield further, the Congressman is correct that it might be one of the relevant factors to be considered.

Mr. PHILIP M. CRANE. Finally, am I correct that, for the purposes of determining whether section 3(a) is applicable, the court would also determine whether the defendant acted in good faith while exercising its normal legislative, regulatory, executive, administrative, or judicial powers or providing traditional public services. And the presence of this factor in a particular case might support a determination that section 3(a) is applicable?

Mr HYDE. If the gentleman would yield further, the intent is that this factor—and any other relevant concern—may be brought to the court's attention for the purpose of proving that retroactive application of section 3(a) is equitable in the circumstances.

Mr. PHILIP M. CRANE. I thank the gentleman, and with those reassurances, I wholeheartedly support this long-overdue legislation and want to commend the chairman, the ranking minority, and the committee for the outstanding job they have done in protecting local government.

Mr. RODINO. Mr. Speaker, I yield at this time to the gentleman from Ohio [Mr. Seiberling] for the purposes of a colloquy.

Mr. SEIBERLING. I thank the chairman. Some of the questions that I am going to ask are very similar to the questions that were just asked by the gentleman from Illinois [Mr. Philip M. Crane], but it seems to me that it would be helpful to have in the Record the response of the chairman of the committee and chairman of the conference, to those questions, to make sure that the legislative history is clear.

Mr. Speaker, I would like to direct several inquiries to you for the purpose of clarifying section 3 which governs the conference report's application to pending cases.

Am I correct that, in addition to the factors stated in the bill, the managers' statement provides that "a court is to consider all relevant circumstances" of a particular case in deciding whether the section should apply?

Mr. RODINO. The gentleman from Ohio is correct. The intent is to require the trial court to consider all pertinent factors needed to make an equitable determination as to whether section 3 shall apply to pending cases.

Mr. SEIBERLING. If the gentleman would yield further, it might be useful to discuss what other factors a court may consider in determining whether section 3 would be applicable to pending cases. Might two of the potentially relevant factors include:

First, the need to protect local units of government and their taxpayers form the considerable financial liability that could result from a damage award; and

Second, the degree to which the local government's action was directed by, or predicated on, Federal law or direction?"

Mr. RODINO. The gentleman from Ohio states the factors correctly. The factors that you mention may be among the other equitable factors to be considered by a court in determining whether the bill is applicable to a particular case.

However, such a decision will, of course, be up to a court on a case-by-case basis; and such a court may well consider other equitable factors, such as the stage of litigation and alternative relief under the Clayton Act. The statute specifically enumerates these two factors as being pertinent to the equitable determination required by section 3.

Mr. SEIBERLING. I would like to ask another question. The conference report provides that a court, in taking into account the state of litigation, shall consider a jury verdict or district court judgment as prima facie evidence that it would be inequitable to apply section 3 to a pending case. Am I correct that, on the other hand, the fact that pretrial discovery has not been completed in a pending case may support a determination that section 3 is applicable?

Mr. RODINO. Yes, the gentleman from Ohio is again correct. That is the essential difference made in the conference report between pending cases generally, and pending cases where a jury verdict or district court decision has been rendered.

Mr. SEIBERLING. Is it also correct that, in looking to the availability of alternative relief under the Clayton Act—another factor expressly mentioned in the bill—the court could determine whether an injunction would be sufficient to halt continuing injury caused by an ongoing antitrust violation, and the presence of this factor in a particular case might also support a determination that section 3 is applicable?

Mr. RODINO. Yes, you are correct that H.R. 6027 specifies that the availability of alternative relief under the Clayton Act is a circumstance relevant to a court's decision to apply or not to apply section 3 to a pending case. The court, however, might well consider such questions as whether an injunction would be sufficient to halt continuing injury caused by an antitrust violation as well as whether injunctive relief justly compensates the plaintiff for antitrust injury already suffered. These factors may be among the potentially relevant circumstances for a court to consider in making the decision to apply section 3 retroactively, together with such other factors as the stage of litigation. Certainly, H.R. 6027 is clear that a court should give particular consideration to the presence of a jury verdict or a district court judgment, or any procedural stage subsequent thereto, in making this equitable determination.

Mr. Speaker, I hope that answers the gentleman's concerns.

Mr. SEIBERLING. Yes, it does, and I thank the chairman.

I would just like to add, if I might, some further thoughts on this legislation. It does seem to me that this is a reasonable compromise, even though I personally would have gone farther to make the legislation retroactive.

However, it does clear up propsectively what I consider to be a very unwise decision of the Supreme Court of the United States in the Boulder case, a decision, which, as has already been said, would result in virtual paralysis of many activities of local governments. The curious thing is that the decision seems to me to be at complete odds with earlier decisions of the Supreme Court, such as the decision of Noerr Motor Freight against the Association of American Railroads. In that case, the Supreme Court refused to allow the antitrust laws to be applied to situations where private groups petition governmental agencies for action in their behalf that is contrary to the interest of other private groups.

□ 1500

The Supreme Court in that case said that the antitrust laws cannot be used to block the right of individuals or groups to petition governments for actions beneficial to their business interests and harmful to the business interests of others, that the Constitution guaranteed that right, and that the antitrust laws could not override it. It seems to me peculiar that the Supreme Court would turn around in the Boulder case a few years later and, in effect, say, "We are not going to permit the antitrust laws to be used to penalize groups or individuals for obtaining, by otherwise legitimate means, governmental action in their own interest, but we are going to sock the local government and its officials and the local taxpayers with treble damages for taking such action."

To me, Mr. Speaker, the Boulder decision was an incongruous, unrealistic, and unworkable decision. I am glad this Congress is taking this action to see that it is reversed for the future. I commend our distinguished colleague, the chairman of the Judiciary Committee [Mr. RODINO], for his leadership in bringing us to the point where a legislative solution is in sight and all those who have worked with him to that end.

Mr. RODINO. Mr. Speaker, I merely want to close by commending the ranking minority member, the gentleman from New York [Mr. FISH], for his cooperation, and the members of the subcommittee who all acted as conferees in bringing about this result in a very ticklish situation that we were facing in the waning days of the Congress.

I want to commend especially our staff, both the majority and the minority members of the staff, who worked so diligently, especially under the very difficult circumstances. Faced with the closing hours of the Congress, we might not have been able to resolve these differences; but we did.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, looking back at the winter and spring of 1983, I recall that the first bill in this area was introduced by the gentleman from Illinois [Mr. HYDE], and this was followed by bills introduced by the gentleman from California [Mr. EDWARDS] and by myself.

The chairman of the full committee, the gentleman from New Jersey [Mr. RODINO], is to be commended for the bipartisan approach that prevailed throughout the committee's consideration of this legislation and the bipartisan work product that we bring to the floor today.

Mr. Speaker, I rise in support of the conference report on H.R. 6027, the Local Government Antitrust Act of 1984. Within the last 36 hours, we have been on a roller coaster ride which commenced Tuesday afternoon when the House refused to pass this bill by a two-thirds vote on suspension. This afternoon, accordingly, we at last proceeded to the conference with the other body which should have begun last week.

It was a difficult meeting, and, quite frankly, the House did not prevail on the two outstanding matters in controversy. On the key issue of retroactivity, Members may recall, the bill which passed the House was fully retroactive as to damages. The Senate amendment, on the other hand, was made inapplicable to pending cases unless the defendant municipality could carry the burden of demonstrating that it would be inequitable not to provide zero damages in its particular case. The conferees adopted the Senate language on this point.

In making its determination as to whether a local government should be protected against damages in a currently pending case, however, the statement of managers specifically directs the court to consider all relevant circumstances, including the stage of litigation and the availability of alternative relief under the Clayton Act—that is, the injunction remedy. But public policy requires that the court's inquiry in such instances must not be limited solely to antitrust considerations in cases brought against local governments. Among the other relevant factors, the court should properly consider: First, whether the local government was acting within its normal legislative, regulatory, executive, administrative, or judicial authority; second, the financial harm which a treble damage award could inflict on the municipality and its taxpayers; and third, whether the municipal action was predicated on or in furtherance of Federal or State laws, policies, or regulations.

The FTC repealer was the second issue before the conference. The House bill was silent, while the Senate amendment, which the conferees accepted, contained a repeal provision. The House Appropriations Committee earlier this year denied jurisdiction to the FTC in bringing enforcement proceedings against local governments. At the time I opposed an effort to repeal this limitation on the grounds we needed legislation to address the Boulder case. Today we have that legislation. Skeptics should also know the sole remedy available to the FTC is injunctive relief.

I would like to make a particular point with reference to section 3(a) of the conference report. While the damage limitation requires that an official or employee of the local government must be acting in an official capacity, this does not mean that good faith or clerical errors would negate the protection of the act. On the other hand, participation in criminal acts, or other behavior clearly falling outside a local government's authority, would like beyond the scope of protected conduct.

Looking ahead, we have the satisfaction of knowing that in the future this legislation will be providing protection for local governments, or their officials or employees acting in an official capacity, against antitrust damage actions brought under the Sherman Act and the Clayton Act. The Lafayette and Boulder cases are finally put to rest. The specter of massive treble damage judgments wrecking havoc with municipal budgets and taxation will be lifted. Regulatory and other municipal actions aimed at protecting the public health, safety, and welfare may go forward. No longer will the threat of treble damage antitrust liability inhibit the performance of legitimate governmental functions.

Mr. Speaker, on balance, I believe that we have achieved a great deal in this legislation. Accordingly, I strongly urge the adoption of the conference report on H.R. 6027.

● Mr. **BROOKS.** Mr. Speaker, on August 8, when this bill was originally passed by the House, I argued that the retroactive application provided for in H.R. 6027 was inappropriate. I am pleased to note that the conference report provides in the main only for the prospective application of this law. It should be clear that this bill is intended to provide relief to local governments in future cases which may arise. Only in the most unusual circumstances is discretion afforded to judges to apply this law to cases which have already been brought. The language of the bill allows retroactive application of this law by a court only if the defendants can prove that the circumstances of that case are so special that justice requires the unusual step of applying this new law to the old case. The bill explicitly states that there will be an especially strong presumption against applying this law to any pending suit in which a jury verdict or district court judgment has been rendered. I do not believe that Congress has ever undercut a jury verdict by passing a new retroactive law. This legislation should not provide the first instance.

It is clear, therefore, that this law will be applied retroactively, if at all, only in the most unusual of circumstances. Those who are currently pursuing law suits should feel confident that new rules will not be applied to them.●

● Mr. **FRENZEL.** Mr. Speaker, the conference report on H.R. 6027 is troubling for several reasons. It is an essential bill, but it has two serious flaws.

The first is that the report repeals the splendid amendment of our colleague, the distinguished gentleman from Minnesota [Mr. SABO] which prevented the FTC from meddling in municipal affairs of the city of Minneapolis. The Sabo amendment, which I supported strongly, is necessary to preserve the prerogatives of the elected representatives of the city. Their taxicab ordinances may be lousy, but their rights should be inviolate. The repealer makes one question the intentions of the conferees with respect to protection of municipal interests.

The second flaw is that municipal officials who have already been subjected to suit are not protected. The egregious Illinois case—a judgment of $28 million against a tiny municipality—ought to be corrected. This bill does not do so. It is prospective only.

There is an appearance here that our Judiciary Committee has let us down in this conference. If municipal protection is fair prospectively, it is also fair retroactively. In allowing the second flaw, the committee provides unequal protection and dispenses unequal justice. In allowing the Senate repealer of FTC restrictions, our conferees overturned a 3-to-1 vote of the House. The committee's record, in committee, on this floor, and in conference is not one to inspire confidence.

Because municipal governments and their elected officials need so badly to be protected from suits, I will be obliged to vote for the bill. That protection is indispensable. However, I do so with some regret that the flaws remain, and with some suspicion that our conferees have let us down.●

Mr. **FISH.** Mr. Speaker, I yield back the balance of my time.

Mr. **RODINO.** Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. **RODINO.** Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 318, nays 0, answered "present" 1, not voting 113, as follows:

[Roll No. 463]

YEAS—318

Ackerman
Addabbo
Akaka
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Archer
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bedell
Beilenson
Bennett
Bereuter
Bevill
Biaggi
Bilirakis
Bliley
Boggs
Boland
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Broomfield
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carper
Carr
Chandler
Chappell
Chappie
Clay
Clinger
Coats
Coleman (MO)
Collins
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
Dellums
DeWine
Dingell
Donnelly
Dorgan
Downey
Dreier
Duncan
Durbin
Dwyer
Eckart
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foley
Ford (MI)
Fowler
Franklin
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gilman
Gingrich
Glickman
Goodling
Gradison
Green
Guarini
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harrison
Hartnett
Hawkins
Hayes
Hertel
Hightower
Holt
Hopkins
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (MD)
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lungren
Mack
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McDade
McGrath
McHugh
McKernan
McKinney
Mica
Michel
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Moore
Moorhead
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Panetta
Parris
Pashayan
Patman
Pease
Penny
Pepper
Petri
Porter
Price
Pritchard
Rahall
Rangel
Ray
Regula
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schumer
Seiberling
Sharp
Shelby
Shumway
Shuster
Sikorski
Sisisky
Skeen
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vandergriff
Vento
Volkmer
Vucanovich
Walker
Weber
Weiss
Wheat
Whitehurst
Whittaker
Whitten
Williams (MT)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—113

Albosta
Alexander
Anthony
Aspin
Badham
Bates
Berman
Bethune
Boehlert
Boner
Bonior
Breaux
Brown (CA)
Carney
Cheney
Clarke
Coelho
Coleman (TX)
Cooper
Coyne
Crockett
D'Amours
de la Garza
Derrick
Dickinson
Dicks
Dixon
Dowdy
Dymally
Dyson
Early
Edgar
English
Ferraro
Foglietta
Ford (TN)
Frank
Fuqua
Gephardt
Gibbons
Gore
Gramm
Gray
Gregg
Hall (OH)
Hance
Hansen (ID)
Harkin
Hatcher
Hefner
Heftel
Hiler
Hillis
Horton

Howard
Huckaby
Jacobs
Jenkins
Kaptur
Kemp
Lantos
Leath
Lipinski
Long (LA)
Lott
Lundine
MacKay
Madigan
Marriott
Martin (IL)
Martin (NC)
McCain
McCurdy
McEwen
McNulty
Mikulski
Montgomery
Morrison (CT)
Murphy
Oakar
Ottinger
Packard
Patterson
Paul
Pickle
Pursell
Quillen
Ratchford
Reid
Ritter
Roybal
Rudd
Schroeder
Schulze
Sensenbrenner
Shannon
Shaw
Siljander
Simon
Skelton
Smith, Denny
Stenholm
Tallon
Udall
Vander Jagt
Walgren
Watkins
Waxman
Weaver
Whitley
Williams (OH)
Wilson
Yates

☐ 1520

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous matter, on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman form New Jersey?

There was no objection.

DEPARTMENT OF DEFENSE PROGRAM FOR SHELTER AND ASSISTANCE TO THE HOMELESS

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANIEL. Mr. Speaker, recently the program for the Department of Defense to provide shelter and assistance for the homeless has come under scrutiny and, in several instances, unwarranted attack.

The Members will recall that this program was authorized in the Defense Authorization Act for fiscal year 1984 by way of an amendment I offered to that bill.

To set the record straight, a letter has been drafted to one of the local morning newspapers. Because many of our colleagues are very concerned about the issue and the program. I submit the contents of this letter for printing in the RECORD at this time.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 11, 1984.

MS. MEG GREENFIELD,
Editorial Page Editor, the Washington Post, Washington, DC.

DEAR MS. GREENFIELD: The recent editorial in the Post entitled "Army 7, Homeless 1" criticizing the efforts by the Department of Defense to provide assistance and shelter for the homeless deserves response, since it reflects a number of common misconceptions about the program.

As the author of the amendment enacted last year giving the Secretary of Defense the authority to provide shelter and assistance to the homeless, I would like to clarify the specific intent and limits of such legislation. First, it made available Department of Defense facilities and incidental support to localities, religious, and charitable organizations to assist their efforts to shelter and care for the homeless. It was never the intent that the Department of Defense would directly manage or operate shelters or provide funding grants to private or local programs.

Congress provided $8 million in the Army Reserve operation and maintenance account for this purpose in the belief that Army Reserve Centers located in or near large urban areas represented the most suitable facilities for shelters. When it became apparent that most of the funding would not be required for that purpose, the Army Reserve applied the remainder toward priority real property maintenance projects.

This does not mean that funding for efforts to shelter the homeless has been exhausted. The Readiness Subcommittee has received assurances that funding will be made available in fiscal year 1985 and 1986 to support all Department of Defense agreements with local and humanitarian organizations. In short, the program is alive and well, and the Department of Defense remains committed to its continuation and expansion in the years ahead.

Why didn't the Army Reserve spend all the money Congress appropriated on sheltering the homeless? The answer to this question can be found in your article published on October 4th. The General Accounting Office and others intimately familiar with the program have found that there was little response or local interest in Department of Defense offers. The Department of Defense surveyed 600 sites in over 350 localities; only four cooperative shelter programs were established. These were all funded and they remain in operation today.

To appreciate the complexity of this social issue, one does not have to look beyond today's "Metro" section. In spite of a great deal of effort by all parties, to establish a shelter at the Army Medical Center, Forest Glen Annex, serious opposition is being encountered from local citizens. As a result, the opening of this shelter may be delayed and its operation subject to additional restrictions. All too often Defense efforts to negotiate shelter agreements with local communities and groups have fallen victim to conflicting interests and competing community priorities. The experience of the past year demonstrates that it is easier to enunciate policy and authorize funding than to establish such programs.

Only this morning, I called a meeting attended by representatives from the Departments of Defense and Health and Human Services, and the Board for the National Citizens Committee for Food and Shelter, to review the status of Defense efforts to shelter the homeless. In the course of those discussions, two things became clear.

First, a comprehensive government-wide effort to address the needs of the homeless is essential. Despite the fact the DoD has accomplished more to date than any other federal agency, it cannot be expected to direct or coordinate an effort of this magnitude and complexity that falls outside its primary mission responsibility. The existing joint interagency task force involving 13 federal agencies must provide strong leadership in marshalling the resources and expertise necessary to establish a comprehensive program that effectively addresses the plight of the Nation's homeless.

Second, the lack of response by nearly all communities contacted over the past year points up the equally important requirement for a major educational program to increase public awareness of the magnitude and seriousness of the homeless problem. Such an educational effort is long overdue and badly needed. Absent increased local support and commitment, Department of Defense efforts to assist the homeless can never be fully exploited.

Accordingly, I applaud the recent series of articles by the Post on the homeless as an important contribution to this educational process. These articles provide valuable insights into the complex nature of the problem of the homeless and the need for sensitivity and flexibility in dealing with it. Unfortunately, by failing to take into consideration the practical difficulties and statutory limitations associated with this program, the Post did a disservice to the Secretary of Defense and the Speaker of the House, who were the prime movers of the program, as well as those who have worked on the problem. I want to emphasize again that this effort will continue, and there remains a strong commitment on Capitol Hill and in the Pentagon to make the Department of Defense an active participant in national and local efforts to assist the homeless.

Sincerely,

DAN DANIEL,
Chairman,
Subcommittee on Readiness.

PROVIDING FOR ADJOURNMENT SINE DIE OF THE 98TH CONGRESS ON THURSDAY, OCTOBER 11, 1984

Mr. WRIGHT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 377), and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 377

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Thursday, October 11, 1984, and that when they adjourn on said day, they stand adjourned sine die.

The SPEAKER pro tempore. Without objection, the gentleman from Texas [Mr. WRIGHT] is recognized.

There was no objection.

Mr. WRIGHT. Mr. Speaker, the resolution is quite clear. It is the sine die adjournment resolution, and I think it is time that we sent it to the other body for their concurrence.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. LOEFFLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOEFFLER. Mr. Speaker, the purpose of my request is to inquire as to the remaining schedule for the day, Mr. Majority Leader.

Mr. WRIGHT. Will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman from Texas.

Mr. WRIGHT. The other body has passed the concurrent resolution on appropriations and that is behind us. It has gone to the White House, and we are informed that it will be signed.

The House, of course, had earlier passed the debt-ceiling extension. Earlier today in the other body certain amendments were attached to the debt-ceiling extension.

It is my understanding that there is a disposition in the other body now to remove those amendments from the debt-ceiling extension, allowing it to be passed in the clean, unsullied form in which it went to the other body from this Chamber.

But first to send to this Chamber a House-passed bill, amended so as to alter in certain respects the imputed interest provision that was a part of our most recent tax bill. The bill would come here with that as an amendment. It would lie at the Clerk's desk. I think it would be the motion of the gentleman from Illinois [Mr. Rostenkowski], the chairman of our Committee on Ways and Means, to call it from the Speaker's desk with certain instructions.

He would ask unanimous consent to do that.

Once that was accomplished and the action on that matter behind us, I am informed that the other body would look favorably upon passage of the debt-ceiling extension.

That is all I can tell you. But I think our passing the sine die adjournment and sending it to them with today's date might serve as an encouragement to expedite that process.

Mr. LOEFFLER. I thank the distinguished majority leader for his telling explanation. I would like to ask our leader several other questions.

No. 1, what do you anticipate to be the legislative agenda before this body for the remainder of the day and what time do you think we might adjourn?

Mr. WRIGHT. I sincerely wish I could give the gentleman a definitive answer to that question. I have just come to the point of missing an airplane that I had that leaves National at 3:50. I doubt very much that I will make that.

The only other things that would come before us would be unanimous-consent requests, and possibly actions from the other body that we cannot anticipate.

Nothing else is holding us.

Mr. LOEFFLER. If the distinguished majority leader would allow me, what is the status of the legislation and the paperwork of the legislation with the imputed interest amendment? Is it in the process of moving from the other body to the House at this moment?

Mr. WRIGHT. It is my understanding that it is, but I would yield to anybody else with more specific knowledge. It is not here yet. It has not arrived in this Chamber.

Mr. LOEFFLER. Then finally I would like to ask our distinguished majority leader if he has a list of the unanimous-consent request that will be offered for the remainder of the day.

Mr. WRIGHT. I do not. There may be one that would be available to my friend from Texas, and I believe it is being shared with him at this time.

Mr. LOEFFLER. I thank the distinguished majority leader.

Mr. WRIGHT. The list that has been handed to my distinguished friend from Texas [Mr. Loeffler] is, so far as we now know, a complete list. But I should not want to foreclose the possibility of other things arising. We are not aware of any other things that might come up.

Mr. LOEFFLER. I thank again our distinguished majority leader.

Could you once more tell us basically what you believe the procedural process will be on the legislation carrying the imputed interest amendment?

Mr. WRIGHT. It is my understanding that an unrelated bill, passed by the House, and having no bearing on the debt ceiling extension except in a tangential sense, that the Senate intends to hold the debt ceiling extension until we have acted upon that bill with its amendment, as it has been amended by language which expands the exemption under the so-called imputed interest provision of our tax bill to figures which I believe are $2 million for a farm, or perhaps $4 million for industrial or commercial property, and $250,000 for a home, or a vacation house.

□ 1530

It may be that an altered provision could be offered in its place under a unanimous-consent request by the gentleman from Illinois, the distinguished chairman of our Committee on Ways and Means, which would expand exemptions beyond their present limit for a specific period of time ample to permit hearings within the Committee on Ways and Means of the House on the best and most nearly perfect resolution of that problem. That is one possibility.

Whatever is done would be offered by the chairman of the Committee on Ways and Means.

Mr. LOEFFLER. Mr. Speaker, I thank the distinguished majority leader.

Mr. Speaker, I yield back the balance of my time.

COOPERATIVE EAST-WEST VENTURES IN SPACE

Mr. LEVINE of California. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharge from further consideration of the Senate joint resolution (S.J. Res. 236) relating to cooperative East-West ventures in space, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

Mr. HYDE. Mr. Speaker, reserving the right to object, I reserve the right so that I may yield to the gentleman from California [Mr. Levine] for an explanation of this resolution.

Mr. LEVINE of California. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Mr. LEVINE of California. Mr. Speaker, this is in response to the request of the gentleman for a brief explanation: It is a bipartisan resolution enacted unanimously by the other body which simply would urge that we endeavor to renew a prior 1972-77 agreement between the United States and the Soviet Union on space cooperation for peaceful purposes.

Mr. HYDE. Mr. Speaker, further reserving the right to object, does the gentleman [Mr. Levine] have an amendment to offer to this legislation?

Mr. LEVINE of California. If the gentleman will yield further, yes, I do. My colleague from Illinois [Mr. Hyde] had suggested an amendment removing the reporting requirement. That amendment is at the desk. I will offer that amendment.

Mr. Speaker, I rise and urge my colleagues to support House Joint Resolution 536, which calls on the U.S. and U.S.S.R. to renew their 1972-77 agreement on space cooperation. This resolution also encourages the President to initiate talks with the Soviet Government and with other interested Governments to explore opportunities for cooperative East-West ventures in space as an alternative to an arms race in space.

This resolution has already received the unanimous support of the other body and, with strong bipartisan support in this House, deserves full and favorable consideration.

Mr. Speaker, previous administrations have endorsed the concept of United States and Soviet space cooperation and joint space activities have been successfully carried out by our two nations over the course of the last decade. These joint projects not only expanded our knowledge of outer space, but also helped establish and maintain a continuous line of communications between ourselves and the Soviets.

President Nixon initially signed the space cooperation agreement in 1972, which authorized the U.S. and U.S.S.R. to cooperate in the fields of space meteorology; the study of the natural environment; exploration of near Earth space, the Moon and the planets; and space biology and space medicine. The space cooperation agreement was subsequently renewed by President Carter in 1977, and expired in 1982.

Previous United States-Soviet space activities have served the interests of both nations. Joint cooperation between our two countries culminated in 1975 when three American astronauts in an Apollo spacecraft linked in orbit with two Soviet cosmonauts in a Soyuz spacecraft. In addition to demonstrating a new and complimentary technology for international space rescue, our two nations successfully participated in a multiyear working relationship which called for constant communications, and an open sharing of ideas, manpower, and technology.

A State Department study recently confirmed that United States-Soviet space cooperation has significantly benefited our space program. In its last report to Congress on the scientific benefits of our space agreement with the Soviets, the State Department wrote that "the overall value of the scientific and technical information clearly favored the United States."

I am also pleased that this administration, in its attempt to improve ties with the Soviet Union, has indicated that the United States and the Soviet Union should improve their joint space rescue capabilities. In a speech delivered earlier this year, the President stated that the United States has proposed a joint simulated space rescue mission in which astronauts and cosmonauts would carry out a combined exercise to develop techniques to rescue people from malfunctioning space vehicles. As part of this joint venture, a space shuttle would rendezvous with the Soviet space station to practice procedures that might be necessary to rescue each other's personnel.

I support these efforts, but in order to ensure more regular participation in joint space activities would urge that our two nations renew their space cooperation agreement. Without this agreement there exists little coordination between ourselves and the Soviets, and a smaller likelihood that our space activities could ever continue to compliment one another. Moreover, unless the space science community of both nations, particularly in the Soviet Union, has a general understanding of the extent and direction of its country's commitment to space cooperation, it will be less inclined to participate in future joint activities.

Mr. Speaker, increased space cooperation with the Soviets not only makes for good space policy, allowing our two nations to explore joint ventures that offer us mutual scientific and commercial benefits, but also makes for good foreign policy by bringing our two nations into a closer, more conciliatory working relationship.

On this historical day, during which the first American woman astronaut, Kathryn Sullivan, walked in space, we should endorse an already proven space cooperation agreement which will allow us to reach new heights in our experimentation in, and exploration of outer space. I urge my colleagues to adopt this worthy resolution.

● Mr. FASCELL. I would like to commend the gentleman from California [Mr. LEVINE] for his sponsorship of House Joint Resolution 536, the companion bill to Senate Joint Resolution 236, the measure before us today.

Congressman LEVINE testified last May before the Subcommittee on International Security and Scientific Affairs, which I chair, on House Joint Resolution 536 of which he is the principal sponsor along with over 70 other cosponsors.

House Joint Resolution 536 encourages joint East-West cooperation in space. At the subcommittee hearing, the gentleman from California warned the subcommittee of the potential dangers we face if we proceed along the course that the current administration proposes. The administration's proposal is to pursue a costly and destabilizing strategic defense intitative, whose deployment would lead to an irreversible arms race in space.

In a time of strained United States-Soviet relations, it is imperative that the superpowers find areas of cooperation wherever possible. We must not proceed along a course that can only result in dangerous competition.

Senate Joint Resolution 236 is a constructive step toward preserving the uses of space for peaceful purposes.

I commend the gentleman from California for his work on this resolution and I urge its adoption.●

Mr. HYDE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 236

Whereas the United States and the Soviet Union could soon find themselves in an arms race in space, which is in the interest of no one;

Whereas the prospect of an arms race in space between the United States and the Soviet Union has aroused worldwide concern expressed publicly by the governments of many countries;

Whereas the 1972-1975 Apollo-Soyuz project involving the United States and the Soviet Union and culminating with a joint docking in space was successful, thus proving the practicability of a joint space effort;

Whereas, shortly after the completion of the Apollo-Soyuz project, and intended as a followup to it, the United States and the Soviet Union signed an agreement to examine the feasibility of a Shuttle-Salyut program and an international space platform program, but that initiative was allowed to lapse;

Whereas the United States signed a five-year space cooperation agreement with the Soviet Union in 1972, renewed it in 1977, then chose not to renew it in 1982;

Whereas the United States recently proposed to the Soviet Union that the two Nations conduct a joint simulated space rescue mission;

Whereas the Soviet Union has not yet responded to the substance of this proposal; and

Whereas the opportunities offered by space for prodigious achievements in virtually every field of human endeavor, leading ultimately to the colonization of space in the cause of advancing human civilization, would probably be lost irretrievably were space to be made into yet another East-West battleground: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President should—

(1) endeavor, at the earliest practicable date, to renew the 1972-1977 agreement between the United States and the Soviet Union on space cooperation for peaceful purposes;

(2) continue energetically to gain Soviet agreement to the recent United States proposal for a joint simulated space rescue mission;

(3) seek to initiate talks with the Government of the Soviet Union, and with other governments interested for cooperative East-West ventures in space including cooperative ventures in such aeras as space medicine and space biology, planetary science, manned and unmanned space exploration; and

(4) submit to the Congress at the earliest possible date, but not later than March 1, 1985, a report detailing the steps taken in carrying our paragraphs (1), (2), and (3).

AMENDMENT OFFERED BY MR. LEVINE OF CALIFORNIA

Mr. LEVINE of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVINE of California: On page 4, strike lines 1 through 4.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. LEVINE].

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEVINE of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ATLANTIC STRIPED BASS CONSERVATION ACT

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5492) to provide for the conservation and management of Atlantic striped bass, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 12, strike out all beginning with line 1 down to an including "(2)" in line 6.

Mr. JONES of North Carolina (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from North Carolina?

Mr. SNYDER. Mr. Speaker, reserving the right to object, I do so that the chairman, the gentleman from North Carolina [Mr. JONES] may tell us briefly the import of the Senate amendment.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, this is identical to a bill we passed by voice vote a couple of weeks ago; the only change is the deletion of one phrase dealing with the substance of a study into the causes for the decline of the striped bass. This change does not, in any way, affect the main purpose of the bill, which is take action to provide protection for the striped bass. This change was insisted upon by the other body; and House action is now required to clear the bill for the White House.

Does that satisfy the gentleman?

Mr. SNYDER. Mr. Speaker, that satisfies me.

Mr. Speaker, the bill before us today is intended to provide an incentive for the development, implementation, and enforcement of interstate policy regarding the conservation and management of Atlantic striped bass. The bill is only slightly different from a version of the bill passed on October 4, 1984, by the House in that it deletes references to a specific focus for the emergency striped bass study carried out in accordance with section 7 of the Anadramous Fish Conservation Act.

The bill represents a reasonable compromise of differing interests concerned about the protection of the striped bass resource as well as the maintenance of the authority of the States over fishery resources found within waters off the coasts of their States. The genesis for this legislation, the alarming decline in Atlantic striped bass populations, continues to strengthen the resolve of those determined to preserve the striped bass resource. I believe that this measure is a rational approach to fisheries management in this particular case, and I urge its approval.

Further, Mr. Speaker, H.R. 5492 contains language authorizing for fiscal year 1986 the appropriation of funds sufficient to carry out the recommendations of the U.S. Army Corps of Engineers for the preservation of the falls of the Ohio national conservation area. Similar language was included in other legislation which was earlier passed by the House and in the original Senate amendments to the continuing resolution, but neither effort came to fruition.

Therefore, Mr. Speaker, this bill, which we expect to be signed into law, becomes the sole measure emanating from the 98th Congress to address the funding needs of the falls of the Ohio. I thank the chairman for bringing this measure to the floor, and urge the Members to adopt it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from North Carolina?

Mr. BEREUTER. Mr. Speaker, reserving the right to object, I would like to ask the distinguished gentleman from North Carolina [Mr. JONES] if this bill contains any provisions related to the CCC or to the Food-for-Peace Program.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. I thank the gentleman for yielding.

Mr. Speaker, to my knowledge it does not. That was in another bill.

Mr. BEREUTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from North Carolina?

There was no objection.

A motion to reconsider was laid on the table.

NUCLEAR REGULATORY COMMISSION AUTHORIZATIONS

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1291) to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, and section 305 of the Energy Reorganization Act of 1974, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. LUJAN. Mr. Speaker, reserving the right to object, I ask the gentleman [Mr. DINGELL] to explain what is in the legislation.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this legislation, S. 1291, which was approved by the other body on yesterday. The bill would authorize appropriations for the Nuclear Regulatory Commission [NRC] for fiscal years 1984 and 1985, and the funding levels in the Senate bill are identical to levels contained in legislation reported by the Committee on Interior and Insular Affairs and the Committee on Energy and Commerce in H.R. 2510 (Rept. No. 98-103, parts I and II), and I refer my colleagues to those reports for matters considered by our respective Committees.

I would like to compliment the gentleman from Arizona for his fine work on this legislation, and to express my appreciation to my colleagues on both sides of the aisle, both on the Energy and Commerce Committee and on the Interior and Insular Affairs Committee, which has the primary jurisdiction over the NRC's budget. The gentleman from Arizona [Mr. UDALL], his ranking minority member, the gentleman from New Mexico [Mr. LUJAN], my own dear friend and ranking minority member, the gentleman from North Carolina [Mr. BROYHILL], and the chairman and ranking minority member of the Subcommittee on Energy Conservation and Power, the gentleman from New York [Mr. OTTINGER] and the gentleman from California [Mr. MOORHEAD], respectively, and note that all of these Members deserve our gratitude.

On one provision in the Senate bill, section 108 extends a provision included in the NRC authorization approved in the last Congress, dealing with emergency preparedness. When the Committee on Energy and Commerce reported H.R. 2510, we retained a provision identical to the one contained in

S. 1291 and identical to the bill reported by our sister committee. I would like at this point to insert the committee's report language explaining the section, which in H.R. 2510 is contained in section 6:

> ### EMERGENCY PLANNING
>
> As reported by the Committee, section 6 of H.R. 2510 authorizes the Commission to use such funds as may be necessary during fiscal years 1984 and 1985 to issue an operating license for a nuclear power reactor only if it determines that there exists a State, local or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned. The provision carries forward the authority under section 5 of Public Law 97-415.
>
> This provision is identical to the amendment added by the Committee in 1981, which became section 5 of Public Law 97-415. The provision expressly extended the Commission's authority, granted under section 109 of the fiscal year 1980 Authorization Act, Public Law 96-295, to use such authorized funds as may be necessary to issue an operating license in the absence of a state or local plan approved by the Federal Emergency Management Agency (FEMA), on the basis of a state, local or utility emergency response plan which provides pursuant to a Commission determination, reasonable assurance that the public health and safety will not be endangered by the operation of the facility.
>
> The Committee reiterates the intent (previously expressed with regard to section 109 of P.L. 96-295 and section 5 of P.L. 97-415) that, ultimately, every nuclear plant will have applicable to it an approved state emergency preparedness plan which provides reasonable assurance that the public health and safety will not be endangered in the event of an emergency at such plant requiring protective action. The Committee does not intend in any way to alter the requirements of Section 109 of Public Law 96-295 or Section 5 of Public Law 97-415.
>
> The Committee recognizes that the Commission has adopted regulations (10 CFR 50, Appendix E) which require preliminary consideration of emergency planning issues prior to the issuance of a construction permit. However, since these regulations were not promulgated prior to the issuance of the great majority of construction permits now in effect, the public has not received the benefit of these regulations. It is probable that the problems experienced this year with a plant substantially complete, but adjudicating off-site emergency preparedness issues for the first time, will be repeated unless the Commission acts to resolve such issues in a timely manner. The Committee urges the Commission to resolve issues relating to emergency preparedness as soon as practicable at reactors under construction.
>
> The Committee is concerned that emergency planning be undertaken as efficiently as possible. Two areas of uncertainty in current procedures were discussed by several witnesses at the hearings.
>
> One area of uncertainty is caused by the separation of expertise and authority into two distinct agencies. Currently, the NRC has the authority to determine the adequacy of the state of preparedness. The NRC considers the advice received from the expert agency, FEMA, to make this determination. However, there was no consensus among witnesses on the need to transfer all authority and expertise to a single agency.
>
> The other area of uncertainty arises from the belief by some that much of the problem in both plants considered in the hearings relates to problems inherent in plants located in densely populated areas and unusual geographic locations. The Committee therefore encourages the Commission to raise and resolve issues pertinent to emergency planning relative to location as early as possible in its review process.

Mr. LUJAN. Mr. Speaker, further reserving the right to object, there is one other area other than funding which I want to highlight at this time.

Mr. Speaker, S. 1291 authorizes NRC funding at levels which were requested by that Federal agency in March of 1983 for fiscal years 1984 and 1985.

The House Energy and Commerce Committee and the House Interior and Insular Affairs Committee and the other body are all in agreement on these funding levels.

There is one area, other than funding, which I want to highlight at this time. That is the provision in S. 1291 which authorizes the use of funds to implement what has come to be called the Nuclear Data Link Program. In the Interior Committee we considered this proposal and decided not to include it in our own version of this legislation.

The other body has included a nuclear data link provision in S. 1291 related to the collection and transmission of information. I want this record to show that, while I accept that provision, I also strongly oppose a program which would allow NRC staff to assume control of a reactor in an emergency situation.

I strongly urge NRC to move cautiously in this area. We all support efforts to insure that reactor operating information is made available to NRC staff but many of us feel that actual control of a reactor must remain with the operators onsite who know the reactor, know the conditions under which it is operating, and know what needs to be done under each and every condition that may arise.

In summary, Mr. Speaker, this legislation is entirely within our budget. It is supported by the administration and I urge its adoption.

□ 1540

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, when the Energy and Commerce Committee considered legislation to authorize expenditures for the NRC last year, our committee voted to extend, for the 2-year life of this authorization, the authority of the NRC to grant temporary operating licenses for nuclear plants. A temporary operating license is a temporary license to operate a nuclear plant at a power level specified by the NRC which may be granted only when, in all respects—other than the completion of a hearing—all of the requirements of law are met, and only after a determination by the NRC that there is reasonable assurance that public health, safety, and the environment will be adequately protected. This authority was specifically requested by the NRC as an important safety valve to ensure that nuclear powerplants are not needlessly delayed from operation.

At the time we adopted this provision, the Catawba Nuclear Station in my region of the country was in the position of being needlessly delayed unless such temporary operating license authority was available. Every month of delay would have meant that our ratepayers would have been saddled with an extra $17 million in carrying charges. Fortunately, for our ratepayers, the necessity for a temporary operating license did not—and I understand that it will not—materialize, and these burdensome and useless costs will be avoided. However, I deeply regret that the other body did not provide, in the legislation before us today, for a continuation of the NRC's temporary operating license authority, as I agreed with the NRC that authority to issue a temporary operating license may be a useful safety valve which could substantially benefit the ratepayers outside of my region.

However, due to the extremely limited time remaining in this session and, in view of the current legislative situation, I do not intend to object to this legislation, as I strongly support the extension of section 5 of the fiscal years 1982 and 1983 authorization, which provides that the NRC, in the absence of a State or local emergency preparedness plan approved by FEMA, may issue an operating license for a nuclear powerplant, if it determines that there exists a State, local, or utility emergency plan which provides reasonable assurance that the public health and safety is not endangered by operation of the plant. Although the Interior Committee and the Energy and Commerce Committee provided for extension of this provision, the report language of the two committees differed. In this regard, Mr. Speaker, I wrote to the distinguished chairman and ranking minority member of the Interior Committee to seek their guidance and clarification on the Interior Committee report language, and I have attached this correspondence, including the replies of the chairman and ranking minority member, with their statements to complete the record on this provision.

I do not object. Thank you

HOUSE OF REPRESENTATIVES,
Washington, DC, June 14, 1983.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On this Wednesday, June 15, the Subcommittee on Energy Conservation and Power of the Energy and Commerce Committee will mark up H.R. 2510, the NRC Fiscal Years' 1984-85 Authorization bill, as reported by the Interior Committee. In conjunction with that markup, I seek your views with respect to Section 6, the emergency preparedness planning provision and the related report language (Rept. 98-103, Part I, at pages 8-9).

It is my understanding, based upon the statutory language of Section 6, the accompanying report language, and the dialogue between you and Mr. Lujan, the sponsor of the proposal, at the time the provision was adopted that Section 6 is explicitly intended to carry forward the precise authority previously enacted as Section 5 of Public Law 97-415. In that regard, I understand that it was not intended by either you or Mr. Lujan that any change be made in the statutory language itself, or in the Committee's interpretation of that language. However, I would direct your attention to the sentence in Rept. 98-103 which states:

"The provision, however, in no way implies that it is the intent of the committee that the NRC cite the existence of a utility plan as the basis for licensing a plant when state, county or local governments believe that emergency planning issues are unresolved."

As you know, in the pending Shoreham proceeding, Suffolk County has refused to participate in the emergency preparedness planning process and contends that no adequate plan can be devised. I take it that it was not the Committee's intention to prejudice the outcome of that proceeding in any way or to take a position on whether, pursuant to Section 6, the NRC could issue an operating license provided it could first determine that the plan submitted by the utility "provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned", the statutory test set out in Section 6. Accordingly, the sentence quoted above is appropriately understood to mean that the mere existence of a utility plan is not a sufficient basis for issuing an operating license, but that if the NRC can make the statutory determination set out in Section 6, a state, county or local government's belief that planning issues are unresolved would not in itself stand as a bar to such a determination. Such an interpretation appears to be necessary in order to effectuate the intent of Congress when this provision was originally enacted as part of the FY 1980 NRC Authorization Act and subsequently in the FY 1982-83 NRC Authorization Act. As set out in the report accompanying that Act, "if a state or local plan does not exist that complies with the guidelines or rules, the compromise provides that NRC still may issue an operating license if it determines that a state, local or utility plan provides reasonable assurance that public health and safety is not endangered by operation of the facility." By providing for the alternative of a utility plan, the conference report states that "The conferees sought to avoid penalizing an applicant for an operating license if a state or locality does not submit an emergency response plan to the NRC for review or if the submitted plan does not satisfy all the guidelines or rules" (Rept. 96-1070, at p. 27).

Additionally, I would call your attention to the following sentence in Report 98-103:

"Moreover, Section 6 does not authorize the Commission to license a plant when lack of participation in emergency planning by state, county or local governments means it is unlikely that a utility plan could be successfully carried out."

As in the previous case, it would appear that this sentence is appropriately understood to require NRC to make a determination pursuant to Section 6 as to whether the plan is adequate to protect the public health and safety and that the use of the word "unlikely" is not intended to provide any different threshold for that determination.

Finally, I seek you guidance on the impact of Section 6 on the Commission's authority to issue low-power operating licenses, or temporary operating licenses pursuant to Section 192 of the Atomic Energy Act. As you know, pursuant to existing rules, the Commission may issue an operating license limited to 5% power operations prior to the approval of off-site emergency preparedness plans—commonly referred to as a low-power operating license. Similarly, pursuant to Section 192, a temporary operating license limited to 5% power may be issued prior to the approval of the off-site plan. Am I correct in assuming that nothing in Section 6 or the accompanying report is intended to impact on such low-power operations?

I intend to support Section 6 as reported from your Committee when it comes before the Subcommittee on Energy Conservation and Power this week. I share with you a belief that it is of utmost importance that an adequate level of emergency preparedness planning be maintained. Accordingly, I would appreciate your confirmation that the foregoing discussion accurately reflects your views on these issues. Thank you very much.

Sincerely,
JAMES T. BROYHILL,
Ranking Minority Member,
Committee on Energy and Commerce.

COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
Washington, DC, June 14, 1983.

Hon. JAMES T. BROYHILL,
Ranking Minority Member, Committee on Energy and Commerce, U.S. House of Representatives, Washington, DC.

DEAR JIM: This responds to your questions on Section 6 of H.R. 2510 as reported by the Committee on Interior and Insular Affairs (House Report 98-103, Part 1).

First, you are correct in your interpretation of the Interior Committee's intent that the mere existence of a utility plan is not a sufficient basis for issuing an operating license, but if the NRC can make the statutory determination set out in Section 6, a state, county, or local government's belief that planning issues are unresolved would not in itself stand as a bar to such a determination. Second, the word "unlikey" in the last sentence of the first paragraph on page 9 of the Interior Committee's report on H.R. 2510 is not intended to create a new threshold for the NRC's determination under Section 6. Finally, it is the Committee's intent that the Commission's authority to issue low power operating licenses is no different under Section 6 of H.R. 2510 than it is under Section 5 of Public Law 97-415.

In closing, let me take this opportunity to express the Interior Committee's view that H.R. 2510 be considered by the House as a "clean" authorization bill unincumbered by amendments to the Atomic Energy Act, licensing reform provisions, and other matters not directly germane to the NRC budget. I would appreciate any efforts you make to help achieve this objective.

Sincerely,
NORRIS K. UDALL,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 14, 1983.

Hon. MANUEL LUJAN,
Ranking Minority Member, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, DC.

DEAR MR. LUJAN: On this Wednesday, June 15, the Subcommittee on Energy Conservation and Power of the Energy and Commerce Committee will mark up H.R. 2510, the NRC Fiscal Years' 1984-85 Authorization bill, as reported by the Interior Committee. In conjunction with that markup, I seek your views with respect to Section 6, the emergency preparedness planning provision and the related report language (Rept. 98-103, Part I, at pages 8-9).

It is my understanding, based upon the statutory language of Section 6, the accompanying report language, and the dialog between you, the sponsor of the proposal, and Mr. Udall, at the time the provision was adopted that Section 6 is explicitly intended to carry forward the precise authority previously enacted as Section 5 of Public Law 97-415. In that regard, I understand that it was not intended by either you or Mr. Udall that any change be made in the statutory language itself, or in the Committee's interpretation of that language. However, I would direct your attention to the sentence in Rept. 98-103 which states:

"The provision, however, in no way implies that it is the intent of the committee that the NRC cite the existence of a utility plan as the basis for licensing a plant when state, county or locally governments believe that emergency planning issues are unresolved."

As you know, in the pending Shoreham proceeding, Suffolk County has refused to participate in the emergency preparedness planning process and contends that no adequate plan can be devised. I take it that it was not the Committee's intention to prejudice the outcome of that proceeding in any way or to take a position on whether, pursuant to Section 6, the NRC could issue an operating license provided it could first determine that the plan submitted by the utility "provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned", the statutory test set out in Section 6. Accordingly, the sentence quoted above is appropriately understood to mean that the mere existence of a utility plan is not a sufficient basis for issuing an operating license, but that if the NRC can make the statutory determination set out in Section 6, a state, county or local government's belief that planning issues are unresolved would not in itself stand as a bar to such a determination. Such an interpretation appears to be necessary in order to effectuate the intent of Congress when this provision was originally enacted as part of the FY 1980 NRC Authorization Act and subsequently in the FY 1982-83 NRC Authorization Act. As set out in the report accompanying that Act, "if a state or local plan does not exist that complies with the guidelines or rules, the compromise provides that NRC still may issue an operating license if it determines that a state, local or utility plan provides reasonable assurance that public health and safety is not endangered by operation of the facility." By providing for the alternative of a utility plan, the conference report states that "The conferees sought to avoid penalizing an applicant for an operating license if a state or locality does not submit an emergency response plan to the NRC for review or if the submitted plan does not satisfy all the guidelines or rules" (Rept. 96-1070, at p. 27).

Additionally, I would call your attention to the following sentence in Report 98-103: "Moreover, Section 6 does not authorize the Commission to license a plant when lack of participation in emergency planning by state, county or local governments means it is unlikely that a utility plan could be successfully carried out."

As in the previous case, it would appear that this sentence is appropriately understood to require NRC to make a determination pursuant to Section 6 as to whether the plan is adequate to protect the public health and safety and that the use of the word "unlikely" is not intended to provide any different threshold for that determination.

Finally, I seek your guidance on the impact of Section 6 on the Commission's authority to issue low-power operating licenses, or temporary operating licenses pursuant to Section 192 of the Atomic Energy Act. As you know, pursuant to existing rules, the Commission may issue an operating license limited to 5% power operations prior to the approval of off-site emergency preparedness plans—commonly referred to as a low-power operating license. Similarly, pursuant to Section 192, a temporary operating license limited to 5% power may be issued prior to the approval of the off-site plan. Am I correct in assuming that nothing in Section 6 or the accompanying report is intended to impact on such low-power operations?

I intend to support Section 6 as reported from your Committee when it comes before the Subcommittee on Energy Conservation and Power this week. I share with you a belief that it is of utmost importance that an adequate level of emergency preparedness planning be maintained. Accordingly, I would appreciate your confirmation that the foregoing discussion accurately reflects your views on these issues. Thank you very much.

Sincerely,

JAMES T. BROYHILL,
Ranking Minority Member,
Committee on Energy and Commerce.

COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
Washington, DC, June 15, 1983.

Hon. JAMES T. BROYHILL,
Ranking Minority Member, Committee on Energy and Commerce, U.S. House of Representatives, Washington, DC.

DEAR MR. BROYHILL: In your letter of June 14 to me, you asked for my views with respect to Section 6 of H.R. 2510, the NRC Authorization Bill for Fiscal Year 1984-85, and its accompanying report, 98-103. During the Interior Committee markup of H.R. 2510, I sponsored the proposal to include the nuclear emergency preparedness planning language contained in Section 6. As I stated at that time, it was my intention that Section 6 explicitly carry forward the precise authority previously enacted as Section 5 of Public Law 97-415.

Specifically, your interpretation in your letter of the accompanying report langauge is exactly correct; the mere existence of a utility plan is not a sufficient basis for issuing an operating license, but if the NRC can make the statutory determination set out in Section 6, a state, county, or local government's belief that planning issues are unresolved would not in itself stand as a bar to such determination. Additionally, as you have stated, the NRC is required to make a determination pursuant to Section 6 as to whether an emergency plan is adequate to protect the public health and safety, and nothing in Section 6 or its accompanying report is intended to provide any different threshold for that determination. Last, nothing in Section 6 or its accompanying report is intended to impact the Commission's authority pursuant to existing rules to issue low-power operating licenses, or temporary operating licenses pursuant to Section 192 of the Atomic Energy Act, prior to the approval of offsite emergency preparedness plans.

I hope that these statements clarify the Interior Committee's intent in adopting Section 6. Your discussion in your letter accurately reflects our views on these issues.

I look forward to working with you further on H.R. 2510 after your Committee acts on it.

Sincerely,

MANUEL LUJAN, Jr.,
Ranking Minority Member.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from California.

Mr. PASHAYAN. I thank the gentleman for yielding.

Mr. Speaker, one of the key features of this bill is that it confirms the Commission's authority to consider and approve emergency plans submitted by utilities in support of a license application. In other words, if States and localities that normally would be expected to submit a plan are reluctant or deficient, the bill confirms that a utility may submit the plan, and the NRC is then obligated to consider that plan in deciding whether to license a plant. I applaud this provision, which I view as clearly confirming what is already the law: That a plan submitted by a utiltiy will satisfy the Atomic Energy Act's requirements. I also view existing law as providing authority for the Federal Government to implement any utility plan submitted under this provision. I thank that both concepts—that of utility submission, and that of Federal implementation, of emergency plans—are important, and I am happy to see them further reinforced by this bill.

Both are important because they add up to one central principle: The Congress does not intend to allow States or localities, by refusing to participate in the emergency planning process, to prevent a completed facility from operating. A refusal to participate could take the form either of a refusal to submit or a refusal to implement a plan. With regard to a refusal to submit a plan, the bill provides explicitly for a remedy: A utility plan will suffice. With regard to a refusal to implement, the bill is not explicit, but the intent of Congress is clear: We cannot allow a refusal to implement to be used to prevent the operation of a facility, for to do so would make a mockery of the provision. It would allow States and localities to achieve through a refusal to implement a plan what we have expressly forbidden them to do by refusing to submit one.

We are able to prevent that result by relying on existing law and, in particular, legislation authorizing Federal implementation of emergency plans. The understanding must be that in circumstances where States and localities fail to implement a plan, Federal authorities have it within their power to step into the breach and to perform the necessary activities. Senator SIMPSON in his supplemental views on this bill went through an extensive analysis of the Federal Government's authority to render assistance in time of public emergency. He cited such authorities as the NRC Authorization Act for fiscal year 1980 Public Law 96-295), the Civil Defense Act of 1950, the Disaster Relief Act, and the delegations of authority from the President contained in Reorganization Plan No. 3 of 1978 and other related executive orders. His analysis, both thorough and perceptive, clearly indicates that Federal authorities can supplement State and local implementation of emergency plans and are authorized to repair whatever deficiencies in implementation may result by the lack of cooperation of State and local entities. It is on that understanding of the law that our action today is founded. Founded on any other understanding, it would not achieve its intended purpose.

● Mr. UDALL. As my colleague has said, S. 1291 provides for funding levels identical to those reported by the House committees. S. 1291 contains a provision concerning nuclear emergency planning which is also identical to that reported by both House committees.

In a few respects, however, the bills reported in the House differ from S. 1291. I would like to say a few words about these relatively small differences. I would also like to restate my interpretation of the bill's emergency planning provisions.

It is the intent of the House amendments that emergency planning adequate to protect the public health and safety be a mandatory condition that must be satisfied in order to obtain a reactor operating license. In assessing the adequacy of emergency preparedness, the Commission may consider utility emergency plans. The Interior Committee amendment to H.R. 2510 in no way implies that it was the committee's intent that the NRC cite the existence of a utility emergency plan as the basis for licensing a plant when State, county, and local governments believe that emergency planning issues are unresolved. Moreover, the Interior Committee amendment did not authorize the Commission to license a plant when lack of participation in emergency planning by State, county, or local governments means it is unlikely that a utility plan could be successfully carried out.

I am reiterating the statement in the Interior Committee report which accompanies H.R. 2510 in order to make clear that my support for the Senate bill in no way reflects a change in my agreement with the interpretation of the emergency planning provisions stated by the Interior Committee in its report.

The House amendments contained provisions not included in S. 1291:

The House amendments required that the Commission report on the findings and regulatory actions resulting from phase I and phase II of the Systematic Evaluation Program [SEP]. The SEP is intended to assess the adequacy of the design and operation of operating reactors and to examine these reactors in the light of current safety criteria. The Senate bill does not contain this provision.

H.R. 2510 as amended expressed support for the Commission's efforts to achieve an interim consolidation of NRC headquarters staff. The House amendments would prohibit the use of authorized funds for relocation of the commissioner's offices outside the District of Columbia. The Senate bill does not address this issue. I continue to believe that the NRC offices should be consolidated at a location within the District of Columbia and I would hope that the administration will provide the Commission whatever support it needs in this regard.

The Senate bill contains provisions with respect to matters which are not addressed in the House amendments.

The Senate bill authorizes use of appropriated funds for the nuclear data link program. For several years it has been the Interior Committee's position that the Commission should proceed with caution in seeking solutions to the problem of acquisition of data from operating reactors during accidents. the problem my Interior Committee colleagues and I perceived was that the Commission was moving in a direction where it might be tempted to assume control of reactors in accident situations. We rejected such an approach on the ground that if plant personnel could not be counted upon to know best what to do in emergencies, the utility should not be holding an operating license.

On the other hand, we have always fully endorsed the idea that the Commission should have sufficient information so that it would be assured of having an accurate assessment of the severity of an accident. Accordingly, we have supported data link activities dedicated to this end. H.R. 2510 as amended is silent on the data link. We continue to believe that the Commission should conduct whatever program is necessary to assure itself of having the information it needs while not opening the door to raising the question of who is in charge in the midst of an accident.

The Senate bill allows the NRC to transfer a reactor operating license to a U.S. subsidiary of a foreign corporation. The House amendments did not contain this provision.●

Mr. LUJAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. DINGELL]?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1984 AND 1985

SEC. 101. There are hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 and section 305 of the Energy Reorganization Act of 1974, for the fiscal years 1984 and 1985 to remain available until expended, $466,800,000 for fiscal year 1984 and $460,000,000 for fiscal year 1985.

SEC. 102. (a) The sums authorized to be appropriated in this Act for fiscal years 1984 and 1985 shall be allocated as follows:

(1) not more than $91,490,000 for fiscal year 1984 and $87,140,000 for fiscal year 1985, may be used for "Nuclear Reactor Regulation", of which an amount not to exceed $1,000,000 is authorized each such fiscal year to be used to accelerate the effort in gas-cooled thermal reactor preapplication review;

(2) not more than $70,910,000 for fiscal year 1984 and $74,770,000 for fiscal year 1985, may be used for "Inspection and Enforcement";

(3) not more than $36,280,000 for fiscal year 1984 and $35,710,000 for fiscal year 1985, may be used for "Nuclear Material Safety and Safeguards";

(4) not more than $199,740,000 for fiscal year 1984 and $193,290,000 for fiscal year 1985, may be used for "Nuclear Regulatory Research", of which an amount not to exceed $2,600,000 is authorized each such fiscal year to be used to accelerate the effort in gas-cooled thermal reactor safety research;

(5) not more than $27,520,000 for fiscal year 1984 and $27,470,000 for fiscal year 1985, may be used for "Program Technical Support";

(6) not more than $40,860,000 for fiscal year 1984 and $41,620,000 for fiscal year 1985, may be used for "Program Direction and Administration".

(b) The Nuclear Regulatory Commission may use not more than 1 per centum of the amounts authorized to be appropriated under paragraph 102(a)(4) to excrcise its authority under section 31a. of the Atomic Energy of 1954 (42 U.S.C. 2051(a)) to enter into grants and cooperative agreements with universities pursuant to such paragraph. Grants made by the Commission shall be made in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) and other applicable law.

(c) Any amount appropriated for a fiscal year to the Nuclear Regulatory Commission pursuant to any paragraph of subsection 102(a) for purposes of the program referred to in such paragraph, may be reallocated by the Commission for use in a program referred to in any other paragraph of such subsection, or for use in any other activity within a program, except that the amount available from appropriations for such fiscal year for use in any program or specified activity may not, as a result of reallocations made under this subsection, be increased or reduced by more than $500,000 unless—

(1) a period of thirty calendar days (excluding any day in which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain or an adjournment sine die) passes after the receipt, by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate, of notice submitted by the Commission containing a full and complete statement of the reallocation proposed to be made and the facts and circumstances relied upon in support of such proposed reallocation; or

(2) each such committee, before the expiration of such period, transmits to the Commission a written notification that such committee does not object to such proposed reallocation.

SEC. 103. Moneys received by the Nuclear Regulatory Commission for the cooperative nuclear research program and the material access authorization program may be retained and used for salaries and expenses associated with such programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended.

SEC. 104. From amounts appropriated to the Nuclear Regulatory Commission pursuant to this title, the Commission may transfer to other agencies of the Federal Government sums for salaries and expenses for the performance by such agencies of activities for which such appropriations of the Commission are made. Any sums so transferred may be merged with the appropriation of the agency to which such sums are transferred.

SEC. 105. Notwithstanding any other provisions of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 106. (a) No funds authorized to be appropriated under this Act may be used to carry out any policy or program for the decentralizaion or regionalization of any Nuclear Regulatory Commission authorities regarding commercial nuclear powerplant licensing until sixty legislative days after the date on which the Commission submits to the Congress a report evaluating the effect of such policy or program on nuclear reactor safety: *Provided, however,* That the prohibition contained in this subsection shall not apply to any personnel assigned to the field, or to activities in which they were engaged, on or before September 22, 1983. The report shall include—

(1) a detailed description of the authorities to be transferred, the reason for such transfer, and an assessment of the effect of such transfer on nuclear reactor safety;

(2) an analysis of all comments submitted to the Commission regarding the effect on nuclear reactor safety which would result from carrying out the policy or program proposed by the Commission; and

(3) an evaluation of the results, including the advantages and disadvantages, of the pilot program conducted under subsection (b).

(b) Notwithstanding the prohibition contained in subsection (a), the Commission is authorized to conduct a pilot program for the purpose of evaluating the concept of delegating authority to regional offices for issuance of specific types of operating reactor licensing actions and for the purpose of addressing the issues identified in paragraphs (a)(1)-(3) of this section.

Sec. 107. (a) Of the amounts authorized to be appropriated under this Act for the fiscal years 1984 and 1985, such sums as may be necessary are authorized to be used by the Nuclear Regulatory Commission for—

(1) the acquisition (by purchase, lease, or otherwise) and installation of equipment to be used for the small test prototype nuclear data link program or for any other program for the collection and transmission to the Commission of data from licensed nuclear reactors during abnormal conditions at such reactors; and

(2) a full and complete analysis of—

(A) the appropriate role of the Commission during abnormal conditions at a nuclear reactor licensed by the Commission;

(B) the information which should be available to the Commission to enable the Commission to fulfill such role and to carry out other related functions;

(C) various alternative means of assuring that such information is available to the Commission in a timely manner; and

(D) any changes in existing Commission authority necessary to enhance the Commission response to abnormal conditions at a nuclear reactor licensed by the Commission:

Provided, however, That no funds shall be available under this Act for the acquisition and installation of any equipment for the collection and transmission to the Commission of data from licensed nuclear reactors during abnormal conditions at such reactors, or for the analysis of such equipment, unless such acquisition and analysis includes, as one of the alternatives considered, a fully automated electronic nuclear data link. the small test prototype referred to in paragraph (1) may be used by the Commission in carrying out the study and analysis under paragraph (2). Such analysis shall include a cost-benefit analysis of each alternative examined under subparagraph (C).

Sec. 108. Of the amounts authorized to be appropriated under this Act, the Nuclear Regulatory Commission may use such sums as may be necessary, in the absence of a State or local emergency preparedness plan which has been approved by the Federal Emergency Management Agency, to issue an operating license (including a temporary operating license under section 192 of the Atomic Energy Act of 1954, as amended) for a nuclear power reactor, if it determines that there exists a State, local, or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned.

Sec. 109. Notwithstanding the second sentence of section 103 d. and the second sentence of section 104 d. of the Atomic Energy Act of 1954, as amended, the Nuclear Regulatory Commission is hereby authorized to transfer Facility Operating License numbered R-81 to a United States entity or corporation owned or controlled by a foreign corporation if the Commission—

(1) finds that such transfer would not be inimical to the common defense and security or to the health and safety of the public; and

(2) includes in such license, as transferred, such conditions as the Commission deems necessary to ensure that such foreign corporation cannot direct the actions of the licensee in ways that would be inimical to the common defense and security or the health and safety of the public.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CORRECTING TECHNICAL ERRORS IN ENROLLMENT OF H.R. 2867, HAZARDOUS WASTE CONTROL AND ENFORCEMENT ACT OF 1983

Mr. DINGELL. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 376) to correct technical errors in the enrollment of the bill (H.R. 2867) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 376

That in the enrollment of the bill (H.R. 2867) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1985 through 1988, and for other purposes, the clerk of the House of Representatives shall make the following corrections:

(1) Section 247 is amended by adding the following at the end thereof:

(b) The table of contents for such subtitle C is amended by inserting the following new item after the item relating to section 3018:

"Sec. 3019. Exposure information and health assessments.".

(2) Section 403(d) is amended by striking out paragraph (3) (which amends section 3008(d) by inserting "the person or" before "persons") and by renumbering paragraphs (4) through (6) as (3) through (5) and by striking out "(d) criminal investigations.—" and substituting "(c) Criminal investigations—".

(3) In section 601, in the amendment adding a new section 9002(a)(1) to the Solid Waste Disposal Act, strike out "12 months" and substitute "18 months".

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Michigan?

Mr. LENT. Mr. Speaker, reserving the right to object, and I do so not to object, but to ask the chairman of the Energy and Commerce Committee or the chairman of the subcommittee, the gentleman from New Jersey if he will explain the need for the concurrent resolution.

Mr. FLORIO. Mr. Speaker, will the gentleman yield?

Mr. LENT. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Speaker, paragraph 1 inserts a conforming amendment to proscribe a missing item in the table of contents.

Paragraph 2 deletes an amendment which duplicates language in existing law of the Solid Waste Disposal Act.

Paragraph 3 changes a 12-month date to an 18-month date to form the agreement of the conferees.

In essence, these are technical amendments that are purely technical in nature. There are no substantive changes that are incorporated into the bill.

Mr. LENT. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Michigan [Mr. Dingell]?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST TO CONSIDER SENATE AMENDMENT TO HOUSE AMENDMENT TO S. 1132, FEDERAL POWER ACT AMENDMENTS

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker table's the Senate bill (S. 1132) to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures, with the Senate amendment to the House amendment, and concur in the Senate amendment with an amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendment and the House amendment to the Senate amendment to the House amendment, as follows:

> Senate amendment to House amendment: Page 3 of the House engrossed amendment, strike out lines 16 to 19, inclusive.
>
> House amendment to the Senate amendment to the House amendment: At the end of the Senate amendment insert:
>
> SEC. 2. Section 30(c) of the Federal Power Act is amended by inserting ", the National Marine Fisheries Service," after "the Fish and Wildlife Service" in both places such term appears.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. DINGELL]?

Mr. **WALKER**. Mr. Speaker, reserving the right to object, I do so to ask a couple of questions of the gentleman from Michigan.

It is my understanding that this bill takes the existing FERC regs and reduces them to statute and thereby will lock in rates of 1 to 1½ mills per kilowatt-hour; is that correct?

Mr. **DINGELL**. Mr. Speaker, will the gentleman yield?

Mr. **WALKER**. I yield to the gentleman from Michigan.

Mr. **DINGELL**. I thank the gentleman for yielding.

The answer to that question is that the gentleman's comments are correct, yes.

Mr. **WALKER**. I would say to the gentleman that it is my understanding that the administration is opposed to the legislation on that basis because they feel as though this will prevent market base pricing reforms as outlined by the Grace Commission. They feel that this is a position then differing from the administration's position that was outlined on September 28 as:

> Opposed putting into statute user fees not specified in regulations making it more difficult for future adjustments that respond to changed economic circumstances, thereby preventing the facility from being run on a sound economic basis.

Mr. **DINGELL**. If the gentleman would yield, the gentleman raises a perfectly good point, and I commend him. He has been very alert.

I would simply observe this. The bill has passed the House. The bill has passed the Senate. The bill has been through two committees, I believe, one in the House, one in the Senate. The first we heard of the complaints of the administration regarding market based pricing was after the bill has passed the House.

I would stress that the purpose of section 1 of the bill is, as noted in the other body at page 31331 of the CONGRESSIONAL RECORD for October 10, 1984, to provide a degree of long-term predictability for hydroelectric power users. It essentially codified a recent FERC rate rule. We, on this side of the aisle, were unaware of any opposition from the Office of Management and Budget to the bill, particularly the rate provisions.

I had hoped that when the House returned S. 1132 to the other body with our amendment, the other body would have accepted it. Unfortunately, the other body returned it in a manner that is wholly unacceptable.

The House recognized that the other body never considered section 2 because, I am sure, that body never realized that the matter was in controversy at FERC. We, in this body, were dumbfounded ourselves to learn that FERC would even waste its time to rule the National Marine Fisheries Service was not on par with the U.S. Fish and Wildlife Service under section 30(c) of the Federal Power Act. Thus, we sought to explain in the committee report on S. 1132 FERC's error and in good measure, to correct statutorily the error. The other body apparently does not disagree with the House, but seeks to leave the matter open. That is one approach, but not one satisfactory to the committee.

□ 1550

The bill has already passed the House. This is not the first time. What we are doing, if the gentleman will permit, is, we are sending the bill back to the Senate now to deal with this small controversy which relates to differences between this body and FERC, not—to my knowledge—with the other body relative to management of fish and wildlife resources, as was required by this body and the Senate when we passed the northwest public power legislation in 1980, and section 30 of the Federal Power Act. Both require FERC to administer the flowing waters in the Pacific Northwest and elsewhere very carefully for the benefit of fish and wildlife and to let these Federal agencies identify fish and wildlife problems and provide reasonable solutions. This was true of the responsibility that FERC had in the Pacific Northwest, but even more true in that area than it was in other parts of the country where FERC has exactly the same responsibility which they have, of late, been disregarding.

Mr. **WALKER**. Well, further reserving the right to object, the gentleman is telling me, though, that one of the corrections that is not going to be made, I mean we are not talking about making the corrections that would speak to the Grace Commission problems that the administration has raised here; is that correct?

Mr. **DINGELL**. I would have no objection to discussing with my good friend from Pennsylvania the possibility of making that kind of change in the legislation. The curse of it is that the Senate and the House, in reliance on lack of opposition by the administration when the bill was for many months before the committees of the House and Senate, and before the full House and Senate, passed identical legislation with regard to the rate provisions, in both the Senate version and the House version. The controversy that we seek here to resolve are just the provisions relative to the protection of fish and wildlife. That is why we are before the House with this issue rather than perhaps some other issue.

Mr. **WALKER**. Reserving the right to object, I certainly understand the gentleman's viewpoint. I would agree that it is rather untimely to come forward with the argument here at the end. Nevertheless, to this gentleman, at least, the argument is a valid one, that we are locking in here a statutory provision which will prevent the flexibility that is needed to adjust economic circumstances. Even if the argument is late, it seems to me that it has some validity, and so I am going to feel constrained to object.

Mr. **DINGELL**. If the gentleman will yield further, the gentleman is perfectly free to do whatever he wants to do. I must confess myself thorough surprise that the administration is sending up their complaint at this particular point in time. I understand what the gentleman is doing and I am not critical of him.

Mr. **WALKER**. I thank the gentleman. As I say, it seems to me that it is kind of a last minute end run by the administration here, too, if it was not discussed as a part of the overall bills. On the other hand, the point does at this point seem to this gentleman to have some validity.

Mr. Speaker, I object.

The **SPEAKER** pro tempore. Objection is heard.

GENERAL LEAVE

Mr. **DINGELL**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill that was just objected to and on the concurrent resolution that was agreed to by the House just immediately prior thereto.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FOR THE RELIEF OF JOSEPH KAREL HASEK

Mr. **SAM B. HALL, JR.** Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 6438) for the relief of

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Joseph Karel Hasek, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. KINDNESS. Mr. Speaker, I reserve the right to object in order to afford the opportunity for the discussion of the bill, which is a replacement for H.R. 1362 which was passed by the House fairly recently and by the other body, and it went to the President for signature and was vetoed. It is a private relief bill for the relief of Mr. Joseph Karel Hasek, formerly a Czechoslovakian national, who has served the interests of this Government, the Government of the United States, particularly during the period of time that his property was confiscated by the Communist Government of Czechoslovakia following World War II.

The administration's objections to the former bill, H.R. 1362, are fully met in H.R. 6438. The language of the bill, in fact, was prepared by the Department of Justice in behalf of the administration, in order to meet the objections which were raised and explained in the veto message.

The other body, I am informed, is very much aware of H.R. 6438 and its potential passage in this House and would be well received on the other side of the Hill as far as the chairman of the Judiciary Committee of that body is concerned. The possibility exists that the whole difficulty could be overcome was represented in H.R. 1362 which was vetoed.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from Texas [Mr. SAM B. HALL, JR.] for any comment he might have concerning H.R. 6438, and I thank him for bringing up this unanimous-consent request at this time.

Mr. SAM B. HALL. JR. I thank the gentleman.

Mr. Speaker, this bill merely places into action again the fact that Mr. Hasek—and pursuant to the veto message of the President—can go back before the Foreign Claims Settlement Commission of the United States and attempt to prove his damages. We do not make any statement here as to anything except giving him the right to go back to do that.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. Mr. Speaker, under my reservation of objection, I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman from Texas [Mr. SAM B. HALL, JR.] for bringing up this piece of legislation. Dr. Hasek is one of the finest people that I have ever met and a devoted American. I am very pleased that the gentleman has brought up the legislation. I thank both the gentleman from Texas and the gentleman from Ohio.

Mr. KINDNESS. I thank the gentlewoman from Louisiana.

Mr. Speaker, I withdraw my reservation of objection.

There was no objection.

The Clerk read the bill, as follows:

H.R. 6438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) Joseph Karel Hasek suffered losses resulting from the nationalization or other taking of his property by the Government of Czechoslovakia; and

(2) the unusual and unique circumstances of Joseph Karel Hasek's departure from Czechoslovakia under the auspices of the United States Government, his service to the United States Government, and his inability to obtain accurate information from the Government of Czechoslovakia are all factors on account of which Joseph Karel Hasek should receive equitable relief to allow him to be compensated for his losses.

SEC. 2. (a) Notwithstanding section 412 of the International Claims Settlement act of 1949 (22 U.S.C. 1642(k)), the Foreign Claims Settlement Commission of the United States shall reopen the claim of Joseph Karel Hasek (claim numbered CZ-3,474 for which a final decision numbered CZ-1,252 was entered by such Commission on December 23, 1960), receive and consider any new evidence relevant to that claim which Joseph Karel Hasek may present, consider any unique circumstances pertaining to that claim, and determine the validity and amount of that claim, including interest, in accordance with the provisions of title IV of that Act relating to the determination of the awards on claims, on the basis of the new evidence and all other evidence previously submitted.

(b) The amount of the claim determined by the Commission pursuant to subsection (a) shall be certified to the Secretary of the Treasury not later than March 1, 1985. The Secretary of the Treasury shall make payments to Joseph Karel Hasek on account of that claim as follows:

(1) The Secretary of the Treasury shall, upon receipt of the claim, pay 10 per centum of the amount of the claim for the residue of the account established under section 4(b)(1) of the Czechoslovakian Claims Settlement act of 1981 (22 U.S.C. 1642(i)).

(2) The Secretary of the Treasury shall make payments on the claim in accordance with section 8(f) of the Czechoslovakian Claims Settlement act of 1981 to the same extent as payments are made under that section on account of all other awards under title IV of the International Claims Settlement act of 1949.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FOR THE RELIEF OF ADEL SHERVIN

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 149) for the relief of Adel Shervin, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Adel Shervin shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

SEC. 2. No financial or other consideration shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the enactment of this Act, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine of $1,000.

AMENDMENT OFFERED BY MR. SAM B. HALL, JR.

Mr. SAM B. HALL, JR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAM B. HALL, JR.: On page 2, line 13, add a new section 3 as follows:

"SEC. 3. That, Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 110(a)(9)) is amended by deleting the second sentence thereof."

Mr. SAM B. HALL, JR. (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. LUNGREN. Mr. Speaker, reserving the right to object, I do so in order that the gentleman might explain the nature of this bill and the amendment.

Mr. SAM B. HALL, JR. Mr. Speaker, if the gentleman will yield, Dr. Adel Shervin is a native of Iran who has been in the United States since 1977. He has a license to practice medicine and he is an obstetrics-gynecoligy specialist. His services are vitally needed in Kansas. He has also served in the State of Iowa. This bill is one that I think should be granted because of the need for this type of discipline in the area where Dr. Shervin is now practicing his profession.

Mr. LUNGREN. Mr. Speaker, further proceeding under my reservation of objection, I might say that I support the enactment of this legislation. I further support the amendment that the gentleman has brought to our attention. This amendment will delete a provision of the Immigration and Nationality Act which permits Governors of the Canal Zone and outlying possessions to issue immigrant and nonimmigrant visas under our immigration laws. This is an unusual and unwise practice. The purpose of this amendment is to bring it back into conformance with what exists throughout the rest of the world. I support this. Our side of the aisle supports it. The administration supports it.

I congratulate the gentleman for bringing this to our attention, with the substance of the bill at hand, as well.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The question is on the amendment offered by the gentleman from Texas [Mr. Sam B. Hall, Jr.].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FOR THE RELIEF OF THE SISTERS OF MERCY OF THE UNION, PROVIDENCE OF ST. LOUIS, MO

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 2449) for the relief of the Sisters of Mercy of the Union, Providence of St. Louis, MO, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

□ 1600

Mr. KINDNESS. Mr. Speaker, reserving the right to objection, I would do so in order to yield to the gentleman from Texas for an explanation of S. 2449.

Mr. SAM B. HALL, JR. Mr. Speaker, the Sisters of Mercy of the Union Providence of St. Louis, MO, were the former owners of the Mercy Hospital in Brownsville, TX. This bill is seeking to relieve that group of all liability to the United States under title VI of the Public Health Service Act resulting from the sale of that Mercy Hospital to a for-profit organization.

Under the statute, any nonprofit organization such as this was, if they sell to a for-profit organization, they must pay back all of the Hill-Burton funds that they previously have received. In this particular instance, we have a letter from the Secretary of Health and Human Services which states that, and this is directed to the Honorable Orrin Hatch, it says this bill would relieve the Sisters from the right of the United States to recover from them any of the Federal grant funds provided for construction of the former nonprofit Mercy Hospital at Brownsville, TX.

It appears that they had taken some Hill-Burton funds to build a hospital. It also appears that at some time in about 1973, a bill was introduced in the 93d Congress to grant relief to this facility. The revised bill became part of another Senate bill to amend title VI of the Public Health Service Act.

In conference, the conferees decided to retain title VI unchanged, but the revised bill then became the new title XVI of the Public Health Service Act. Since section 1622 permits the Secretary of the Department of Health and Human Services to waive the right of recovery, if the proceeds of the sale of an assisted facility are applied in an approved manner to another health facility in the same State, the hospital people thought that they had a right to continue to build another nonprofit hospital in Texas. They continued to do that.

They then found out in 1980, and I continue to quote from the letter, "In 1980, the Department discovered that the Mercy Hospital recovery review action had not been completed, and that a statutory question seemed to exist."

In 1981, an audit of the program conducted by the Office of the Inspector General noted that the case had not been resolved and recommended a recovery claim. Until the Department, on the advice of the general counsel, decided in 1981 that the title XVI waiver provision could relieve a facility, both the Departments and the Sisters believed that Public Law 93-641 had relieved the Sisters from the title VI obligation.

Because of the complexity of the thing and because all parties believed that the Sisters were acting in good faith, the Secretary of Health and Human Resources has joined in this measure seeking to grant them the relief that they are asking for.

Mr. KINDNESS. Further reserving the right to object, Mr. Speaker, I thank the gentleman from Texas for his explanation of the bill which is entirely consistent with my understanding of it and its import and background and the support of the Secretary of Health and Human Services.

Mr. Speaker, I would urge that the bill, S. 2449 be approved by unanimous consent.

I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Sisters of Mercy of the Union, Province of Saint Louis, Missouri, the former owner of Mercy Hospital of Brownsville, Texas, is relieved of all liability to the United States under title VI of the Public Health Service Act resulting from the sale of such Mercy Hospital to Medenco, Incorporated, a for-profit organization.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

JENNINGS RANDOLPH FEDERAL CENTER

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 6324) to name the Federal Building in Elkins, WV, the "Jennings Randolph Federal Center," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. MOLINARI. Mr. Speaker, reserving the right to object, I do so only to ask the gentleman from West Virginia to explain the bill.

Mr. RAHALL. In response to the response to the gentleman's reservation, Mr. Speaker, I would say that the bill simply names the Federal Building in Elkins, WV, the Jennings Randloph Federal Center.

Mr. MOLINARI. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office and Federal Building located at the corner of Randolph Avenue and Third Street, Elkins, West Virginia, shall hereafter be known and designated as the "Jennings Randolph Federal Center". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Jennings Randolph Federal Center".

SEC. 2. The effective date of this Act is January 5, 1985.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

S. 3021, JENNINGS RANDOLPH FEDERAL CENTER

Mr. RAHALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3021) to name the Federal Building in Elkins, WV, the "Jennings Randolph Federal Center," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office and Federal Building located at the Corner of Randolph Avenue and Third Street, Elkins, West Virginia, shall hereafter be known and designated as the "Jennings Randolph Federal Center". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Jennings Randolph Federal Center".

SEC. 2. The effective date of this Act shall be January 5, 1985.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 6324) was laid on the table.

JACK D. MALTESTER CHANNEL

Mr. RAHALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6440) to designate the main channel for the project for San Leandro Marina, CA, as the "Jack D. Maltester Channel," and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. MOLINARI. Mr. Speaker, reserving the right to object, I do so to ask the gentleman from West Virginia for an explanation of the bill.

Mr. RAHALL. In response to the gentleman's reservation, Mr. Speaker, this bill would designate the main channel for the project for San Leandro Marina, CA, as the Jack D. Maltester Channel. It would also designate the U.S. Post Office Building in Flushing, NY, as the Benjamin Rosenthal Post Office Building. It would also designate the Social Security Building in Philadelphia, PA, as the William A. Barrett Social Security Building.

It would designate the U.S. Post Office Building located in Morristown, NJ, as the Edwin B. Forsythe Post Office Building. Lastly, it is my intention to offer an amendment which would designate the U.S. Post Office Building in Jeannette, PA, as the John Dent Post Office Building and designate the U.S. Post Office Building in Romulus, MI, as the Carl W. Morris Post Office Building.

Mr. MOLINARI. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the main channel for the project for San Leandro Marina, California, authorized by resolutions of the Committee on Public Works of the House of Representatives and the Committee on Public Works of the Senate dated June 22, 1971, and December 15, 1970, respectively under the provisions of section 201 of the Flood Control Act of 1965, shall hereafter be known and designated as the "Jack D. Maltester Channel". Any reference in a law, map, regulation, document, record or other paper of the United States to that channel shall be deemed to be a reference to the "Jack D. Maltester Channel".

SEC. 2. (a) The United States Post Office Building located at 41-65 Main Street, Flushing, New York, shall hereafter be known and designated as the "Benjamin S. Rosenthal Post Office Building". Any reference in any law, map, regulation, document, record or other paper of the United States to that building shall be deemed to be a reference to the "Benjamin S. Rosenthal Post Office Building".

(b) As soon as practicable after the date of enactment of this Act, the Postmaster General shall install in such post office building, in a place in open view to the public, an appropriate plaque indicating the designation of the post office building pursuant to this section.

SEC. 3. (a) The social security building located at 300 Spring Garden Street, Philadelphia, Pennsylvania, and known as the Mid-Atlantic Program Service Center shall hereafter be known and designated as the "William A. Barrett Social Security Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "William A. Barrett Social Security Building".

(b) The United States Post Office Building located at 200 Chester Avenue, Moorestown, New Jersey, shall hereafter be known and designated as the "Edwin B. Forsythe Post Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Edwin B. Forsythe Post Office Building".

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAHALL:

SEC. 3. The United States Post Office Building in Jeannette, Pennsylvania, is designated as the "John Dent Post Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "John Dent Post Office Building".

SEC. 4. That the United States Post Office Building to be located at 36115 Goddard Road, Romulus, Michigan, shall be designated and hereafter known as the "Carl W. Morris Post Office Building". Any reference in any law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "Carl W. Morris Post Office Building".

Mr. RAHALL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from West Virginia [Mr. RAHALL].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMITTING TRANSPORTATION OF PASSENGERS BETWEEN PUERTO RICO AND OTHER U.S. PORTS ON FOREIGN-FLAG VESSELS WHEN U.S.-FLAG SERVICE IS NOT AVAILABLE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 89) to permit the transportation of passengers between Puerto Rico and other U.S. ports on foreign-flag vessels when U.S.-flag service for such transportation is not available," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That (a) notwithstanding any other provision of law, passengers may be transported on passenger vessels not qualified to engage in the coastwise trade between ports in Puerto Rico and other ports in the United States, directly or by way of a foreign port, except as otherwise provided in this Act.

(b)(1) Upon a showing to the Secretary of Transportation, by the vessel owner or charterer, that service aboard a United States passenger vessel qualified to engage in the coastwise trade is being offered or advertised pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (46 App. U.S.C. 817e) from the Federal Maritime Commission for service in the coastwise trade between ports in Puerto Rico and other ports in the United States, the Secretary shall notify the owner or operator of each vessel transporting passengers under authority of this Act that he shall, within 270 days after notification, terminate all such service. Coastwise privileges granted to every owner or operator under this Act shall expire on the 270th day following the Secretary's notification.

(2) Upon a showing to the Secretary, by the vessel owner or charterer, that service aboard a United States passenger vessel not qualified to engage in the coastwise trade is being offered or advertised pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (46 App. U.S.C. 817e) from the Federal Maritime Commission for service in the coastwise trade between ports in Puerto Rico and other ports in the United States, the Secretary shall notify the owner or operator of each foreign-flag vessel transporting passengers under authority of this Act that he shall, within 270 days after notification, terminate all such service. Coastwise privileges granted to every owner or operator of a foreign-flag vessel transporting passengers under authority of this Act shall expire on the 270th day following the Secretary's notification.

(c) If, at the expiration of the 270-day period specified in subsections (b)(1) and (b)(2) of this Act, the vessel that has been offering or advertising service pursuant to a certificate described in either of those subsections has not entered the coastwise passenger trade between ports in Puerto Rico and other ports in the United States, then the termination of service required by either of those subsections shall not be required until 90 days following the entry into that trade by the United States vessel.

(d) Any coastwise privileges granted in this Act that expire under subsection (b)(1) or (b)(2) shall be reinstated upon a determination by the Secretary that the service on which the expiration of the privileges was based is no longer available.

(e) For the purposes of subsections (b)(1) and (b)(2), the term "passenger vessel" means any vessel of similar size or offering service comparable to any other vessel transporting passengers under authority of this Act.

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. SNYDER. Mr. Speaker, reserving the right to object, I do so, so that the gentleman can tell us the import of the Senate amendments.

I yield to the gentleman for his response.

Mr. BIAGGI. The bill permits the transportation of passengers on noncoastwide qualified vessels between Puerto Rico and other U.S. ports. Clearly, in that area we have not had service in 30 years. This would help thousands of natives of Puerto Rico who are unable to fly. In addition, it would help the tourism of that country and provide any number of jobs.

The House passed H.R. 89 on May 15 by a vote of 390 to 25. In the last congressional session it was 387 to zero. The Senate amendment simply clarifies what kind of service and vessel would qualify to exclude other vessels operating under the act's authority. I know of no objection to the amendment.

Mr. SNYDER. Mr. Speaker, I withdraw my reservation of objection.

Mr. CORRADO. Mr. Speaker, reserving the right to object, I do so only to express my deep appreciation to Mr. Biaggi and also to the ranking Republican, Mr. Snyder, from the Merchant Marine and Fisheries Committee, and I would like to say that passage of this bill is very important to the economic development of Puerto Rico, our tourism industry, and the people of San Juan, and this will be, as it is, my last day here in Congress.

I am running for the mayor of the city of San Juan, and I will finish my term of office here; but this will be the last time that I address this House, and I want to tell everybody, Mario, it has been an honor for me to serve the people of Puerto Rico for the last 8 years, to have so many friends here in this body, and I look forward to keeping as a friend there in San Juan to all of you, and the passage of this bill is a momentous occasion for me; the finest form of finishing my term.

Mr. BIAGGI. If the gentleman will yield to me, I want to thank the gentleman for his kind comments, but I would like to take this opportunity to acknowledge the service and commitment and indefatigable display of energy in connection with this bill, even though on several occasions it looked like it was doomed, but his constancy of effort has produced this result.

I assure the gentleman his passing from this scene will be a loss to this body. You are a gentleman and an excellent colleague, and we look forward to visiting with you in San Juan, and hope you will have less troublesome days in San Juan as mayor than you had here.

Mr. CORRADA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 89, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

IMPROVING CERTAIN MARITIME PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF COMMERCE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5833) "to improve certain maritime programs of the Department of Transportation and the Department of Commerce," with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 3, line 12, strike out "and".

Page 3, line 13, strike out "criteria." and insert "criteria; and".

"(vi) for inland waterways, the need for technical improvements including but not limited to increased fuel efficiency, or improved safety.

Page 3, line 24, after "resources" insert "or with the need for technical improvements including but not limited to increased fuel efficiency or improved safety".

Page 4, line 25, strike out "sixty" and insert "60".

Page 5, line 5, strike out "thirty" and insert "30".

Page 5, line 11, strike out "and".

Page 5, line 19, strike out "obligor."." and insert "obligor."; and".

(12) in section 1104(e), by adding the following sentence at the end thereof: "Such regulations shall provide a formula for determining the creditworthiness of obligors under which the most creditworthy obligors pay a fee computed on the lowest allowable percentage and the least creditworthy obligor pay a fee which may be computed on the highest allowable percentage (the range of creditworthiness to be based on obligors which have actually issued guaranteed obligators).".

Page 5, line 24, strike out "subpena" and insert "subpoena".

Page 6, line 10, strike out "subpena" and insert "subpoena".

Mr. BIAGGI (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. SNYDER. Reserving the right to object, Mr. Speaker, I do not see anything wrong with that language, and we have no objection. It has been looked at on our side.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5833, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MARITIME APPROPRIATION AUTHORIZATION ACT FOR FISCAL YEAR 1985

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2499), to authorize the appropriation of funds for certain maritime programs for fiscal year 1985, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. SNYDER. Reserving the right to object, Mr. Speaker, let me just say that this is the identical bill that we passed on the Marad authorization. The Senate added the authorization for FMC in the exact amount suggested by the administration.

We have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Appropriation Authorization Act for Fiscal Year 1985".

SEC. 2. Funds are authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Transportation for fiscal year 1985 as follow:

(1) for payment of obligations incurred for operating-differential subsidy, not to exceed $377,750,000;

(2) for expenses necessary for research and development activities, not to exceed $10,000,000; and

(3) for expenses necessary for operations and training activities, not to exceed $80,807,000, including not to exceed—

(A) $42,550,000 for maritime education and training expenses, including not to exceed $21,940,000 for maritime training at the Merchant Marine Academy at Kings Point, New York, $16,200,000 for financial assistance to State maritime academies (of which $5,000,000 shall be for the conversion of the vessel *Santa Mercedes* for use as a suitable training vessel), $3,000,000 for fuel oil assistance to State maritime academy training vessels, and $1,410,000 for expenses necessary for additional training;

(B) $9,111,000 for national security support capabilities, including not to exceed $7,506,000 for reserve fleet expenses, and $1,605,000 for emergency planning/operations; and

(C) $29,146,000 for other operations and training expenses.

SEC. 3. Funds are authorized to be appropriated for the use of the Federal Maritime Commission, in the amount of $12,292,000 for fiscal year 1985.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2499, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1985

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5399) to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Intelligence Authorization Act for fiscal year 1985".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1985 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1985, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Select Committee on Intelligence of the Senate, as amended by agreement of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate. That Amended Schedule of Authorizations, dated October 4, 1984, signed by the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate and the Chairman and Ranking Minority Member of the Permanent Select Committee on Intelligence of the House of Representatives, and on file at the offices of those committees, shall be made available to the Committees on Appropriations of the Senate and the House of

Representatives, and to the President. The President shall provide for suitable distribution of the amended schedule, or of appropriate portions of the amended schedule, within the executive branch.

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

SEC. 103. During fiscal year 1985, funds may not be made available for any intelligence or intelligence-related activity unless such funds have been specifically authorized for such activity, or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity, except that, in no case may reprogramming or transfer authority be used by the Director of Central Intelligency or the Secretary of Defense unless for higher priority intelligence or intelligence-related activities, based on unforeseen requirements, than those for which funds were originally authorized, and in nor case where the intelligence or intelligence-related activity for which funds were requested has been denied by Congress.

AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND CONSTRUCTION OF AN ADDITIONAL BUILDING AT THE CENTRAL INTELLIGENCE AGENCY HEADQUARTERS COMPOUND

SEC. 104. Of the amounts authorized to be appropriated under section 101(1), there is authorized to be appropriated for fiscal year 1985 the sum of $104,500,000 for the design and construction of a new building at the Central Intelligence Agency headquarters compound.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 105. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1985 the sum of $14,500,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

PERSONNEL CEILING ADJUSTMENTS

SEC. 106. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for the fiscal year 1985 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1985 the sum of $20,800,000.

AUTHORIZATION OF PERSONNEL AND STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized two hundred and thirty-two full time personnel as of September 30, 1985. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1985, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During Fiscal Year 1985, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE

SEC. 203. During Fiscal Year 1985, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403n) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency retirement and Disability Fund for Fiscal Year 1985 the sum of $99,300,000.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM RULES AND REGULATIONS

SEC. 302. Section 201(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by striking "to become effective after approval by the chairman and ranking minority members of the Armed Services Committees of the House and Senate." and inserting in lieu thereof "to be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before they take effect.".

TITLE IV—ADMINISTRATIVE PROVISION RELATING TO THE CENTRAL INTELLIGENCE AGENCY

PHYSICAL SECURITY OF CENTRAL INTELLIGENCE AGENCY FACILITIES

SEC. 401. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end thereof the following new section:

SECURITY PERSONNEL AT AGENCY INSTALLATIONS

"SEC. 15. (a) The Director may authorize Agency personnel within the United States to perform the same functions as special policemen of the General Services Administration perform under the first section of the Act entitled 'An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes' (40 U.S.C. 318), with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers only within Agency installations, and the rules and regulations enforced by such personnel shall be rules and regulations promulgated by the Director.

"(b) The Director is authorized to establish penalties for violations of the rules or regulations promulgated by the Director under subsection (a) of this section. Such penalties shall not exceed those specified in the fourth section of the Act referred to in subsection (a) of this section (40 U.S.C. 318c).

"(c) Agency personnel designated by the Director under subsection (a) of this section shall be clearly identifiable as United States Government security personnel while engaged in the performance of the functions to which subsection (a) of this section refers.".

TITLE V—DEFENSE INTELLIGENCE AGENCY PERSONNEL MANAGEMENT IMPROVEMENTS

CIVILIAN PERSONNEL MANAGEMENT

SEC. 501. (a) Chapter 83 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1604. Civilian personnel management

"(a) The Secretary of Defense may, without regard to the provisions of any other law relating to the number, classification, or compensation of employees—

"(1) establish such positions for civilian officers and employees in the Defense Intelligence Agency as may be necessary to carry out the functions of such Agency;

"(2) appoint individuals to such positions; and

"(3) fix the compensation of such individuals for service in such positions.

"(b) The Secretary of Defense shall, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in the General Schedule under section 5332 of title 5 for positions subject to such Schedule which have corresponding levels of duties and responsibilities. Except in the case of an officer or employee of the Defense Intelligence Agency serving as a member of the Defense Intelligence Senior Executive Service, no officer or employee of the Defense Intelligence Agency may be paid basic compensation at a rate in excess of the highest rate of basic pay contained in such General Schedule.

"(c) The Secretary of Defense is authorized, consistent with section 5341 of title 5, to adopt such provisions of such title as provided for prevailing rate systems of basic pay and to apply such provisions to positions in or under which the Defense Intelligence Agency may employ individuals described by section 5342(a)(2)(A) of such title.

"(d) In addition to the basic compensation payable under subsection (b), officers and employees of the Defense Intelligence Agency who are citizens or nationals of the United States and who are stationed outside the continental United States or in Alaska may be paid compensation, in accordance with regulations prescribed by the Secretary of Defense, not in excess of an allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute. Such allowances shall be based on—

"(1) living costs substantially higher than in the District of Columbia;

"(2) conditions of environment which differ substantially from conditions of environment in the continental United States and warrant an allowance as a recruitment incentive; or

"(3) both of the factors described in paragraphs (1) and (2).

"(e)(1) Nothwithstanding any other provision of law, the Secretary of Defense may, during fiscal years 1985 and 1986, terminate the employment of any civilian officer or employee of the Defense Intelligence Agency whenever he considers that action to be in the interests of the United States and he determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such officer or employee cannot be invoked in a manner consistent with the national security. The decisions of the Secretary under this paragraph are final and may not be appealed or reviewed outside the Department of Defense. The Secretary of Defense shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever this termination authority is exercised.

"(2) Any termination of employment under this subsection shall not affect the right of the officer or employee involved to seek or accept employment with any other department or agency of the United States if he is declared eligible for such employment by the Director of the Office of Personnel Management.

"(3) The Secretary of Defense may delegate authority under this subsection only to the Deputy Secretary of Defense or the Director of the Defense Intelligence Agency or both. An action to terminate any civilian officer or employee by either such officer shall be appealable to the Secretary of Defense.".

(b) The table of sections at the beginning of chapter 83 of title 10, United States Code, is amended by adding after the item relating to section 1603 the following new item; "1604. Civilian personnel management.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 502. (a) Section 5102(a)(1) of title 5, United States Code, is amended—

(1) by striking out "or" at the end of clause (viii);

(2) by inserting "or" at the end of clause (ix); and

(3) by inserting after clause (ix) the following new clause:

"(x) the Defense Intelligence Agency, Department of Defense;".

(b) Section 5342(a)(1) of such title is amended—

(1) by striking out "or" at the end of subparagraph (1);

(2) by inserting "or" at the end of subparagraph (J); and

(3) by inserting after subparagraph (J) the following new subparagraph:

(K) the Defense Intelligence Agency, Department of Defense;".

TITLE VI—COUNTERINTELLIGENCE AND OFFICIAL REPRESENTATION

POLICY TOWARD CERTAIN AGENTS OF FOREIGN GOVERNMENTS

SEC. 601. (a) It is the sense of the Congress that the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States should not exceed the respective numbers, status, privileges and immunities, travel accommodations, and facilities within such country of official representatives of the United States to such country.

(b) Beginning one year after the date of enactment of this section, and at intervals of one year thereafter, the President shall prepare and transmit to the Committee on Foreign Relations and Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs and Permanent Select Committee on Intelligence of the House of Representatives a report on the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States and the respective numbers, status, privileges and immunities, travel, accommodations, and facilities within such country of official representatives of the United States to such country, and any action which may have been taken with respect thereto.

(c) Section 203 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4303) is amended—

(1) in subsection (a) by striking out the fifth sentence; and

(2) by amending subsection (b) to read as follows:

"(b) There shall also be a Deputy Director of the Office of Foreign Missions. Either the Director or the Deputy Director of such Office shall be an individual who has served in the United States Foreign Service, while the other of the two shall be an individual who has served in the United States Intelligence Community."

(d) The amendments made by subsection (c) shall apply only with respect to any appointment of a Director or Deputy Director of the Office of Foreign Missions, as the case may be, after the date of enactment of this section.

TITLE VII—GENERAL PROVISIONS

AUTHORITY FOR THE CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 701. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 702. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

TITLE VIII—ACTIVITIES IN NICARAGUA

MILITARY OR PARAMILITARY ACTIVITIES

SEC. 801. No funds Authorized to be appropriated by this Act or by the Intelligence Authorization Act for fiscal year 1984 (Public Law 98-215) may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except to the extent provided and under the terms and conditions specified by House Joint Resolution 648, making continuing appropriations for the fiscal year 1985, and for other purposes, as enacted.

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. ROBINSON. Mr. Speaker, I reserve the right to object, to give the gentleman from Massachusetts an opportunity to explain the Senate amendments.

Mr. BOLAND. Will the gentleman yield?

Mr. ROBINSON. I yield to the gentleman.

Mr. BOLAND. Mr. Speaker, the Senate amendments to H.R. 5399 reflect an agreement reached between the Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence on all budgetary and legislative matters contained in H.R. 5399, the House version of the intelligence authorization bill for fiscal year 1985 and S. 2713, the Senate version of that bill.

Further, the Senate amendments are fully consistent with those amounts authorized by the fiscal year 1985 Defense Authorization Conference Report for all those tactical intelligence and related activities programs, jointly authorized, by the Intelligence and Armed Services Committees.

Because of the Senate's failure to move earlier on the House-passed bill, the committees were forced to agree in advance, but without formal conference, on all those matters at issue.

Such an agreement has been reached.

As everyone here understands, the reason that it has been held up until this moment is because of the House bill's prohibition on U.S. assistance to the insurgents in Nicaragua.

The Senate amendment solves this issue by incorporating by reference the compromise agreement reached in the continuing resolution on Nicaragua.

It also reflects agreement on provisions authorizing the CIA to designate special police for the protection of their facilities over which the U.S. Government has acquired proprietarial, concurrent, or exclusive jurisdiction.

It contains language expressing the sense of Congress that the numbers, status, and privileges of diplomats of foreign countries who engage in intelligence activities in this country harmful to our interest should not exceed the comparable number, status, and privileges of U.S. diplomats in those countries.

Finally, it provides important new personnel authorities to the Defense

Intelligence Agency to enable that Agency to configure its personnel system in ways similar to the personnel systems at the CIA and NSA.

Mr. Speaker, at this point, I ask unanimous consent that a detailed description of the provisions of the Senate amendment be made a part of the RECORD.

This statement should serve in lieu of a statement of managers language that would have accompanied a conference report, had a conference occurred between the two bodies.

Let me finish with a more detailed description of the Nicaragua compromise incorporated by reference into the bill.

Mr. Speaker, the compromise which we have worked out on Nicaragua preserves the House position with one proviso.

No funds may be spent on the secret war in Nicaragua until February 28, 1985.

Thereafter if the President certifies that Nicaragua is supporting anti-Government forces in any other country in Central America, and if he requests more funds for the war, a vote is guaranteed on a joint resolution providing such funds.

This is an MX-type guaranteed vote—an expedited process that ensures a vote on the President's request.

The joint resolution, if approved by both Houses, would remove the prohibition on the use of already appropriated funds for the war.

In any event, no more than $14 million could be spent during the balance of the fiscal year.

This approach goes as far as I believe the strong House position would permit.

Only if Congress affirmatively provides for a renewal of funding for the war could any funds be used for that purpose.

Let me make very clear that this prohibition applies to all funds available in fiscal year 1985 regardless of any accounting procedure at any agency.

It clearly prohibits any expenditure, including those from accounts for salaries and all support costs.

The prohibition is so strictly written that it also prohibits transfers of equipment acquired at no cost.

The compromise allows the President and the Congress to see how several key matters develop in the next 5 months.

Those are: Proposed talks between the Government of El Salvador and the Salvadorean rebels, the continued bilateral talks between the United States and Nicaragua, the resolution of the Contadora Draft Treaty, and the Nicaraguan elections.

The President—whoever he may be—will no doubt take into account events affecting these four matters if he makes a request for funds.

If he does make a request, it will be a new Congress, a new Intelligence Committee and those new facts which will influence the action of the House and Senate.

To repeat, the compromise provision clearly ends U.S. support for war in Nicaragua.

Such support can only be renewed if the President can convince the Congress that this very strict prohibition should be overturned.

Mr. ROBINSON. Continuing my reservation, Mr. Speaker, I support the motion to concur in the Senate amendments to H.R. 5399, the Intelligence Authorization Act for fiscal year 1985.

The bill authorizes appropriations for fiscal year 1985 for the conduct of intelligence and intelligence-related activities by the departments and agencies within the U.S. intelligence community. I believe it is fair to say that the members of the Intelligence Committee are unanimous in the opinion that effective intelligence capabilities are essential to the safety and well-being of the Nation. For this reason, we bring the bill to the floor at this late hour, because it is so essential to have authorizing language in place before this Congress goes into sine die adjournment.

Mr. Speaker, this bill is quite similar to H.R. 5399 as it passed the House on August 2 of this year. The bill contains four significant differences other than funding level compromises between Senate and House funding of particular intelligence programs. These four provisions are: A provision for new personnel authorities for the Defense Intelligence Agency, a provision solving a legislative veto concern with the CIA Retirement Act of 1964, a sense-of-the-Congress provision concerning diplomatic reciprocity, and the provision concerning Nicaragua.

The DIA personnel provision provides special authority for the hiring, categorization, and separation of DIA personnel. These provisions will improve DIA personnel management, and I believe they deserve support.

The CIA Retirement Act provision rehabilitates a section of that act which contained a provision possibly subject to question after the Supreme Court's legislative veto decision in INS against Chadha. This largely technical provision deserves full support, and I especially commend Chairman BOLAND for his leadership in ensuring that the past, present, and future rights and benefits of participants in the CIA retirement system are completely safe. I ask that the letter and enclosure dated September 26, 1984, from Chairman BOLAND to Senate Intelligence Committee Chairman GOLDWATER proposing and explaining this CIA Retirement Act provision be printed in the RECORD at this point.

House of Representatives,
Permanent Select Committee
on Intelligence,
Washington, DC, September 26, 1984.

Hon. BARRY M. GOLDWATER,
Chairman, Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Section 201(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) provides that CIA regulations implementing the Act cannot take effect until they are approved by the chairmen and ranking minority members of the House and Senate Armed Services Committees. This provision fails to pass constitutional muster under the Supreme Court's recent legislative veto decision, *Immigration and Naturalization Service V. Chadha,* 103, S. Ct. 2764 (1983).

Recent appellate court decisions concerning other statutes containing legislative vetoes create concern that the unconstitutional legislative veto provision in the CIA Retirement Act could be construed to render the entire Act infirm. Although substantial legal arguments can be made that, on the contrary, only the legislative veto provision of the CIA Retirement Act is infirm and the rest of the statute remains valid, I believe we should act now to eliminate any risk of jeopardizing, even temporarily, the pension benefits of participants in the CIA Retirement and Disability System.

I have enclosed an amendment to solve this problem which I would recommend be attached to the Sente Intelligence Authorization Bill for Fiscal Year 1985 (S. 2713). The amendment replaces the unconstitutional legislative veto provision in the CIA Retirement Act with a requirement to report CIA Retirement Act regulations in advance to the two intelligence committees. The reporting requirement is similar to that currently contained in Section 4(b)(5) of the CIA Act of 1949 (50 U.S.C. 403e(b)(5)).

We in the Congress owe it to those in the CIA who have served their country well to ensure the safety of their retirement system.

With every good wish, I am,
Sincerely yours,
EDWARD P. BOLAND,
Chairman.

Proposed Amendment to Fiscal Year 1985 Intelligence Authorization Bill (S. 2713) Adjusting Congressional Reporting Requirement for CIARDS Regulations

Proposed Amendment to Authorization Bill

Add at the end of Title III of the Bill the following new section:

"TECHNICAL AMENDMENT TO CIA RETIREMENT ACT"

"SEC. 302. Section 210(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by striking "to become effective after approval by the chairman and ranking minority members of the Armed Services Committees of the House and Senate" and inserting in lieu thereof "to be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before they take effect"."

Current provision of law being amended

Section 210(a) of the CIA Retirement Act of 1964 for Certain Employees provides:

"SEC. 201. (a) The Director may prescribe rules and regulations for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, referred to hereafter as the system; such rules and regulations to become effective after approval by the chairman and ranking minority members of the Armed Services Committees of the House and Senate."

Origin of the existing statutory provision

The requirement for approval of CIA regulations implementing the CIA Retirement Act by the Armed Services Committees' chairmen and ranking minority members arose in the legislative process as a mechanism to guarantee that the CIA Retirement and Disability System (CIARDS) would cover only those special classes of CIA personnel whom CIA had justified to the committees as deserving special retirement benefits. The provision was added as a floor amendment during House consideration of the legislation. 109 *Cong. Rec.* 20626-28 (perm. ed. October 30, 1963). It is apparent from the House floor debate that Members believe that security requirements prevented stating publicly the aged-upon criteria for CIARDS eligibility, and thus they left the establishment of the criteria to classified CIA regulations. To ensure that the CIA regulations would contain the agreed-upon criteria, the floor amendment provided that the CIA regulations would not take effect until approved by the leadership of the armed services committees.

Need for proposed provision

The current statutory provision requiring the approval of the leadership of the House and Senate Armed Services Committees for CIA regulations implementing the CIA Retirement Act of 1964 should be amended because (1) it is unconstitutional, creating a risk of infirmity of the CIA retirement system and (2) it is a jurisdictional anomaly.

1. *Unconstitutionality and Risk to CIA Retirement System.* The requirement for approval of CIA Retirement Act regulations by four Members of Congress would not appear to survive the Supreme Court's decision in *Immigration and Naturalization Service v. Chadha,* 103 S. Ct. 2764 (1983), the one-House legislative veto decision. The Executive Branch has maintained that the approval requirement was unconstitutional since the CIA Retirement Act was first enacted. In his statement upon signing the Act, President Lyndon B. Johnson stated in reference to the provision:

"Such a provision attempts to confer executive powers on the members of the legislative branch, in violation of the constitutional principle of separation of powers.

"However, I recognize that the adoption of this objectionable provision is due in large part to the fact that the anticipated coverage of the retirement system, which was explained to the committees, cannot for security reasons be set forth in the bill. Accordingly, I shall treat this provision as a request for consultation with the named committee members, and shall ask the Director to comply with it on that basis."

The proposed amendment to the CIA Retirement Act requiring reporting of CIA regulations to the intelligence committees of the Congress prior to their effective date would avoid the constitutional infirmity of a legislative veto/approval requirement, while ensuring that the intelligence committees have an opportunity to review the CIA regulations and make their views known before the regulations take effect. Such reporting provisions do not raise separation-of-powers problems, *Sibbach v. Wilson,* 312 U.S. 1, 15 (1941). Precedent for requiring reporting to the intelligence committees of CIA regulations prior to their taking effect exists in Section 4(b)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403e(b)(5)), as amended by the Intelligence Authorization Act for Fiscal Year 1982, upon which the proposed amendment to the CIA Retirement Act is based.

The key issue after the *Chadha* case arising with respect to statutes containing legislative veto provisions is whether (1) the unconstitutionality of the veto provision renders the entire statute infirm, or instead (2) the veto provision should be considered severable, leaving the remainder of the statute intact. In *Chadha,* the Supreme Court upheld the remainder of a statute containing an unconstitutional legislative veto provision, giving great weight to the presence in the statute of a severability clause as a clear indication of congressional intent that the legal infirmity of any particular provision of the statute should not affect the validity of the remainder of the statute. The CIA Retirement Act does not contain a severability clause. Recent conflicting decisions by United States Courts of Appeals concerning a statute which contained a legislative veto provision, but not a severability clause, demonstrate little predictability and legal certainty in the legal status of such statutes. See *Muller Optical Co. v. EEOC,* No. 83-5889 (6th Cir. September 4, 1984) (holding that constitutionality of legislative veto in the Reorganization Act of 1977 is not in issue unless veto has been exercised); *EEOC v. CBS, Inc.,* 35 FEP Cases 1127 (2d Cir. August 28, 1984) (holding that the entire Reorganization Act of 1977 is invalid because it contains an unconstitutional legislative veto provision which is not severable from remainder of the Act); and *EEOC v. Hernando Bank, Inc.,* 724 F.2d 1188 (5th Cir. 1984) (holding that the legislative veto provision of the Reorganization Act of 1977 is unconstitutional, but severable from the rest of the Act, which remains valid). The proposed amendment would remove the risk that the presence of an unconstitutional veto provision in the CIA Retirement Act could be construed to render the entire statute infirm. Such an interpretation would place at risk the pension benefits of participants in the CIA Retirement and Disability System.

2. *Jurisdictional Anomaly.* The CIA Retirement and Disability System applies exclusively to certain classes of employees of the Central Intelligence Agency and is administered exclusively by the Central Intelligence Agency. The CIARDS thus falls squarely within the exclusive legislative jurisdiction of the Permanent Select Committee on Intelligence of the House (Rule XLVIII (2)(a)(1)) and the Select Committee on Intelligence of the Senate (S. Res. 400, 95th Cong., Sec. 3(a)(1)). The committee on armed services of neither House would have a jurisdictional interest, except due to the anomaly that Section 201(a) of the CIA Retirement Act requires approval of their committees' leadership for CIARDS regulations. Section 201(a) of the CIA Retirement Act should have been adjusted when exclusive jurisdiction of CIA-related legislative matters was vested in the intelligence committees upon their creation. The proposed amendment corrects this oversight.

The proposed amendment would convert the unconstitutional approval requirement to a reporting requirement and would substitute the intelligence committees for the armed services committees. Because the intelligence committees engage in continuing oversight of the CIA on many matters, including personnel matters, they are properly suited to review CIA regulations implementing the CIA Retirement Act. Adjustment of Section 201(a) of the CIARDS by including a requirement to report to the intelligence committees is particularly timely in light of the probability that the 99th Congress will give a great deal of attention to federal employee retirement issues.

The sense-of-the-Congress provision and the accompanying reporting requirement ensure that proper attention will be given to the concern that Eastern bloc diplomats in the United States may have greater privileges that U.S. diplomats have in those countries.

Mr. Speaker, I wish I could make a positive statement at this point about the Nicaragua issue. I have stated many times my opposition to a hiatus in funding of this important program to keep the pressure on the Marxist Sandinista regime of Nicaragua. I will not restate the basis for that opposition; I only note that I believe the United States should continue that pressure. Having said that, we must face the legislative facts. This provision is all that we can agree on, and on that basis and that basis alone, I would say to my colleagues who have stood resolutely for continuing the pressure on the Sandinista regime, that this bill should pass even though it contains this provision.

The provision contained in this bill incorporates the Nicaragua provision contained in the continuing resolution, House Joint Resolution 648. Because leaders on the Nicaragua issue were members of both the Appropriations Committee and the Intelligence Committee, it was possible to provide for identical treatment of the issue in both contexts. I fervently hope that, if the circumstances currently prevailing continue to prevail next February, the Congress will vote to release the money to fund the program.

With the resevations I have expressed, I fully support enactment of H.R. 5399 and I urge my colleagues to vote to concur in the Senate amendment.

Mr. CONABLE. Will the gentleman yield to me?

Mr. ROBINSON. I am happy to yield to the gentleman.

Mr. CONABLE. Mr. Speaker, the gentleman may have a reservation here, but I have no reservations about the gentleman's service in the Congress.

I missed his special order the other night, and I would like to say that we have all depended on KENNY ROBINSON.

We are grateful for the contribution he has made as a solid citizen in this body. His performance has been absolutely in the best interests of the House of Representatives, and of his colleagues here, and that I personnally want to congratulate him on the contribution he has made to this country, both on the Intelligence Committee and in the Appropriations Committee, where his judgment has been a tremendous factor in the success of this body.

Mr. ROBINSON. Continuing to reserve the right to object, Mr. Speaker, I would be remiss if I did not express my appreciation to the gentleman from New York [Mr. CONABLE] for his kind remarks. I also want to express my appreciation to the gentleman from Massachusetts [Mr. BOLAND] who last night in the concluding moments of the debate on the continuing resolution said some very kind things about me which led to a resing, rousing ovation; and I thank all of my colleagues for that. It was truly very flattering, very emotional, and a matter for which I have heartfelt thanks.

Mr. BOLAND. If the gentleman will yield to me, let me indicate to the gentleman from New York [Mr. CONABLE] and also my dear and close friend, the gentleman from Virginia [Mr. ROBINSON] and all Members of the House that it was a heart warming experience for me to witness the standing ovation that was accorded the distinguished gentleman from Virginia, [Mr. ROBINSON], also to the distinguished gentleman from Alabama, JACK EDWARDS, for the service, the magnificent service, they have given to their districts and to their States and to the Nation.

I am delighted that Mr. CONABLE takes that time to compliment Mr. ROBINSON on his service here and I am sure that this has the unanimous agreement of all of the Members of this body who served with Mr. ROBINSON for more than 14 years.

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Mr. ROBINSON. Mr. Speaker, further reserving the right to object, I know that the gentleman from Massachusetts has some concluding remarks with regard to his service on the Intelligence Committee, as do I, and I would yield to the gentleman from Massachusetts at this point.

Mr. BOLAND. I appreciate the gentleman yielding.

Mr. Speaker, the end of the 98th Congress will also mark the end of my chairmanship of the Permanent Select Committee on Intelligence, and also my membership on that committee.

Mr. Speaker, since my membership—and that of Mr. MAZZOLI, Mr. MINETA, Mr. FOWLER, Mr. GORE, Mr. ROBINSON, Mr. WHITEHURST, and Mr. YOUNG, who will also be leaving the committee at the end of the 98th Congress—spans the lifetime of the committee, I feel that it is appropriate to make some remarks about the achievements the committee has made, the health of congressional oversight, and to look to the future of the committee.

Mr. Speaker, when I assumed the task of organizing the first Permanent Intelligence Oversight Committee in the House of Representatives, I was guided by three principles:

First, I understood clearly that the mandate of the House was to provide thorough, fair oversight of all intelligence activities;

Second, I realized that the House needed and the nature of the committee demanded security standards second to none in the U.S. Government; and

Lastly, it was apparent that what the House wanted was a body on whose judgment of intelligence activities it could place reliance.

After all, the Intelligence Committee is the surrogate of the House of Representatives in the oversight of intelligence activities.

We all recognized from the beginning that, as a practical matter, not every Member of the House could review intelligence activities.

Only a small, select group of Members who had the trust of the leadership and the respect of their colleagues should perform this task.

Security required a small group as well.

What I never realized at the time, and have certainly come to appreciate over the years, is that another consideration should well have figured in this selection of a small group of Members to serve on the Intelligence Committee.

The amount of work that I and other committee members have had to put in has been very significant.

Typically, I spend 1 to 2 hours at the committee every day—reading intelligence, talking with the staff, updating myself on intelligence activities, and arranging the schedule of the committee's activities.

Every member of the committee has had to put in long hours from almost the first day of the committee's existence.

The strictures of the security have required that they be put in up in the attic of the Capitol where the committee's offices are located.

It has no windows.

It is a sanctum sanctorum.

But it is also remote.

Members who work there are cut-off from the floor, with their constituents, and with their personal staff.

Mr. Speaker, I later will list the significant legislative, budgetary, and oversight contributions of this committee, but I am convinced that the paramount contribution that has been made by the members and the staff of this committee over the past 7 years is the establishment of congressional oversight as an institutional part of the Congress and of the U.S. Government.

Today, the Select Committee on Intelligence stands for bipartisan, professional, thorough oversight of intelligence activities.

Its security procedures and record are second to none anywhere in the U.S. Government.

Its conduct of regular oversight, of budgetary review, of legislative enactment is such that I believe that it has gained the confidence of the House.

Let me cite some indicia.

To begin with, the committee has reported out over the years six annual intelligence authorization bills.

All but this year's have been enacted and I have every hope that the Intelligence Oversight Act for Fiscal Year 1985 will also be enacted after I finish those remarks.

Few Members have insisted upon exercising their right to view the classified annex which describes in detail the intelligence programs which have been authorized by the committee.

I view that as a sign of confidence that the committee is exercising its budgetary review powers fairly, responsibly, and consistent with the priorities of the House.

Further, the oversight that the committee performs, both pursuant to statutes such as the Foreign Intelligence Surveillance Act and under the provisions of the Intelligence Oversight Act, have resulted in any number of pronouncements, reports and judgments made by this committee and its members.

I find those opinions and the recommendations which stem from them to have been well received by this body and by the Congress at large.

Finally, I look with pride to the excellent cooperation which the Permanent Select Committee on Intelligence enjoys with the Committees on Foreign Affairs, Armed Services, Appropriations, and the Judiciary.

We have worked well with these committees in the past in the enactment of substantive and budgetary legislation, in conjunction with joint oversight activities, and in the formulation of oversight findings and evaluations.

Mr. Speaker, I could go on.

I could cite the cachet which I believe the committee's recommendations have enjoyed in the Subcommittee on Defense of the Appropriatons Committee and, indeed, the public recognition and respect which the committee's activities have enjoyed from time to time.

Let me return first, however, to the initial days of this committee.

Its makeup, as House Rule XLVIII provides, includes members from the Appropriations, Armed Services, Judiciary, and Foreign Affairs Committees.

The very strength of this committee is that it is, in effect, a committee of committees.

It has from the beginning, I believe, taken a most positive attitude in working with—and not against—these other committees, both through its members who sit on the other committees and also in formal and informal communications.

I must say that in the area of covert action—those clandestine intelligence activities meant to supplement and support the overt foreign policy of the United States in an unattributable fashion—the committee has enjoyed an excellent relationship with the Committee on Foreign Affairs.

I attribute this not only to the institutional respect and communication between the two committees—which from time to time has resulted in the disclosure of sensitive intelligence activities by the Permanent Select Committee on Intelligence to the other committee—but particularly to the personal strength and leadership of Clem Zablocki, our revered former colleague who for many years chaired the Committee on Foreign Affairs and was a valued member of the Permanent Select Committee on Intelligence.

Mr. Speaker, I salute the choices which you and the distinguished minority leader, BOB MICHEL, have made to fill the positions for members of the Intelligence Committee and I urge you in the future to provide not only the required level of representation from such key committees as Foreign Affairs, Appropriations, Armed Services, and Judiciary, but representation which comes from both sides of the aisle and which reflects the essential importance of those key policy committees for the work of the Intelligence Committee.

There is mandatory represenatation from these other committees because the Intelligence Committee exercises jurisdiction across a broad range of areas looked at by these other committees.

It therefore had to work closely with committees of different jurisdiction to ensure that the House spoke with one voice in both public and secret activities.

Mr. Speaker, I earlier made mention of those members of the committee who will be leaving at the end of the 98th Congress.

Such a large number, unfortunately, results in part because of the resignation of BILL GOODLING and the hoped-for election of AL GORE to the Senate but also because there has not been adequate rotation on and off the committee.

House Rule XLVIII encourages a turnover of roughly one-third of the committee's membership every Congress.

I urge that both you and the minority leader make every effort, including appointment to less than full 6-year terms, to ensure that the decrement to the committee's membership is never as severe as it will be at the end of this Congress.

I also wish to say something about the burden which membership on this committee places on the kind of Member who is appointed to the committee.

I mentioned earlier that the work is long and inconvenient.

It falls most heavily on the shoulders of those Members selected for the Intelligence Committee

These Members are senior, responsible Members with important assignments on other key committees.

They are appointed to the Intelligence Committee for their valued service to the House and the trust the leadership place in their good judgment.

The Intelligence Committee assignment, therefore, comes on top of an already full committee load and it is itself a significant burden.

In the future, I would urge both parties, perhaps through the mechanism of the Democratic Caucus and the Republican Conference Rules, to make allowance for this burden, to permit leaves of absence, or some other relief from secondary committee assignments for Members who must serve on the Intelligence Committee.

To be fair, such provision must preserve the seniority of those Members who serve on the Intelligence Committee.

I believe it is fully justified to seek such an adjustment and I believe it is one that will redound to the benefit of the House because it will permit Members to give as much time as the Intelligence Oversight process demands.

Another aspect of the work of this committee is one which few fully appreciate and which the public rarely has explained to them.

The burden of membership on this committee is that members may not discuss—even with other Members of the House—sensitive information of which they are apprised.

The price they pay for this knowledge is their silence.

The methods which are available to individual Members of the House who disagree with intelligence programs and seek their change are limited, both by the secrecy of the programs involved and by the necessity to preserve the committee's unblemished record of security.

In this sense, members of the committee are even more restrained than executive branch officials with intelligence responsibilities.

They don't come to this job with great experience about intelligence.

They must work hard in briefings, with the staff and in their oversight activities, to understand the intricacies of intelligence work.

They cannot use their personal staff.

The committee employs a core of professional staff and only that staff works on classified matters before the committee and assisting members.

It is a tough job also because, in many respects, members are limited in the information which they can acquire about intelligence programs.

They often do not have the advantage, as Members in so many other committee assignments have, of informed public debate and information from other than Government sources.

As John Fitzgerald Kennedy said, they can never brag about their successes, yet their failures are trumpeted to the heavens.

No member of the Intelligence Committee can point to his service on that committee as one which enhance his candidacy for reelection.

If anything, the pressures, the workload, the security restraints are such that this is often a thankless job.

So, I pay high tribute to those who have served with me in this committee and who have demonstrated daily—and many of them for 7 years—a commitment to the security of this country, the reputation of the House and to the integrity of good intelligence oversight.

In talking about the achievements of the committee, I cannot pass over the staff.

One of the decisions which I considered the most crucial in organizing the committee was the selection of the staff.

I have worked hard in consultation with the other members of the committee to select as professional, as highly qualified, as balanced a staff as could be found.

I consider them to be the equals of superiors of intelligence officials in the U.S. Government—as knowledgeable, as astute, and as fair.

The staff of the committee is a core staff.

It is responsible to the chairman alone through the staff director.

It is the only staff of the committee.

Personal staff of members are not cleared by the committee nor do they have access to any of the classified information made available to the committee.

Mr. Speaker, I have discussed the makeup of the committee and its staff.

Let me move on to some of the accomplishments the committee can claim for its 7 years—keeping in mind as I have said earlier that the principal accomplishment was the establishment of trust within the House and within the Government for the intelligence oversight process.

Let me add a corollary to that accomplishment.

There has developed a rapport, a mutual respect, and full communication between Intelligence Committees and those intelligence agencies which it oversees.

Such a relationship is essential for good oversight.

It is essential for good management of the intelligence community.

This relationship clearly has had its rocky moments.

It has required ironing out from time to time.

Yet we have reestablished it just as often.

Let me turn first to the record of the committee.

As I have said, each year the committee has produced an intelligence authorization bill which has been signed into law.

The budget process which results in such a statute is thorough.

It involves many long hours by staff and members and is, I believe, respected not only by the community but by our colleagues in the Appropriations Committees.

While it is difficult to say publicly exactly what the committee has done in this area, I think it is clear from the committee's reports in the past and from the current state of U.S. intelligence capabilities that during our stewardship, the intelligence community has been improved, its numbers have grown.

This process of growth has been the result of increased requirements placed upon the community by the executive branch.

In fact, requirements have proliferated.

Today, we no longer worry solely about the Soviet military threat or what the politburo did last week.

We must concern ourselves with Third World debt, the energy crisis, drug trafficking, terrorism, political, military, and other intelligence on every country in the world, technology transfer, nuclear proliferation—the list goes on and on.

Not only that, there has been a technological revolution in arms, communications, and electronic technologies.

The intelligence community has been forced to keep up with these developments.

The cost has been high.

We have had to revitalize and, in many cases, replace our technical collection capabilities.

The committee has also supported a surge in human intelligence collection capability—again, in response to significantly increased requirements levied on the intelligence community.

It has seen and it has supported increased covert action capabilities.

We have had our differences with this administration on the use of that capability but the committee has supported the necessity for a flexible instrument at the disposal of the President to implement covertly the military and foreign policy of the United States.

Mr. Speaker, the committee also has encouraged improved analytical capability and all the technological support necessary to enhance and make full use of such capability.

We have seen, encouraged, and commend the development—under both Director Turner and Director Casey—analytical products which reflect competitive analysis and recognize adequately intelligence dissent.

That process, in my view, has become more dynamic and the committee encourages it.

The committee has been critical from time to time of intelligence performance, analytical and otherwise.

Such efforts at evaluation have been difficult because they inevitably involve some element of hindsight, and because they must avoid partisanship.

But, the process has been good for the intelligence community.

It has been good for the Congress and for the public which from time to time receives an understanding of how intelligence processes are working and whether U.S. intelligence is performing the task for policymakers which it is designed to serve.

In the legislative area, the committee has been active and, I believe, has done excellent work.

In the past 7 years, the Congress has enacted such bills as the Foreign Intelligence Surveillance Act, the Intelligence Wiretap Statute; the Classified Information Procedures Act, the so-called grey mail statute; the Intelligence Oversight Act; the Intelligence Identities Protection Act; the CIA Information Act.

It has acted on numerous legislative issues and proposed amendments to other bills to both define and protect intelligence responsibilities and duties.

The legislative output of the committee has resulted in additional oversight tasks—some of them quite complex and technical.

The committee has assumed these loads understanding that in such areas as implementation of the Freedom of Information Act or intelligence use of wiretaps and physical searches, only thorough, regular scrutiny by the Intelligence Committees will help produce a climate of public confidence for the way in which such intelligence techniques are employed.

We need not go back too far to remember ways in which such techniques were misused in the past.

Finally, in the area of general oversight, it is safe to say that the committee has, in the last 7 years, acted weekly and sometimes daily in considering a plethora of intelligence topics—chief among them, both in time spent and in sensitivity, the covert action programs of the CIA.

The committee has, by and large, supported the covert action policies of both President Carter and President Reagan.

Nonetheless, it has been very critical of some covert actions and has sought over the last several years to end the disastrous attempt to overthrow the Government of Nicaragua.

Oversight of covert action will be, I believe, improved in the years to come.

In the wake of the much denounced mining of Nicaraguan harbors, the committee has developed a series of procedures to implement the Intelligence Oversight Act by setting out in detail those significant intelligence activities which must be reported to the committee.

The committee has enjoyed the cooperation of the Director of Central Intelligence in implementing these procedures and hopes in the future to avoid situations where significant activities taken pursuant to covert action findings are not reported to the committee.

Mr. Speaker, the key of intelligence oversight is regular, thorough scrutiny, fairness, and good security.

I believe that the committee has achieved all of these goals in its activities.

As I said earlier, its security procedures and practices are among the best in the Government.

I believe the record of the committee for security is unblemished by any stain.

It wouldn't do, however, to mention security without referring to a common charge made about Congress which must be set to rest.

It is regularly stated by some, and often believed by others both in and outside of Government, that secrets provided to the Hill are leaked regularly.

Indeed there is a double standard that is often applied.

Sometimes when it appears that something such as the mining of Nicaragua's harbors has occurred, there are those who cry "Foul" and demand to know why the Intelligence Committees didn't blow the whistle as soon as they heard about it.

There are others who contend that no congressional committee, no Congressman, can keep a secret, that they blab everything that they hear.

Both can't be true.

Neither are nor should be true.

It is the responsibility of an Intelligence Oversight Committee to know what is going on, to understand the breadth and the detail of intelligence activities.

It is further the responsibility of the committee to maintain the confidentiality of those operations until and unless, using the mechanisms of the House rules and all the other means of communication permitted by those rules, to communicate disapproval and/or suggest changes.

This the Intelligence Committee has done over the years.

As I said earlier, it is difficult to brag about our successes in security and redirecting policy.

We have done those things.

I believe we have been effective.

We have done so working both with other committees and working directly with the intelligence community and with top policymakers.

Believe me when I say that there are true secrets of this Government.

They are kept and respected by Members of Congress no less than by any executive branch official and I know of no leak—and I repeat, no leak—that has resulted from a disclosure by a member of the Intelligence Committee.

What I have often seen, I might add, are stories which refer to congressional action or statements attributed to Members of Congress which, upon clear analysis, reflect information leaked from the executive branch—which does it regularly.

In any event, I believe that the committee which I have had the honor to chair can hold its head high.

There have been no leaks from the Intelligence Committee.

Mr. Speaker, I leave the Intelligence Committee with great regret—regret for the companionship and good judgment, the dedication of my colleagues; regret that the task of improving intelligence fiscally, substantively, and in policy terms is not, nor will it ever be, satisfactorily complete; regret because, despite its burdens, chairing the Intelligence Committee has been an honor and a great source of inner satisfaction for me.

I leave with the confidence, but also with the hope, that you, Mr. Speaker, and the distinguished minority leader will continue to appoint members of the same high caliber that have served since its inception in 1977.

I would urge upon my successors in the committee the same excellent cooperation which we have enjoyed with other committees of the House, frequent communication with the intelligence community, the preservation of the same excellent staff, the perseverence and honesty in the regular scrutiny of intelligence programs.

And, lastly, I would urge upon the House and the Congress the recognition that the Intelligence Committee is no longer an experiment.

It is a successful, proven institution of this body, one which has served the House well, one which has certainly served the intelligence community well—as a supporter for intelligence budget priorities, as a fair arbiter of accusations involving intelligence, and as a strict but fair overseer of intelligence activities.

I reject the suggestion of some that what is needed is a Joint Committee on Intelligence.

This concept had some attraction for me before I become a member of this committee.

But I understand today that what I had thought is its principal advantage, security, need not be problem in a framework that involves a committee in both bodies.

A small, professional, secure staff is clearly not a problem on this side nor is their direction and control.

There are positive benefits to two committees.

One is that, as in so many issues—Nicaragua is one, the Foreign Intelligence Surveillance Act, and the Intelligence Identities Act are statutory examples—where the development of positions by the two Houses are different and the clash and resolution of those different approaches has both improved and sharpened debate on public policy.

This has also been true behind closed doors.

It has been true on all budgetary issues.

It has been true in many oversight issues where the two committees have taken different approaches.

This is good for the country.

It is for the executive branch.

It is good for the Congress.

It is certainly good for the public, which has so little insight or participation in the intelligence world.

So, Mr. Speaker, let me close by repeating that what I believe I and my colleagues who depart the committee at the end of this Congress have given to the House and to this country is an institutional apparatus and a proven process for intelligence oversight that can be responsible, secure, and worthy of the trust—not only the House but of the intelligence community and of the public.

That is an accomplishment that will be transitory unless the members of the committee today and in the future apply themselves with energy, with consistency, and with fairness to the tasks which they must perform behind closed doors in overseeing our intelligence activities.

It can result, as I believe it has to date, in the preservation and enhancement of the greastest intelligence capability in the world.

It can result in the protection of individual liberties for Americans while intelligence is collected on a full range of activities and subjects of vital interest to the United States.

It can result in capabilities to react to crises both to protect our Nation and to prepare it for future crises.

Mr. Speaker, I end my comments on the committee and on intelligence oversight with a quote.

It is one which I have used often and one to which I most often have returned in discussing intelligence oversight.

It was made by Sir William Stephenson, the man called Intrepid, the head of British Intelligence during World War II.

He said, and I can find no better words to describe the dilemma, the duty and the distinction of intelligence oversight:

> Among the increasingly intricate arsenals across the world, intelligence is an essential weapon, perhaps the most important. But it is, being secret, the most dangerous. Safeguards to prevent its abuse must be devised, revised, and rigidly applied. But, as in all enterprise, the character and wisdom of those to whom it is entrusted will be decisive. In the integrity of that guardianship lies the hope of free people to endure and prevail.

Mr. ROBINSON. Mr. Speaker, further reserving the right to object, I wish to associate myself with the remarks of the distinguished chairman of our Permanent Select Committee on Intelligence and share with the House some of my observations and suggestions for the continued success and effective operation of the Intelligence Committee.

Mr. Speaker, the chairman has referred to the excellent relationship that we have enjoyed with the standing committees which have jurisdictional interest relating to those of the Intelligence Committee, and I certainly concur in that observation. I know that the Republican leader, the gentleman from Illinois, BOB MICHEL, has stated on several occasions his intention to avoid a similar situation in the future with regard to the rotation which is occurring on the Intelligence Committee at this time. It is too severe and impacts very definitely on the ability of the committee to continue to function.

I hope that both the majority and minority will work together to insure that a regular rotation is established in the future.

I would like to express my appreciation and gratitude to all those members with whom I have served on the Intelligence Committee. It truly has been a high privilege and honor to have served with them and I have thoroughly enjoyed their association. As a member, my tenure on this committee has been one of the highlights of my service in the House. Some of the most rewarding and satisfying experiences, and, yes, on occasion even the most frustrating—have come by way of my service on the Intelligence Committee. It is always a challenge and I feel it has never been without purpose.

Indeed, the existence of an Intelligence Oversight Committee is beyond the experimental stage, yet, the committee is still is in its infancy. I believe this child of the Congress is off to a good start and to a large measure the success of this committee is due to one man, Chairman EDWARD P. BOLAND. I share the concerns of the chairman and reject the notion that a Joint Intelligence Committee would contribute significantly to improved security or better serve the Congress in its oversight role. For the reasons the chairman has outline, I believe, Congress is well served by the two committee approach.

The chairman has always insisted upon quality of service from his colleagues, thoroughness from the staff and fairness in the process. The chairman has ensured that the objectives of the House in establishing the committee were achieved. The chairman's insistence that security standards remain high has established important traditions and standards of practice to which the Members and staff alike have adhered in handling classified information.

I truly hope that the members who follow us on the Intelligence Committee will carefully observe these rigorous standards of security. There would be nothing more devastating to the effectiveness of the Intelligence Committee, nor could any one thing more quickly erode the confidence the Intelligence community has placed in the members of the Intelligence Committee, than to disregard the absolute necessity for confidentiality, and the need to strictly adhere to security procedures in handling sensitive information.

The committee is not a forum for members to gain national attention or to gain points back home. Service on the committee is truly a service to the House of Representatives and to the Nation and, as the chairman stated, the price you pay for serving on the committee is your silence.

The chairman is also correct that service on the committee means hard work and dedication, all without any public gratification. The members must be prepared to be content with the personal satisfaction of knowing that in a small way you may have improved or contributed to the security of our Nation.

The chairman has also mentioned his concept of a core staff for the committee, a concept with which I agree. A small staff ensures adequate staff support to accomplish the committee's oversight function, and contributes greatly to security. But more importantly, having only a small staff demands that the members are personally involved in committee work and that members give the personal attention required to make informed decisions on the issues which are before the committee. The Intelligence Committee, indeed, does have a fine staff and the staff serves as a tool to help the members. This is one unique aspect about the committee that I think has ensured the committee's effectiveness since its inception—that the members and especially the chairman and the ranking members of the full committee and subcommittees, involve themselves in the intelligence process daily. Since most of the information a member reviews is of a classified nature, you cannot simply take it home to read—indeed, the information cannot leave the committee's high-security area. Each Member must have a concerted effort to stay abreast of intelligence issues.

The rules of the committee are also conducive to maximizing member participation in every aspect of committee deliberation. There are no personal staff assigned to the committee, there is no proxy voting in the committee, and the committee must vote separately on each request to share information with other committees or Members of the House. This process requires the personal, informed attention of the Members. These rules have worked extremely well over the 7 year history of the committee and I urge their continuation.

The chairman has referred to the excellent relationship the Intelligence Committee enjoys with the standing committees which have jurisdictional interests relating to those of the Intelligence Committee. I concur in that observation and credit that fact to wisdom of the House in requiring under rule 48 cross membership from the Appropriation, Armed Services, the Judiciary, and Foreign Affairs Committees.

This requirement of cross membership is the very basis of the committee structure, without which the committee could not function effectively. I join the chairman in urging the House leadership to maintain and strengthen this cross membership in the next Congress.

There is one other issue to which I hope the leadership of the House will pay particular attention in the next Congress. The membership on the Intelligence Committee should be structured at the beginning of the next Congress so that appointment of members will be on a basis that ensures a regular, order rotation. If the 6-year rotation rule for the Intelligence Committee is to be of any benefit to the House, steps must be taken to avoid losing so many members at one time having the experience and knowledge of the complex intelligence issues before the Intelligence Committee.

I know that Republican Leader Bob Michel has stated on several occasions his intention to avoid a similar situation in the future. I hope that both the majority and minority leadership will work together to ensure a regular rotation of the committee membership in the years to come.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. WEISS. Mr. Speaker, reserving the right to object, let me just say that I want to extend my appeciation to the two distinguished gentleman, the chairman and the ranking member, for the distinguished manner in which they have discharged their responsibilities as the chairman and ranking member respectively of the Select Committee on Intelligence.

I have for the record a question of the distinguished chairman, and that is, would he explain to us how this legislation affects the funding of the covert war in Nicaragua?

Mr. BOLAND. If the gentleman will yield, this particular exercise here today incorporates by reference that which was acted upon yesterday, and incorporates by reference the matter dealing with Nicaragua in the continuing resolution.

Mr. WEISS. I thank the distinguished chairman.

Mr. BOLAND. If the gentleman will yield further, Mr. Speaker, the gentleman from New York [Mr. Weiss] has been, I think, one of the most persistent overseers of intelligence authorizations since he arrived here. I appreciate this interest and I appreciate very much the cooperation that he has given this committee in the years that I have served as chairman.

Mr. WEISS. I thank the distinguished chairman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Massachusetts.

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 5399, and the Senate amendments thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CORRECTING ENROLLMENT OF H.R. 3398, TARIFF TREATMENT WITH RESPECT TO CERTAIN ARTICLES

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 372) entitled, "Concurrent resolution to correct the enrollment of H.R. 3398," with a

Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment and the House amendment to the Senate amendment, as follows:

Senate amendment: Page 3, after line 10, insert:

(4)(A) In section 806(a): delete "805" and insert in lieu thereof "805(a)".

(B) In section 806(b)(1)(C): delete "905" and insert in lieu thereof "805(a)".

House amendment to Senate amendment: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

(4)(A) Immediately after section 250 of the bill (as added by paragraph (1)) insert the following:

SEC. 251. COPYRIGHT PROTECTION OF COMPUTER SOFTWARE.

Since the development of computer software and other information technologies is increasingly important to economic growth and productivity in the United States and other nations;

Since the United States is the world leader in the technological development of computer software and in the production and sale of computer software;

Since the United States has since 1964 considered computer software a work of authorship protected by copyright and this form of intellectual property right protection has served to encourage continuing research, development, and innovation of computer software;

Since copyright protection is afforded computer software by most industrialized nations including Japan, the Netherlands, France, the Federal Republic of Germany, the United Kingdom, South Africa, Hungary, Taiwan, and Australia;

Since Japan is reviewing a proposal to abandon copyright protection of software and to adopt a system that rejects the principal that software is a work of authorship;

Since Japan is reviewing a proposal that also provides broadly for the compulsory licensing of software; and

Since the enactment by Japan of such a proposal could prompt the adoption of similar proposals by other nations currently considering this question, with serious adverse effects on the existing international order for the protection of intellectual property rights: Now, therefore, be it

Declared that is the sense of the Congress that—

(1) copyright protection is an essential form of intellectual property right protection for computer software;

(2) any proposal to abandon copyright protection of software or to provide a new system of legal protection that incorporates compulsory licensing of software would (A) disserve the goal of promoting continuing development and innovation in computer software; (B) undermine the international consensus that computer software is a work of authorship protected by copyright; (C) result in economic harm to the computer software industry of the United States, and also of Japan and other nations; and (D) contribute to increasing trade tensions among the nations of the world; and

(3) if a nation withdraws copyright protection of software or provides for broad compulsory licensing of software, it would be in the interests of the United States and other nations to seek appropriate relief, including that provided under the Universal Copyright Convention, to ensure the just protection of intellectual property rights and the promotion of free and fair trade.

(B) Amend the table of contents of the bill to reflect the amendment made under subparagraph (A).

(5) In paragraph (3) of section 516A(a) of the Tariff Act of 1930, as proposed to be inserted by paragraph (4) of section 623(a) of the bill, strike out "which is predicated upon the size of either the dumping margin or net subsidy determined to exist" immediately before the period at the end thereof.

(6) In section 505 of the bill, strike out subsection (c) and insert in lieu thereof the following:

(c) Section 504 (19 U.S.C. 2464) is amended by adding at the end thereof the following new subsection:

"(f)(1) If the President determines that the per capita gross national product (calculated on the basis of the best available information, including that of the World Bank) of any beneficary developing country for any calendar year (hereafter in this subsection referred to as the 'determination year') after 1984, exceeds the applicable limit for the determination year—

"(A) subsection (c)(1)(B) shall be applied for the 2-year period beginning on July 1 of the calendar year succeeding the determination year by substituting '25 percent' of '50 percent', and

"(B) such country shall not be treated as a beneficiary developing country under this title after the close of such 2-year period.

"(2) (A) For purposes of this subsection, the term 'applicable limit' means the sum of—

"(i) $8,500, plus

"(ii) 50 percent of the amount determined under subparagraph (B) for the determination year.

"(B) The amount determined under this subparagraph for the determination year is an amount equal to—

"(i) $8,500, multipled by

"(ii) the percentage determined by dividing—

"(I) the excess, if any, of the gross national product of the United States (as determined by the Secretary of Commerce) for the determination year over the gross national product of the United States for 1984, by

"(II) the gross national product of 1984.".

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the Senate amendment and the House amendment to the Senate amendment be considered as read and printed in the RECORD.

Mr. SPEAKER pro tempore. Is there any objection to the request of the gentleman form Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, House Concurrent Resolution 372 instructs the enrolling clerk to make certain corrections to the conference agreement on H.R. 3398, the Trade and Tariff Act of 1984, which passed the House yesterday. The Senate amended this resolution to add a provision which in the view of the House conferees goes beyond the scope of the conference. The Senate amendment amends the effective period of the enforcement authority so that the enforcement of the U.S.-EC arrangement on pipe and tube would be given special status and not be subject to the annual adjustment provisions that affect enforcement of other bilateral steel arrangements. It was not the intent of the Conferees to grant this exemption to make one arrangement permanent and unconditional while all others are subject to annual review. Therefore, the House objects to, and disagrees with the Senate amendment.

The amendment I offer would strike the Senate amendment and add in section 257 of H.R. 3398 as it passed the Senate. That section is a sense of the Congress that copyright protection is essential for computer software and if a nation withdraws such protection or provides for compulsory licensing of software the United States should seek appropriate relief. This provision was inadvertently left out of the conference agreement.

The amendment would also make a conforming correction in the drafting of the judicial review trade reform provisions of the conference agreement to be consistent with a previous change in the House-passed bill. Finally, the amendment I offer would correct a drafting error in the conference agreement concerning the formula for graduating countries from benefits under the generalized system of preferences.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRENZEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 372.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

TANDEM TRUCK SAFETY ACT OF 1984

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2217) to provide for exemptions, based on safety concerns, from certain length and width limitations for commercial motor vehicles, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. SHUSTER. Mr. Speaker, reserving the right to object, I do so in order that my colleague, the gentleman from California, might explain the bill.

Mr. ANDERSON. Mr. Speaker, if the gentleman will yield, S. 2217 as amended by the House would vastly improve safety on our Nation's highways. The amendment as currently drafted would address three key safety areas.

TITLE I

First, I wish to commend the original sponsor of title I of the bill, Congresswoman GERALDINE FERRARO, and the distinguished chairman, the Honorable JAMES HOWARD, and ranking minority member, the Honorable GENE SNYDER of the Public Works and Transportation Committee for their bipartisan support of this essential safety legislation.

Title I of the bill before us today is similar to H.R. 5568, which the House passed on August 6. It will allow States to seek exemptions for specific segments of the Interstate Highway System that they believe cannot safely accommodate the longer, wider trucks which States must now permit on the Interstate System.

When this safety legislation was first introduced, there were many people who did not know that a number of interstate segments, especially in the Northeast, are woefully inadequate by today's design and safety standards. We have made a lot of progress in the past year in making people more aware of this problem, and the approach embodied in the bill before us has been endorsed by the U.S. Conference of Mayors, the American Automobile Association, and the American Association of State Highway & Transportation Officials.

Title I is also supported by the administration, and I want to note that the advice and suggestions offered by the U.S. Department of Transportation have been very helpful and have strengthened the legislation.

Mr. Speaker, the process for seeking exemptions that is spelled out in this title is a reasonable and responsible approach. It does not challenge the new Federal truck size and weight standards. It does not return regulatory authority to the States. It does not provide for the granting of blanket exemptions. It does not impede interstate commerce.

What it does is recognize what we all know to be true—that there is tremendous variation among segments on the Interstate System with respect to age, design features, and traffic volume. It provides a mechanism for carefully considering the concerns of local transportation officials when they believe that an interstate segment may be unsafe for larger trucks.

I want to touch on several provisions that were not in the original House bill, H.R. 5568. One provision would preclude the Secretary of Transportation from adding any Federal-aid highway that was not a part of the designated National System on June 5, 1984, to the designated system without the agreement of the Governor of the State in which the highway is located. In essence, this provision ends future Federal preemption with respect to the Federal-aid system.

A second provision clarifies congressional intent with respect to road segments with lane widths of less than 12 feet. Such road segments may be included in the national network but only if the designation of such a road is consistent with highway safety.

Another provision extends the reasonable access provision to 28½-foot single trailers. However, I would emphasize that States and localities are not prevented from imposing reasonable restrictions based on safety considerations.

Mr. Speaker, this bill is a fair and balanced piece of legislation. It contains provisions sought by the States and cities that will strengthen the Surface Transportation Assistance Act. First and foremost, it provides a means by which the concerns of local officials can be considered when they believe an interstate segment may be unsafe for the larger trucks.

We have provided for consultation and review with respect to designations on the Federal-aid highway systems; we should do no less for the Interstate System.

I would like to make a final comment about title I.

In section 105 of the House substitute, the House accepts the language of the Senate that makes clear that the designated system can include segments on the Federal-aid highway system with lanes less than 12 feet wide. The committee intends that the designation only include highways that can safely accommodate 102-inch wide vehicles. In making the designations, the Secretary also should take into account other factors that he or she deems relevant, such as system connectivity and enhancing the productivity of truck transportation; however, any designation made must be consistent with highway safety.

The House substitute does not include language passed by the Senate that directed the Secretary to take into account "the other purposes of this title." Since title IV of the Surface Transportation Assistance Act of 1982 did not have an explicit purposes section, this language was viewed as confusing. However, it is still the committee's intention that these width provisions be interpreted in light of the overall intent of Congress in enacting the Surface Transportation Assistance Act of 1982.

TITLE II

Title II addresses two key elements of safety. First, it streamlines the regulatory authority of the Secretary of Transportation with respect to the safe operation of commercial motor vehicles; and, by doing so, implements changes long sought by advocates of safety. For example, it broadens the authority of the Federal Government to impose civil penalties for violations of the safety regulations, and reimposes existing civil and criminal penalties at a higher level.

It takes another step toward forging a true Federal/State partnership in enforcing more uniform safety laws. The first step was taken 2 years ago when the Congress passed a State grant program for States that have compatible safety laws. This grant program will provide for enhanced safety by uniting the enforcement efforts of the Federal Government and the States.

It establishes an administrative mechanism at the Department of Transportation for establishing Federal minimal safety standards for all commercial motor vehicles operating in interstate commerce, but only those in interstate commerce. It also provides that that mechanism can be utilized to achieve more uniformity in all safety laws with a strong mandate for enforcing any law that benefits safety. This process when implemented over the next 5 years and thereafter should maximize Government efforts to upgrade the safe operation of commercial motor vehicles on the Nation's highways.

A very important provision in this bill addresses an inequity that was created with the enactment of the Motor Carrier Act of 1980. That legislation was designed to reduce the regulatory structure governing the trucking industry and substantially ease entry into the certificated trucking industry for domestic carriers. That same law though, made it easier for foreign carriers to enter U.S. markets, despite the fact that the Mexican Government virtually prohibits U.S. carriers from operating in their country. Because that dichotomy between the laws and practices of our two Nations was patently unfair to the motor carriers of our country, a provision was included in the Bus Regulatory Reform Act of 1982 placing a moratorium on the issuance of operating authority to foreign carriers, a moratorium that was waived with respect to Canada when the President found that that nation did not discriminate against our carriers. But in the last 2 years, no U.S. operating certificates have been issued to Mexican truckers. And just a few years ago, the President wisely extended the moratorium for another 2 years.

Unfortunately, our initial bill contained loopholes that, well—you could drive a truck through. Exempt carriers were not affected. Private carriers weren't affected. And operations into a commercial zone were not affected.

That Mexican carriers could, legally, utilize these exemptions cries out for the closing of the loopholes. But, to make a bad situation worse, Mexican carriers are coming across the border claiming they are going to drop goods off in the commercial zone. Of course, they drop those goods in the zone, and then they're gone. And not always back to Mexico. Sometimes they go to Los Angeles, to Denver, and to wherever they can get work. Because once they are in the country, they're in. And, though in continuing to operate, they're operating illegally, and enforcement is next to impossible. Of course, the same is true with Mexican operators coming across the border with tomatoes or lettuce. They drop their cargo at a consolidation facility, and off they go.

An important provision of this bill will require all foreign carriers operating in the United States, even private carriers hauling exempt commodities or operating only in a commercial zone, to get operating authority. A precondition of their receipt of such authority is evidence that they meet U.S. safety requirements and have paid all fees and taxes that would be required of a domestic operator. A foreign carrier lacking such a certificate would be denied entry into the country. During imposition of a moratorium on the carrier's home country, no certificate could be issued, and the foreign trucker would be able to operate only in a commercial zone. Any certificate granted, though, would allow, at all times, pickup and delivery in a commercial zone. So, if such a carrier is stopped by a Colorado highway patrolman, and he has no certificate, the patrolman will know he has an illegal operator on his hands. Enforcement will be much simpler than is presently the case. The administration supports this approach.

Mr. Speaker, this provision grows out of hearings held by the Surface Transportation Subcommittee, and has been carefully worked out with the Office of the Special Trade Representative, the State Department, Department of Transportation, and Customs. It is fair. It is reasonable. It has the administration's support. I urge its adoption.

A final comment on title II relates to section 222. It gives the Secretary the authority to reduce minimum insurance levels for farm vehicles. It is a very narrow exception to the general rule, and it may not be used by the Secretary to eliminate any other Federal requirement. Moreover, it does not waive the requirement, it simply means that the levels can be reduced to a level where the Secretary believes the public will be adequately protected.

I urge my colleagues to support these important safety amendments.

Mr. SHUSTER. Mr. Speaker, further reserving the right to object, we strongly support this legislation, and I can also report that the administration supports this legislation. It is vital to improving safety on our roads and highways for all users of our roads and highways.

On a related transportation matter, Mr. Speaker, I would also like to report to the House with deep regret that it appears that this Congress will adjourn without adopting a comprehensive surface transportation bill, and I would emphasize to the House that this House acted responsibly and on June 7 overwhelmingly passed the Surface Transportation Act, but, unfortunately, legislation did not move in the other body and, unfortunately, we never even had the opportunity to go to conference until today.

So in these waning hours, with time running out, we find ourselves in the position of not having a surface transportation bill to improve the highways and the transit systems of America, but the Members of this body should feel that they can return home to their districts knowing that this body acted responsibly and, over 3 months ago, overwhelmingly passed the legislation. It is with deep regret that I say we have not been able to move forward.

At the same time, Mr. Speaker, I would like to acknowledge and commend the American Public Transit Association for the action it took at its annual meeting held here in Washington, DC, in September of this year. Recognizing that the transit needs of the country must be addressed on along-term basis and that current programs are inadquate to meet the growing transit needs of the country, APTA adopted a resolution establishing a Blue Ribbon Task Force to develop a new, comprehensive long-range policy for transit. In its resolution. APTA pledged to work closely with, among others, Congress in developing its recommendations. I welcome their initiative and look forward to working with them on this important project.

Mr. Speaker, I include the full text of the APTA resolution be printed in the Record at this time:

Resolution Adopted by the American Public Transit Association

Meeting Saturday, September 29, 1984 at its Annual Meeting in Washington, D.C., the Board of Directors of the American Public Transit Association adopted the following resolution calling for the creation of a special Blue Ribbon Task Force of industry leaders to develop a comprehensive strategy and action plan to meet the nation's long-range and short-range public transportation needs and funding requirements.

Whereas, public transit is an essential public service, necessary to meet the mobility needs of all our nation's citizens, including the economically disadvantaged, the elderly and disabled; and,

Whereas, public transit is a major component of the nation's public service infrastructure which is vital to the economic growth and stability of our cities, rural areas and the nation as a whole; and,

Whereas, the five-year capital needs of the nation's public transit systems exceed $36 billion, or better than three times the level of authorized federal support and substantially more than is available from state and local government; and,

Whereas, the vitality, effectiveness and efficiency of our public transit systems and services would be seriously threatened by the withdrawal of the federal government from the 20-year intergovernmental partnership supporting transit; and,

Whereas, the policy-makers, managers and suppliers of our nation's public transit systems, along with state and local officials, are united in their dedication to restore a full and meaningful national commitment to public transit;

Now, therefore, be it resolved, that the American Public Transit Association, in order to ensure continued effective and efficient transit services to the public, commits itself and its membership to fully consider and develop a new, comprehensive statement containing:

1. Long-range policy recommendations for the future of public transit in America;
2. A plan of action to guide major decisions to implement these policy recommendations.

Be it further resolved, that the American Public Transit Association establishes, within its membership, a special Blue Ribbon Task Force to carry these recommendations forward in close consultation with Congress, the Administration, the business and industrial community and citizens and representatives of state and local government.

Mr. SHUSTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SHORT TITLE

Sec. 101. This title may be cited as the "Tandem Truck Safety Act of 1984."

EXEMPTION FROM LENGTH REQUIREMENTS

Sec. 102. Section 411 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311) is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from one or both of such subsections.

"(2) Before making such notification, the Governor shall consult with units of local government within that State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section; and

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination, and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Secretary shall exempt such segment from one or both of such subsections. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

EXEMPTION FROM WIDTH REQUIREMENTS

SEC. 103. Section 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection for the purpose of allowing the State to improve a vehicle width limitation of less than 102 inches on such segment.

"(2) Before making such notification, the Governor shall consult with units of local government within the State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accomodate motor vehicles having the width set forth in subsection (a) of this section;

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination, and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Secretary shall exempt such segment from such subsection for the purpose of allowing the State to impose a vehicle width limitation of less than 102 inches on such segment. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity or comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

TITLE II

MISCELLANEOUS AMENDMENTS

SEC. 201. (a) Section 411(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311(a)) is amended—

(1) by striking "No" and inserting in lieu thereof "Except as provided in subsection (i) of this section", no";

(2) by inserting "(other than a segment exempted under subsection (i) of this section)" immediately after "Highways"; and

(3) by striking "Secretary," and inserting in lieu thereof "Secretary of Transportation (hereinafter in this part referred to as the 'Secretary'),".

(b) Section 411(c) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311(c)) is amended by inserting "(other than a segment exempted under subsection (i) of this section)" immediately after "Highways".

(c) Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2312) is amended by inserting "(other than any segment thereof which is exempted under section 411(i) or 416(e) of this title)" immediately after "Highways System".

(d) Section 416(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316(a)) is amended—

(1) by striking "No" and inserting in lieu thereof "Except as provided in subsection (e) of this section, no";

(2) by inserting "(other than a segment exempted under subsection (e) of this section)" immediately after "Highways"; and

(3) by inserting immediately after "more" the second time it appears the following: "or any other qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary determines that such designation is consistent with highway safety and the other purposes of this title".

(e) Section 416(d) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2316(d)) is amended—

(1) by inserting "(other than a segment exempted under subsection (e) of this section)" immediately after "Highways"; and

(2) by striking ", with traffic lanes designed to be a width of twelve feet or more".

REASONABLE ACCESS

SEC. 202. Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2312) is amended by inserting "or for truck tractor single-trailer units of those combination vehicles described in section 411(c) of this title" immediately before the period at the end thereof.

TITLE III

SHORT TITLE

SEC. 301. This title may be cited as the "Motor Carrier Safety Act of 1984".

PURPOSES

SEC. 302. The purposes of this title are to promote the safe operation of commercial motor vehicles in or affecting interstate commerce, to minimize dangers to the health of operators of commercial motor vehicles and other employees whose employment directly affects motor carrier safety, and to assure increased compliance with traffic laws and with the commercial motor vehicle safety and health rules, regulations, standards, and orders issued pursuant to this title.

FINDINGS

SEC. 303. The Congress finds that—

(1) it is the public interest to enhance commerical motor vehicle safety and thereby to reduce highway fatalities, injuries, and property damage;

(2) improved, more uniform commercial motor vehicle safety measures and strenthened enforcement would reduce the number of fatalities and injuries and the level of property damage related to commercial motor vehicle operations;

(3) enhanced protection of the health of commercial motor vehicle operators is in the public interest; and

(4) interested State Governments can provide valuable assistance to the Federal Government in assuring that commercial motor vehicle operations are conducted safely and healthfully.

DEFINITIONS

SEC. 304. For purposes of this title, the term—

(1) "commerce" means (a) trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, or (B) in the case of a commercial motor vehicle transporting passengers, which affects trade, traffic, or transportation between a

place in a State and a place outside of such State;

(2) "commercial motor vehicle" means any self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo—

(A) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

(B) if such vehicle is designed to transport more than 15 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and are transported in quantities requiring placarding under regulations issued by the Secretary;

(3) "employee" means—

(A) driver of a commercial motor vehicle (including, for purposes of this title only, an independent contractor while in the course of personally operating a commercial motor vehicle);

(B) a mechanic;

(C) a freight handler; or

(D) any individual other than an employer: who is employed by a commercial motor carrier and who in the course of this employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States or any State who is acting within the course of such employment;

(4) "employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it in commerce, but such term does not include the United States or any State;

(5) "passenger automobile" means a motor vehicle with motive power, except that the term does not include a multipurpose passenger vehicle, a motorcycle, a bus, or truck, or a trailer designed for carrying 10 persons or less;

(6) "person" means one or more individuals, partnerships, associations, corporations, business trusts, or any other organized group of individuals;

(7) "Secretary" means the Secretary of Transportation; and

(8) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Commonwealth of the Northern Marianas, or a political subdivision thereof.

DUTIES

SEC. 305. Each employer and employee shall comply with the safety and health rules, regulations, standards, and orders issued pursuant to this title which are applicable to his own actions and conduct.

REGULATORY AUTHORITY AND STANDARDS

SEC. 306. (a) The Secretary shall establish and revise such rules, regulations, standards, and orders as may be necessary in order to further the purposes of the title. The Secretary shall, where practicable, consider costs and benefits before establishing or revising rules, regulations, standards, or orders under this title. The Secretary shall not eliminate or modify any existing motor carrier safety rule pertaining to the maintenance, equipment, loading or operation (including routing regulations) of vehicles carrying materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) unless and until an equivalent or more stringent regulation has been promulgated under the Hazardous Materials Transportation Act. Such rules, regulations, standards, and orders shall be directed toward assuring that—

(1) commercial motor vehicles are safely maintained, equipped, loaded, and operated;

(2) the responsibilities imposed upon drivers of commercial motor vehicles do not impair a driver's ability to operate safely;

(3) the physical condition of drivers of commercial motor vehicles is adequate to enable them to drive safely; and

(4) the operation of commercial motor vehicles does not create deleterious effects on the physical condition of such drivers.

(b)(1) The Secretary shall promulgate any such rule or regulation within a period of 18 months after the date of commencement of any proceeding respecting such rule or regulation. If the Secretary determines that any such promulgation will not be completed within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such proceeding. If such rule or regulation has not been promulgated within 18 months after the date of the commencement of any proceeding with respect to such rule or regulation, the Secretary shall supply the Congress with current data regarding the information specified in the preceding sentence, and shall provide the Congress with such information at the end of every 60-day period thereafter during which the proceeding remains incomplete.

(2) All rules, regulations, standards, and orders issued under this section shall be promulgated in accordance with section 553 of title 5, United States Code (without regard to sections 556 and 557 of such title), except that the time periods specified in paragraph (1) of this subsection shall apply to such promulgation.

(c) The Secretary may waive in whole or in part application of any rule, regulation, standard, or order established under this section with respect to any person or class of persons if the Secretary determines that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles. Any waiver permitted under this subsection shall be published in the Federal Register, together with the reasons for such waiver. Any final agency action taken under this section is subject to judicial review, as provided in chapter 7 of title 5, United States Code.

(d) The Secretary, in consultation with the Director of the National Institute for Occupational Safety and Health and the Secretary of Labor, shall undertake a study of health hazards to which employees engaged in the operation of commercial motor vehicles are exposed, and shall develop such materials and information as are necessary to enable such employees to carry out their employment in a place and manner free from recognized hazards that are causing or are likely to cause death or serious physical harm. The study shall include findings regarding the most appropriate method for regulating and protecting the health of operators of commercial motor vehicles. The findings of such study shall be submitted to the Congress within 1 year after the date of enactment of this Act.

(e) The Secretary shall coordinate the activities of Federal agencies to ensure adequate protection of the safety and health of operators of commercial motor vehicles. The Secretary shall attempt to minimize paperwork burdens to assure maximum coordination, and to avoid overlap or the imposition of undue burdens on persons subject to such rules, regulations, standards, and orders.

(f) Section 3102 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall, before prescribing or revising any requirement under this section, consider the costs and benefits of such requirement.".

GENERAL POWERS

SEC. 307. (a) The Secretary may conduct, directly or indirectly, such research, development, demonstrations, and training activities as the Secretary considers appropriate to develop rules, regulations, standards, and orders authorized to be promulgated under section 306 of this title, to design and develop improved enforcement procedures and technologies, and to familiarize affected persons with such rules, regulations, standards, and orders.

(b) In carrying out the Secretary's functions under this title the Secretary is authorized to perform such acts (including conducting investigations and inspections; compiling statistics; making reports; issuing subpenas; requiring production of documents, records, and property; taking depositions; holding hearings; prescribing recordkeeping and reporting requirements; and carrying out and contracting for such research, development, testing, evaluation, and training) as the Secretary determines necessary to carry out the provisions of this title, or rules, regulations, standards, or orders issued pursuant to section 402 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2302). The Secretary may delegate to a State such functions respecting the enforcement (including investigations) of the provisions of this title or rules, regulations, standards, or orders issued pursuant to this title as the Secretary determines appropriate to carry out such provisions.

(c) To carry out the Secretary's inspection and investigation functions under subsection (b) of this section, the Secretary or the Secretary's agent shall, as appropriate, consult with employers and employees and their duly authorized representatives, and shall offer them a right of accompaniment.

DUTY TO INVESTIGATE COMPLAINTS: PROTECTION OF COMPLAINANTS

SEC. 308 (a) The Secretary shall timely investigate any nonfrivolous written complaint alleging that a material violation of any rule, regulation, standard, or order issued under this title is occurring or has occurred within the preceding 60 days. The complainant shall be timely notified of findings resulting from such investigation. The Secretary shall not be required to conduct separate investigations of duplicative complaints.

(b) Notwithstanding the provisions of section 552 of title 5 United States Code, the Secretary shall not disclose the identity of complainants unless it is determined that such disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical measure within the Secretary's authority to assure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss as a result of such disclosure.

PENALTIES

Sec. 309. (a) Section 507 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) The Attorney General, at the request of the Secretary, may bring an action in an appropriate district court of the United States for equitable relief to redress a violation by any person of a provision of section 3102 of this title or the Motor Carrier Safety Act of 1984, or an order or regulation issued under such section or Act. Such district court shall have jurisdiction to determine any such action and may grant such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages."

(b) Section 521(b) of title 49, United States Code, is amended to read as follows:

"(b)(1) If the Secretary finds that a violation of section 3102 of this title or the Motor Carrier Safety Act of 1984, or a violation of a regulation issued under such section or such Act has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the provision which has been violated. The notice shall fix a reasonable time for abatement of the violation, specify the proposed civil penalty, if any, and suggest actions which might be taken in order to abate the violation. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of the Interior's intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

"(2) Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of recordkeeping requirements issued by the Secretary pursuant to section 3102 of this title or the Motor Carrier Safety Act of 1984 shall be liable to the United States for a civil penalty not to exceed $500 for each offense. Each day of a violation of recordkeeping requirements shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for such violations shall not exceed $2,500. If the Secretary determines that a serious pattern of safety violations, other than recordkeeping requirements exists or has occurred, the Secretary may assess a civil penalty not to exceed $1,000 for each offense: *Provided, however,* That the maximum fine for each such pattern of safety violations shall not exceed $10,000. If the Secretary determines that a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, the Secretary may assess a civil penalty not to exceed $10,000 for each offense: Provided, however, That, except for recordkeeping violations, no civil penalty provided under this section shall be assessed against an employee for a violation of this section unless the Secretary determines that such employee's actions constituted gross negligence or reckless disregard for safety, in which case such employee shall be liable for a civil penalty not to exceed $1,000. The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violation, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

"(3) The Secretary may require any violator served with a notice of violation to post a copy of such notice or statement of such notice in such place or places and for such duration as the Secretary may determine appropriate to aid in the enforcement of section 3102 of this title or the Motor Carrier Safety Act of 1984.

"(4) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, before referral to the Attorney General, such civil penalty may be compromised by the Secretary.

"(5)(A) If, upon inspection or investigation, the Secretary determines that a violation, or combination of violations, poses an imminent hazard to safety, the Secretary shall order a vehicle or employee operating such vehicle out of service, or order an employer to cease all or part of the employer's commercial motor vehicle operations. In making any such order, the Secretary shall impose no restriction on any employee or employer beyond that required to abate the hazard. Subsequent to the issuance of the order, opportunity for review shall be provided in accordance with section 554 of title 5, except that such review shall occur not later than 10 days after issuance of such order.

"(B) In this paragraph, 'imminent hazard' means any condition of vehicle, employee, or commercial motor vehicle operations which is likely to result in serious injury or death if not discontinued immediately.

"(6) Any person who knowingly and willfully violates any provision of section 3102 of this title or the Motor Carrier Safety Act of 1984, or a regulation issued under this title or such Act, shal', upon conviction, be subject for each offense for a fine not to exceed $25,000 or imprisonment for a term not to exceed 1 year, or both, except that, if such violator is an employee, the violator shall only be subject to penalty if, while operating a commercial motor vehicle, the violator's activities have led or could have led to death or serious injury, in which case the violator shall be liable, upon conviction, for a fine not to exceed $2,500.

"(7) The Secretary shall promulgate regulations establishing penalty schedules designed to induce timely compliance for persons failing to comply promptly with the requirements set forth in any notices and orders under this subsection.

"(8) Any aggrieved person who, after a hearing, is adversely affected by a final order issued under this section may, within 30 days, petition for review of the order in the United States court of appeals in the circuit wherein the violation is alleged to have occurred or where the violator has his prinicipal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit. Review of the order shall be based on a determination of whether the Secretary's findings and conclusions were supported by substantial evidence, or were otherwise not in accordance with the law. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure or neglect to do so. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Secretary.

"(9) All penalties and fines collected under this section shall be deposited into the Highway Trust Fund.

"(10) In any action brought under this section, process may be served without regard to the territorial limits of the district of the State in which the action is brought.

"(11) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(12) As used in this subsection, the term—

"(A) 'commerce' means (i) trade traffic, or transportation with within the jurisdiction of the United States between a place in a State and a place outside of such State, or (ii) in the case of a commercial motor vehicle transporting passengers, which affects trade, traffic, or transportation between a place in a State and a place outside of such State;

"(B) 'commercial motor vehicle' means any selfpropelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo—

"(i) if such vehicle has a gross vehicle weight rating of 10.001 or more pounds;

"(ii) if such vehicle is designed to transport more than 15 passengers, including the driver; or

"(iii) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and are transported in quantities requiring placarding under regulations issued by the Secretary;

"(C) 'employee' means—

"(i) a driver of a commercial motor vehicle (including, for purposes of this subsection only, an independent contractor while in the course of personally operating a commercial motor vehicle);

"(ii) a mechanic;

"(iii) a freight handler; or

"(iv) any individual other than an employer;

who is employed by a commercial motor carrier and who in the course of this employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States or any State who is acting within the course of such employment;

"(D) 'employer' means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it in commerce, but such term does not include the United States or any State:

"(E) 'person' means one or more individuals, partnerships, associations, corporations, business trusts, or any other organized group of individuals; and

"(F) 'State' means a Sate of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Com-

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monwealth of the Northern Marianas, or a political subdivision thereof.

"(13) The provisions of this subsection shall not affect in any way any provision of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) or any regulation promulgated by the Secretary under such Act.".

(c) The Secretary shall conduct a study of the effectiveness of the civil and criminal penalties established under this title in deterring violations of the commercial motor vehicle safety regulations issued under this title and in effectively prosecuting such violations when they occur. Such study shall examine the effectiveness of penalties in effect before the date of enactment of this Act in comparison to the penalties established by this title. Such study shall also investigate the need for, and make recommendations concerning, increased fine levels for civil and criminal penalties, and the need for additional categories of civil and criminal penalties to deter further and prosecute effectively violations of such commercial motor vehicle safety regulations. The Secretary shall submit to Congress a report on the findings of this study, together with legislative recommendations, not later than 2 years after the date of enactment of this Act.

LITIGATION AUTHORITY

SEC. 310. Section 413 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2313) is amended by striking "The Secretary, or, on" and inserting in lieu thereof "On".

STATE REGULATIONS

SEC. 311. (a) Except as may otherwise be provided in this title or any other Act, all laws, rules, regulations, standards, and orders relating to commercial motor vehicle safety shall, to the extent necessary to promote public safety and reduce fatalities, be nationally uniform, to the extent practicable. A State may adopt or continue in effect any law, rule, regulation, standard, or order relating to commercial motor vehicle safety, other than hours-of-service regulations applicable to intrastate commerce, until the Secretary, pursuant to the provisions of this section, has adopted a new rule, regulation, standard, or order, or has continued in effect an existing Federal regulation which specifically addresses the same concern for promotion of public safety and the reduction of fatalities as such State requirements.

(b) Within 1 month after the date of enactment of this Act, the Secretary shall issue initial guidelines to assist the States in compiling and submitting materials related to commercial motor vehicle safety laws, rules, regulations, standards, or orders. Within nine months after the date of enactment of this Act, the Secretary shall collect from each State, and the States shall assist the Secretary in collecting each law, rule, regulation, standard and order for commercial motor vehicle safety which the State has adopted and has in effect.

(c)(1) A study of the laws, rules, regulations, standards and orders submitted under subsection (b) of this section shall be undertaken by a panel established by the Secretary for that purpose. The Secretary shall be the Chairman of the panel. In addition to the Secretary, the panel shall consist of 14 individuals, 7 of whom shall be representatives of State and regional interests and 7 of whom shall be representatives of diverse business, consumer and safety interests regarding commercial motor vehicles. The Secretary shall select these individuals on the basis of their knowledge, expertise or experience regarding commercial motor vehicle safety from lists of qualified individuals submitted to the Secretary by the Committee on Commerce, Science, and Transportation in the Senate and the Committee on Public Works and Transportation in the House of Representatives. Each such list shall consist of not less than 20 names of individuals qualified to serve on the panel Members of the panel shall receive no compensation, but shall, in accordance with section 5703 of title 5, United States Code, be entitled to reimbursement for travel or transportation expenses incurred in the performance of responsibilities as a member of the panel.

(2) The study required by paragraph (1) of this subsection shall consider the material collected by the Secretary from the States under subsection (b) of this section and shall identify those laws, rules, regulations, standards, and orders for commercial motor vehicle safety which are inconsistent with this chapter. In addition, the study shall consider those instances where inconsistency of such laws, rules, regulation, standards and orders is necessary or desirable. The study shall also evaluate the need, if any, for Federal assistance to States to enable States to enforce laws, rules, regulations, standards, and orders for commercial motor vehicles safety that are nationally uniform.

(3) Not later than eighteen months after the date of enactment of this Act, the Secretary shall submit the results of such study to the Congress, and shall make such results available for public inspection.

(d)(1) Within six months after the completion of the study required by subsection (c) of this section, the Secretary shall commence a rulemaking proceeding to promulgate rules regarding commercial motor vehicle safety. If the Secretary finds on the basis of such study that an existing Federal commercial motor vehicle safety regulation better serves the purposes of this title than would a new regulation, the Secretary shall continue such existing regulation in effect. Any rules promulgated under this paragraph shall be based upon such study, and any such rule shall only be promulgated if the Secretary finds that it does not adversely affect any State law, rule, regulation, standard, or order—

(A) for which there is a compelling local safety need; and

(B) which does not unduly burden interstate commerce.

(2) Any such rule shall be promulgated in accordance with section 553 of title 5, United States Code, except that the Secretary shall afford interested persons an opportunity for a hearing on the record.

(e)(1) After the promulgation of any rule under subsection (d) of this section, any State may petition the Secretary for a waiver from application to the State of such rule. The Secretary shall grant such waiver as expeditiously as possible, unless the Secretary finds that—

(A) there is no justifiable safety need within such State for such safety rule; or

(B) the grant of such waiver will unduly burden interstate commerce.

(2) The decision to grant or deny a petition for a waiver submitted under this section shall only be made after the Secretary has afforded the relevant State an opportunity for a hearing on the record.

(f)(1) Not later than 60 days after a rule is promulgated under subsection (d) or action is taken regarding a waiver under subsection (e) of this section, any person adversely affected by such rule or action may file with the United States court of appeals for the District of Columbia or for the circuit in which such person resides or has his principal place of business a petition for judicial review of such rule or action.

(2) Upon the filing of a petition under paragraph (1) of this subsection, the court shall have jurisdiction to review such rule or action in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided in such chapter. Such rule or action shall be affirmed unless the Secretary's findings under subsections (d) and (e) of this section are supported by substantial evidence on the record taken as a whole.

(3) The judgment of the court affirming or setting aside, in whole or in part, any such rule or action shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(4) The remedies provided for in this subsection shall be in addition to and not in lieu of any other remedies provided by law.

(g) Nothing in this title shall affect existing hour-of-service regulations of any State applying to commercial motor vehicle operations occurring wholly within that State, unless the Secretary affirmatively finds upon review of a State's hour-of-service regulations that such regulations—

(1) materially diminish commercial motor vehicle safety or the health and safety of employees;

(2) are not required by compelling local conditions; or

(3) unduly burden interstate commerce. If the Secretary makes such an affirmative determination, the Secretary may require such State to adopt Federal hour-of-service regulations.

(h) The Secretary shall conduct a study of the safety performance of commercial motor vehicles operating in interstate commerce. This study shall examine the effectiveness of individual State regulations governing such transportation in promoting safety in commercial motor vehicle safety operations. Such study shall also investigate the need to subject such transportation to the Federal commercial motor vehicle safety regulations, either in whole or in part. The Secretary shall submit to Congress a report on the findings of this investigation and study not later than two years after the date of enactment of this Act.

INSPECTION

SEC. 312. (a) Upon the instruction of a duly authorized State or Federal enforcement official, each commercial motor vehicle shall be required to pass an inspection of all safety equipment required under part 393 of subchapter B of chapter 3 of title 49. Code of Federal Regulations.

(b) The Secretary shall, by rule, establish Federal standards for inspections of commercial motor vehicles no less often than annually, and retention by employers of records of such inspections. Such standards are to be considered minimum Federal standards.

(c) Nothing in this title shall be construed as preventing any State or voluntary group of States from imposing more stringent standards for use in their own periodic roadside inspection programs.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall initiate a rulemaking to afford interested parties an opportunity to comment on such part 393 and the inspection or retention procedures established pursuant to subsection (b) of this section, Amendments to the regulations shall be issued and published in the Federal Register not later than 1 year after such rulemaking is initiated. The amended regulations shall become effective on the date on which they are published in the Federal Register.

(e) A periodic inspection of a commercial motor vehicle in accordance with Federal standards established pursuant to subsection (b) of this section shall be recognized as adequate in every State for the period of such inspection. The provisions of this subsection shall not be deemed to prohibit a State from making random inspections of commercial motor vehicles.

CERTIFICATION OF SAFETY FITNESS

Sec. 313. (a) The Secretary, in cooperation with the Interstate Commerce Commission, shall by rule, after notice and opportunity for comment, establish a procedure to determine the safety fitness of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers of property or passengers under sections 10922 and 10923 of title 49, United States Code. Such procedures shall include—

(1) specific initial and continuing requirements to be met by such persons to prove safety fitness;

(2) a means of determining whether such persons meet the safety fitness requirements specified under paragraph (1); and

(3) specific time deadlines for action by the Department of Transportation and the Interstate Commerce Commission in making fitness determinations.

(b) Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a copy of the procedure established under subsection (a) of this section.

(c) The rules adopted under this section shall supersede all rules in effect on the date of enactment of this Act regarding safety fitness and safety rating of motor carriers.

(d) Notwithstanding any other provision of law, the Interstate Commerce Commission shall find any applicant for authority to operate as a motor common or contract carrier to be unfit if the applicant does not meet the safety fitness requirements established under subsection (a) of this section, and shall deny such application.

HEAVY TRUCK RESEARCH

Sec. 314. (a) The Secretary shall undertake a comprehensive study of safety characteristics of heavy trucks, the unique problems related to heavy trucks, and the manner in which such trucks are driven. Such study shall include an examination of the handling, braking, stability, and crashworthiness of heavy trucks, and an examination of the programs and needs of enforcement agencies to assure compliance with traffic laws by commercial motor vehicle drivers. Not later than September 30, 1985, the Secretary shall submit to the Congress a report on the findings of such study.

(b) There are authorized to be appropriated for fiscal years 1985 and 1986 such sums as may be necessary to conduct the research required under subsection (a) of this section.

TRUCK OCCUPANT PROTECTION

Sec. 315. (a) The Secretary shall make a full investigation and study of crash protection for truck occupants. Such study shall examine potential and known hazards to truck occupants and means of improving truck-occupant safety. This study shall also include potential performance standards to be met by truck manufacturers. The Secretary shall submit to Congress a report on the findings of this investigation and study not later than 1 year after the date of enactment of this Act.

(b) There are authorized to be appropriated for fiscal years 1985 and 1986 such sums as may be necessary to undertake the study required by subsection (a) of this section.

STUDY OF SAFETY-RELATED DEVICES

Sec. 316. (a) The Secretary shall conduct a study of the effectiveness of existing regulations regarding emergency warning devices required to be carried on buses, trucks, truck-tractors, and motor-driven vehicles which are involved in emergency situations. Such study shall also investigate the potential costs and benefits of requiring passenger automobile operators to carry emergency warning devices, and shall examine the relative benefits of various types of warning devices in enhancing highway safety. The Secretary shall submit to the Congress a report containing the findings of this study not later than 6 months after the date of enactment of this Act.

(b) There are authorized to be appropriated for fiscal years 1985 and 1986 such sums as may be necessary to undertake the study required by this section.

OVERSIGHT

Sec. 317. The appropriate authorizing Committees of the Congress shall conduct periodic oversight hearings on the effects of this title no less often than annually for the first 3 years following the date of enactment of this Act, to insure that this title is being implemented according to congressional intent and the purposes of this title.

RELATIONSHIP TO OTHER LAW

Sec. 318. The provisions of this title shall not affect in any way any provision of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) or any regulation promulgated by the Secretary under such Act.

AMENDMENT TO MOTOR CARRIER ACT OF 1980

Sec. 319. Section 30(b)(3) of the Motor Carrier Act of 1980 (Public Law 96-296; 94 Stat. 821) is amended—

(1) by striking "and" immediately before "(B)"; and

(2) by inserting immediately before the period at the end thereof the following: ", and (C) in the case of any agricultural vehicle transporting any such material or substance in interstate commerce other than in bulk, the Secretary, by regulation, may reduce such amount if the Secretary finds that such reduction will not adversely affect public safety".

(b) Section 30(g) of such Act is amended—

(1) by redesignating paragraphs (1), (2) and (3) as paragraphs (2), (3) and (4), respectively; and

(2) by inserting immediately before paragraph (1), as so redesignated, the following new paragraph:

"(1) agricultural vehicle" means any vehicle which (A) is designed or adapted and used exclusively for agricultural purposes, (B) is operated by a motor private carrier (as such term is defined in section 10102(15) of title 49, United States Code), and (C) is only incidentally operated on the highways;".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ANDERSON

Mr. ANDERSON. Mr. Speaker, I offer an amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. Anderson: Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I

SHORT TITLE

Sec. 101. This title may be cited as the "Tandem Truck Safety Act of 1984".

EXEMPTION FROM LENGTH REQUIREMENTS

Sec. 102. Section 411 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311) is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after making the consultation specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from one or both of such subsections.

"(2) Before making such notification, the Governor shall consult with units of local government within the State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section; and

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Secretary shall exempt such segment from one of both such subsections. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

EXEMPTION FROM WIDTH REQUIREMENTS

SEC. 103. Section 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on such segment.

"(2) Before making such notification, the Governor shall consult with units of local government within the State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the width set forth in subsection (a) of this section;

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Secretary shall exempt such segment from such subsection for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on such segment. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

CONFORMING AMENDMENTS

SEC. 104. (a) Section 411(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(a)) is amended—

(1) by striking out "No" and inserting in lieu thereof "Except as provided in subsection (i) of this section, no";

(2) by inserting "(other than a segment exempted under subsection (i) of this section)" after "Highways"; and

(3) by striking out "Secretary," and inserting in lieu thereof "Secretary of Transportation (hereinafter in this part referred to as the 'Secretary'),".

(b) Section 411(c) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 3211(c)) is amended by inserting "(other than a segment exempted under subsection (i) of this section)" after "Highways".

(c) Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2312) is amended by inserting "(other than any segment thereof which is exempted under section 411(i) or 416(e) of this title)" after "Highway System".

(d) Section 416(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316(a)) is amended—

(1) by striking out "No" and inserting in lieu thereof "Except as provided in subsection (e) of this section, no"; and

(2) by inserting "(other than a segment exempted under subsection (e) of this section)" after "Highways".

(e) Section 416(d) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316(d)) is amended—

(1) by inserting "(other than a segment exempted under subsection (e) of this section)" after "Highways"; and

(2) by striking out ", with traffic lanes designed to be a width of twelve feet or more".

DESIGNATION OF HIGHWAYS SUBJECT TO WIDTH LIMITATION

SEC. 105. Section 416(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316(a)) is amended—

(1) by inserting after "more" the second place it appears the following: ", or any other qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary determines that such designation is consistent with highway safety"; and

(2) by adding at the end of such section the following new sentence: "After the date of the enactment of this sentence, any Federal-aid highway (other than any Interstate highway) which was not designated under this subsection on June 5, 1984, may be designated under this subsection only with the agreement of the Governor of the State in which the highway is located.".

REASONABLE ACCESS

SEC. 106. Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2312) is amended—

(1) by inserting "(a)" after "Sec. 412."; and

(2) by striking out the period at the end thereof and inserting in lieu thereof the following: "and for any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28½ feet and which generally operates as part of a vehicle combination described in section 411(c) of this Act.

"(b) Nothing in this section shall be construed as preventing any State or local government from imposing any reasonable restriction, based on safety considerations, on any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28½ feet and which generally operates as part of a vehicle combination described in section 411(c) of this Act.".

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Motor Carrier Safety Act of 1984".

PURPOSES

SEC. 202. The purposes of this title are to promote the safe operation of commercial motor vehicles, to minimize dangers to the health of operators of commercial motor vehicles and other employees whose employment directly affects motor carrier safety, and to assure increased compliance with traffic laws and with the commercial motor vehicle safety and health rules, regulations, standards, and orders issued pursuant to this Act.

FINDINGS

SEC. 203. The Congress finds that—

(1) it is in the public interest to enhance commercial motor vehicle safety and thereby to reduce highway fatalities, injuries, and property damage;

(2) improved, more uniform commercial motor vehicle safety measures and strengthened enforcement would reduce the number of fatalities and injuries and the level of property damage related to commercial motor vehicle operations;

(3) enhanced protection of the health of commercial motor vehicle operators is in the public interest; and

(4) interested State governments can provide valuable assistance to the Federal Government in assuring that commercial motor vehicle operations are conducted safely and healthfully.

DEFINITIONS

SEC. 204. For purposes of this title, the term—

(1) "commercial motor vehicle" means any self-propelled or towed vehicle use on highways in interstate commerce to transport passengers or property—

(A) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

(B) if such vehicle is designed to transport more than 15 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) and are transported in a quantity requiring placarding under regulations issued by the Secretary under such Act;

(2) "employee" means—

(A) an operator of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

(B) a mechanic;

(C) a freight handler; and

(D) any individual other than an employer;

who is employed by an employer and who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any State, or any political subdivision of a State who is acting within the course of such employment;

(3) "employer" means any person engaged in a business affecting interstate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any State, or any political subdivision of a State;

(4) "interstate commerce" means trade, traffic, or transportation in the United States which is between a place in a State and a place outside of such State (including a place outside of the United States) or is between two places in a State through another State or a place outside of the United States;

(5) "intrastate commerce" means any trade, traffic, or transportation in any State which is not described in paragraph (4);

(6) "person" means any individual, partnership, association, corporation, business trust, and any other organized group of individuals;

(7) "regulation" includes any rule, standard, and order;

(8) "Safety Panel" means the Commercial Motor Vehicle Safety Regulatory Review Panel established under section 209 of this Act;

(9) "Secretary" means the Secretary of Transportation;

(10) "State" means a State of the United States and the District of Columbia and, for purposes of sections 206, 207, 208, 210, and 218, includes a political subdivision of a State;

(11) "State law" includes any law enacted or adopted by a political subdivision of a State;

(12) "State regulation" includes any regulation issued by a political subdivision of a State; and

(13) "United States" means the 50 States and the District of Columbia.

DUTIES

SEC. 205. Each employer and employee shall comply with regulations pertaining to commercial motor vehicle safety issued by the Secretary under this title which are applicable to his or her own actions and conduct.

FEDERAL REGULATIONS

SEC. 206. (a) Not later than 18 months after the date of the enactment of this Act, the Secretary shall issue regulations pertaining to commercial motor vehicle safety. Such regulation shall establish minimum Federal safety standards for commercial motor vehicles and shall, at a minimum, ensure that—

(1) commercial motor vehicles are safely maintained, equipped, loaded, and operated;

(2) the responsibilities imposed upon operators of commercial motor vehicles do not impair their ability to operate such vehicles safely;

(3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate such vehicles safely; and

(4) the operation of commercial motor vehicles does not have deleterious effects on the physcial condition of such operators.

(b) The Secretary shall not eliminate or modify any existing motor carrier safety rule pertaining exclusively to the maintenance, equipment, loading or operation (including routing regulations) or vehicles carrying materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) unless and until an equivalent or more stringent regulation has been promulgated under the Hazardous Materials Transportation Act.

(c)(1) All regulations under this section shall be issued in accordance with section 553 of title 5, United States Code (without regard to sections 556 and 557 of such title), except that the time periods specified in this subsection shall apply to the issuance of such regulations.

(2) Before issuing such regulations, the Secretary shall, to the extent practicable and consistent with the purposes of this Act, consider (A) costs and benefits, and (3) State laws and regulations pertaining to commercial motor vehicle safety in order to minimize unnecessary preemption of such State laws and regulations under this Act.

(d) If the Secretary determines that any proceeding initiated to issue any regulation under this section will not be completed within 18 months after the date of the enactment of this Act, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date for any such proceeding. The Secretary shall transmit to the Congress current data regarding the information specified in the preceding sentence at the end of every 60-day period thereafter during which any such proceeding remains incomplete.

(e) If the Secretary does not issue regulations pertaining to commercial motor vehicle safety in accordance with this section, regulations pertaining to commercial motor vehicle safety which the Secretary issued before such date of enactment and in effect on such date of enactment shall, for purposes of this title, be deemed to be regulations issued by the Secretary under this section.

(f) After notice and an opportunity for comment, the Secretary may waive, in whole or in part, application of any regulation issued under this section with respect to any person or class of persons if the Secretary determines that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles. Under this subsection, the Secretary shall waive application of the regulations issued under this section with respect to schoolbuses, as defined in section 102(14) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391(14)), unless the Secretary determines that making such regulations applicable to such schoolbuses is necessary for public safety taking into account all Federal and State laws applicable to such schoolbuses. Any waiver authorized under this subsection shall be published in the Federal Register, together with the reasons for such waiver.

(g) Any final agency action taken under this section shall be subject to judicial review under chapter 7 of title 5, United States Code.

(h) Section 3102 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Before prescribing or revising any requirement under this section, the Secretary shall consider the costs and benefits of such requirement.".

SUBMISSION OF STATE REGULATIONS FOR REVIEW

SEC. 207. (a) Any State which enacts, adopts, issues, or has in effect any law or regulation pertaining to commercial motor vehicle safety and is interested in having in effect and enforcing such law or regulation after the last day of the 60-month period beginning on the date of the enactment of this Act shall, before the last day of the 6-month period beginning on such date of enactment, submit to the Secretary and the Safety Panel a copy of such law or regulation.

(b) Any State which enacts, adopts, or issues any law or regulation pertaining to commercial motor vehicle safety after the last day of the 6-month period beginning on the date of the enactment of this Act shall (immediately after such enactment, adoption, or issuance) submit to the Secretary and the Safety Panel a copy of such law or regulation.

(c) Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue initial guidelines to assist the States in compiling and submitting State laws and regulations and other information under this section.

(d) As soon as practicable but not later than such time as the Safety Panel may establish, any State which submits a law or regulation under this section to the Safety Panel—

(1) shall indicate, in writing, to the Safety Panel if such law or regulation—

(A) has the same effect as;

(B) is less stringent than; or

(C) additional to or more stringent than;

any regulation issued by the Secretary under section 6; and

(2) shall submit to the Safety Panel such other information as the Safety Panel or the Secretary may require to carry out the objectives of this title.

(e) If any State fails to submit any State law or regulation pertaining to commercial motor vehicle safety in accordance with this section, the Safety Panel shall analyze the laws and regulations of such State and determine which of such State's laws and regulations pertain to commercial motor vehicle safety.

REVIEW AND PREEMPTION OF STATE REGULATIONS

SEC. 208. (a) After the last day of the 60-month period beginning on the date of the enactment of this Act, no State may have in effect or enforce with respect to commercial motor vehicles any State law or regulation pertaining to commercial motor vehicle safety which the Secretary finds under this section may not be in effect and enforced.

(b)(1) Not later than 18 months after the date of the enactment of this Act and annually thereafter, the Safety Panel shall analyze the laws and regulations of each State and determine which of such laws and regulations pertain to commercial motor vehicle safety.

(2) Within 12 months after the date on which the Secretary issues any regulation under section 206 or within 12 months after the date on which a State law or regulation is determined under paragraph (1) to pertain to commercial motor vehicle safety, whichever is later, the Safety Panel—

(A) shall determine if such law or regulation—

(i) has the same effect as;

(ii) is less stringent than; or

(iii) is additional to or more stringent than;

the regulation issued by the Secretary under section 206; and

(B) shall determine with respect to any State law or regulation which is determined under subparagraph (A) to be additional to or more stringent than the regulation issued by the Secretary under section 206 if—

(i) there is no safety benefit associated with such State law or regulation;

(ii) such State law or regulation is incompatible with the regulation issued by the Secretary under section 206; or

(iii) enforcement of such State law or regulation would be an undue burden on interstate commerce; and

(C) shall notify the Secretary of the determinations made under this subsection with respect to such State law or regulation.

(c)(1) The Secretary shall review each State law and regulation pertaining to commercial motor vehicle safety. Within 18 months after the date the Secretary is notified by the Safety Panel of a determination regarding a State law or regulation under subsection (b), the Secretary (A) shall conduct a rulemaking proceeding to determine in accordance with the provisions of this subsection whether or not such law or regulation may be in effect and enforced with respect to commercial motor vehicles, and (B) shall issue a final rule in such rulemaking proceeding.

(2) If the Secretary finds that the State law or regulation has the same effect as a regulation issued by the Secretary under section 206, the State law or regulation may be in effect and enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on the date of the enactment of this Act.

(3) If the Secretary finds that the State law or regulation is less stringent than a regulation issued by the Secretary under section 206, the State law or regulation shall not have effect and be enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on the date of the enactment of this Act.

(4) If the Secretary finds that the State law or regulation is additional to or more stringent than a regulation issued by the Secretary under section 206, the State law or regulation may be in effect and enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on the date of the enactment of this Act; except that if the Secretary finds that—

(A) there is no safety benefit associated with such State law or regulation;

(B) such State law or regulation is incompatible with the regulation issued by the Secretary under section 6; or

(C) enforcement of such State law or regulation would be an undue burden on interstate commerce;

such State law or regulation shall not have effect and be enforced with respect to commercial motor vehicles after the last day of such 60-month period.

(5)(A) In making any determination with respect to any State law or regulation under this subsection, the Secretary shall give great weight to the corresponding determination made by the Safety Panel with respect to such State law or regulation under subsection (b).

(b) In determining under paragraph (4) whether or not a law or regulation of a State will unduly burden interstate commerce, the Secretary may consider the effect upon interstate commerce of implementation of such law or regulation along with implementation of all similar laws and regulations of other States.

(d)(1) Any person (including any State) may petition the Secretary for a waiver from a determination of the Secretary that a State law or regulation may not be in effect and enforced under this section. The Secretary shall grant such waiver, as expeditiously as possible, if such person demonstrates to the satisfaction of the Secretary that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles.

(2) The decision to grant or deny a petition for a waiver submitted under this subsection shall only be made after the Secretary has afforded the petitioner an opportunity for a hearing on the record.

(e) The Secretary may consolidate rulemaking proceedings under this section if the Secretary determines that such consolidation will not adversely affect any party to any of such proceedings.

(f) Not later than 10 days after making a determination under subsection (c) that a State law or regulation may not be in effect and enforced, the Secretary shall notify, in writing, such State of such determination.

(g)(1) Not later than 60 days after the Secretary makes a determination under subsection (c) with respect to a State law or regulation or grants or denies a petition for a waiver under subsection (d), any person (including any State) adversely affected by such determination or the grant or denial of such petition may file, with the United States court of appeals for the District of Columbia or for the circuit in which such person resides or has his principal place of business a petition for judicial review of such determination or the grant or denial of such petition.

(2) Upon the filing of a petition under paragraph (1) of this subsection, the court shall have jurisdiction to review in accordance with chapter 7 of title 5, United States Code, such determination or the grant or denial of the petition for such waiver and to grant appropriate relief, including interim relief, as provided in such chapter.

(3) The judgment of the court affirming or setting aside, in whole or in part, any such determination or the grant or denial of the petition for such waiver shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(4) The remedies provided for in this subsection shall be in addition to and not in lieu of any other remedies provided by law.

(h) The Secretary may extend, for an additional period not to exceed 12 months, the 60-month period referred to in section 207(a) and subsections (a) and (c) of this section.

(i) After the last day of the 48-month period beginning on the date of the enactment of this Act, the Secretary, on his or her own initiative or on petition of any interested person (including any State), may initiate a rulemaking proceeding to review under this section any State law or regulation pertaining to commercial motor vehicle safety.

COMMERCIAL MOTOR VEHICLE SAFETY REGULATORY REVIEW PANEL

SEC. 109. (a) As soon as practicable after the date of enactment of this Act, the Secretary shall establish a panel to analyze and review State laws and regulations under sections 207 and 208 of this Act. The panel established under this section shall be known as the "Commercial Motor Vehicle Safety Regulatory Review Panel".

(b) The Safety Panel shall—

(1) carry out those duties designated to be carried out by the Safety Panel under sections 207 and 208 of this Act;

(2) conduct a study—

(A) to evaluate the need, if any, for any additional Federal assistance to the States to enable the States to enforce the regulations issued by the Secretary under section 206; and

(B) to determine other methods of furthering the objectives of this title; and

(3) make recommendations to the Secretary based on the results of such study.

(c) The Safety Panel shall be composed of 15 members as follows:

(1) The Secretary or his or her delegate.

(2) Seven individuals appointed by the Secretary from among persons who represent the interests of States and political subdivisions thereof and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

(3) Seven individuals appointed by the Secretary from among persons who represent the interests of business, consumer labor, and safety groups and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

The Secretary shall select the individuals to be appointed under this subsection on the basis of their knowledge, expertise, or experience regarding commercial motor vehicle safety. Half of such appointments shall be made from names submitted by the Committee on Commerce, Science, and Transportation of the Senate, and the other half of such appointments, from names submitted by the Committee on Public Works and Transportation of the House of Representatives. Each of such committees shall submit to the Secretary the names of twenty individuals qualified to serve on the Safety Panel.

(d)(1) A vacancy in the Safety panel shall not affect its powers but shall be filled in the manner in which the original appointment was made.

(2) Eight members of the Safety Panel shall constitute a quorum, but the Council may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

(3) The Chairman of the Safety Panel shall be the Secretary.

(4) The Safety Panel shall meet at the call of the Chairman or a majority of its members.

(5) Members of the Safety Panel shall be appointed for a term of seven years.

(6) Members of the Safety Panel shall serve without pay, except that they shall receive per diem and travel expenses in accordance with section 5703 of title 5, United States Code.

(e) Upon request of the Safety Panel, the Secretary shall detail such of the personnel of the Department of Transportation to the Safety Panel as may be necessary to assist the Safety Panel in carrying out its duties under this title.

(f) Upon request of the Safety Panel, the Secretary shall provide such office space, supplies, equipment, and other support services to the Safety Panel and its staff as may be necessary for the Safety Panel to carry out its duties under this title.

(g) The Safety Panel or any member authorized by the Safety Panel may, for the purpose of carrying out the duties of the Safety Panel under this title, hold such hearings, sit and act at such time and places, take such testimony, and take such other actions as the Safety Panel or such member may deem advisable to carry out the duties of the Safety Panel under this title. Any member of the Safety Panel may administer oaths or affirmations to witnesses appearing before the Safety Panel or before such member.

(h) Subject to such rules as the Safety Panel may prescribe, the Chairman of the Safety panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

INSPECTION

SEC. 210. (a) Upon the instruction of a duly authorized State or Federal enforcement official, each commercial motor vehicle shall be required to pass an inspection of all safety equipment required under part 393 of subchapter B of chapter III of title 49, Code of Federal Regulations.

(b) The Secretary shall, by rule, establish Federal standards for inspections of commercial motor vehicles and retention by employers of records of such inspections. Such standards shall provide for annual or more frequent inspections of commercial motor vehicles unless the Secretary finds that another inspection system is as effective as an annual or more frequent inspection system. For purposes of this title, such standards shall be deemed to be regulations issued by the Secretary under section 206.

(c) Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking to afford interested parties an opportunity to comment on such part 393 and the inspection and retention procedures established pursuant to subsection (b) of this section. Amendments to the regulations shall be issued and pubished in the Federal Register not later than one year after such rulemaking is initiated. The amended regulations shall become effective on the date on which they are published in the Federal Register.

(d)(1) Except as provided in paragraph (2), nothing in section 402 of the Surface Transportation Assistance Act of 1982 or section 208 or any other provisions of this title shall be construed as—

(A) preventing any state or voluntary group of States from imposing more stringent standards for use in their own periodic roadside inspection programs of commercial motor vehicles;

(B) preventing any State from having in effect and enforcing a program for inspection of commercial motor vehicles which the Secretary determines is as effective as the Federal standards established under subsection (b);

(C) preventing any State from having in effect and enforcing a program for inspection of commercial motor vehicles which meets the requirements for membership in the Commercial Vehicle Safety Alliance as such requirements were in effect on the date of the enactment of this Act; and

(D) requiring any State which has in effect and is enforcing a program described in subparagraph (B) or (C) to enforce any Federal standard established under subsection (b) or to adopt any provision pertaining to inspection of commercial motor vehicles in addition to such program in order to comply with such Federal standards.

(2) If, after notice and an opportunity for a hearing, the Secretary determines that any State which has in effect and is enforcing a program described in paragraph (1)(C) of this subsection is not enforcing such program in a manner which achieves the objectives of this section, and if, after making such determination, the Secretary provides such State with a six month period in which to improve the enforcement of such program to achieve the objectives of this section, the Federal standards established under subsection (b) shall preempt such program with respect to the inspection of commercial motor vehicles in such State and such program shall not be in effect and enforced with respect to such vehicles.

(e) A periodic inspection of a commercial motor vehicle in accordance with the Federal standards established under subsection (b) or in accordance with a program described in subparagraph (B) or (C) of subsection (d)(1) which is in effect and being enforced shall be recognized as adequate in every State for the period of such inspection. The provisions of this subsection shall not be deemed to prohibit a State from making random inspections of commercial motor vehicles.

(f) The Federal standards established under subsection (b) shall have no effect and shall not be enforced with respect to the inspection of commercial motor vehicles in any State which has in effect and is enforcing a program described in subparagraph (B) or (C) of subsection (d)(1) if the Secretary determines that such Federal standards not having effect and being enforced with respect to such inspection is in the public interest and consistent with public safety.

POWERS OF THE SECRETARY

SEC. 211. (a) The Secretary may conduct, directly or indirectly, such studies and such development, demonstration, and training activities as the Secretary considers appropriate to develop regulations authorized to be issued under section 206 of this title, to design and develop improved enforcement procedures and technologies, and to familiarize affected persons with such regulations.

(b) In carrying out the Secretary's functions under this title, the Secretary is authorized to perform such acts (including conducting investigations and inspections; compiling statistics; making reports; issuing subpenas; requiring produciton of documents, records, and property; taking depositions; holding hearings; prescribing recordkeeping and reporting requirements; and carrying out and contracting for studies, development, testing, evaluation, and training) as the Secretary determines necessary to carry out the provisions of this title, or regulations issued pursuant to section 402 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2302). The Secretary may delegate to a State which is receiving a grant under such section such functions respecting the enforcement (including investigations) of the provisions of this title and regulations issued under this title as the Secretary determines appropriate to carry out such provisions and regulations.

(c) To carry out the Secretary's inspection and investigation functions under subsection (b) of this section, the Secretary or the Secretary's agent shall, as appropriate, consult with employers and employees and their duly authorized representatives, and shall offer them a right of accompaniment.

DUTY TO INVESTIGATE COMPLAINTS; PROTECTION OF COMPLAINANTS

SEC. 212. (a) The Secretary shall timely investigate any nonfrivolous written complaint alleging that a substantial violation of any regulation issued under this title is occurring or has occurred within the preceding 60 days. The complainant shall be timely notified of findings resulting from such investigation. The Secretary shall not be required to conduct separate investigations of duplicative complaints.

(b) Notwithstanding the provisions of section 552 of title 5, United States Code, the Secretary shall not disclose the identity of complainants unless it is determined that such disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical measure within the Secretary's authority to assure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss as a result of such disclosure.

PENALTIES

SEC. 213. (a) Section 507 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) and (d), and any references thereto, as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) The Attorney General, at the request of the Secretary, may bring an action in a appropriate district court of the United States for equitable relief to redress a violation by any person of a provision of section 3102 of this title or the Motor Carrier Safety Act of 1984, or an order or regulation issued under such section or Act. Such district court shall have jurisdiction to determine any such action and may grant such relief as is necessary of appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.".

(b) Section 521(b) of title 49, United States Code, is amended to read as follows:

"(b)(1) If the Secretary finds that a violation of section 3102 of this title or the Motor Carrier Safety Act of 1984, or a violation of a regulation issued under such section or Act, has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the provision which has been violated. The notice shall fix a reasonable time for abatement of the violation, specify the proposed civil penalty, if any, and suggest actions which might be taken in order to abate the violation. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of the violator's intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

"(2) Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of a recordkeeping requirement issued by the Secretary pursuant to section 3102 of this title or the Motor Carrier Safety Act of 1984 shall be liable to the United States for a civil penalty not to exceed $500 for each offense. Each day of a violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses relating to any single violation shall not exceed $2,500. If the Secretary determines that a serious pattern of safety violations, other than recordkeeping requirements, exists or has occurred, the Secretary may assess a civil penalty not to exceed $1,000 for each offense; except that the maximum fine for each such pattern of safety violations shall not exceed $10,000. If the Secretary determines that a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, the Secretary may assess a civil penalty not to exceed $10,000 for each offense. Notwithstanding any other provision of this section, except for recordkeeping violations, no civil penalty shall be assessed under this section against an employee for a violation unless the Secretary determines that such employee's actions constituted gross negligence or reckless disregard for safety, in which case such employee shall be liable for a civil penalty not to exceed $1,000. The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

"(3) The Secretary may require any violator served with a notice of violation to post a copy of such notice or statement of such notice in such place or places and for such duration as the Secretary may determine appropriate to aid in the enforcement of section 3102 of this title or the Motor Carrier Safety Act of 1984, as the case may be.

"(4) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, before referral to the Attorney General, such civil penalty may be compromised by the Secretary.

"(5)(A) If, upon inspection or investigation, the Secretary determines that a violation of section 3102 of this title or the Motor Carrier Safety Act of 1984 or a regulation issued under such section or Act, or combination of such violations, poses an imminent hazard to safety, the Secretary shall order a vehicle or employee operating such vehicle out of service, or order an employer to cease all or part of the employer's commercial motor vehicle operations. In making any such order, the Secretary shall impose no restriction on any employee or employer beyond that required to abate the hazard. Subsequent to the issuance of the order, opportunity for review shall be provided in accordance with section 554 of title 5, except that such review shall occur not later than 10 days after issuance of such order.

"(B) In this paragraph, 'imminent hazard' means any condition of vehicle, employee, or commercial motor vehicle operations which is likely to result in serious injury or death if not discontinued immediately.

"(6) Any person who knowingly and willfully violates any provision of section 3102 of this title, the Motor Carrier Safety Act of 1984, or a regulation issued under such section or Act shall, upon conviction, be subject for each offense for a fine not to exceed $25,000 or imprisonment for a term not to exceed one year, or both, except that, if such violator is an employee, the violator shall only be subject to penalty if, while operating a commercial motor vehicle, the violator's activities have led or could have led to death or serious injury, in which case the violator shall be liable, upon conviction, for a fine not to exceed $2,500.

"(7) The Secretary shall issue regulations establishing penalty schedules designed to induce timely compliance for persons failing to comply promptly with the requirements set forth in any notices and orders under this subsection.

"(8) Any aggrieved person who, after a hearing, is adversely affected by a final order issued under this section may, within 30 days, petition for review of the order in the United States Court of Appeals in the circuit wherein the violation is alleged to have occurred or where the violator has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit. Review of the order shall be based on a determination of whether the Secretary's findings and conclusions were supported by substantial evidence, or were otherwise not in accordance with law. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure or neglect to do so. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Secretary.

"(9) All penalties and fines collected under this section shall be deposited into the Highway Trust Fund (other than the Mass Transit Account).

"(10) In any action brought under this section, process may be served without regard to the territorial limits of the district of the State in which the action is brought.

"(11) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(12) The provisions of this subsection shall not affect any provision of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) of any regulation promulgated by the Secretary under such Act.

"(13) As used in this subsection, the terms 'commercial motor vehicle', 'employee', 'employer', and 'State' have the meaning such terms have under section 4 of the Motor Carrier Safety Act of 1984.".

(c) Section 526 of title 49, United States Code, is amended—

(1) by inserting after "chapter" the first place it appears the following: ", section 3102 of this title, or the Motor Carrier Safety Act of 1984"; and

(2) by inserting after "chapter" the second and third places it appears the following: "or such section or Act".

(d) The Secretary shall conduct a study of the effectiveness of the civil and criminal penalties established by the amendments made by this section in deterring violations of the commercial motor vehicle safety regulations issued under this title and in effectively prosecuting such violations when they occur. Such study shall examine the effectiveness of penalties in effect before the date of enactment of this Act in comparison to the penalties established by the amendments made by this title. Such study shall also investigate the need for, and make recommendations concerning, increased fine levels for civil and criminal penalties, and the need for additional categories of civil and criminal penalties to deter further, and prosecute effectively, violations of such commercial motor vehicle safety regulations. The Secretary shall submit to Congress a report or the findings of this study, together with legislative recommendations, not later than 2 years after the enactment of this Act.

LITIGATION AUTHORITY

SEC. 214. Section 413 of Surface Transportation Assistance Act of 1982 (39 U.S.C. 2313) is amended by striking "The Secretary, or, on" and inserting in lieu thereof "on".

CERTIFICATION OF SAFETY FITNESS

SEC. 215. (a) The Secretary, in cooperation with the Interstate Commerce Commission, shall by rule, after notice and opportunity for comment, establish a procedure to determine the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under sections 10922 and 10923 of title 49, United States Code. Such procedure shall include—

(1) specific initial and continuing requirements to be met by such persons to prove safety fitness;

(2) a means of determining whether such persons meet the safety fitness requirements specified under paragraph (1); and

(3) specific time deadlines for action by the Department of Transportation and the Interstate Commerce Commission in making fitness determinations.

(b) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a copy of the procedure established under subsection (a) of this section.

(c) The rules adopted under this section shall supersede all Federal rules regarding safety fitness and safety rating of motor carriers in effect on the date of enactment of this Act.

(d) Notwithstanding any other provision of law, the Interstate Commerce Commission (1) shall find any applicant for authority to operate as a motor carrier to be unfit if the applicant does not meet the safety fitness requirements established under subsection (a) of this section, and (2) shall deny such application.

HEAVY TRUCK STUDY

SEC. 216. (a) The Secretary shall undertake a comprehensive study of safety characteristics of heavy trucks, the unique problems related to heavy trucks, and the manner in which such trucks are driven. Such study shall include an examination of the handling, braking, stability, and crashworthiness of heavy trucks, and an examination of the programs and needs of enforcement agencies to assure compliance with traffic laws by commercial motor vehicle drivers. In carrying out such study, the Secretary shall consult with truck manufacturers, employee representatives, truck operators, and other interested parties. Not later than September 30, 1986, the Secretary shall submit to the Congress a report on the findings of such study.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to conduct the study required under subsection (a) of this section.

TRUCK OCCUPANT PROTECTION

SEC. 217. (a) The Secretary shall make a full investigation and study of crash protection for truck occupants. Such study shall examine potential and known hazards to truck occupants and means of improving truck-occupant safety. Such study shall also include potential performance standards, if any, to be met by truck manufacturers. In carrying out such study, the Secretary shall consult with truck manufacturers, employee representatives, truck operators, and other interested parties. The Secretary shall submit to Congress a report on the findings of this investigation and study not later than two years the date of the enactment of this Act.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to undertake the study required by subsection (a) of this section.

STUDY OF SAFETY PERFORMANCE OF COMMERCIAL MOTOR VEHICLES

SEC. 218. (a) The Secretary shall conduct a study of the safety performance of commercial motor vehicles. The study shall examine the effectiveness of individual State regulations safety. Such study shall also investigate the need to subject such operations, in whole or in part, to the commercial motor vehicle safety regulations issued under this title. The Secretary shall submit to Congress a report on the findings of the investigation and study conducted under this subsection not later than two years after the date of the anactment of this Act.

(b) For purposes of this subsection, the term "commercial motor vehicle" means any self-propelled or towed vehicle used on highways in interstate commerce to transport passengers or property if such vehicle is described in subparagraph (A), (B), or (C) of section 204(1) of this Act.

STUDY OF SAFETY-RELATED DEVICES

SEC. 219. (a) The Secretary shall conduct a study of the effectiveness of existing regulations regarding emergency warning devices required to be carried on buses, trucks, truck-tractors, and motor-driven vehicles which are involved in emergency situations. Such study shall also investigate the potential costs and benefits of requiring passenger automobile operators to carry emergency warning devices, and shall examine the relative benefits of various types of warning devices in enhancing highway safety. The Secretary shall submit to the Congress a report containing the findings of this study not later than 18 months after the date of the enactment of this Act.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to undertake the study required by this section.

SAFETY STUDY; FEDERAL COORDINATION

SEC. 220. (a) The Secretary, in consultation with the Director of the National Institute for Occupational Safety and Health and the Secretary of Labor, shall undertake a study of significant health hazards to which employees engaged in the operation of commercial motor vehicles are exposed, and shall develop such materials and information as are necessary to enable such employees to carry out their employment in a place and manner free from recognized hazards that are causing or are likely to cause death or serious physical harm. The study shall include findings regarding the most appropriate method for regulating and protecting the health of operators of commercial motor vehicles. The findings of such study shall be submitted to the Congress within one year after the date of the enactment of this Act.

(b) The Secretary shall coordinate the activities of Federal agencies to ensure adequate protection of the safety and health of operators of commercial motor vehicles. The Secretary shall attempt to minimize paperwork burdens to assure maximum coordination and to avoid overlap and the imposition of undue burdens on persons subject to regulations under this title.

RELATIONSHIP TO OTHER LAW

SEC. 221. Except as provided in section 206(b), the provisions of this title and the regulations issued under this title shall not affect any provision of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) or any regulation issued by the Secretary under such Act.

AMENDMENT TO THE MOTOR CARRIER ACT OF 1980

SEC. 222. (a) Section 30(b)(3) of the Motor Carrier Act of 1980 (49 U.S.C. 10927 note) is amended—

(1) by striking out "and" at the end of clause (A); and

(2) by striking out the period at the end of such section and inserting in lieu thereof the following: ", and (C) in the case of any farm vehicle transporting any such material or substance in interstate commerce other than in bulk, the Secretary, by regulation, may reduce such amount if the Secretary finds that such reduction will not adversely affect public safety.".

(b) Section 30(g) of such Act is amended by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively, and inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) 'farm vehicle' means any vehicle which (A) is designed or adapted and used exclusively for agricultural purposes, (B) is operated by a motor private carrier (as such term is defined under section 10102 of title 49, United States Code), and (C) is only incidentally operated on highways;".

SPLASH AND SPRAY SUPPRESSANT DEVICES

SEC. 223. Section 414(b) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2314(b)) is amended—

(1) in paragraph (2) by striking out "two years after the date of the enactment of this title," and inserting in lieu thereof "one year after the date on which the standards are established under paragraph (1) of this subsection,"; and

(2) in paragraph (3) by striking out "five years after the date of the enactment of this title," and inserting in lieu thereof "four years after the date on which the standards are established under paragraph (1) of this subsection,".

FOREIGN BUS CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS

SEC. 224. Section 18(d) of the Bus Regulatory Reform Act of 1982 (49 U.S.C. 10927 note) is amended—

(1) by striking out "(d) Financial" and inserting in lieu thereof "(d)(1) Subject to paragraph (2) of this subsection, financial"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Any person domiciled in any contiguous foreign country who provides transportation by motor vehicle to which any of the minimal levels of financial responsibility established under this section apply shall have evidence of such financial responsibility in such motor vehicle at any time such person is providing such transportation.

"(B) The Secretary of Transportation and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is not evidence of financial responsibility required to be in such vehicle by subparagraph (A) of this paragraph.".

EXTENSION OF MORATORIUM ON CERTIFICATION OF FOREIGN MOTOR CARRIERS

SEC. 225. (a) Section 10922(l)(1) of title 49, United States Code, is amended by striking out "two-year" each place it appears and inserting in lieu thereof "four-year".

(b) The second sentence of such section is amended by inserting after "such moratorium" the following: "or impose such a moratorium".

(c) The amendments made by this section shall take effect on September 19, 1984.

CERTIFICATES OF REGISTRATION FOR FOREIGN MOTOR CARRIERS

SEC. 226. (a)(1) Subchapter II of chapter 105 of title 49, United States Code, is amended by adding at the end thereof the following new section:

"§10530. Certificates of registration for certain foreign carriers

"(a) In this section—

"(1) 'registrable year' means the six-month period beginning July 1, 1985, and ending December 31, 1985, calendar year 1986, and each calendar year thereafter.

"(2) 'foreign motor carrier' means a motor carrier of property—

"(A) which does not hold a certificate issued under section 10922 of this title or a permit issued under section 10923 of this title; and

"(B)(i) which is domiciled in any contiguous foreign country; or

"(ii) which is owned or controlled by persons of any contiguous foreign country and is not domiciled in the United States.

"(3) 'foreign motor private carrier' means a motor private carrier—

"(A) which is domiciled in any contiguous foreign country; or

"(B) which is owned or controlled by persons of any contiguous foreign country and is not domiciled in the United States.

"(4) 'exempt items' means items described in paragraphs (4), (6), (11), (12), (13), and (15) of section 10526(a) of this subchapter and items transported under paragraph (5) of such section.

"(5) 'interstate transportation' means transportation described in section 10521(a) of this subchapter and transportation in the United States exempt from the jurisdiction of the Commission under section 10536(b)(1) of this subchapter.

"(b)(1) Except as provided in this section, no foreign motor carrier may provide interstate transportation of exempt items in any registrable year unless the Commission has issued to the carrier a certificate of registration under this section authorizing the carrrier to provide such transportation in such year.

"(2) Except as provided in this section, no foreign motor private carrier may provide interstate transportation of property (including exempt items) in any registrable year unless the Commission has issued to the carrier a certificate of registration under this section authorizing the carrier to provide such transportation in such year.

"(c) Without regard to subchapter II of chapter 103 of this title and subchapter II of chapter 5 of title 5, the commission shall issue a certificate of registration to any foreign motor carrier authorizing the carrier to provide interstate transportation of exempt items in any registrable year, and to any foreign motor private carrier authorizing the carrier to provide interstate transportation of property (including exempt items) in any registrable year, if—

"(1) the Commission finds that the carrier is fit, willing, and able—

"(A) to provide the transportation to be authorized by the certificate; and

"(B) to comply with this subtitle and regulations of the Commission; and

"(2) the carrier demonstrates to the satisfaction of the Commission that the carrier has paid (or will pay in a timely manner) all taxes imposed by section 4481 of the Internal Revenue Code of 1954 on any motor vehicle which such carrier operated in the United States in the most recent taxable period (as such term is defined under section 4482(c) of such Code) ending before the first day of such registrable year.

"(d) A foreign motor carrier and a foreign motor private carrier must file an application with the Commission for a certificate of registration under this section to provide interstate transportation. The Commission may approve any part of the application or deny the application. The application must—

"(1) be under oath;

"(2) contain such information as the Commission may require by regulation; and

"(3) be filed with the Commission at such times as the Commission may require by regulation.

"(e) The requirement that foreign motor carriers and foreign motor private carriers issued certificates of registration under this section be fit, willing, and able means—

"(1) safety fitness; and

"(2) proof of minimum financial responsibility—

"(A) under section 30 of the Motor Carrier Act of 1980, in the case of a foreign motor carrier or foreign motor private carrier which provides transportation in the United States of an item referred to in subsection (b)(1) of such section; and

"(B) under the laws of the State or States in which the carrier is operating, in the case of a foreign motor private carrier which provides interstate transportation in the United States of property (other than an item referred to in such subsection).

"(f) Each certificate of registration issued under this section shall specify the transportation to be provided under the certificate.

"(g)(1) Any motor vehicle which is used to provide transportation under a certificate of registration issued under this section shall have a copy of such certificate in such motor vehicle at any time such vehicle is being used to provide such transportation.

"(2) The Commission, the Secretary of Transportation, and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is not a copy of the certificate of registration required to be in such vehicle by paragraph (1) of this subsection.

"(h) When a certificate of registration is issued under this section, the Commission may prescribe such conditions on the transportation to be provided under the certificate as may be necessary to carry out the objectives of this section.

"(i)(1) Subject to paragraph (3) of this subsection, this section shall not apply with respect to any contiguous foreign country with respect to which a moratorium is not in effect under section 10922(l) of this title on the effective date of this section.

"(2) The President of the United States may waive the requirements of this section with respect to any contiguous foreign country if the President determines that such waiver is in the national interest and notifies, in writing, the Congress of such waiver before the date on which such waiver is to take effect. In any case in which the requirements of this section apply with respect to a contiguous foreign country which substantially prohibits grants of authority to persons from the United States to provide transportation by motor vehicle for compensation in such foreign country, such waiver shall not take effect before the 60th day following the date on which the Congress is notified of such waiver.

"(3) The President of the United States may, by order, make the requirements of this section applicable with respect to any contiguous foreign country if—

"(A) the President determines that making such requirements so applicable is in the national interest; and

"(B) the President—

"(i) notifies, in writing, the Congress of the issuance of such order; and

"(ii) has published a copy of such order in the Federal Register;

at least 30 days before such order takes effect.".

(2) The analysis for subchapter II of chapter 105 of title 49, United States Code, is amended by adding at the end thereof the following:

"10530. Certificates of registration for certain foreign carriers.".

(b)(1) The first sentence of section 10922(l)(1) of title 49, United States Code, is amended—

(A) by striking out "or any permit" and inserting in lieu thereof "any permit"; and

(B) by inserting after "contract carrier," the following: "or any certificate of registration under section 10530 of this title to any motor carrier of property or motor private carrier,".

(2) Section 19022(l)(2) of such title is amended by inserting "(A)" after "(2)" and by adding at the end thereof the following new subparagraph:

"(B)(i) Subject to the provisions of this subparagraph, during a moratorium imposed under paragraph (1) of this subsection with respect to any contiguous foreign country or political subdivision thereof, the Commission may issue certificates of registration under section 10530 of this subtitle to motor carriers of property and motor private carriers domiciled in such country or political subdivision and to motor carriers of property and motor private carriers owned or controlled by persons of such country or political subdivision.

"(ii) Subject to clause (iv) of this subparagraph, if the person to be issued the certificate of registration during the moratorium is a motor carrier of property domiciled in the foreign country or political subdivision or is a motor carrier of property owned or controlled by persons of the foreign country or political subdivision, such certificate may only authorize such carrier to provide transportation of exempt items in a municipality in the United States which is adjacent to the foreign country or political subdivision, or in a zone in the United States that is adjacent to, and commercially a part of, the municipality or municipalities.

"(iii) Subject to clause (v) of this subsection, if the person to be issued the certificate of registration during the moratorium is a motor private carrier domiciled in the foreign country of political subdivision or is a motor private carrier owned or controlled by persons of the foreign country or political subdivision, such certificate may only authorize such carrier to provide transportation of property (including exempt items) in a municipality in the United States which is adjacent to the foreign country or political subdivision, in contiguous municipalities in the United States which is adjacent to the foreign country or political subdivision, or in a zone in the United States that is adjacent to, and commercially a part of, the municipality or municipalities.

"(iv) If the person to be issued the certificate of registration during the moratorium is a motor carrier of property domiciled in the foreign country or political subdivision and owned or controlled by persons of the United States, such certificate may only authorize such carrier to provide interstate transportation of exempt items.

"(v) If the person to be issued the certificate of registration during the moratorium is a motor private carrier domiciled in the foreign country or political subdivision and owned or controlled by persons of the United States, such certificate may only authorize such carrier to provide interstate transportation of property (including exempt items).

"(vi) In this subparagraph, the terms 'exempt items' and 'interstate transportation' have the meanings such terms have under section 10530(a) of this title.".

(c)(1) Section 10322(a) of title 49, United States Code, is amended by inserting "10530," after "10525(c),".

(2) The first sentence of section 10927(a)(1) of such title is amended—

(A) by inserting "and a certificate of registration to a motor carrier or motor private carrier under section 10530 of this title" after "10923 of this title";

(B) by striking out "or section 18" and inserting in lieu thereof "section 18"; and

(C) by inserting before the period at the end of such sentence ", or the laws of the State or States in which the carrier is operating, in the case of a motor private carrier".

(3) Section 10927(a)(2) of such title is amended by inserting "and a foreign motor private carrier (as such term is defined under section 10530(a)(3) of this title)" after "A motor carrier".

(4) Section 11701 of such title is amended—

(A) in subsection (a) by inserting after the second sentence the following new sentence: "If the Commission finds that a motor private carrier is violating section 10530 of this subtitle, the Commission shall take appropriate action to compel compliance with such section."; and

(B) by striking out the period at the end of the first sentence in subsection (b) and inserting in lieu thereof "or a motor carrier or motor private carrier providing transportation under a certificate of registration issued under section 10530 of this title.".

(5) Section 11702(a)(4) of such title is amended by inserting before the semicolon at the end thereof the following: "or by a motor carrier or motor private carrier providing transportation under a certificate of registration issued under section 10530 of this title".

(6) Section 11901(g) of such title is amended—

(A) by inserting "or transportation provided under a certificate of registration issued under section 10530 of this title" after "chapter 105 of this title";

(B) by striking out ", or (4)" and inserting in lieu thereof ", (4)"; and

(C) by inserting "or (5) does not comply with section 10530 of this title," before "is liable to".

(7) Section 11914(b) of such title is amended—

(A) by striking out "this title," and inserting in lieu thereof "this title"; and

(B) by inserting after "1966," the following: "or a condition of a certificate of registration issued under section 10530 of this title,".

(d) The amendments made by this section shall take effect May 1, 1985, except that the Interstate Commerce Commission may issue before such date such regulations as may be necessary to carry out the amendments made by this section beginning on such date.

TECHNICAL AMENDMENTS

SEC. 227. (a)(1) Section 11901 of title 49, United States Code, is amended—

(A) in subsection (g) by striking out "(h)" and inserting in lieu thereof "(i)";

(B) by redesignating the subsection beginning "(h)(1) Any person required" and subsections (i), (j), and (k), and any references thereto, as subsections (i), (j), (k), and (l), respectively;

(C) in subsection (j)(1), as redesignated by subparagraph (A), by inserting "of" after "paragraph (3)"; and

(D) in subsection (l)(2), as redesignated by subparagraph (A), by striking out "(i)(1), or (j)" and inserting in lieu thereof "(i), (j)(1), or (k)".

(2) Section 10934(c) of such title is amended by striking out "11901(j)" each place it appears and inserting in lieu thereof "11901(k)".

(3) Section 11348(a) of such title is amended by striking out "(k)(1)" and inserting in lieu thereof "(l)(1)".

(4) Section 2342(5) of title 28, United States Code, is amended by striking out "11901(i)(2)" and inserting in lieu thereof "11901(j)(2)".

(b)(1) Chapter 107 of title 49, United States Code, is amended by redesignating the second section 10734, and any references thereto, as section 10735.

(2) The analysis for such chapter is amended by striking out "10734. Household" and inserting in lieu thereof "10735. Household".

(c) Section 10526(a) of title 49, United States Code, is amended by redesignating the second paragraph (14), and any references thereto, as paragraph (15).

EMPLOYEE PROTECTION

SEC. 228. (a) Paragraph (2) of section 401 of the Surface Transportation Assistance Act of 1982 is amended by striking out ", nor does" and all that follows through the semicolon at the end of such paragraph and inserting in lieu thereof a semicolon.

(b) The amendment made by subsection (a) shall take effect on the last day of the two year period beginning on the date of the enactment of this Act.

(c) The Secretary, in consultation with the Secretary of Labor, shall conduct a study to determine whether or not part A of title IV of the Surface Transportation Assistance Act of 1982 should be amended to provide protection to individuals employed by a commercial motor carrier engaged in the transportation of passengers. Not later than twelve months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of such study.

LIMITATION ON AUTHORITY

SEC. 229. (a) Nothing in this title confers authority on the Secretary to (1) establish Federal traffic safety regulations, or (2) preempt State traffic regulations; except that the Secretary may establish or maintain such Federal regulations to the extent that the subject matter of such regulations is, on the date of the enactment of this Act, regulated under parts 390 to 399 of title 49 of the Code of Federal Regulations.

(b) Nothing in this title confers authority on the Secretary to regulate the manufacture of commercial motor vehicles for any purpose, including fuel economy, safety, or emission control.

OVERSIGHT

SEC. 230. The appropriate authorizing committees of the Congress shall conduct periodic oversight hearings on the effects of this title no less often than annually for the first five years following the date of enactment of this Act, to ensure that this Act is being implemented according to congressional intent and the purposes of this title.

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Mr. SNYDER. Mr. Speaker, will the gentleman yeild?

Mr. ANDERSON. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Speaker, I rise in strong support of S. 2217, as amended, which consists mainly of safety or safety-related measures which either originated here in the House or have been under consideration here for some time. I commend it to my colleagues with the understanding that the other body will take it up and pass it without further amendment, sending to the President for signature a bill in which we can take some pride. It is for the reason that I personally have been more than pleased to devote the effort necessary to bring forth what is in essence a compromise bill during the closing days of this Congress, with all this implies in terms of demands on Members' time.

By far, the bulk of the bill consists of a compromise version of S. 2174, the motor carrier safety bill, originating in the other body as part of our common effort to enhance safety in truck and bus transportation. Its details, procedures, and timetables are numerous and complex, but in concept it is relatively straightforward. We start with the premise that, to a degree, greater uniformity in safety requirements can lead to less uncertainty and confusion, and to improved enforcement and better performance on the part of the carriers. We also recognize that differing safety considerations among the various States can at times justify requirements in addition to, or more stringent than, a minimum level of Federal requirements. Hence, our approach consists of a limited Federal preemption of State laws and regulations governing interstate truck and bus operations, based on extensive analysis of such requirements and comparison of them with Federal regulations. We build in the presumption that the State laws and regulations shall not be preempted unless the Secretary so determines.

In practical terms, this means as follows: A State requirement found to have the same effect as the Federal will remain in effect and continue to be enforced with respect to interstate carriers operating in the State in question. A State requirement found to be less stringent than the Federal will be preempted, with the result that the Federal regulation will constitute the minimum requirement. When the Secretary finds that the State requirement is more stringent than, or in addition to, the Federal regulation, the State law or regulation is not to be preempted unless the Secretary can justify such preemption on the basis of one or three difficult tests: First, there is no safety benefit associated with the State law or regulation; second, the Federal and State requirements are in conflict; or, third, enforcement of the State law or regulation would constitute an undue burden on commerce.

Obviously, this will require a great deal of analysis if we are to provide the factual basis for the Secretary to make the kind of balanced judgments involved. To this end, we provide for establishment of a special safety panel to review State requirements and Federal regulations, compare them, and make determinations with respect to relative stringency and similarity of effect.

I should like to comment briefly on one aspect of this legislation, dealing with inspections, which I think illustrates our approach to the States, and their prerogatives, and the extent to which we expect to continue to rely on their assistance even in this area of interstate commerce. We have been very careful to craft our language to avoid any preemption of multi-State cooperative efforts, including reciprocal recognition of each other's inspection of interstate vehicles, exemplified by the commercial vehicle safety alliance to which I understand roughly half of the States now belong.

Nonetheless, it is also true that we are operating with some uncertainty in the sense that we have no way of knowing precisely what regulations the Secretary may choose to issue at the Federal level in the future; nor do we have a total grasp of what is out there now in terms of State local laws and regulations affecting interstate operations. If there is any uneasiness along those lines, it is understandable. But I would also point out that the Congress will have ample opportunity to adjust the preemption provisions of this legislation, since any now unforeseen problems are most likely to arise before any State or local requirement is preempted, which cannot occur until at least 60 months after date of enactment.

I would now like to turn to another provision which reflects our determination that the economic benefits of truck length, width and configuration provisions of the Surface Transportation Assistance Act of 1982 must not achieved at the expense of highway safety. We provide that the Secretary may exempt specific segments of the Interstate System from the general requirement that longer and wider vehicles and doubles be allowed, if the segment cannot safely accommodate such vehicles. We provide a role for the Governors of a State in initiating a process of secretarial determination, subject to certain requirements for consultation and for submittal of specific evidence of safety problems to justify such an exemption. I won't comment further on this provision, which is very similar to H.R. 5568, which passed the House on August 6 under suspension of the rules. Another section provides that truck combinations consisting of a tractor and a semitrailer not exceeding 28½ feet in length are to be allowed reasonable access between points of loading and unloading, subject to imposition of reasonable restrictions by State and local government in the interests of safety. This provision should yield real benefits in terms of safety and improved traffic flow in our more congested urban area. The widespread use of short semitrailers encouraged by this provision can result in replacement of longer trailers now clogging city streets in pickup and delivery service. There may be some concern to the effect that the shorter semitrailers will be 102 inches wide as now permitted by law. In response, I would comment that municipal transit buses 102 inches wide, lacking the cornering capability of combinations consisting of tractors and short semitrailers, have been operating on city streets for years. And, as I pointed out earlier, States and localities retain their ability to restrict truck routes on safety grounds.

Also, we have language providing that the Secretary of Transportation is not limited to segments of the Federal-aid primary system designed for 12-foot lanes in designating the system on which wider vehicles can operate. I hasten to emphasize that the flexibility granted the Secretary is subject to a requirement that the Secretary make a finding that such designation is consistent with highway safety. It is my understanding that the system designated as of June 5, 1984, represents a compromise between the States and the Department. I would point out, moreover, that the language here specifically provides that if any further mileage is to be designated by the Secretary beyond what was on the map as of this past June 5, the appropriate Governor's concurrence will be required.

Finally, there are safety implications to another provision of the bill which I would like to cite, namely new restrictions on Mexican trucking imposed in addition to those in existing law. The Bus Regulatory Reform Act of 1982 provided for a moratorium on issuance of certificates to Mexican common carriers by the ICC because of Mexico's exclusion of U.S. carriers. A remaining problem, however, has been the fact that private carriers and carriers of exempt goods entering the country from Mexico have been remaining in the United States and going after business in competition with U.S. carriers. The provisions in this bill would permit the limitation of such carriers to the commercial zone in border areas. From a safety standpoint, moreover, it would require such carriers to obtain a certificate of registration, conditioned on demonstration of safety fitness, and proof of insurance—itself an indicator of safety capability. Carriers failing to obtain such and keep copies in their vehicles will find themselves turned back at the border.

Mr. Speaker, we have enacted a number of pieces of legislation during this Congress related to safety, such as the child-restraint bill, incentives for establishment of computerized traffic records, and requirements for adoption of the 21-year drinking age as a partial condition for Federal highway funding. This bill will take us much farther toward a safer driving environment and I urge its adoption.

The **SPEAKER** pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. ANDERSON].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HAZARDOUS MATERIALS TRANSPORTATION ACT AMENDMENTS OF 1984

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2706) to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1985 and 1986, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hazardous Materials Transportation Act Amendments of 1984".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) while the transportation of hazardous materials can create severe hazards to the public safety, such transportation is nonetheless essential to commerce;

(2) in the interest of uniformity, the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) provides for the preemption of State and local governmental regulation of hazardous materials transportation to the extent that it is not consistent with Federal requirements and regulations;

(3) despite this preemption, when serious hazardous materials incidents occur, State and local governments necessarily have the primary responsibility for emergency response;

(4) increased coordination and greater consistency between the Federal Government and State and local governments would assist in the prevention of hazardous materials transportation incidents and in the overall ability of State and local governments to respond to such incidents; and

(5) the National Hazardous Materials Transportation Advisory Committee should specifically and carefully examine problems associated with information dissemination from the Federal Government to State and local officials and the need for increased coordination among the various levels of government.

(b) The purposes of this Act are to—

(1) authorize appropriations for fiscal years 1985 and 1986 for the Department of Transportation to carry out its functions with respect to the transportation of hazardous materials; and

(2) authorize cooperative action between the Secretary of Transportation and established private agencies in performing the Department's emergency response functions.

REAUTHORIZATION OF HAZARDOUS MATERIALS PROGRAMS

SEC. 3. Section 115 of the Hazardous Materials Transportation Act (49 U.S.C. 1812) is amended—

(1) by striking "and" after "1978,"; and

(2) by inserting immediately before the period at the end thereof the following: ", not to exceed $7,500,000 for the fiscal year ending September 30, 1985, and not to exceed $8,000,000 for fiscal year 1986".

REPORTING SYSTEM AND DATA CENTER

SEC. 4. Section 109(d) of the Hazardous Materials Transportation Act (49 U.S.C. 1808(d)) is amended—

(1) by inserting "(1)" immediately before "The Secretary";

(2) by redesignating paragraphs (1), (2) and (3) as subparagraphs (A), (B), and (C), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Nothing in this subsection shall be construed to limit the authority of the Secretary to enter into a contract with a private entity for use of a supplemental reporting system and data center operated and maintained by such entity.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ANDERSON

Mr. ANDERSON. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ANDERSON: Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) section 109(d) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1808(d)) is amended—

(1) by inserting "(1)" immediately before "The Secretary";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Nothing in this subsection shall be construed to limit the authority of the Secretary to enter into a contract with a private entity for use of a supplemental reporting system and data center operated and maintained by such entity.".

(b)(1) Section 109(e) of such Act (49 U.S.C. App. 1808(e)) is amended by striking out "May 1" and inserting in lieu thereof "June 15".

(2) The amendment made by paragraph (1) shall take effect October 1, 1984.

SEC. 2. Section 115 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1812) is amended to read as follows:

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 115. There is authorized to be appropriated to carry out the provisions of this title not to exceed $7,500,000 for the fiscal year ending September 30, 1985, and $8,000,000 for the fiscal year ending September 30, 1986.".

SEC. 3. The Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) is amended by adding at the end thereof the following new section:

"EVALUATION OF TRAINING PROGRAMS FOR INCIDENT PREVENTION AND RESPONSE

"SEC. 116. (a) EVALUATION.—The Secretary and the Director of the Federal Emergency Management Agency (hereinafter in this section referred to as the 'Director'), in coordination with other Federal, State, and local agencies with responsibilities relating to transportation of hazardous materials (including but not limited to the Environmental Protection Agency, the Department of Energy, and the Nuclear Regulatory Commission), shall each evaluate—

"(1) programs conducted by Federal, State, and local agencies and private organizations which provide training to shipper, carriers, inspectors, and enforcement personnel involved in the transportation of hazardous materials with respect to compliance with and enforcement of rules, regulations, standards, and orders promulgated by the Secretary under the authority of this title;

"(2) programs conducted by Federal, State, and local agencies and private organizations which provide training to agencies or organizations responsible for responding to incidents involving transportation or hazardous materials; and

"(3) planning programs conducted by Federal, State, and local agencies and private organizations for responding to incidents involving transportation of hazardous materials.

"(b) REPORT.—Not later than five months after the date of the enactment of this section, the Secretary and the Director shall each submit an interim report to the Congress on the results of their respective evaluations under subsection (a). Not later than 10 months after the date of the enactment of this section, the Secretary and the Director shall complete such evaluations and submit the results of such evaluations to the Congress. Such reports shall include, but not be limited to—

"(1) a description of existing planning programs for responding to incidents involving transportation of hazardous materials;

"(2) a description of Federal, State, and (to the extent feasible) local training programs for responding to incidents involving transportation of hazardous materials and for compliance with and enforcement of rules, regulations, standards, and orders promulgated by the Secretary under the authority of this title;

"(3) the amounts of funds expended per fiscal year in fiscal years 1980, 1981, 1982, 1983, and 1984 by Federal and State agencies on training programs described in paragraph (2); and

"(4) recommendations concerning methods of funding such training programs, including but not limited to methods which assure long-term funding for such programs.".

Mr. ANDERSON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in this nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANDERSON. Mr. Speaker, I rise in support of S. 2706, the Hazardous Materials Transporation Act Amendments of 1984.

The bill provides for a 2-year authorization for fiscal years 1985 and 1986. The authorization level is for $7,500,000 for fiscal year 1985 and $8 million for fiscal year 1986.

The bill clarifies the joint effort by the Department of Transporation [DOT] and private industry [CHEMTREC] to enable the Department of Transportation to fulfill its statutory mandate of establishing and maintaining a central reporting system and data center.

The bill requires the Secretary and the Director of the Federal Emergency Management Agency [FEMA], in conjunction with other Federal, State, and local agencies, to evaluate and report to Congress on programs for planning and emergency response to incidents involving the transportation of hazardous materials and the training programs for such response. It changes the annual reporting date to Congress from May 1 to June 15.

I urge the House to adopt this necessary legislation.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON. I am happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I would advise the House that on this side we vigorously support this legislation. It is a simple reauthorization, a 2-year reauthorization, and I would also report that the administration supports this legislation.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. ANDERSON].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have such time as may be necessary in which to revise and extend their remarks on both Senate bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RIVER AND HARBOR ACT OF 1946 AMENDMENT

Mr. ROE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6430) to amend the River and Harbor Act of 1946, and ask for its immediate consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. SNYDER. Reserving the right to object, Mr. Speaker, this provision passed in both the highway bill and in the water bill. It is a project modification in Virginia to be done totally at State expense.

Mr. BATEMAN. Mr. Speaker, will the gentleman yield?

Mr. SYNDER. I yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Speaker, I rise in support of the bill.

Mr. SNYDER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for navigation, Newport News Creek, Virginia, authorized by the River and Harbor Act of 1946, is hereby modified to authorize the relocation and reconstruction by the State of Virginia of the project upon approval of plans for such relocation and reconstruction by the Secretary of the Army.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ELIMINATING RESTRICTIONS ON TOLLS ON RICHMOND-PETERSBURG TURNPIKE

Mr. ROE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6441) to eliminate restrictions with respect to the imposition and collection of tolls on the Richmond-Petersburg Turnpike upon repayment by the Commonwealth of Virginia of certain Federal-aid highway funds used on such turnpike, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. BLILEY. Reserving the right to object, Mr. Speaker, I do so for purposes of thanking the gentleman from New Jersey for calling up his legislation. It is most important to Virginia and has bipartisan support.

Mr. SISISKY. Mr. Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from Virginia.

Mr. SISISKY. Mr. Speaker, I rise in support of the request for unanimous consent offered by my colleague from Virginia.

As has been emphasized, this is a noncontroversial measure involving no expenditures of Federal funds. This measure simply allows for the continuance of tolls on the Richmond-Petersburg Turnpike until Interstate Highway 295 around Richmond, connecting I-64 and I-95, is completed. It is feared by State and Federal highway officials that removing the tolls before I-295 is completed will increase traffic tremendously and create additional safety problems.

These tolls are now set to expire in 1985. The Virginia General Assembly has already enacted changes necessary to continue the tolls. However, it is necessary that a statutory agreement between the Federal Highway Administration and Virginia be amended to allow for the continued tolls. The Federal Highway Administration supports this change in that agreement.

Language identical to that now proposed by the gentleman from Virginia has twice passed the appropriate committees and this body as a part of highway legislation which has failed for other reasons.

It is for that reason that it is necessary to now treat this matter in this way. Time is closing in on us. Again, the existing tolls expire come 1985. Without this action now, the existing toll authority will expire and the feared congestion and danger will result. I urge my colleagues support for this urgent and noncontroversial agreement.

Mr. BLILEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill as follows:

H.R. 6441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) upon the repayment by the Commonwealth of Virginia to the Treasurer of the United States of an amount equal to the total amount of Federal-aid highway funds heretofore paid on account of the immediate connectors and approaches to the Richmond-Petersburg Turnpike, such turnpike shall be free of all restrictions with respect to the imposition and collection of tolls or other changes on or for the use thereof contained in title 23, United States Code, or section 131 of the Federal Highway Act of 1970, or any regulation or agreement thereunder. Nothing in this section shall be construed to affect any apportionment of funds under section 104(b)(5)(3) of title 23, United States Code.

(b) The amount repaid under subsection (a) shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such amount shall be credited to the unprogrammed balance of the Federal-aid interstate funds last apportioned to the Commonwealth of Virginia. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure in accordance with the provisions of title 23, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PATENT LAW AMENDMENTS ACT OF 1984

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6286) to amend title 35, United States Code, to increase the effectiveness of the patent laws, and for other purposes, with the Senate amendments thereto, concur in Senate amendments 1 through 5 and 7 through 9 and concur with Senate amendment No. 6 with an amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendments and the House amendment to the Senate amendment.

The Clerk read the Senate amendments and the House amendment to the Senate amendment, as follows:

Senate amendments:

Page 1, strike out all after line 8 over to and including line 6 on page 3 and insert:

SEC. 101. (a) Section 271 of title 35, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) Whoever without authority supplies or causes to be supplied in or from the United States all or a substantial portion of the components of a patented invention, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer.

"(2) Whoever without authority supplies or causes to be supplied in or from the United States any component of a patented invention that is especially made or especially adapted for use in the invention and not a staple article or commodity of commerce suitable for substantial noninfringing use, where such component is uncombined in whole or in part knowing that such component is so made or adapted and intending that such component will be combined outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer.".

Page 3, strike out line 11 and insert:

"§ 157. Statutory invention registration.".

Page 4, line 20, strike out "title."." and insert "title.".

Page 4, after line 20, insert:

"(d) The Secretary of Commerce shall report to the Congress annually on the use of statutory invention registrations. Such report shall include an assessment of the degree to which agencies of the federal government are making use of the statutory invention registration system, the degree to which it aids the management of federally developed technology, and an assessment of the cost savings to the Federal Government of the use of such procedures.".

Page 4, strike out the matter after line 23, and insert:

"§ 157. Statutory invention registration.".

Page 5, strike out all including line 1 down to and including line 24, and insert:

CONCURRENT TRADEMARK USE

SEC. 103. Section 2(d) of the Act of July 5, 1946, commonly known as the Lanham Act (15 U.S.C. 1052(d)), is amended by adding at the end of the first full sentence thereof the following: "Use prior to any filing date of a pending application or registration shall not be required when the owner of such application or registration consents to the grant of a concurrent registration to the applicant.

Page 7, line 18, strike out all after "107." down to and including line 25 and insert:

(a) Subject to subsections (b), (c), (d) and (e) of this section, the amendments made by this Act shall apply to all United States patents granted before, on, or after the date of enactment of this Act, and to all applications for United States patents pending on or filed after the date of enactment.

Page 8, line 19, strike "section 103, 104, or 105" and insert "section 104 or 105".

Page 20, line 14, strike out "$1,000,000" and insert "$250,000".

House amendment to Senate amendment No. 6: That the House concur in Senate amendments (1) through (5) and (7) through (9), and that the House concur in Senate amendment (6) with an amendment as follows:

Strike out the matter proposed to be inserted by the Senate amendment.

Mr. KASTENMEIER (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. MOORHEAD. Reserving the right to object, Mr. Speaker, and I shall not object, I merely want to give the gentleman from Wisconsin an opportunity to explain what the bill does.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman from California yield?

Mr. MOORHEAD. I will be pleased to do so.

Mr. KASTENMEIER. Mr. Speaker, I am pleased to present to the House H.R. 6286, the Patent Law Amendments Act of 1984, as amended by the other body.

The amendment before us accepts the Senate amendments with one exception. Not included is a nongermane amendment to the Lanham Act.

The bill before us today satisfies the "public interest" test of patent law reform. The bill is likely to be seen by most observers as mundane or technical in nature. Each of the titles addresses a specific, narrow concern in the patent law. However, without enactment of these housekeeping-oriented measures, the patent system would not be responsive to the challenges of a changing world and the public would not benefit from the release of creative genius.

Now, let me turn to a very brief summary of the bill. I note parenthetically that the two most controversial provisions—relating to process patent protection and changes in the rules with respect to foreign license filing—have been omitted. No doubt these issues will be revisited next Congress.

Title I contains several important patent law improvements.

Section 101 of the bill provides that a product's patent cannot be avoided through the manufacture of component parts within the United States for assembly outside the United States.

Section 102 establishes a new procedure for a statutory invention registration, thereby creating an optional procedure by which an inventor may secure patent protection that is strictly defensive in nature. This new option will be very useful to those with limited resources such as universities and small businesses who will be able to select, in appropriate cases, a less expensive alternative to the more costly patent process.

Section 104 provides that unpublished information known to the inventor does not constitute prior art in the field of the invention, and therefore cannot serve to defeat the patentability of that invention. This latter change will be of material benefit to university and corporate research laboratories where the free exchange of ideas and concepts may have been hampered by the current state of the law with respect to what constitutes "prior art."

Section 105 of the bill provides that the two or more inventors may obtain a patent jointly even though each inventor has not contributed to each and every "claim" found in the patent application. This technical amendment should also be of benefit to universities and corporations which rely on team research.

Section 106 authorizes parties involved in patent interferences to arbitrate such disputes. This change parallels a provision of Public Law 97-297 which authorizes arbitration with respect to questions of patentability.

Section 107 contains the effective date provisions for Title I.

Title II of H.R. 6286 is designed to improve administrative proceedings in the Patent and Trademark Office of the Department of Commerce for determining who is the first inventor of a given patentable invention. At present, these proceedings are known as interference proceedings. They are conducted in the Patent and Trademark Office between two or more adverse patent applicants or between one or more patent applicants and a patentee, all of whom are claiming the same patentable invention. Under existing law, the tribunal responsible for determining who is the first inventor, a Board of Patent Interferences, is not authorized to address all questions of patentability of the invention. This restriction on the Board's jurisdiction unduly complicates the procedures for obtaining patents for applicants involved in interference proceedings. By combining the Board of Patent Interferences with an existing board having patentability jurisdiction—the Board of Appeals of the Patent and Trademark Office—procedures for patent applicants and patentees involved in interferences will be simpler, more expeditious, and less costly.

Title III of the bill creates a National Commission on Employed Inventors' Rights. During the past decade, the need to promote creativity and stimulate innovation have become catch phrases. Much debate has revolved around improving the patent and copyright systems, creating new forms of intellectual property, and establishing corporate incentives (such as tax and investment credits). Little discussion has occurred about how to accomplish agreed upon objectives at an employee level. The purpose of the Commission, therefore, is to focus and redirect attention on the issue of employed inventors' rights.

Title IV of the bill contains miscellaneous provisions designed to bring United States law into conformity with international patent law and treaty obligations, to correct drafting mistakes in recently enacted public laws, and to augment the salary level of members of the Trademark Trial and Appeal Board.

Mr. Speaker, this concludes my summary of H.R. 6286, as amended.

The bill is appropriately called a "housekeeping" bill. Such a banal title, however, should not disguise the importance of several sections in the bill. It is critical that we keep our patent "house" in order. Increased innovation, better government, a satisfied public, improved economic health of the nation, and more jobs will be the result.

Considered as a whole, H.R. 6286 is a very important bill.

Mr. MOORHEAD. Further reserving the right to object, Mr. Speaker, I very strongly support the comments that have been made by the gentleman from Wisconsin. I think this is an excellent piece of legislation, but I do wish to protest and object to the kind of process we are in, where one person in the Senate can object to a provision in a bill that has been very heavily supported by this House and which would be supported by their House if it was given to their membership to vote on, but where at this late date one objection and a threat of a filibuster or a delaying tactic can knock out some very, very important legislation, and in knocking out the patent process section of this bill, I think they have done the people of America a great disservice.

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This was a very necessary piece of legislation to protect Americans who have produced process patents who are now being inundated with goods produced by those same process patents overseas, and brought into the United States with no way for us to protect our own manufacturers who are operating under a valid process patent.

I think it is a shame that this has happened. I hope that next year we can get a similar bill in on processed patenting, and we can get it in early enough so that we can truly get the voice of the other body rather than only one person that might protect.

Mr. KASTENMEIER. Will my friend from California yield?

Mr. MOORHEAD. I yield to the gentleman.

Mr. KASTENMEIER. I appreciate the gentleman's comments and I sympathize with him. And I believe that we would be able to return to these and other items which for one reason or another were not handled in final form this year in the next Congress.

Mr. KINDNESS. Will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

I just asked for this opportunity to express my very strong support of the statements made by the gentleman from California and the gentleman from Wisconsin, that with respect to the process patent improvements to the law that have been taken out of the bill in the other body, this is most important to our balance of trade. Every little place where foreign manufactured goods that are manufactured in violation of a U.S. process patent are brought into the United States, it is taking U.S. jobs.

There is strong support for these improvements among organized labor people and among the chemical and drug manufacturing companies that are in the business of holding these process patents. There are other areas of manufacturing that are affected or that could be affected by the same problem, but the drug field is a very outstanding example of where the need exists for us to improve our law to keep it really in condition so as to be competitive in a world where the developments and technology that are made in the United States are being taken away by others.

I thank the gentleman for yielding.

Mr. MOORHEAD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Wisconsin?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and to include extraneous material, on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AUTHORIZING SPEAKER TO DECLARE RECESSES AS NECESSARY

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that the Speaker may have permission to declare recesses as necessary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WALKER. Mr. Speaker, reserving the right to object, the gentleman did talk to me about this. But as I understood it, this is something which is taking place because we have no further business at this point?

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. That is right.

Mr. WALKER. And we are awaiting action on the possible bill that the majority leader discussed earlier; is that correct?

Mr. MURTHA. The gentleman is exactly right.

Mr. WALKER. And this recess authority extends only for this period of time between the two bills; is that correct?

Mr. MURTHA. We are just waiting for the Senate to act on a debt bill so that we can get out of here.

Mr. LOEFFLER. Reserving the right to object, Mr. Speaker, I wonder if the distinguished gentleman from Pennsylvania, my good friend, might give us some sort of enlightenment as to what the process would be as far as notifying the Members. In other words, if we do go into recess, how much time will we have for notice that we are about to come back in to handle whatever is left to deliberate?

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. It will be a 15-minute notice. A 15-minute notice, I have been informed, will be sent to the Members.

Mr. MOORHEAD. Will the gentleman yield?

Mr. LOEFFLER. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from California.

Mr. MOORHEAD. Might I ask what happened to the imputed interest bill? I understood the other body was going to wait on that debt limit until we had passed the imputed interest bill, and I have not seen that.

Mr. MURTHA. Would the gentleman repeat the question?

Mr. MOORHEAD. I wonder what happened to the imputed interest bill; we were told earlier in the day that the Senate would not act on the debt extension until we had acted on the imputed interest bill.

Mr. MURTHA. We are waiting for that problem to be resolved. The papers are on the way. We are hopeful that this will not take too long, but that is what they have been saying for 3 days.

Mr. LOEFFLER. Mr. Speaker, I withdraw my reservation of objection.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

TRIBUTE TO THE CONGRESS OF THE UNITED STATES

(Mr. KAZEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAZEN. Mr. Speaker, 18 years ago I stood in this well for the first time as a Member of the U.S. House of Representatives. In the intervening 18 years I have felt very comfortable in this well. For those 18 years I have had nothing but the utmost respect for my colleagues in this House, every one of them with whom I have served.

Today is the last day of this session, and it also is the last day that I will have the privilege of standing in the well of this House.

My colleagues, it has just come to me in the last couple of months what it actually has meant to be a Member of the Congress of the greatest Nation on the face of the Earth. It is a privilege that very few of us can enjoy in this country. And for having had that privilege of serving the people of my District for 18 years, and of serving my country in the legislative halls of my State and my Nation, I am deeply grateful.

For having had the privilege of being associated with the type of men and women who have served in this Chamber, I am also grateful.

Above all, Mr. Speaker, having sat in that chair which you now occupy and having presided on numerous occasions over this House, is a treasure that I will always cherish.

My colleagues on both sides of the aisle, you have my very heartfelt thanks for the way that you have treated me. Let me tell you that as I go forth from this place I will let all with whom I come in contact know that being a Member of the Congress of the United States is a great honor, a great privilege, and that you people do a great job, not only for our country but for the entire world, and that you should not be the subject of ridicule, as sometimes happens.

So for all of those things, my colleagues, I am indeed grateful to you and to the people of my District, and I am particularly and singularly grateful to my colleagues in the Texas delegation.

As you all know and have witnessed, the Texas delegation is about the most cohesive delegation in this Congress, and in my humble opinion and with apologies to no one, I say that I have served with one of the greatest delegations that has ever served in the House.

For that privilege I am also grateful.

Mr. LOEFFLER. Will the gentleman yield?

Mr. KAZEN. I am delighted to yield.

Mr. LOEFFLER. I thank my good friend, the gentleman from San Antonio and Laredo, my neighbor, an individual who is more than just a colleague on the floor of the House, an individual who, while representing the other side of the aisle politically, is indeed a close, personal friend to me and to my family. I think it is incumbent upon all of us as Members of this body to reflect upon what CHICK has said, an individual who has now spoken for the last time to us from the floor of the House, to have given to us that kind of personal and very deep-seated feeling about what it is really like to be here.

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Perhaps if we would all reflect upon what CHICK has said, not only today but as we read remarks in the RECORD in the future, and recognize that it is more than just a job, it is certainly more than just an honor, it is a privilege to serve in this body and to remember how he said it so well. As an individual who began his most distinguished career assisting south Texas and such great cities as San Antonio, TX, the great State of Texas, the Nation, and the world, making this planet a better place in which to live for all humankind, I say that when I was born he began his work and today I say to you, CHICK, and to Connie, God bless you.

Mr. KAZEN. I thank the gentleman from Texas.

Mr. WALKER, Mr. Speaker, will the gentleman yield to me?

Mr. KAZEN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I also want to congratulate the gentleman on his statement, It was a wonderful statement. We very much appreciate it.

The gentleman [Mr. KAZEN] said he was honored to serve in the House.

Well, I want to tell the gentleman that the House was honored by his service.

Mr. KAZEN. I thank the gentleman.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield to me?

Mr. KAZEN. I of course yield to my friend from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Speaker, I want to congratulate the gentleman [Mr. KAZEN] also.

Mr. Speaker, I am not surprised by the gentleman's grace, though, which he shows at all times. I know this must be a very difficult time for him. We want him to know that any time he wants to come back here he has plenty of friends and to be sure to bring his wife, Connie, with him.

We will miss both of you in these Halls.

Mr. KAZEN. I thank the gentleman.

The SPEAKER pro tempore. The time of the gentleman [Mr. KAZEN] has expired.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House with amendments to a bill of the Senate of the following title:

S. 66. An act to amend the Communications Act of 1934.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, October 5, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted by the Committee on Public Works and Transportation. These resolutions approve two watershed projects of the Soil Conservation Service in accordance with the provisions of Public Law 566, Eighty-third Congress.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

CABLE TELECOMMUNICATIONS ACT OF 1983

Mr. WIRTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 66) to amend the Communications Act of 1934, with Senate amendments thereto, to the House amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendments as follows:

Page 1, of the House engrossed amendments, strike out line 4 and insert "Communications Policy Act of 1984".

Page 2, in the matter preceding line 1, of the House engrossed amendment, after the line "SEC. 6." insert:

Sec. 7. Support of activities of the United States Telecommunications Training Institute.

Sec. 8. Telecommunications Policy Study Commission.

Page 2, in the matter preceding line 1, of the House engrossed amendment, strike out "SEC. 7." and insert "Sec. 9.".

Page 3, line 1, of the engrossed amendments, after "provide" insert "and are encouraged to provide".

Page 3, line 3, of the House engrossed amendments, strike our "and".

Page 3, of the House engrossed amendments, strike out lines 4 to 7, inclusive, and insert:

"(5) establish an orderly process for franchise renewal which protects cable operators against unfair denials of renewal where the operator's past performance and proposal for future performance meet the standards established by this title; and

Page 4, of the House engrossed amendments, after line 7, insert:

"(6) promote competition in cable communications and minimize unnecessary regulation that would impose an undue economic burden on cable systems.

Page 4, lines 16 and 17, of the House engrossed amendments, strike out "or combination of facilities".

Page 4, line 19, of the House engrossed amendments, strike our "or combination of facilities".

Page 4, line 22, of the House engrossed amendments, strike out "use" and insert "uses".

Page 10, after line 5, of the House engrossed amendments, insert:

"(3) A cable operator may not be required, as part of a request for proposals or as part of a proposal for renewal, subject to section 626, to designate channel capacity for any use (other than commercial use by unaffiliated persons under this section) except as provided in sections 611 and 637, but a cable operator may offer in a franchise, or proposal for renewal thereof, to provide, consistent with applicable law, such capacity for other than commercial use by such persons.

Page 10, line 6, of the House engrossed amendments, strike out "3" and insert "4".

Page 10, line 10, of the House engrossed amendments, strike out "4" and insert "5".

Page 10, line 20, of the House engrossed amendments, strike out "5" and insert "6".

Page 14, line 15, of the House engrossed amendments, strike out "1".

Page 14, line 15, of the House engrossed amendments, strike out "is".

Page 14, line 16, of the House engrossed amendments, strike out "affiliates" and insert "affiliates,".

Page 14, line 19, of the House engrossed amendments, strike out all after "system" down to and including "system" in line 22.

Page 25, of the House engrossed amendments, after line 17, insert:

"(g) Any State law in existence on the effective date of this title which provides for any limitation or preemption of regulation by any franchising authority (or the State or any political subdivision or agency thereof) of rates for cable service shall remain in effect during the 2-year period beginning on such effective date, to the extent such law provides for such limitation or preemption. As used in this section, the term "State" has the meaning given it in section 3(v).

Page 47, line 17, of the House engrossed amendment, before "The" insert "The report shall include the number of minorities and women in the relevant labor market for each of the above categories.".

Page 47, strike out all after line 23 of the House engrossed amendment, over to and including line 16 on page 51, and insert:

"(e)(1) On an annual basis, the Commission shall certify each entity described in subsection (a) as in compliance with this section if, on the basis of information in the possession of the Commission, including the report filed pursuant to subsection (d)(3), such entity was in compliance, during the annual period involved, with the requirements of subsections (b), (c), and (d).

"(2) The Commission shall, periodically but not less frequently than every five years, investigate the employment practices of each entity described in subsection (a), in the aggregate, as well as in individual job categories, and determine whether such entity is in compliance with the requirements of subsections (b), (c), and (d), including whether such entity's employment practices deny or abridge women and minorities equal employment opportunities.

As part of such investigation, the Commission shall review whether the entity's reports filed pursuant to subsection (d)(3) accurately reflect employee responsibilities in the reported job classifications.".

Page 51, of the House engrossed amendment, line 21, strike out all after "this" down to and including "failure" in line 23 and insert "title. The failure".

Page 52, of the House engrossed amendment, line 4, after "Commission" insert ", through an investigation pursuant to subsection (e) or otherwise,".

Page 52, line 18, of the House engrossed amendment, after "corrected." insert "whoever knowingly makes any false statement or submits documentation which he knows to be false, pursuant to an application for certification under this section shall be in violation of this section.".

Page 54, lines 4 and 5, of the House engrossed amendment, strike out "generally applicable to cable operators and other employers".

Page 54, line 5, of the House engrossed amendment, strike out "greater".

Page 54, line 6, of the House engrossed amendment, strike out "employees than is available under this section," and insert "employees,".

Page 54, line 24, of the House engrossed amendments, strike out "636" and insert "635".

Page 59, line 3, of the House engrossed amendment, after "Act" insert "of 1934" (as redesignated by section 6).

Page 59, line 10, of the House engrossed amendment, strike out "receipt" and insert "receipt,".

Page 60, line 1, of the House engrossed amendment, strike out "subsection" and insert "section".

Page 60, line 16, of the House engrossed amendment, strike out "and".

Page 60, line 21, of the House engrossed amendment, strike out "satellite," and insert "satellite; and".

Page 60, after line 21, of the House engrossed amendment, insert:

"(5) the term 'private financial gain' shall not include the gain resulting to any individual for the private use in such individual's dwelling unit of any programming for which the individual has not obtained authorization for that use.

Page 61, line 5, of the House engrossed amendment, strike out "offense" and insert "conviction".

Page 61, line 7, of the House engrossed amendment, strike out "offense" and insert "conviction".

Page 62, line 25, of the House engrossed amendment, strike out all after "the" over to and including "prohibited" in line 1, page 63, and insert "any activity prohibited".

Page 63, lines 3 and 4, of the House engrossed amendment, strike "prohibited interception of receipt" and insert "prohibited activity".

Page 63, line 14, of the House engrossed amendment, strike out "(d)" and insert "(e)".

Page 64, after line 14, of the House engrossed amendment, insert:

SUPPORT OF ACTIVITIES OF THE UNITED STATES TELECOMMUNICATIONS TRAINING INSTITUTE

SEC. 7. Nothing in this Act, the Communications Act of 1934, or any other Act, shall be construed to preclude the Federal Communications Commission or the National Telecommunications and Information Administration within the Department of Commerce from participation (including use of staff and other appropriate resources) in support of any activities of the United States Telecommunications Training Institute.

TELECOMMUNICATIONS POLICY STUDY COMMISSION

SEC. 8. Title VII of the Communications Act of 1934 (as redesignated by section 6 of this Act) is amended by adding at the end thereof the following new section:

"TELECOMMUNICATIONS POLICY STUDY COMMISSION

"SEC. 711. (a) There is hereby established the Telecommunications Policy Study Commission (hereinafter in this section referred to as the 'Commission') which shall—

"(1) compare various domestic telecommunications policies of the United States and other nations, including the impact of all such policies on the regulation of interstate and foreign commerce, and

"(2) prepared and transmit a written report thereon to the Congress, the President, and the Federal Communications Commission.

"(b)(1) Such Commission shall be composed of the Chairman and Ranking Minority Members of the Committee on Commerce, Science, and Transportation and the Communications Subcommittee of the Senate and the Committee on Energy and Commerce and the Telecommunications, Consumer Protection and Finance Subcommittee of the House of Representatives (or delegates of such Chairman or Members appointed by them from among Members of such Committees).

"(2) The Chairman of such Committees (or their delegates) shall be co-chairmen of the Commission.

"(c)(1) The report under subsection (a)(2) shall be submitted not later than December 1, 1987. Such report shall contain the results of all Commission studies and investigations under this section.

"(2) the Commission shall cease to exist—

"(A) on December 1, 1987, if the report is not submitted in accordance with paragraph (1) on the date specified therein; or

"(B) on such date (but not later than May 1, 1988) as may be determined by the Commission, by order, if the report is submitted in accordance with paragraph (1) on the date specified in such paragraph.

"(d)(1) The members of the Commission who are not officers or employees of the United States, while attending conferences or meetings of the Commission or while otherwise serving at the request of the Chairman, shall be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code, including traveltime, and while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

"(2) The Commission may appoint and fix the pay of such staff as it deems necessary.

"(e)(1) In conducting its activities, the Commission may enter into contracts to the extent it deems necessary to carry out its responsibilities, including contracts with nongovernmental entities that are competent to perform research or investigations in areas within the Commission's responsibilities.

"(2) The Commission is authorized to hold public hearings, forums, and other meetings to enable full public participation.

"(f) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Commission in carrying out this section and shall furnish to the Commission such information as the Commission deems necessary to carry out this section, in accordance with otherwise applicable law.

"(g) There are authorized to be appropriated such sums as may be appropriated to carry out this section for a period of three fiscal years.

"(h) Activities authorized by this section may be carried out with funds and to the extent approved in appropriation Acts.

"(i) Nothing in this section shall be construed to affect any proceedings by, or activities of, the Federal Communications Commission, except that the Federal Communications Commission shall consider submissions by the Commission submitted pursuant to subsection (a)(2).".

Page 64, line 16, of the House engrossed amendment, strike out "7" and insert "9".

Mr. WIRTH (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments to the House amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Colorado?

Mr. RINALDO. Mr. Speaker, reserving the right to object, I do so to yield to the distinguished chairman of the subcommittee [Mr. WIRTH], and ask if he would be kind enough to explain the changes made in the bill by the other body.

Mr. WIRTH. Mr. Speaker, will the gentleman yield?

Mr. RINALDO. I yield to the chairman of the subcommittee.

Mr. WIRTH. I thank the gentleman for yielding.

Mr. Speaker, there are seven changes of some significance that were made by the other body.

Mr. Speaker, the House notes that the text of H.R. 4103, the House companion bill to S. 66, comprised the House amendment to S. 66. Thus, as the explanation of S. 66, as amended, the House adopts the explanation of H.R. 4103 contained in House Report 98-934, together with the explanation and the colloquies contained in the appendices to this statement, with the modifications that follow:

SECTION 1. SHORT TITLE

Senate Bill

The title of the Senate bill is the "Cable Telecommunications Act of 1983."

House Amendment

The House entitled the bill the "Cable Franchise Policy and Communications Act of 1984."

Senate Amendment

The (House agreed) that the title shall be the "Cable Communications Policy Act of 1984."

SECTION 2. AMENDMENT TO THE COMMUNICATIONS ACT OF 1984

Both the Senate bill and the House amendments amended the Communications Act of 1934 to add a new Title VI to that Act. The House adopts the House provisions, with the following changes.

SECTION 601. PURPOSES

Senate Amendment

The House agreed to the Senate amendment to amend purpose (4) to read to "assure that cable communications provide and are encouraged to provide the widest possible diversity of information sources and services to the public and to" add a new purpose (6), to "promote competition in cable communications and minimize unnecessary regulation that would impose an undue economic burden on cable systems."

SECTION 602. DEFINITIONS

Senate Bill

In the Senate bill, the definition of "cable system" referred in several places to a "facility or combination of facilities."

House Amendment

In the House amendment, the definition of "cable system" refers variously to a "facility" and a "facility or combination of facilities."

Senate Amendment

The House agreed to a technical amendment so that the definition of "cable system" refers to a "facility" throughout.

In all other respects, the House adopts the House amendment to S. 66.

SECTION 612. CABLE CHANNELS FOR COMMERCIAL USE

Senate Bill

The Senate bill does not permit franchising authorities to require as part of the request for proposals that channel capacity be designated for leased access use. The Senate bill does permit cable operators to offer to designate channel capacity for such use, and for franchising authorities to enforce any such offer if it is included in the franchise agreement.

House Amendment

The House bill did not limit a municipality's authority to set aside channel capacity for the provision, on a leased access or other basis, of non-video programming and other non-video communications services.

Senate Amendment

The House adopts the position of the Senate bill on the designation of channel capacity by franchising authorities with respect to the provision of non-video programming and other non-video communications services.

By adopting the Senate amendment to this section, the conferees do not intend to address the issue of whether a cable operator may provide non-video programming or other services. That issue should be decided under other provisions of the Communications Act of 1934 or state law, whichever is applicable. Nor do the conferees intend to give franchising authorities the power to override the Communications Act of 1934 or applicable State law.

In all other respects, the House adopts the House amendment to S. 66.

SECTION 613. OWNERSHIP RESTRICTIONS

Senate Bill

The Senate bill did not address the FCC's authority to adopt rules regarding the common ownership of a cable system and a newspaper or television broadcast station.

House Amendment

The House amendment prohibited common ownership or control of a daily newspaper and a cable system after July 1, 1984, if the newspaper is published in a community served by that cable system, and codified the FCC's rule prohibiting common ownership or control of a television broadcast licensee and a cable system.

Senate Amendment

The House agrees to the Senate amendment not to include a ban on future cable-newspaper local cross-ownership in the conference substitute. In so doing, however, the House does not intend to affect the FCC's authority to establish rules relating to such cross-ownership by regulation.

In every other respect, the House adopts the House amendment to S. 66 on ownership restrictions.

The House notes that for purposes of section 613(b), the term "video programming" refers to programming generally provided by a television broadcast station today. The House does not intend the term "video programming" to include the transmission of information that is primarily textual in nature, even though television broastcast stations have been granted authority to provide such information (generally known as teletext). The House wishes to re-emphasize, however, that this section in no way overrides restrictions on electronic publishing imposed by court decree, agency order, or otherwise, including but not limited to the modified final judgment in *U.S. v. AT&T*, 552 F.Supp. 131 (D.D.C. 1982), *aff'd sub nom. Maryland v. U.S.*, 103 S.Ct. 1240 (1983).

SECTION 621. GENERAL FRANCHISE REQUIREMENTS

The House wishes to reiterate that it is the intent of section 621(d) that, with respect to non-cable communications services, both the power of any state public utility commissions and the power of the FCC be unaffected by the provisions of Title VI. Thus, Title VI is neutral with respect to such authority.

SECTION 622. FRANCHISE FEES

Senate Bill

The Senate bill restricted cable franchise fees to the annual aggregate of 5% of a cable operator's gross revenues derived from the operation of the cable system.

House Amendment

The House amendment provided that for any 12-month period, the franchise fees paid by a cable operator shall not exceed 5% of the cable operator's gross revenues derived in such period from the operation of the cable system.

Senate Amendment

The House adopts the House Amendment to S. 66, with the following clarifications.

Any franchise in effect on the effective date of Title VI that provides for a franchise fee in an amount up to in excess of the five percent limitation in section 622(b) (with or without the need for action by any Federal agency) shall be deemed to have lawfully required such fee, up to but not in excess of five percent, as of such effective date, except that where a franchise explicitly establishes a later date or any condition for the imposition of such fee, such later date or condition shall apply.

Nothing in section 622 shall authorize any payment toward any such fee (of the type described in the paragraph above) for any period prior to the effective date of this title, unless such payment has been made prior to such date to a franchising authority.

Where a municipality owns a cable system and leases it to a cable operator, as is the case contemplated in Belmont, Massachusetts, for instance, any payment for the use of the cable system facilities made under such a lease is not intended to be considered a franchise fee.

SECTION 623. REGULATION OF RATES

Senate Bill

The Senate grandfathered for five years certain state laws deregulating the rates for cable services.

House Amendment

The House amendment contained no provision.

Senate Amendment

The House adopts the Senate amendment providing that any state law in effect on the effective date of this title which provides for any limitation or pre-emption of the regulation of rates for cable service shall remain in effect during the two-year period following such effective date, to the extent that such state law provides for such limitation or preemption. In a state with such a law, only those cable systems that are not deregulated, or do not become deregulated under such a law, will be subject to rate regulation during the two-year period.

In all other respects, the House adopts the House amendment to S. 66 on the regulation of rates.

SECTION 634. EQUAL EMPLOYMENT OPPORTUNITY

It is expected that as part of its investigatory responsibilities under subsection (e)(2), the Commission shall conduct field audits of a random sample of entities.

SECTION 5. UNAUTHORIZED RECEPTION OF CERTAIN COMMUNICATIONS

Senate Bill

The Senate bill contained no provision on this issue.

The House amendment created a limited exemption to liability under section 705 of the Communications Act (as redesignated by the House amendment), and establishes new penalties and remedies for the violation of the section.

Senate Amendment

The House adopts the House amendment to S. 66 on unauthorized reception of certain communications, with several clarifications and modifications.

The House agrees that the term "private financial gain" as it is used in this section explicitly does not apply to an individual, solely because that individual fails to pay for authorization (that has been made available) for viewing of programming that the individual receives in his dwelling unit.

Such an individual would, however, be subject to the other applicable penalties and remedies. This exception from the higher penalties does not apply to anyone assisting an individual in the reception or interception of programming.

The House agreed to change in Section 705(d)(2) the word "offense" to "conviction" in order to clarify that more than one conviction, and not a single conviction on more than one violation, is what triggers the applicability of the higher criminal penalties (which provide up to a $50,000 fine and 2 years imprisonment).

The House does not intend for commercial establishments to be covered by the exemption to liability set forth in 705(b), which is intended to apply only to an individual's dwelling unit. For purposes of this section, an individual's dwelling unit includes a vacation home, an individual's mobile home unit (but not a mobile home park), an individual's recreational motor home vehicle or boat which is designed with sleeping accommodation for no more than a few people.

Nothing in this section shall affect any provision of the antitrust laws.

SECTION 7. TRAINING INSTITUTE

The House agrees to the Senate amendment to add a new section 7 to the legislation, authorizing the Federal Communications Commission (FCC) and the National Telecommunications and Information Administration (NTIA) to provide staff and other support to the United States Telecommunications Training Institute (USTTI). This institute brings foreign students to this country for training in telecommunications. It relies primarily on U.S. corporations for funding, instructors, and facilities. However, it will not be fully effective without the participation of the FCC and the NTIA, which is currently precluded by law.

SECTION 8. CONGRESSIONAL COMMISSION

The House agrees to the Senate amendment to establish a Congressional commission to assess and compare the various domestic telecommunications policies of the United States and other nations, including the impact of these domestic policies on interstate and foreign commerce. The commission's purpose is to review the domestic telecommunications policies of the U.S. and other nations. The Commisison should confine its examination to practices which may inhibit commerce in telecommunications products and services.

The House wishes to clarify that the Committee and Subcommittee Chairmen named to the commission shall be the Chairmen of those Committees and Subcommittees as of the date of enactment.

APPENDIX A

H.R. 4103 as reported by the House Energy and Commerce Committee was modified in several respects by the House during House considerations of that bill. The amendments themselves were part of the House amendment to S. 66, as agreed to by the Senate and the House. The explanation of those amendments follows:

SECTION 623.—REGULATION OF RATES

Amendment No. 1

Under H.R. 4103 as amended, the four-year transition period established for municipal regulation is reduced to two years. That is, municipal authority to regulate the rates for basic service, as defined in H.R. 4103 (and not by the FCC), will be permitted for two years after the effective date of the legislation.

Under H.R. 4103 as amended, the cable operators who have already realigned programming or changed rates as of September 26, 1984 in accordance with the FCC's *Nevada* decision cannot be required to rollback program packages or rates to their pre-*Nevada* status. However, H.R. 4103 as amended does not affect any legal challenge available to *Nevada* decision, or arising from the *Nevada* decision.

SECTION 626.—RENEWAL

Amendment No. 2

An amendment to require a franchising authority to make a preliminary assessment that a franchise should not be renewed prior to the commencement of the administrative proceeding in Section 626.

SECTION 601.—PURPOSES

Amendment No. 3

An amendment to include as a purpose of H.R. 4103 establishment of a process to protect cable operators against an unfair denial or renewal, and the establishment of an orderly process for consideration of an incumbent operator's renewal proposal.

SECTION 626.—RENEWAL

Amendment No. 4

An amendment to clarify that the word "service" in the 626(c)(1)(B) standard for renewal should not be construed to mean programming or other services offered over the system.

Amendment No. 5

An amendment to clarify that the franchising authority and the incumbent cable operator may agree to renewal of the franchise without implementing the administrative procedures set forth in Section 626.

Amendment No. 6

An amendment to condition a denial or renewal under 626(C)(1)(A) or (B), for events occurring after the effective date, on the franchising authority having provided notice and opportunity to cure, and to preclude denial in any case where the franchising authority has waived its right to object or has acquiesced.

SECTION 636.—JUDICIAL PROCEEDINGS

Amendment No. 7

An amendment to extend to 120 days the time period in which a cable operator may bring a court action under section 636.

SECTION 622.—FRANCHISE FEES

Amendment No. 8

An amendment to clarify that the franchise fee cap of 5 percent of gross revenues per twelve months does not preclude up front lump sum or deferred payments if the effect of such payments will not increase the operator's financial liability in excess of that which would have accrued if such fees had been paid annually.

SECTION 624.—REGULATION OF SERVICES, FACILITIES, AND EQUIPMENT

SECTION 625.—MODIFICATION OF FRANCHISE OBLIGATIONS

Amendment No. 9

An amendment to clarify that the contract modification section does apply to public, educational, and governmental access facilities and equipment provisions in franchises.

SECTION 613.—TELEPHONE/CABLE CROSS-OWNERSHIP RESTRICTIONS

Amendment No. 10

The policy of subsection 613(b) is that telephone companies should not provide video programming directly to subscribers in their telephone service areas. The Commission's waiver authority should be narrowly construed and not exercised in a manner that would undermine this basic policy.

SECTION 612.—CABLE CHANNELS FOR COMMERCIAL USE

Amendment No. 11

An amendment to clarify that the FCC is to make the same finding that a court is instructed to make with respect to whether channel capacity was made available in accordance with the section.

SECTION 4—POLE ATTACHMENTS

Amendment No. 13

An amendment which allows a state up to 360 days to take action on a pole attachment case, if such a period is provided for in the state's rules and procedures governing pole attachments, before a state shall not be considered to regulate the rates, terms, and conditions of pole attachments.

SECTION 637.—EXISTING FRANCHISES

Amendment No. 14

An amendment clarifying that only an existing state law, and any regulation promulgated under such a law, related to public educational or governmental access, are subject to grandfathering under section 938.

SECTION 621.—GENERAL FRANCHISE REQUIREMENTS

Amendment No. 15

An amendment which places in section 621 the standards applicable to the cable operator's use of easements.

The amendment deletes section 633 of the bill as reported by Committee.

A new section has been added which amends section 705 of the Communications Act of 1934, as redesignated by this Act. A complete explanation of this amendment follows:

Amendment No. 16

Explanation of Section 705 as Redesignated and Amended by H.R. 4103

Introduction

A new section has been added to H.R. 4103 as amended which adds new provisions to existing section 605 of the Communications Act (to be redesignated as section 705). These provisions deal with issues that the Subcommittee on Telecommunications first examined some three years ago—the growing practice of individuals taking down satellite delivered programming for private, home viewing by means of privately owned backyard earth stations, as well as the increasing need to adopt stronger penalties and remedies for the unauthorized interception of signals prohibited under section 605.

Before explaining various aspects of this new provision, I would like to commend my colleague, Congressman Al Gore, for his tireless efforts aimed at protecting individuals who receive unscrambled video programming signals by means of backyard satellite dishes. I would also like to take this opportunity to especially thank the representatives of the motion picture industry, and to express my appreciation to the representatives of pay cable services, the commercial television networks, professional sports and the satellite dish industry, for their diligent efforts aimed at arriving at a fair and balanced resolution of this issue.

The bill before us today includes a provision, to be a part of new section 705 of the Communications Act, dealing with the private reception of satellite cable programming and the unauthorized interception of such programming.

Section 705 will provide a strengthened statutory basis for deterring satellite video piracy. At the same time, it provides a specific, limited exemption under which individual satellite dish owners can be authorized to receive unscrambled signals without being subject to liability. In that respect, the intent of new section 705 is to facilitate the creation of an efficient, non-burdensome marketplace mechanism to authorize satellite dish owners to receive unencrypte satellite programming.

By adopting this provision there is no intention to pass judgment on any particular case that was, or was not decided under section 605 of the Communications Act as that section presently exists (prior to this amendment). The amendments made by this legislation are intended, however, to provide satellite cable program suppliers in the future with two clear alternatives for the protection of their satellite transmissions. They may either scramble their signal, or leave their signal unscrambled and establish a marketing system that results in individuals being authorized to receive the satellite cable programming through a compensation scheme. If unauthorized interception of satellite cable programming occurs after either of these two approaches have been followed, then a satellite cable programmer will have the ability to pursue the greatly strengthened penalties and remedies new section 705 provides.

What the amendment made by section 5 of H.R. 4103 accomplishes is to retain the language of the current section 605, while adding a provision dealing solely with authorizing the receipt and use of unencrypted satellite programming. This authorization is carefully designed as a specific, limited excepted to the general liability associated with unauthorized use.

By participating in the authorization program, the individual satellite dish owner can protect himself from liability for unauthorized use of unencrypted satellite programming. Similarly, the manufacturers, importers, distributors or sellers of satellite receiving equipment may secure protection against liability under section 705(a) for assisting in the unauthorized use of unencrypted satellite programming. In addition, unauthorized use liability, in the context of unencrypted satellite programming, would not attach to either the individual dish owner or the manufacturer, importer, distributor or seller if an authorization program for the receipt of payment is not established and made available.

Moreover, section 5 of the bill adds a provision strengthening penalties for the unauthorized reception and use of all communications protected by section 605, including satellite cable programming. This provision is designed to deter so-called "video piracy" and protect the legitimate proprietary interest of satellite delivered cable programmers.

Scope of committee amendment

H.R. 4103 as reported by Committee recodifies without modification section 605 to the Communications Act of 1943 as new section 705(a). In amending existing section 605, it is intended to leave undisturbed the case law that has developed confirming the broad reach of section 605 as a deterrent against piracy of protected communications. Over the years federal courts, consistent with congressional intent, have recognized that section 605 provided broad protection against the unauthorized interception of various forms of radio communications. It is the Committee's intention that the amendment preserve these broad protections; that all acts which presently constitute a violation of present section 605 shall continue to be unlawful under that section as amended and redesignated by H.R. 4103.

Section 605 not only prohibits unauthorized interception of traditional radio communications, but also communications transmitted by means of new technologies. For example, existing section 605 provides protection against the unauthorized reception of subscription televison (STV), multipoint distribution services (MDS), and satellite communications. This amendment made by section 5 of the bill is intended to preserve this broad reach of existing section 605 and to make clear that all communications covered under section 605, will continue to be protected under new section 705(a).

Moreover, existing section 605 is not limited to holding liable only those who, without authorization, actually receive a particular communication. Those who "assist" (including sellers and manufacturers) in receiving such communications are similarly liable under section 605, and it is intended that this liability also remain undisturbed by this amendment.

SUBSECTION (b)

New section 705(b) prescribes a very limited exception to liability under subsection (a) to enable an individual to receive authorization to intercept or receive satellite cable programming that is unencrypted as defined in paragraph 2(B). The purpose of section 705(b) is to facilitate a marketplace solution to the specific situation in which an individual using a backyard earth station intercepts or receives unencrypted satellite cable programming for private use in his own dwelling.

Specifically, subsection (b) states that the provisions of subsection (a) shall not apply to the interception or receipt of unencrypted satellite cable programming if the following conditions are met:

(1) the satellite cable programming involved is unencrypted;

(2) a program exists under which an agent or agents has been appointed for the purpose of authorizing private viewing of satellite cable programming by individuals, and such authorization is made available pursuant to a marketplace negotiation; and

(3) the individual receiving such satellite cable programming has obtained authorization, which is made available pursuant to (b)(2), to receive such programming.

One of the underlying premises of the subsection (b) exemption is that the marketplace is fully capable of reaching, without any government intervention, a solution to the problem of unauthorized interception and receipt of encrypted satellite cable programming. The technology associated with encrypting, encoding, scrambling, or otherwise altering a signal so that a special device is required to receive an intelligible signal, enables parties with the rights to the programming to control the distribution of their product in a manner that provides an incentive for them to make their product available to the satellite home viewer. Accordingly, the narrow exception to subsection (a) applies only to the more difficult problem of receipt or interruption or unencrypted or unaltered satellite cable programming.

Moreover, subsection (b) is based on the premise that even in the case of unencrypted or otherwise unaltered satellite cable programming, government involvement should be minimized. Therefore, subsection (b)(2)(A) envisions the creation of a marketing system or other marketplace mechanism whereby individuals can enjoy the private viewing of unencrypted satellite cable programming if they receive authorization from those that have the proprietary interest in that which is being intercepted or received. The burden of establishing such a system or mechanism rests with those who control the unencrypted satellite cable programming intercepted or received. If such a mechanism is not established, liability under subsection (a) for the interception or receipt of unencrypted satellite cable programming shall not apply. Furthermore, subsection (b) envisions a licensing mechanism that is put forward in good faith and is truly operational, and is not a mere sham or avoidance scheme to deny individuals the opportunity to privately view unencrypted satellite cable programming free from liability. Finally, subsection (b) requires that the individual actually obtain the authorization that is made available under (b)(2).

It is important to understand that if those with a proprietary interest in the satellite cable programming do not authorize through the lawful designation of an agent or some other mechanism the private viewing of unencrypted programming, then no liability can be found. At the same time, should an agency be established and made operational and the individual fail to obtain authorization, liability under subsection (a) for the private viewing of unencrypted satellite cable programming shall apply and the full penalties available under subsection (d) shall be applicable.

The provisions of subsection (b) grant maximum flexibility to the marketplace to permit a reasonable, flexible and efficient system to emerge. An agent or agents can be designated by those who can lawfully authorize the reception or interception of the satellite cable programming transmitted. It should be noted that this subsection addresses only the requirement that a program for the purpose of authorizing receipt of an unencrypted signal for private viewing be established as a prerequisite to applying the civil and criminal penalties contained in this section. The issue of who may provide such authorization, and for what program or program service, will continue to be governed by existing copyright law and contract.

Proprietary interest holders are free to join together to form collection associations. Moreover, authorization for an individual might be obtained through cooperation with manufacturers and dealers in a point of equipment sale licensing plan for particular signals, it is clearly envisioned that a marketplace solution will emerge to meet the needs of satellite dish owners while protecting those with the proprietary rights in the transmitted programming.

SUBSECTION (C). DEFINITIONS

Satellite Cable Programming

As noted above, subsection (b) of this amendment is intended to create a limited and strictly conditioned exception to the liability which applies under subsection (a) for the interception of satellite programming signals. Where a satellite signal does not satisfy the definition of "satellite signal

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cable programming", an individual's liability for unauthorized interception and use of the signal is not subject to the exemption provided under subsection (b).

"Satellite cable programming" includes video programming and its accompanying audio. The definition does not contemplate programming qualitatively different than what is commonly understood to be "video programming". Thus, the definition does not include, for example, data transmissions in alphanumeric or other forms.

The interception of the "satellite cable programming" must in fact be directly from the satellite feed in order to come within the terms of the exemption to liability set forth in subsection (b). Unauthorized interception of such programming in its retransmitted form, where the form of retransmission is otherwise protected under subsection (a) of other relevant law, is clearly prohibited. Thus, if the programming intercepted is transmitted, for instance, by means of the multipoint distribution service (MDS), or subscription television (STV), liability for such interception shall apply regardless of whether those controlling satellite cable programming have established a system under subsection (b)(2).

Closed-circuit sports and special events transmissions, whether on a regular or ad hoc basis may be primarily intended for viewing by paying customers in public places where local promoters have acquired public performance rights (e.g. movie theaters, stadia, or public performance halls). If the sender of such a transmission licenses retransmission rights to certain cable operators, one must look to the facts of the case to determine whether this is the "primary" intent of sender.

Encrypt

As used in this subsection, 'encrypt' signifies a wide range of technological methods used to provide some level of security to a satellite transmitted signal. It is intended to encompass both analog and digital methods, or other methods yet to be developed, to modify or alter a satellite signal and thus to render intelligible viewing of the signal difficult or impossible without authorized equipment (or without illegal tampering with such equipment).

The exemption to liability provided under subsection (b)(1) only relates to unencrypted signals, and not to encrypted signals. A determination that a signal is encrypted or unencrypted for purposes of this section does not depend upon the level of security which the encrypting or scrambling technology chosen by the sender may impart to the video or accompaning audio signal. The fact that the sender takes some reasonable measure to ensure that no person may simply tune in and receive the signal in intellible form, unless that person acquires authorized equipment necessary to eliminate the effects of the technological impediment, is sufficient to render the signal "encrypted".

Private Viewing

The exception to subsection (a) liability created under subsection (b) is intended only to facilitate "private viewing" of satellite cable programming under the terms set forth hereunder.

The term "private-viewing" is intended to describe a situation whereby an individual purchases or otherwise acquires satellite receiving equipment and uses such equipment to receive satellite cable programming which he views within his private dwelling place. The "individual's dwelling place" is a place not open to the public. It is a place where generally the persons present are within the normal circle of a family or its social acquaintances.

No retransmission, public performance, or display for direct or indirect commercial advantage is contemplated to be "private viewing." The grant of authority for such uses remains purely the prerogative of the party sending the programming or the program supplier.

Thus, it is not intended that "private viewing" include any retransmission by so-called "private cable" or "satellite master antenna television" systems. Nor is it contemplated that an individual may redistribute programming received by his satellite equipment to the homes or residences of his neighbors. Nor is it contemplated that "private viewing" includes display of satellite cable programming in the public area of an apartment building, condominium, or housing complex, or in taverns, restaurants or fraternal halls. However, if a sale or distribution of satellite receiving equipment is exempt from liability under (b)(1), a demonstration of such equipment in connection with such a sale or distribution would also be exempt. The demonstrations contemplated here are very limited—such as a showroom demonstration in the ordinary course of business, and not a demonstration such as public display of in a movie threater.

SUBSECTION (d). PENALTIES/REMEDIES

The Committee amendment includes a new subsection (c) which provides for civil and criminal remedies against those who violate subsection (a).

The sanctions provided in subsection (d)(1) apply to those who have violated subsection (a) willfully. For these parties, misdemeanor sanctions are applicable in addition to the civil remedies available for an aggrieved party under (d)(3). It is intended that the Department of Justice actively pursue willful violations under this subsection.

It is further intended that the term "direct or indirect commercial advantage or private financial gain" be interpreted broadly by both the courts in deciding actions, and the Department of Justice in pursuing actions, under this section. Those who willfully violate subsection (a) and directly or indirectly enjoy commercial gain from those violations, may be reached.

Under subsection (3)(A), the term "any person aggrieved" shall be broadly interpreted by the courts in such cases and shall include those with any rights in the intercepted radio communications. Such persons would include but are not limited to, owners of the programming being transmitted as well as senders of the signal embodying the programming transmitted. Thus, the Committee amendment provides an explicit right of action for any person aggrieved by the violations of Section 705(a).

Subsection (3)(B) grants the courts in such actions general powers of relief including the power to grant injunctions and to award damages. It is the intent of the Committee that the power to direct the recovery of all costs under (3)(B)(iii) shall include reasonable investigative fees (related to the action brought) of an aggrieved party.

Subsection (3)(C) sets forth the award of damages which the courts may make to parties judged aggrieved by a violation of subsection (a). Subsection (c)(iii) recognizes that in those situations where the violation of subsection (a) was committed willfully and for the purposes of direct or indirect commercial advantage or private financial gain, these factors shall merit consideration of awarding substantial additional damages—up to $50,000 beyond what would otherwise be the applicable amount.

Subsection (C)(iii) also embodies the recognition that in those rare situations in which a violator of subsection (a) had absolutely no reason to believe that his acts constituted a violation of the law, the court may reduce the award to $100. It is not intended that this provision serve in any way as a defense to a determination of liability under subsection (a), but rather only as a provision to be exercized in the court's discretion for those rare instances of ignorance of the law on the part of one adjudged to have violated it.

Subsection (d)(4) is intended to make clear that those who may be subject to penalties and remedies for violations of subsection (a) include any importer, seller, manufacturer or distributor or any equipment intended by such party to assist in any manner in the interception or reception of radio communications prohibited by subsection (a). Those found to have taken such action with such intent shall be subject to penalties and remedies to the same extent and in the same manner as a person who has engaged in a prohibited interception or reception. Obviously this is not intended to apply to manufacturers or dealers who are acting lawfully in providing satellite earth station equipment designed to receive unencrypted video programming. A number of States have enacted State laws which may have an impact on the sale or distribution of equipment relevant to this section. Subsection (d)(4) further provides that such laws, now in effect or adopted in the future, which are consistent with, or afford greater protection than this subsection, shall not be affected. However, a state would obviously have no authority to adopt laws with respect to interception or reception of radio communications.

SUBSECTION (d). SAVINGS CLAUSE

Section 705(b) is intended to address the unique problems raised by proprietary interest holders authorizing the reception of satellite cable programming by private users. Subsection (d) is intended to make explicit that this amendment has no effect on any right, obligation or liability under the copyright laws or any applicable Federal, State or local law. For example, the rates of compensation established pursuant to a system under subsection (b)(1) is not intended to have any relevance in the establishment of copyright royalty rates for the retransmission of distant signal equivalents. Moreover, the adoption of this provision is not intended to affect the legal status under copyright law of any technological device now available, including any recording device. Further, there is no intent being expressed with respect to the question of whether equipment capable of receiving satellite cable programming is to be considered a receiving apparatus for purposes of an exemption under 17 U.S.C. 110(5). In sum, this is intended to have no precedential effect with respect to the compensation of proprietary interest holders under copyright law.

APPENDIX B

The explanation of certain provisions of H.R. 4103 were supplemented and modified by colloquies during House consideration of that bill. The House concurs in those colloquies, which are set forth below:

Mr. **Bliley**. Mr. Speaker, I thank the gentleman for yielding.

I wonder if I might engage the chairman of the subcommittee in a colloquy.

Mr. Wirth. Yes.

Mr. Bliley. The Federal set-aside of channels for commercial use under section 612 is triggered by the number of "activated channels" on the cable system. Does that mean the system's total channel capacity?

Mr. Wirth. Mr. Speaker, if the gentleman will yield, "activated channels" means only the number of channels that subscribers actually are receiving. Although this would include any so-called dark channels which subscribers receive but which currently carry no programming, it would not equate to the total channel capacity of the system—the maximum number of channels that the system could carry—unless the operator actually had the equipment in place at the headend of the system to deliver that maximum number of channels.

Mr. Bliley. In determining whether the price for commercial use of channels under section 612 is reasonable, courts may look to the price arrangements for comparable services. Yet if such services are offered by the operator, typically the operator will pay a programmer for them. Is it the committee's intent that a commercial user, or lessee, may require the cable operator to pay him a comparable price for his programming?

Mr. Wirth. The term "price" is intended to encompass any commercial arrangement consistent with the section. For example, such arrangements might include fee per channel, fees per subscriber, profit sharing, or any combination of these arrangements. The channel lessee cannot, however, demand that, rather than the lessee paying the cable operator for access to the cable system, the cable operator must pay the lessee who uses an access channel. The fact that the cable operator may pay for programming made available over channels other than leased access channels has no relevance to the arrangements that may be established for the use of channel capacity designated pursuant to this section.

Mr. Bliley. I understand that cable operators have an obligation not to fill their commercial access channels in order to avoid bona fide access use. Would it be accurate to say, however, that cable operators may only enter into leased access arrangements where the operator is opposed to granting the programmer access to the cable system?

Mr. Wirth. No. There does not need to be a "hostile" or "adversarial" relationship between the operator and the programmer for a grant of access to an unaffiliated programmer to be a legitimate use of channel capacity designated pursuant to this section.

Mr. Bliley. Some have construed the committee report's explanation of section 612 to suggest that the absence of any commercial users on a system is in itself evidence that the operator's rates, terms, and conditions are unreasonable. Is that interpretation correct?

Mr. Wirth. Section 612 allows cable operators to establish price, terms, and conditions which at least assure that leased access use will not adversely affect an operator's economic position. Indeed, price, terms, and conditions are presumed to be reasonable absent clear and convincing evidence to the contrary. In view of the flexibility that this section grants an operator to establish rates, terms, and conditions, an operator cannot be found to have acted in bad faith or to have established unreasonable rates simply because parties seeking access choose not to meet the offered rate.

Mr. Bliley. The committee package of amendments includes an amendment to section 635 relating to equal employment opportunity. What is the purpose and intent of the provision contained in the committee's package of amendments?

Mr. Wirth. The provision the gentleman refers to is intended to clarify the committee's intent under section 635. The provision indicates that the failure of a cable operator to obtain certification under subsection (e) does not itself constitute a violation of the EEO provisions of H.R. 4103. Moreover, I wish to make clear the legislation's intent that the failure to employ members of minority groups and/or women at the prescribed parity levels does not in and of itself constitute a violation of this title.

Mr. Bliley. Some have suggested that the committee report, including language stating that section 627 "does not require fair market value to be linked to depreciated book value," may permit depreciated book value to be used in a 627(a)(1) acquisition. Is that a correct reading of the committee's intent?

Mr. Wirth. No. The committee intends that valuation under 627(a)(1) acquisitions should be based on the value of the cable system as a going concern that will continue in operation and not on book value.

Mr. Bliley. What is the relationship between permissible franchise fees and public, educational, and governmental access commitments in new franchises?

Mr. Wirth. Subsection 622(g)(2)(C) establishes a specific provision for PEG access in new franchises. In general, this section defines as a franchise fee only monetary payments made by the cable operator, and does not include as a "fee" any franchise requirements for the provision of services, facilities or equipment. As regards PEG access in new franchises, payments for capital costs required by the franchise to be made by the cable operator are not defined as fees under this provision. These requirements may be established by the franchising authority under section 611(b) or section 624(b)(1). In addition, any payments which a cable operator makes voluntarily relating to support of public, educational and governmental access and which are not required by the franchise would not be subject to the 5 percent franchise fee cap.

Mr. Bliley. Section 621(a)(3) obligates a franchising authority to assure that access to cable service is not denied to any group of potential residential subscribers because of the income of the residents of the local area in which such group resides. Some have interpreted the committee report on this section to require franchising authorities to force cable operations to build line extensions to every home in a franchise area. Is this interpretation correct?

Mr. Wirth. No. This provision is intended to assure that franchising authorities meet the responsibility they already have to prevent economic redlining in granting cable franchises. It is not designed to require a cable operator to, for example, build a line extension to a home which may be too remote to wire economically.

Mr. Bliley. Mr. Speaker, I thank the gentleman.

Those are the main amendments that were worked out.

Mr. Speaker, would the gentleman yield further?

Mr. RINALDO. Further reserving the right to object, I would be pleased to yield further to the gentleman from Colorado.

Mr. WIRTH. I thank the gentleman for yielding further.

Mr. Speaker, in working this out we have had just extraordinary cooperation from the majority leader in the Senate, from the Senator from Utah, from the Senator from Oregon, from Senator Metzenbaum, and others. This bill passed on the Senate side unanimously about 2½ hours ago.

We would have had it over here immediately but there was some hangup with respect to getting all the papers here. They are now here.

Mr. Speaker, I thank the gentleman for yielding and for his great cooperation in getting this, I believe the first major revision of the Communications Act of 1934, to the House of Representatives.

Mr. RINALDO. Mr. Speaker, I thank the chairman of the subcommittee for his comments.

Mr. Speaker, further reserving the right to object, I yield to my good friend, the gentleman from Texas [Mr. Leland].

Mr. LELAND. I thank the gentleman for yielding and for being so kind.

Mr. Speaker, I want to thank the chairman of the Subcommittee on Telecommunications [Mr. Wirth] for his leadership and for what he has done in terms of fashioning what I think is very substantial language, particularly as it relates to the EEO language. We had some problems at the beginning of the fashioning of the legislation itself, cable deregulation, but over the period of time that we have had to consider that, we have worked out several compromises.

Mr. Speaker, I am very, very proud of what has been done thus far.

Mr. Speaker, I hope that all of my colleagues would join with Members from the other body in voting unanimously for this piece of legislation.

Mr. Speaker, I would like to say in regards again to the EEO language I would like to personally thank, if I may, some Members from the other body, particularly Senator Metzenbaum, Senator Dixon, Senator Hatch, and Senator Packwood. They have been very, very helpful in reaching the compromise that we have here.

Mr. Speaker, I too would like to thank, on behalf of myself and my staff, and if I may personally mention individually Larry Irving on my staff who has worked for 2 years now to put this language together.

Mr. Speaker, I would also like to thank the staff of the chairman of the Subcommittee on Telecommunications and also the staff of the Committee on Energy and Commerce, and the Honorable John Dingell, himself, for what they have done to bring us to this point.

Mr. Speaker, I think this represents the kind of compromise that this House is very well noted for, and we can all go home feeling good about the results of what we have seen transpire here.

Mr. RINALDO. I thank the gentleman for his comments.

Mr. Speaker, further reserving the right to object, I yield to the chairman of the subcommittee further.

Mr. WIRTH. I thank the gentleman for yielding further.

Mr. Speaker, I might say some people have watched the "Perils of Pauline" in this particular piece of legislation which has been on again, off again for, I believe, almost the last 4 years.

As of midnight last night, the consensus was that the legislation was dead. The gentleman from Texas [Mr. LELAND] did an absolutely superb job of blowing new life into the legislation.

Mr. Speaker, he was committed to a bill; we worked together and worked out the very difficult, very, very difficult EEO provisions.

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I want to take this opportunity to particularly thank the gentleman from Texas [Mr. LELAND] for his superb help. He was so enormously helpful to me and to our distinguished full committee chairman, the gentleman from Michigan [Mr. DINGELL].

Once again, I thank the gentleman for yielding. I thank him for his help. I thank the gentleman from Michigan [Mr. DINGELL] for his help.

Mr. RINALDO. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Michigan [Mr. DINGELL], the chairman of the full committee.

Mr. DINGELL. Mr. Speaker, I thank my distinguished friend and colleague for yielding and I thank him for the reservation which has made possible an intelligent discussion of this rather difficult subject.

It is becoming somewhat tedious for us to rise to congratulate the members of the Committee on Energy and Commerce for the outstanding job they are doing in resolving the controversies surrounding this cable television legislation. As fast as one controversy is resolved, a fresh controversy arises. None of these controversies are caused by the labors of my colleagues on the committee.

The House passed a bill fully agreed upon. The agreement came apart in the Senate. The committee passed a bill fully agreed upon. It came apart because of changes in the circumstances affecting some of the parties to the agreement who were not members of this particular body.

In consequence, we have had a number of occasions to express congratulations for an extraordinary job done by a large number of my colleagues.

I must observe that it seems that in each instance it is the same of my colleagues who have done an extraordinary job. The distinguished gentleman from Colorado [TIM WIRTH], the chairman of the Telecommunications Subcommittee, certainly demands the respect and the gratitude of his colleagues for an outstanding job. The same is true for his staff and the staff of the Energy and Commerce Committee.

The House legislative counsel has performed with extraordinary competence in this matter under very, very short time pressures, as he always does.

I want to express my appreciation and commendation to the gentleman from New Jersey [Mr. RINALDO], who has had a long and active interest in the resolution of the difficulties before us.

My distinguished friend from Texas [Mr. LELAND], deserves particular commendations for the patient and dignified and vigorous way in which he has defended the rights of all Americans. This body owes him particular thanks for what he has done in this matter. I certainly commend him and his exceptionally able staff for the extraordinary patience and ability with which they approached a most difficult subject.

A number of others of my colleagues on the Energy and Commerce Committee and on the staff, on both sides of the aisle, have worked very hard on this end. Mr. SWIFT and his staff deserve special notice for their hard work in resolving controversies regarding the telephone industry.

The compromise is a good one. I would urge my colleagues to vote it forward with the utmost of speed, lest it come apart again.

The most important features of the compromise bill would:

Establish the authority of local governments to regulate cable television through the franchise process.

Allow franchising authorities to regulate rates for 2 years after the date of enactment.

Allow municipalities to collect franchise fees of up to 5 percent of the operator's gross revenues.

Grandfather the terms of existing franchises not inconsistent with the legislation.

Establish procedures and standards to protect the cable operator in the renewal of the cable franchise.

Grant cities affirmative authority to require upgrading of facilities and channel capacity during the renewal process.

Require the set-aside of channels for commercial leased access use.

Establish restrictions on the ownership of a cable system by the owners of a local television station in the same community, and local telephone companies.

Require that cable service be made available so that residents of lower income areas are not deprived of cable service.

Grant local governments substantial authority to enforce franchise agreements.

Require a cable operator to establish a program to ensure equal employment opportunity in all aspects of its employment policies and practices. As part of the general effort to increase the participation of minorities in the telecommunications industry, the Commission should also develop a procedure, in both the context of a lottery and that of a comparative hearing, whereby minorities are encouraged to apply for cellular mobile radio franchises.

The measure before us contains a new provision stating that one of the purposes of this legislation is to establish an orderly process for franchise renewal which protects cable operators against unfair denials of renewal where the operator's past performance and proposal for future performance meet the standards established by this title.

This provision and the renewal provisions in section 626 are intended to protect cable operators from arbitrary and unfair actions by franchising autorities during the renewal process. The bill accomplishes this objective by establishing a set of procedural and substantive safeguards that may be invoked by cable operators. These measures require franchising authorities to conduct public renewal proceedings and justify any denial of renewal on the basis of evidence in the public record that cable operators have failed to meet one or more of the standards set out in the legislation.

Although this new provision is intended to emphasize the legislation's purpose of protecting cable operators, it is not the intent of this new provision to create an automatic renewal or a presumption in favor of renewal where the operator's past performance and proposal for future performance meet the standards established by the bill. Nor should this provision be construed to mean that a denial of renewal would always be unfair in any case where the operator's past performance and proposal for future performance meet these standards.

The language in the legislation before us is identical to the House language relating to franchise fees. However, a number of cities have expressed concern about the bill's effect on franchise fees provided for in existing franchises, but in excess of the FCC's previous limit of 3 percent of revenues. In some cases, these fees have been paid to the city franchising authority, either directly or through the mechanism of escrow accounts.

Any franchise which contemplated franchise fees up to or in excess of 5 percent shall be deemed to have lawfully required this fee, but not in excess of 5 percent. When payment of these fees has already been made to a franchising authority, the franchising authority is entitled to retain these payments. In cases where franchise fee payments have been discontinued on the basis of FCC rules, the franchise authority is entitled to the discontinued payments. In all cases regarding payment of fees prior to the effective date of this bill, it is the original intent of the parties to the franchise agreement concerning franchise fees that should prevail.

For the most part cities and cable operators have maintained harmonious relationships that benefit the public. Cities across the Nation and responsible cable operators are supporting this legislation to provide a clear set of ground rules that govern these relationships. However, certain segments of the cable industry are opposing this legislation because they seem to prefer the uncertain environment in which they now operate. United Cable Television Corp., which operates several franchises in my district and many others across the Nation, is a case in point. United's interpretation of the law and its franchise agreements seems to turn solely on its view of how its interests are best served at the moment.

I would like to bring to the attention of my colleagues what can only be described as a remarkable about-face in regard to franchise fee promises by United. I ask unanimous consent to introduce into the Record some correspondence describing this case. The first two letters were written in 1979 as United Cable was seeking to outbid another company and win the Lincoln Park franchise. Their thrust is that the FCC franchise fee rules do not restrict the amount of franchise fee an operator is permitted to pay to a city franchising authority. United was awarded the franchise. The subsequent communications were written this year as the company was attempting to modify the franchise agreement that resulted from the earlier letters. The thrust of these letters is that the FCC rules strictly forbid payment of fees in excess of 3 percent.

United Cable Television Corp.,
Englewood, CO, August 21, 1979.

Hon. Victor T. Bonora and Members of Council,
City of Lincoln Park,
Lincoln Park, MI.

Dear Mayor Bonora and Members of Council: It was come to my attention that our competitor in Lincoln Park has suggested to you that our proposal to pay 5% of our gross basic subscriber revenues to the city as a franchise tax is not legal under FCC rule. This is simply not the case, and we stand firmly behind our proposal—and each and every commitment therein, without exception.

Perhaps our competitor is not familiar with FCC rules governing American cable television companies—(and Lord knows, American cable television companies would also like to not be familiar with such restrictive regulation). The history of the FCC regulations concerning franchise tax is a long and confusing one. In the early days of this industry, cable television operators were using the franchise tax as a bidding posture to get franchises. One competitor would offer 2%, another would offer 5%, another would offer 12% and so on. To stop that sort of nonsense and require cities to look at the merits of the proposals, the FCC put a ceiling requiring not less than 3%, nor more than 5% on these fees. Initially—a few years ago, the FCC required that a city make an acceptable demonstration to the commission that it require upwards of 5% for the administration burden. However, as you might imagine, all cities were successful in making the demonstration, and the FCC threw that "guideline" out as well. Today there is no FCC requirement regarding the amount of franchise fees an operator can pay. Indeed, we could pay 25% as a franchise fee—we certainly wouldn't, but we could.

I think the important consideration for council here is that our competitor knew (or should have known) that he could offer a higher franchise fee to the city to support the cable operation; he knew that he could offer an additional contribution, as we did, to directly support public access and local origination; and he certainly was aware of the total programming services available to the industry—9 of which he did not offer; the summary fact here is that apparently our competitor did not choose to offer the fullest amount of programming services to the Lincoln Park Community, and the fullest amount of revenue share to support the community's use of the system.

By copy of this letter to our Washington FCC Counsel, I am requesting that they send you a letter confirming FCC rule (or the lack of it) with regard to the 5% fee.

By the way, the following are communities where United Cable Television Corporation currently pays a 5% franchise fee: Effingham, IL; San Leandro, CA; Carpentersville, IL; Sarpy County, NE; Foster City CA; Aurora, CO; Englewood, CO; Arvada, CO; Commerce City, CO; Adams County, CO; Westminister, CO; Federal Heights, CO; Sheridan, CO; Greenwood Village, CO; Broomfield, CO; Brighton, CO; Lafayette, CO; Louisville, CO; Edgewater, CO; Jefferson County, CO; Arapahoe County, CO.

I hope the above information will clear up the matter of the franchise fee. And we hope that council will grant us the privilege and the trust to develop a major cable television system for the Lincoln Park Community.

Best regards,

Mark Van Loucks,
Vice President-Marketing, Subscriber Services and Franchise Development.

Cole, Raywid & Braverman,
Attorneys at Law,
Washington, DC, August 23, 1979.

Hon. Victor Bonora,
Mayor, Lincoln Park City Hall, Lincoln Park, MI.

We are communications counsel for United Cable Television, Inc. This letter is on behalf of United Cable TV of Michigan, which is an applicant for a cable TV franchise in Lincoln Park. I have been advised that one of the competing applicants has challenged United Cable's proposal of a franchise fee of 5% as violative of Federal Communications Commission regulations and that to obtain waiver of that requirement would cause an indefinite delay before the FCC. That argument is not entirely accurate.

The controlling federal regulatory rule for a city or other local franchising authority in assessing a cable television operator franchised to conduct business by such local governmental authority, is contained in Section 76.31 (47 C.F.R. § 76.31) of the rules of the FCC, which states in petinent part:

"Franchise fees shall be no more than 3 percent of the franchisee's gross revenues per year from all cable services in the community (including all forms of consideration, such as initial lump sum payments). If the franchise fee is in the range of 3 to 5 percent of such revenues, the fee shall be approved by the Commission if reasonable upon showings: (i) by the franchisee, that it will not interfere with the effectuation of federal regulatory goals in the field of cable television, and (ii) by the franchising authority, that it is appropriate in light of the planned local regulatory program."

As the quoted section illustrates, a franchising authority may collect a fee in the 3-5 percent range in certain situations. The procedure for obtaining such approval is by a petition for waiver which is governed by § 76.7 of the FCC's rules. The cable operator could not obtain such a waiver until the franchise is actually granted, and assuming the cooperation of the local franchising authority, in this instance the City of Lincoln Park, such a waiver would appear to be granted as a matter of course. Such waivers have been routinely granted in a number of instances. A partial listing of FCC decisions allowing a 5 percent franchise fee schedule includes: *Jerrold Polinsky*, 39 RR2d 221 (1976); *T.C. Industries, Inc.*, 61 FCC2d 462; *Howard Cable Television Associates, Inc.*, Cable Bureau Order, July 15, 1976; *Continental Cablevision of Miami Valley, Inc.*, Cable Bureau Order, July 14, 1976; *New York State Commission on Cable Television*, 59 FCC2d 1344 (1976) (entire state of New York allowed 5 percent fee schedule).

There is currently pending before the FCC a rulemaking proposal which would altogether abolish the franchise fee limitations (Docket No. 21002). A decision in this matter is expected by the end of the year.

In light of the foregoing, it can hardly be said that United Cable's proposal of a 5 percent franchise fee violates any federal regulations and, indeed, there is substantial FCC precedent for imposing such a franchise fee.

I hope that this letter clarifies the valid and good faith proposal by United Cable of Michigan of a 5 percent local franchise fee.

Very truly yours,

Alan Raywid.

Cole, Raywid & Braverman,
Attorneys at Law,
Washington, DC, March 20, 1984.

Dan Shields,
Vice President and General Counsel, United Cable Television Corp.

Dear Dan: This will confirm our recent discussions concerning the regulations of the Federal Communications Commission and particularly Rule §76.31 as such limits franchise fees to a level of 3 percent of gross revenues with the proviso that such fees, if specifically authorized by the FCC, might range as high as 5 percent.

As discussed, my concern is primarily motivated by the fact that United, through various subsidiaries, is the licensee of many radio, microwave and broadcast stations and, as such, must adhere on a strict basis to FCC regulations and policies.

The FCC, by Public Notice of March 5, 1984, issued a comprehensive statement formally interpreting Rule §76.31 therein *inter alia*, stating:

"Where those [franchise] fees are not in compliance with the Commission's Rules, such provisions are without basis in law and invalid. Under such circumstances, local authorities should not collect and cable systems should not pay fees in excess of 3 percent of gross revenues."

This mandate by the FCC is of course applicable to the Corporation's cable television systems and is unequivocal in its meaning. And, consequently, it is our view that United has little choice in these circumstances other than to comply with the FCC policy statement.

As you know, this whole area of "franchise fees" is a subject-matter federally preempted; and the FCC's position has been sustained by the courts (*See* e.g., *Brookhaven Cable TV, INC.* v. *Kelly*, 573 F.2d 765 (2nd. Cir. 1978), *cert. denied* 441 U.S. 904). And therefore there can be little doubt that the FCC is conferred with the authority to limit franchise fees and to enforce its policies.

As stated at the outset, my concern is that by disavowal of or ignoring relevant FCC policy statements, United places in jeopardy its qualifications to hold FCC licenses, which licenses are essential to the conduct of its business. The FCC's position is not only entitled to great weight, there is considerable risk in failing to adhere to the agency's published policies.

Please advise if there are any questions.

Sincerely,

JOHN P. COLE, Jr.

UNITED CABLE TELEVISION CORP.,
Denver, CO, March 23, 1984.

Hon. JOHN D. DINGELL,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DINGELL: I have just had a lengthy telephone conversation with John Liskey, Executive Director and General Counsel of the Michigan Cable Television Association. John indicated, partially as a result of your recent mayor's meetings on the subject of cable television, that there may exist some misperceptions as to United Cable Television Corporation's motives and objectives with regard to its cable operations in the Downriver area of Detroit. The purpose of this letter is to clear up any such misunderstandings, should they exist, and perhaps provide you with some helpful insight on those problems confronting cable operators in this area.

First, I am sure you are aware that in several instances we have received very arbitrary treatment from the cities with regard to permitting our Company to establish suitable rate structures in order that we may at least have a fair opportunity to achieve a profit. Through fiscal year May 1983, these particular cable systems have lost over 4 million dollars, and in our current fiscal year ending in May, will lose in excess of $1 million. The cities are fully aware of our plight in this regard and yet, in some instances, have demonstrated absolutely no concern or desire to cooperate in any manner towards resolving the problem. Obviously, no enterprise can continue in this manner for an indefinite period if it expects to stay in business.

These very circumstances vividly demonstrate the need for elimination of rate regulation at the local level—an exercise in the present environment literally calculated to foreclose objective evaluation and to reduce it to a game of political football. H.R. 4103 would eventually put a stop to such behavior to the ultimate benefit of all concerned. The fact is that the marketplace is our real regulator and will, as is the case with theaters, sporting events and other alternative forms of entertainment services, effectively serve to set mutually acceptable rates and charges for cable services. The present system serves only to invite abuse.

Another issue apparently arising in your meeting with the mayors (and one that is certainly receiving nationwide publicity today) is that sum properly to be extracted from cable systems by cities in the form of "franchise fees". The relevant FCC regulation is clear in context and concept and recent agency interpretations widely publicize that any city that chooses to charge in excess of 3 percent of a system's gross revenues must first justify the entire amount of its fee as a direct cost of cable regulation. We did not make these rules nor did we create all of the public attention that they have so recently received. However, we hold many FCC licenses which are essential to the conduct of the Company's business and, as such, must abide by the Agency's published rules and policies.

Therefore, it is our position that until such time as any city in which United operates receives an appropriate waiver of these FCC requirements, we have no choice other than to adhere to the Commission's construction of the law. As a practical matter, only the city has the necessary information to file for such waiver relief. To give you additional insight into this problem, I am enclosing a letter dated March 20, 1984 from Jack Cole of Cole, Raywid & Braverman, our Washington, D.C. FCC counsel.

Whatever may have been the underlying cause, and however long the concept may have festered, the unfortunate fact is that is that many municipal governments have come to look upon the local cable operator not so much as a valuable service or even as a member of the local business community, but rather as fair game for additional revenues by way of excessive franchise fee taxation. While a cable television service conducted as a prudent business may well prove a reasonable investment to its owners, such business must not be saddled with excess burdens any more than would be the practice with local newspapers, broadcast stations or any other local business which serves the interests of the public. Too often overlooked is the reality that such excess "taxes" must of necessity fall ultimately upon the public consumer. Of course, we agree that cable television must pay its way.

Cities must come to the proper recognition that cable television is a legitimate business performing a valuable public service for those choosing to utilize such facilities. And, as such, cable must certainly bear its fair share of the local tax burden. But cable television is not properly a revenue source to be specially or uniquely exploited to alleviate those admittedly significant economic woes currently confronting our cities. The present conditions, as reflected by some of the systems in your District, are unbearable in any realistic business sense—even chaotic—warranting, indeed we believe requiring, an even-handed legislative solution. For it appears that such route offers the best prospect for a resolution fair and equitable to all, including the consumer public.

Finally, I trust that you are aware of the fact that representatives of our Company have frequently met with representatives of the cities in the Downriver area and have attempted in every reasonable way to find acceptable paths to an accommodation of our differences. As currently as this past week, we have suggested the possibility of still another "summit" meeting with the very top echelon of our Company sitting down with the mayors of all of these communities and their staffs for the purposes of exchanging views and further exploring grounds for reasonable settlement of our differences. We have not been, and will not be, unbending. As a public company, we of course, have an obligation to our shareholders to operate our various systems consistent with sound business practices. Under current conditions we see no realistic opportunity to achieve a reasonable profit and, as such, feel obliged to work to modify these conditions. At the same time, however, we fully recognize that we labor in a field imbued with significant public-service obligations and we make a real effort, as we must, to meet both of these fundamental responsibilities. There is, however, a middle ground upon which we and the cities can proceed together in discharging our respective responsibilities. Enactment of H.R. 4103, in our respectful judgment, will go a long way to achieving that desirable end and, at the same time, serve the common good.

Those problems discussed above are, as you know, not peculiar to United but constitute an industry phenomenon literally requiring action of a nationwide magnitude. Please be advised that if you feel a meeting between us might prove constructive in execution of your duties, I would be honored to meet at your direction and convenience.

Yours very truly,

GENE W. SCHNEIDER,
Chairman of the Board.

I must remind my colleagues that the FCC regulations on franchise fees have remained unchanged since 1972—a fact which would not be evident from reading these communications. Under this legislation, United is clearly liable for franchise fees, as it originally promised subject to the 5-percent cap.

Finally, I want to assure my colleagues that the amendments added in the Senate do no disturb the telephone provisions in the House-passed bill.

I urge my colleagues to support final passage of this measure. It has the support of the Nation's cities and the cable industry. It establishes a national cable television policy and provides the cable industry and the Nation's cities with a clear set of ground rules that will further cable's growth and development, and bring stability to what has been a chaotic environment for both cities and the industry.

Mr. RINALDO. Mr. Speaker, further reserving the right to object, as I indicated in my statement on the House floor last week, this legislation will promote the expansion of cable television, while, at the same time, insuring that the legitimate interests of State and local governments are represented in the franchising agreement.

It represents a good compromise and I am particularly pleased by the fact that the Senate adopted provisions in the House bill which gives the franchising authority the ability to require that channels be set aside for public, educational, and governmental programing as a condition for getting their license.

This programing is certain to contribute to the further enlightenment of our citizens.

I certainly urge my colleagues to join me in supporting this legislation.

Further reserving the right to object, Mr. Speaker, I yield to my friend from New York [Mr. GARCIA].

Mr. GARCIA. I thank the gentleman for yielding.

Mr. Speaker, I would just like to say that I know the work that has gone into this bill by the chairman of the subcommittee and by my colleague from Texas. I also know that I have been amongst those who have complained bitterly about the cable industry, because I have felt that they have taken those parts of the country and those areas of cities that are lucrative that are areas that they feel the income will come in almost immediately and in many instances, have left out those areas of America's inner cities which, in fact, they say, do not provide the revenues to support the project.

I am happy to say that I am certain that this set of circumstances that my colleague from Colorado and my colleague from Texas have worked very hard to make sure that everybody has equal access to cable TV. Because one of the arguments that I constantly hear is that the poor people cannot afford so they do not want to wire up those areas that are economically depressed.

But as we get more and more into television and cable becomes bigger and expands, it seems to me that that is a decision that must be left to the people who live there. In many instances, I think, and hopefully in the long run, that their entertainment will be at home and that maybe it will even end up saving money.

As regards to the equal employment portions of this bill, which, as a member, no longer the chairman of the Congressional Hispanic Caucus, and as a member who has fought for equal employment and I know the pressures brought upon by Members on the other side, that I just want the record to state, very clearly, that the Congressional Hispanic Caucus—of which I am now a member, no longer the chairman—sent a letter to that other body asking them on the other side to hold the provisions that were put forth in this bill from this side.

I understand, I have been in the legislative process long enough to know there is give and take and I want to commend my colleague from Texas [Mr. LELAND] because I know that these are hard negotiations and you have to give and take, but I would hope that all who are responsible for the drawing of this legislation make it very clear and that we constantly monitor the industry so that they understand that all Americans must participate as equal partners, not some more equal than others, but everybody together. To that extent, I am certain that this hopefully, in the long run, will be something that we can all live with.

● Mr. BLILEY. Mr. Speaker, I would like to commend the gentleman from Colorado, the chairman of the Telecommunications Subcommittee and all of the Members of the House and those in the other body who have forged this compromise.

It has come to my attention that some question has been raised about the obscenity provisions of the bill which were worked out by Members of the other body, the gentleman from Colorado, myself, and others. There has been particular concern about section 639 of the bill, which, some parties allege, could be struck down by a court as being too vague. That section prohibits the transmission of materials which are obscene or otherwise unprotected by the Constitution.

This provisions was modeled on the existing section 1464 of title 18 which prohibits obscene television and radio broadcasts. Section 639 is intended to prohibit the same type of broadcasts over cable, so there should be no problem with court interpretation of the provision.

In the unlikely event that a court should find the "otherwise unprotected" language to be unconstitutionally vague, it is my view that the prohibitions against "obscene" and "otherwise unprotected" language are separate and severable, and that the prohibition against obscenity should stand in the face of any adverse decision on the prohibition against otherwise unprotected language.●

● Mr. LEVIN of Michigan. Mr. Speaker, the city of Southfield, MI, brought to my attention a particular concern which they had with the cable bill and I brought this matter to the attention of the conferees. It is my understanding that the statement of managers accompanying S. 66 includes language clarifying that a community in the position of Southfield can release funds held in escrow that were paid by a cable company as part of its agreement to pay a 5-percent franchise fee. This money has been paid to the city and is being held in escrow.

I would like to include a letter from the city of Southfield which explains their particular situation in greater detail.

Mr. Speaker, I would like to express my deep appreciation to the conferees on this bill. They have been extremely considerate in working with me to insure Southfield's legal right to the money in its escrow account and that it will not have to face the prospect of legal action with attendant costs. In particular, Mr. Speaker, I want to thank my distinguished colleague from Michigan, the chairman of the Telecommunications Subcommittee and the chairman of the Energy and Commerce Committee, for their help in this matter.

CITY OF SOUTHFIELD,
COMMUNITY RELATIONS DEPARTMENT,
Southfield, MI, October 1, 1984.

Congressman SANDER LEVIN,
Washington, DC.

DEAR CONGRESSMAN LEVIN: This letter is in reference to the Cable Franchise Policy and Communications Act of 1984, H.R. 4103, reported out of Committee on June 26, 1984.

I wanted to congratulate you once again on your strong leadership in making sure that Congress does not enact legislation which emasculates the ability of local communities to oversee the construction and development of cable television systems. While time is fast running out on this session of the Congress, the City of Southfield is prepared to do whatever it can to assist your efforts in securing cable televison legislation that protects the interest of communities.

I would like to take this opportunity to point out a problem posed by H.R. 4103 for the City of Southfield and, I believe, several other Michigan communities. Under Southfield's cable franchise, its franchise holder, Continental Cablevision, is obligated to pay the City a franchise fee of 5 percent. This is consistent with the legislation. The Federal Communications Commission has not, however, given permission yet for the City to collect the 5 percent fee. Consequently, Continental is paying Southfield 3 percent of gross revenues and is holding 2 percnet into an escrow account pending FCC approval permitting Southfield to collect the full 5 percent as stated in the franchise agreement.

H.R. 4103 does not specifically address the issue of escrowed funds. Once it becomes law, the FCC would no longer have jurisdiction over franchise fees. We are concerned, therefore, that Continental would have an incentive to use this circumstance to claim it does not owe the escrow funds to Southfield.

Because of the sizeable sum involved (about $200,000) and the status of our relationship with Continental, it is important that the intent of H.R. 4103 be clarified. It appears that the intent of the bill is not to jeopardize Southfield's claim on these funds.

While we do not believe that statutory changes are absolutely necessary to make the necessary clarification, we hope that you will make clear during consideration of H.R. 4103 on the House floor that the intent of the bill is to preserve the status quo under which FCC franchise fee waivers apply retroactively and that under H.R. 4103 franchise auhorities are entitled to escrow accounts held pending FCC approval of a franchise fee waiver process.

We do not believe that Continental should be able to take advantage of a change in Federal jurisdiction over franchise fees to avoid paying a franchise fee that they voluntarily agreed to and which is and will continue to be permissible under Federal law.

If you have any questions concerning this request, please contact me at (313) 354-4854. Again, thanks for your outstanding support.

Sincerely,

Georgella B. Muirhead,
Director, Community Relations.●

Mr. RINALDO. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Colorado [Mr. Wirth]?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WIRTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2163. An act to amend the Federal Boat Safety Act of 1971, and for other purposes; and

H.R. 5361. An act to amend the Internal Revenue Code of 1954 to extend for one year the exclusion from gross income with respect to group legal services plans, and for other purposes.

A TRIBUTE TO FRANK HARRISON

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. Gaydos] is recognized for 5 minutes today.

Mr. GAYDOS. Mr. Speaker, at this time I would like to make note for the record and as chairman of the Pennsylvania delegation, on behalf of the delegation, I think it is unique at this time that the Member we are going to discuss in this limited time is now occupying the chair.

I am talking about my colleague from the 11th District.

Mr. Harrison has been here a short term relatively compared to some of our colleagues who are leaving, some voluntarily and some involuntarily, but in the 2 years he has been with us he has been most impressive. As dean of the delegation, it is my obligation and privilege to spread upon the record at this time as to what the intimate thoughts of mine are and on behalf of the delegation.

In a very short period of time, our colleague, Mr. Harrison, came to us with a wisdom—maybe it originated at Harvard Law School, where he is an honor graduate and maybe from little King's College, which we are so familiar with—a dedicated and imminent wisdom as far as government and its operation. In fact, down at King's College, as I understand, they really miss his services because he was a voluntary lecturer on government and all of its ramifications.

With that very close background it seems unique and I think significant that our colleague was born in Washington, DC, this city.

So you take all of those factors, as a practicing attorney up in the area of Wilkes-Barre, having had his original real true roots here in Washington, he comes to us and becomes an active part of the delegation. I do not think there is any Member of the delegation who is not sincerely sorry, sincerely sorry, to see him leave.

□ 1710

He had no difficulty at all in acclimating himself to the principles of the delegation, an active Member, a sincere Member, an effective Member. I think I say that on behalf of every individual Member of the delegation.

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GAYDOS. Mr. Speaker, at this time I yield to my colleague, the gentleman from the 12th District of Pennsylvania [Mr. Murtha].

Mr. MURTHA. I thank the gentleman for yielding.

Mr. Speaker, I want to say, while the gentleman from Pennsylvania is presiding, that it is a pleasure to serve with him and to point out that very few freshmen would come here and be able to accomplish as much as he has.

For instance, they had an underground fire in the small city of Centralia for years, and he was able to get $42 million of Federal funding to help transplant those people to another area, and worked that out very effectively with his leadership and his cooperation with the administration and with the Senate and with the Governor's office.

It is a shame to lose the services of an individual who has worked so hard and who has been dedicated to not only the district that he represents in Pennsylvania but also to this great country.

We are going to miss the gentleman from Wilkes-Barre, his advice, his leadership, and we wish him well and hope that he will be back here to see us in the years to come.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, those of us in the Pennsylvania delegation take a great deal of pride in our ability to work together, and we certainly have found a true partner in the 2 years that Frank Harrison has been with us.

The Pennsylvania delegation has benefited from his services, the State of Pennsylvania has benefited from his services, and I am very pleased that the gentleman from Pennsylvania [Mr. Gaydos] took this time in order that we might say that we wish him all the best in the future.

Thank the gentleman for yielding.

Mr. GAYDOS. I thank my colleague.

Mr. Speaker, let me close my remarks by saying this: Many men, many of our colleagues, do take their place in the chair, they handle the gavel well, but I have heard this repeatedly from a lot of our colleagues, all in unison concluding and saying with sincerity, that Frank Harrison knows how to handle that gavel. He does it expeditiously, judiciously, and I think very effectively.

We are going to miss our colleague. I hope his successor will be as effective as he was. I hope to see him in and around the Washington area in conjunction with his endeavors up in the Wilkes-Barre/Scranton area. I know, and I say this on behalf of all of my colleagues in our delegation, he is definitely going to be missed. They want to make sure that they have the right to insert their remarks in this year's Congressional Record at this point, and unanimous consent has been granted for them to do so.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to my colleague.

Mr. GEKAS. Mr. Speaker, I, too, want to offer my Godspeed to the retiring gentleman from Pennsylvania and to add my remarks to those already offered by my colleagues from Pennsylvania.

I must say that I was not sure whether the gentleman was able to handle that gavel well until 1 day he ruled me out of order. Then I knew that he was doing a good job. I wish you good luck.

Mr. GAYDOS. Finally, concluding, the Harrison family should be personally proud of their accomplishments and of their relation here in this august body in Washington.

The **SPEAKER** pro tempore (Mr. Harrison). The Chair trusts he does not offend the rules by saying that he was surprised and deeply grateful for the remarks just made.

A TRIBUTE TO THE HONORABLE RICHARD L. OTTINGER

(Mr. DELLUMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLUMS. Mr. Speaker, it is with sadness and regret that, on the last day of this 98th Congress, we bid farewell to one of the most progressive Members of this or any other Congress.

During his two tours of duty in the House of Representatives Dick Ottinger has been an unwavering champion of the cause of equal rights for all in this society, regardless of race or gender or age or religion. He has struggled valiantly to provide better opportunities for the poor and the underprivileged, to enhance the quality of life for the young, and to ensure that our senior citizens can live out their remaining years in human dignity.

In the international arena he has been a consistent champion of human rights—from South Africa to Chile—from Russia to Afghanistan. He has been an outspoken opponent of America's illegal interventionism in the Third World, from Indochina to Chile to Angola to Grenada and Central America.

He has been a true leader in the struggle to halt, and reverse, the madness of the nuclear arms race, through his initial sponsorship of a nuclear freeze resolution and by his consistent opposition to the development and deployment of first-strike nuclear and space weapons that threaten the very survival of the planet.

Dick Ottinger's presence and dedication will be sorely missed in this Chamber—but he leaves behind a legacy of commitment to peace and social justice that will be difficult for any successor to match in the years ahead. He has been my friend and legislative comrade during some difficult times in our Nation's history—and in the years ahead I will still be honored to call him friend and comrade.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my 1-minute speech, the Honorable Richard L. Ottinger.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

TRIBUTE TO HON. BALTASAR CORRADA

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, we are losing this year the services of the Resident Commissioner of Puerto Rico, Baltasar Corrada. There are two of us in this Chamber who are of Puerto Rican ancestry. I am one of those who is a New Yorker and proud of being a New Yorker, but born of Puerto Rican parents.

Baltasar Corrada is a native-born Puerto Rican serving the island. He served as vice chairman for a few years with me when I was chairman of the congressional Hispanic caucus, Mr. Speaker, and I would like the Members to know that he has always been a servant. In Spanish we have an expression called "su servidor" which means "your servant," and I would just like everybody here to know that he will be missed. I wish him well in his endeavors. He has sought another political office in his native Puerto Rico. As I say, I wish him well, and I would say to all of my colleagues that as far as I am concerned he has truly been an example of a gentleman, a person who cares, and I will miss him deeply.

EXTENDING FOR 5 YEARS TAX PROVISION TO ENCOURAGE EMPLOYERS TO PROVIDE LEGAL SERVICES FOR THEIR EMPLOYEES

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5361) to amend the Internal Revenue Code of 1954 to extend to 1 year the exclusion from gross income with respect to group legal services plans, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendment to the Senate amendment as follows:

Senate amendment: Page 6, after line 3, insert:

SEC. 2 TAX TREATMENT OF CERTAIN DEFERRED PAYMENTS.

(a) Reduction in Interest Rates Under Section 483.—Section 483 of the Internal Revenue Code of 1954 (relating to interest on certain deferred payments) is amended—

(1) by redesignating subsection (f), (g), and (h) as subsection (h), (i), and (j), and

(2) by striking out subsection (e) and inserting in lieu thereof the following new subsections:

"(e) Reduced Rate of Interest in Case of Certain Sales of Residences, Farms, or Trades or Businesses.—

"(1) In general.—In the case of any debt instrument arising from a sale or exchange to which this subsection applies, the discount rate under subsection (b) or (c) (1)(B) shall be the rate prescribed by the Secretary in regulations but shall not be greater than 10 percent and 9 percent, respectively.

"(2) Sales or exchanges to which this subsection applies.—This subsection shall apply to any of the following sales or exchanges:

"(A) Residences.—Any sale or exchange of a residence by an individual, an estate, or a testamentary trust, but only if—

"(i) either—

"(I) such residence on the date of such sale or exchange (or in the case of an estate or testamentary trust, on the date of death of the decedent) was the principal residence (within the meaning of section 1034) of the individual or decedent, or

"(II) during the 2-year period ending on such date, no substantial portion of such residence was of a character subject to an allowance under this title for depreciation (or amortization in lieu thereof) in the hands of such individual or decedent, and

"(ii) such residence was not at any time, in the hands of such individual, estate, testamentary trust, or decedent, described in section 1221(1) (relating to inventory, etc.).

"(B) Farms.—Any sale or exchange by a qualified person of—

"(i) real property which was used as a farm (within the meaning of section 6420(c)(2)) at all times during the 3-year period ending on the date of such sale or exchange, or

"(ii) tangible personal property which was used in the active conduct of the trade or business of farming on such farm and is sold in connection with the sale of such farm,

but only if such property is sold or exchanged for use in the active conduct of the trade or business of farming by the transferee of such property.

"(C) Trades or businesses.—

"(i) In general.—Any sale or exchange by a qualified person of any trade or business.

"(ii) Application with subparagraph (B).—This subparagraph shall not apply to any sale or exchange of any property described in subparagraph (B).

"(iii) New section 38 property.—This subparagraph shall not apply to the sale or exchange of any property which, in the hands of the transferee, is new section 38 property.

"(3) Dollar limitation.—

"(A) In general.—Paragraph (1) shall apply to any debt instrument to the extent that the sales price does not exceed the applicable limit with respect to such sale or exchange.

"(B) Applicable limit defined.—For purposes of this paragraph, the term 'applicable limit' means the limit determined in accordance with the following table:

"If the transaction is described in:	The limit is:
Paragraph (2)(A)	$250,000
Paragraph (2)(B)	$2,000,000
Paragraph (2)(C)	$1,000,000

"(4) Blended rate where sales price exceeds applicable limit.—In the case of any sale or exchange to which this subsection applies with respect to which the sales price exceeds the applicable limit—

"(A) Test rate.—The discount rate under subsection (c)(1)(B) shall, in lieu of the rate under paragraph (1), be equal to the sum of—

"(i) 9 percent, multiplied by a fraction the numerator of which is the applicable limit and the denominator of which is the sales price, and

"(ii) 110 percent of the applicable Federal rate, multiplied by a fraction—

"(I) the numerator of which is the sales price minus the applicable limit, and

"(II) the denominator of which is the sales price.

In the case of a transaction described in paragraph (2)(A), clause (ii) shall be applied by substituting '100 percent' for '110 percent'.

"(B) IMPUTED RATE.—The discount rate under subsection (b) shall, in lieu of the rate under paragraph (1), be equal to the rate determined under subparagraph (A) by substituting '10 percent' for '9 percent' and, except in the case of any transaction described in paragraph (2)(A), '120 percent' for '110 percent' each place it appears.

"(C) RATES AS ADJUSTED.—For purposes of this paragraph, if the Secretary prescribes, pursuant to paragraph (1), a lower discount rate under subsection (c)(1)(B) or (b) than the maxium rate allowed under paragraph (1), such lower rate shall apply in lieu of '9 percent' or '10 percent' in subparagraphs (A)(i) or (B), respectively

"(5) AGGREGATION AND ALLOCATION RULES.—For purposes of this subsection, except as provided in regulations—

"(A) DEBT INSTRUMENTS.—All debt instruments arising from a transaction (or any series of related transactions) shall be treated as 1 debt instrument.

"(B) SALES AND EXCHANGES.—All sales and exchanges which are part of the same transaction (or a series of related transactions) shall be treated as 1 sale or exchange.

"(C) PRORATION OF APPLICABLE LIMIT WHERE MORE THAN ONE PERSON HOLDS AN INTEREST.—In the case of a sale or exchange of any property (or a trade or business) described in paragraph (2) with respect to which there is more than 1 owner, the applicable limit under paragraph (3) shall be apportioned among each owner on the basis of the ratio which the fair market value of such owner's interest bears to the fair market value of all interests of such owners.

"(6) APPLICATION WITH SUBSECTION (h).—In the case of any qualified sale (as defined in subsection (h)(2)), the applicable limit determined under paragraph (3) shall be reduced by the amount of any debt instrument to which subsection (h)(1) applies.

"(7) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED PERSON DEFINED.—The term 'qualified person' means—

"(i) a person who—

"(I) is an individual, estate, or testamentary trust,

"(II) is a corporation which immediately prior to the date of the sale or exchange has 35 or fewer shareholders, or

"(III) is a partnership which immediately prior to the date of the sale or exchange has 35 or fewer partners,

"(ii) is a 10-percent owner of a farm or a trade or business,

"(iii) pursuant to a plan, disposes of—

"(I) an interest in a farm or farm property, or

"(II) his entire interest in a trade or business and all substantially similar trades or businesses, and

"(iv) the ownership interest of whom may be readily established by reason of qualified allocations (of the type described in section 168(j)(9)(B), one class of stock, or the like).

"(B) 10-PERCENT OWNER DEFINED.—The term '10-percent owner' means a person having at least a 10-percent ownership interest, applying the attribution rules of section 318 (other than subsection (a)(4)):

"(C) SALES PRICE DEFINED.—The term 'sales price' means the sum of—

"(i) money and fair market value of property received in the sale or exchange, plus

"(ii) the stated principal amount of any debt instrument issued in such sale or exchange.

"(D) TRADE OR BUSINESS DEFINED.—

"(i) IN GENERAL.—The term 'trade or busness' means any trade or business, including any line of business, qualifying as an active trade or business within the meaning of section 355.

"(ii) RENTAL OF REAL PROPERTY.—for purposes of this subparagraph, the holding of real property for rental shall not be treated as an active trade or business.

"(f) SPECIAL TEST RATES FOR SALES OR EXCHANGES INVOLVING CERTAIN REAL PROPERTY.—

"(1) IN GENERAL.—In the case of any sale or exchange to which this subsection applies, subsection (c)(1)(B) shall be applied by substituting—

"(A) '80 percent' for '110 percent' in the case of any debt instrument described in paragraph (3), and

"(B) '100 percent' for '110 percent' In the case of any debt instrument described in paragraph (4).

"(2) SALES OR EXCHANGES TO WHICH THIS SUBSECTION APPLIES.—

"(A) IN GENERAL.—Except as provided in this paragraph, this subsection applies to any sale or exchange of—

"(i) land, or

"(ii) real property described in subparagraph (D) or (F) of subsection (c)(2) of section 168 (whether or not such property is of a character subject to an allowance under this title for appreciation (or amortization in lieu thereof in the hands of the purchaser),

inluding de minimis amounts of tangible personal property associated with such real property.

"(B) CERTAIN PROPERTY NOT INCLUDED.—This subsection shall not apply to any sale or exchange—

"(i) of new section 38 property, or

"(ii) with respect to which the transferor and transferee are related persons.

"(3) DEBT INSTRUMENTS TO WHICH 80 PERCENT RATE APPLIES.—A debt instrument is described in this paragraph if—

"(A) the term of the instrument (determined with regard to any extension or renewal) is not greater than the less of—

"(i) 12 years, or

"(ii) in the case of a debt instrument issued in exchange for recovery property, two-thirds of the shortest recovery period under section 168 for such property, and

"(B) the total deferred payments under such instrument, when added to the sum of the total deferred payments under all other debt instruments issued in connection with the sale or exchange—

"(i) to which this paragraph applies, and

"(ii) which were issued before such instrument was issued,

do not exceed $4,000,000.

"(4) DEBT INSTRUMENTS TO WHICH 100 PERCENT RATE APPLIES.—A debt instrument is described in this paragraph if—

"(A) the rate of interest stated in the instrument is not less than the applicable Federal rate,

"(B) such instrument provides for—

"(i) the unconditional payment each year of at least 80 percent of the interest so stated, or

"(ii) after the close of the 2-year period beginning on the date such instrument was issued the instrument provides the unconditional payment each year of all interest accruing thereunder for that year, and

"(C) such instrument is not described in paragraph (3).

"(5) SPECIAL RULES FOR DETERMINATION OF DISCOUNT RATES.—

"(A) IN GENERAL.—If the applicable Federal rate determined under section 1274(d) for any period after June 30, 1985 (other than the Federal short-term rate) exceeds by more than 2 percentage points such rate for the preceding period as limited by this paragraph, such applicable Federal rate shall not exceed the greater of—

"(i) the sum of—

"(I) such applicable Federal rate for such preceding period, plus

"(II) one-half of such excess, or

"(ii) the highest such applicable Federal rate during the 2-year period before the period for which such determination was made after the application of this paragraph.

"(B) SPECIAL RULES FOR 1985 AND 1986.—Notwithstanding any other provision of this section, in the case of any sale or exchange with respect to which a binding contract was entered into during 1985 or 1986—

"(i) TEST RATE.—The discount rate for purposes of applying subsection (c)(1)(B) to any debt instrument described in paragraph (3) shall not be greater than the rate determined in accordance with the following table:

"For contracts entered into during the period:	The rate is:
Jan. 1–June 30, 1985	10.5
July 1–Dec. 31, 1985	11
....	
Jan. 1–June 30, 1986	11.5
July 1–Dec. 31, 1986	12
....	

For purposes of applying subsection (c)(1)(B) to any debt instrument described in paragraph (4), the discount rate shall not be greater than the rate determined in accordance with the table, plus one-half percentage point.

"(ii) IMPUTED RATE.—The discount rate for purposes of applying subsection (b) to any debt instrument described in paragraph (3) or (4) shall not be greater than the rate determined under clause (i), plus 1 percentage point.

"(6) AGGREGATION RULES.—For purposes of this subsection, all sales and exchanges which are part of the same transaction (or a series of related transactions) shall be treated as 1 sale or exchange.

"(7) RELATED PERSON DEFINED.—For purposes of this subsection and subsection (g), the term 'related person' means a person who is related (within the meaning of section 267(b) or section 707(b)(1)) to another person other than a qualified 5-percent or less partner (within the meaning of section 267(e)(5)(B)).

"(g) SPECIAL RULES FOR APPLICATION OF THIS SECTION.—For purposes of this section—

"(1) APPLICATION OF SUBSECTIONS (e) AND (f).—In the case of any sale or exchange, either subsection (e) or subsection (f) may be applied, but not both.

"(2) TREATMENT OF ASSUMPTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if, after December 31, 1984, any person—

"(i) assumes any debt obligation issued after October 15, 1984, or described in subparagraph (C), in connection with the sale or exchange of any property, or "(ii) takes such property subject to any such debt obligation,

and the terms and conditions of such debt obligation are not changed, then this section shall apply only to the person assuming, or taking property subject to, such obligation and the obligation shall be treated as issued by the purchaser to the seller in the transaction in which such obligation was assumed or the property taken subject to such obligation.

"(B) OTHER ASSUMPTIONS.—In the case of any assumption to which subparagraph (A) does not apply, the rules regarding assumptions as in effect prior to the enactment of the Deficit Reduction Act of 1984 shall apply.

"(C) OBLIGATIONS DESCRIBED IN THIS SUBPARAGRAPH.—A debt obligation is described in this subparagraph if such obligation—

"(i) was issued on or before October 15, 1984, and

"(ii) was assumed (or property was taken subject to such obligation) in connection with the sale or exchange of property (including a deemed sale under section 338(a)) the sales price of which is greater than $100,000,000.

"(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to effect the purpose of this subsection, including regulations relating to tax-exempt obligations, government subsidized loans, or other similar instruments.

"(E) CERTAIN EXEMPT TRANSACTIONS.—The Secretary shall prescribe regulations under which any transaction shall be exempt from the application of this paragraph if such exemption is not likely to significantly reduce the tax liability of the purchaser by reason of the overstatement of the adjusted basis of the acquired asset.

"(3) FAIR MARKET VALUE RULE IN POTENTIALLY ABUSIVE CASES.—In the case of any potentially abusive situation (within the meaning of section 1274(b)(3)(B)), the principal amount of any debt instrument received in any sale or exchange of property to which this section applies shall be the fair market value of such property adjusted to take into account other consideration involved in the transaction.

"(4) SALES-LEASEBACKS.—Subsections (e) and (f) shall not apply to any sale or exchange if, pursuant to a plan, the transferor or any related person leases such property.

"(5) RULES NOT TO APPLY WHERE PREPAYMENT PROHIBITED.—Subparagraph (A) of paragraph (1) shall not apply to any obligation arising from a loan from a third-party creditor, pursuant to which the obligor is not permitted to pay the instrument prior to maturity.

"(6) NO IMPUTATION RATE WHERE RESTRICTIONS ON STATED INTEREST APPLY.—Except as otherwise provided in regulations, in any case in which State law applicable to a transaction prohibits the parties from stating interest sufficient to satisfy the applicable rate under subsection (c)(1)(R), the rate under subsection (b) shall be considered equal to the rate so applicable under subsection (c)(1)(B).".

"(b) INTEREST INCOME AND DEDUCTIONS COMPUTED ON CASH BASIS IN CERTAIN CASES.—

"(1) IN GENERAL.—Section 1274 of such Code (relating to determination of issue price in the case of certain debt instruments issued for property) is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL RULES FOR CERTAIN SALES OR EXCHANGES TO WHICH INTEREST RULES OF SECTION 483 APPLY.—Notwithstanding any other provision of this subpart—

"(1) TRANSACTIONS TO WHICH SECTION 483(e) APPLIES.—In the case of any sale or exchange to which section 483(e) applies—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any inclusion in income or deduction under this title with respect to interest on any debt instrument issued in connection with such sale or exchange shall be computed on the cash receipts and disbursements method of accounting.

"(B) SALES PRICE EXCEEDS APPLICABLE LIMIT.—In any case in which the sales price exceeds the applicable limit under section 483(e)(3)—

"(i) except in the case of any transaction to which section 483(e)(2)(A) applies, subparagraph (A) shall not apply, and

"(ii) the discount rates under subsections (c)(3) and (b)(2)(B) shall be equal to the rates determined under subparagraphs (A) and (B) of section 483(e)(4).

"(2) TRANSACTIONS TO WHICH SECTION 483(F) APPLIES.—In the case of any sale or exchange to which section 483(f) applies.

"(A) TRANSACTIONS WITH 80 PERCENT TEST RATE.—

"(i) IN GENERAL.—Except as provided in clause (ii), any inclusion in income or deduction under this title with respect to interest on any debt instrument described in section 483(f)(3) shall be computed on the cash receipts and disbursements method of accounting.

"(ii) SPECIAL RULE FOR TRANSACTIONS NOT QUALIFYING FOR 80 PERCENT TEST RATE.—Clause (i) shall not apply to any debt instrument issued in such sale or exchange, if, in addition to such instrument, a debt instrument not described in section 483(f)(3) is issued in such sale or exchange.

"(B) TRANSACTIONS TO WHICH SUBPARAGRAPH (A) DOES NOT APPLY.—

"(1) IN GENERAL.—If subparagraph (A) does not apply to any debt instrument issued in such sale or exchange, subsection (c)(3) shall be applied—

"(I) in the case of any debt instrument described in section 483(f)(4), by substituting '100 percent' for '110 percent', and

"(II) in the case of any debt instrument described in section 483(f)(3), by substituting '80 percent' for '110 percent'.

"(ii) SPECIAL RULES FOR 1985 AND 1986.—In the case of any debt instrument to which clause (i) applies issued during 1985 or 1986, the discount rate under subsection (c)(3) shall not be greater than the rate determined under section 483(f)(5).

"(3) SPECIAL RULE FOR HOLDING AND TRANSFER OF DEBT OBLIGATION.—

"(A) Paragraphs (1)(A) and (2)(A) shall apply to the holder of a debt obligation only if such obligation is—

"(i) held by the first obligee of such obligation or such obligee's spouse or estate, and

"(ii) secured by the property sold or exchanged in the transaction in which such obligation is issued.

"(B) Except as otherwise provided in regulations, in the case of a transfer of property by the obligor in which the obligation is not satisfied and the transferee does not become liable to pay such obligation to the first obligee, any deduction for interest on any indebtedness paid or incurred by the transferee to the immediate transferor attributable to such obligation shall be deferred until such time as such deduction would have been allowed if such obligation had been assumed by the transferee.

"(c) In any case in which the transferee assumes or takes property subject to any obligation under subparagraph (A) or is considered to do so under subparagraph (B), the transferee shall compute the amount of the deduction for any interest on such obligation on the cash receipts and disbursements method of accounting.

"(4) SUBSECTION ALSO TO APPLY TO DEBT USED TO CARRY OBLIGATIONS.—In any case in which an obligor of a debt obligation to which paragraph (1)(A) or (2)(A) applies pays or incurs interest on indebtedness to carry such debt obligation, any deduction for such interest shall be deferred to the extent necessary to achieve a proper matching of interest income and expense.

"(5) REGULATIONS TO PREVENT ABUSE OF REQUIRED CASH ACCOUNTING.—The Secretary may by regulation prescribe rules to prevent the mismatching of interest income and interest deductions in connection with obligations on which interest is computed on the cash receipts and disbursements method of accounting.

"(6) OTHER RULES APPLY.—For purposes of this subsection, rules similar to the rules under subparagraphs (B) and (D) of section 483(g)(2) shall apply.".

(2) SPECIAL RULES FOR ASSUMPTIONS.—Paragraph (4) of section 1274(c) of such Code (relating to debt obligations to which section applies) is amended by adding at the end thereof the following new subparagraph:

"(G) TREATMENT OF ASSUMPTIONS.—

"(i) IN GENERAL.—(Except in the property described in subsection (e)(2)(A) of section 483, if after December 31, 1984, any person—

"(I) assumes any debt obligation issued after October 15, 1984, or described in clause (ii) in connection with the sale or exchange of any property, or

"(II) takes such property subject to any such debt obligation.

and the terms and conditions of such debt obligation are not changed, then this section shall apply only to the person assuming, or taking property subject to, such obligation and the obligation shall be treated as issued by the purchaser to the seller in the transaction in which such obligation was assumed or the propery taken subject to such obligation.

"(ii) OBLIGATION DESCRIBED IN THIS CLAUSE.—A debt obligation is described in this clause if such obligation—

"(I) was issued on or before October 15, 1984, and

"(II) was assumed (or property was taken subject to such obligation) in connection with the sale or exchange of property (including a deemed sale under section 338 (a)) the sales price of which is greater than $100,000,000.

"(III) CERTAIN EXEMPT TRANSACTIONS.—The Secretary shall prescribe regulations under which any transaction would be exempt from the application of this subparagraph if such exemption would not significantly reduce the tax liability of the purchaser by reason of the overstatement of the adjusted basis of the acquired asset.

"(iii) OTHER ASSUMPTIONS.—In the case of any assumption to which subparagraph (A) does not apply, the rules regarding assumptions as in effect prior to the enactment of the Deficit Reduction Act of 1984 shall apply.

"(iv) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to effect the purpose of this subsection, including regulations relating to tax-exempt obligations, government subsidized loans, or other similar instruments.".

(c) Special Rules for Certain Sales or Exchanges of Residences by Dealers in Such Property.—

(1) In general.—Section 1274 of such Code is further amended by adding at the end thereof the following new subsection:

"(f) Special Rules for Certain Sales or Exchanges of Presidences by Dealers in Such Property.—Notwithstanding any other provision of this subpart—

"(1) In general.—In the case of any debt instrument described in paragraph (4) arising from a sale or exchange to which this subsection applies—

"(A) subsection (c)(3) shall be applied by substituting '80 percent' for '110 percent', and

(B) subsection (b)(2)(3) shall be applied by substituting '110 percent' for '120 percent'.

"(2) Sales or exchanges to which this subsection applies.—

"(A) In general.—This subsection applies to any sale or exchange of any residence by a dealer who holds such residence as section 1221(1) property to a person who intends to occupy such residence if the sales price of such residence does not exceed $250,000.

"(B) Proration of applicable limit where more than one person holds an interest.—In the case of a sale or exchange of any property described in subparagraph (A) with respect to which there is more than 1 owner, the applicable limit under subparagraph (A) shall be apportioned among each owner on the basis of the ratio which the fair market value of such owner's interest bears to the fair market value of all interests of such owners.

"(3) Blended rate where sales price exceeds $25,000.—In the case of any sale or exchange to which this subsection would otherwise apply with respect to which the sales price exceeds $250,000—

"(A) Test rate.—The discount rate under subsection (c)(3) shall, in lieu of the rate under paragraph (1)(A), be equal to the sum of—

"(i) 80 percent, multiplied by a fraction the numerator of which is $250,000 and the denominator of which is the sales price, and

"(ii) 100 percent of the applicable Federal rate, multiplied by a fraction—

"(I) the numerator of which is the sales price minus $250,000, and

"(II) the denominator of which is the sales price.

"(B) Imputed rate.—The discount rate under subsection (b)(2)(B) shall be the rate under paragraph (1)(B).

"(4) Debt instrument.—A debt instrument is described in this paragraph if it provides conspicuous notice to the obligor in a manner prescribed by regulations that if the obligor of such instrument places the residence in service in a trade or business the depreciation rules under section 168(f)(16) shall apply.

"(5) Sales price defined.—For purposes of this subsection, the term 'sales price' means—

"(i) money and fair market value of property received in the sale or exchange, plus

"(ii) the stated principal amount of any debt instrument issued in such sale or exchange.

"(6) Rules relating to interest to carry dealer obligations arising under this subsection.—

"(A) Excess deductions disallowed.—For each year the interest expense paid or incurred on any debt incurred or continued to carry any dealer obligation shall be disallowed to the extent such expense exceeds interest income includable with respect to such dealer obligation for such year.

"(B) Disallowed interest expense allowed in subsequent years.—For any year the amount of disallowed interest expense shall be allowed as a deduction with respect to any dealer obligation in an amount equal to the disallowed interest expense as of the close of such year (not including any amount previously allowed under this subparagraph) multiplied by a fraction—

"(i) the numerator of which is the sum of the principal payments on such dealer obligation made in such year, and

"(ii) the denominator of which is the total amount of principal outstanding on such dealer obligation at the beginning of such year.

"(C) Definitions.—For purposes of this paragraph—

"(i) Dealer obligation defined..—The term 'dealer obligation' means an obligation arising pursuant to a transaction to which paragraph (1) of this subsection applies.

"(ii) Disallowed interest expense defined.—The term 'disallowed interest expense' means the aggregate amount of interest expense disallowed under subparagraph (A) with respect to any dealer obligation.

"(D) No inference.—Nothing in this paragraph shall be construed to imply that any transaction described in this paragraph is or is not subject to the rules of section 4538, and any determination of such issue shall be made as if this paragraph had not been enacted.".

(d) Rule Where Special State Law Applies.—Section 1274 of such Code is further amended by adding at the end thereof the following new subsection:

"(g) No Imputation Rate Where Restrictions on Stated Interest Apply.—Except as otherwise provided in regulations, in any case in which State law applicable to a transaction prohibits the parties from stating interest sufficient to result in an adequate stated interest in the transaction, a rule similar to the rule of section 483(g)(6) shall apply.".

(e) Conforming Amendments.—Paragraph (4) of section 1274(c) of such Code (relating to certain excepted debt instruments) is amended—

(1) by striking out subparagraphs (A) and (B),

(2) by striking out "section 483(e)" and "SECTION 483(e)" in subparagraph (F) and the heading to subparagraph (F), respectively, and inserting in lieu thereof "section 483(i)" and "SECTION 483(i)", respectively, and

(3) by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (A), (B), (C), and (D).

(f) Depreciation.—Subsection (f) of section 168 of such Code (relating to accelerated cost recovery system) is amended by adding at the end thereof the following new paragraph—

"(16) Special rules for certain residences.—In the case of any debt instrument described in section 1274(f)(1), the original principal amount of the debt instrument shall be deemed to be the lesser of—

"(A) the stated principal amount, or

"(B) the imputed principal amount determined by applying section 1274(f) using a discount rate of 110 percent of the applicable Federal rate at the time the debt was issued.".

(g) Determination of Applicable Federal Rate.—

(1) In general.—Paragraph (1) of section 1274(d) of such Code (relating to determination of applicable Federal rate) is amended by adding at the end thereof the following new subparagraph:

"(E) Authority for Secretary to determine rate more frequently.—If there is a significant decrease in any applicable Federal rate following any 6-month test period referred to in subparagraph (B), the Secretary may determine the applicable Federal rate on the basis of a more recent period (not less than 30 days) as he determines appropriate to reflect such decrease.".

(2) Special rule for 1984.—

(A) In general.—In the case of any debt instrument issued during the first 6 months of 1985 pursuant to a sale or exchange for which a binding contract was entered into during 1984, the applicable Federal rate for purposes of sections 483 and 1274 of the International Revenue Code of 1954 shall be 10 percent.

(B) Paragraph not to apply.—Subparagraphs (A) shall not apply to any debt instrument to which section 483 (e) or (f) of the Internal Revenue Code of 1954, as amended by this section, applies.

(i) Effective Date.—The amendments made by this section shall take effect as if included in the amendments made by section 41 of the Deficit Reduction Act of 1984.

Sec. 3. Provisions of subsections 483(f) and 1274(f) of the Internal Revenue Code as amended, shall not apply to a transaction if the seller elects to have the discount rates contained in sections 1274(b)(2)(B) and (c)(3) apply to this transaction and to any related transaction."

Sec. 4. (A) Notwithstanding any other provision of law, Section 483(e)(2) of the Internal Revenue Code of 1954, as amended, is further amended by adding the following new material:

"(D) Sale of Business Real Estate.—The sale or exchange of any real property used in an active trade or business within the meaning of Section 483(e)(7)(D), by a person who would be qualified if he disposed on an entire interest, but only to the extent that the sales price together with any prior sales during the preceding 12 months does not exceed $1 million. In cases of any sale or exchange which exceeds $1 million, paragraph (4) shall apply."

(B) Notwithstanding any other provision of law, Sections 1274 an 483 of the Internal Revenue Code of 1954, as amended, shall not apply to any debt obligation which is assumed or taken subject to (hereinafter "assumed") in a transaction to which Section 483(e)(2) applies except (1) to the extent (and in the manner) that those sections applied to such obligations before the obligation was assumed, or (2) where the terms and conditions of the obligation are modified in connection with the assumption or the transfer of the property.

SECTION 5. INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out "may not be more" and all that follows through "outstanding at one time" and inserting in lieu thereof "may not be more than $1,730,000,000,000.00 outstanding at one time".

SEC. 6. CONSIDERATION OF A SUBSTANTIAL REDUCTION IN THE FEDERAL DEFICIT.

(a)(1) Notwithstanding any other provision of law, any concurrent resolution, any resolution, or the Standing Rules of the Senate or the Rules of the House of Representatives, is shall not be in order in either the Senate or the House of Representatives to consider, or to vote upon the question of agreeing to, a bill, a joint resolution, or an amendment that would, upon becoming law, authorize the United States Government to issue or insure a face amount of obligations in excess of the face amount of obligations authorized to be issued or insured under chapter 31 of title 31, United States Code, pursuant to subsection (b) of section 3101 of such title (as such section is amended by section 1 of this join resolution) prior to consideration of, and a vote upon the question of agreeing to, a Federal deficit reduction bill conforming with the requirements of paragraph (3).

(2)(A) The Federal deficit reduction bill required to be considered in a House of the Congress pursuant to paragraph (1) shall be introduced by the presiding officer of such House.

(B) Time for debate on the Federal deficit reduction bill required to be considered in a House of the Congress pursuant to paragraph (1) (and any amendments thereto) shall be equally divided between the majority and minority parties, and shall be controlled by the majority leader and the minority leader of such House, or their designees.

(3) For the purpose of this subsection, a Federal deficit reduction bill means, with respect to a House of the Congress, a bill of such House, the matter after the enacting clause of which reads as follows:

"LIMITATIONS OF BUDGET AUTHORITY

"SECTION 1. (a) It shall not be in order in the Senate or House of Representatives to consider any bill or resolution making appropriations, if the enactment of such bill or resolution, as recommended by the respective committee on appropriations would cause the aggregate total budget authority for function 050, National Defense, to exceed $292,900,000,000 in fiscal year 1986.

"(b) It shall not be in order in the Senate or House of Representatives to consider any bill or resolution making appropriations, if the enactment of such bill or resolution, as recommended by the respective committee on appropriations would cause the aggregate total budget authority for nondefense discretionary activities to exceed $139,800,000,000 in fiscal year 1986.

"(c) For the purposes of this section, budget authority shall be determined on the basis applicable for fiscal year 1985.

"(d) The provisions of subsection (a) or (b) of this section may be waived or suspended in the Senate by a majority vote of the Members voting, a quorum being present, or by unanimous consent of the Senate.

"(e) It is the sense of Congress that the unprecedented magnitude and persistence of current and projected Federal budget deficits must be addressed in a comprehensive strategy to moderate increases in defense spending while continuing the effective constraints on nondefense discretionary programs. To assure the success of such an initiative, the foregoing procedural restraints, in addition to the total aggregate spending limitations pursuant to the Congressional Budget Act of 1974, as amended, are necessary on budget authority both for defense and for nondefense discretionary programs for fiscal year 1986.

"MEDICARE FREEZE

"SEC. 2. (a) Notwithstanding any other provision of law, the "applicable percentage increase" under section 1886(b)(3)(B) of the Social Security Act for any 12-month cost reporting period or fiscal year beginning on or after October 1, 1985, and before October 1, 1986, shall be zero percent.

"(b) The Secretary of Health and Human Services shall report to the Congress within 45 days after the date of the enactment of this Act with respect to suggested methods for assuring that hospitals will not increase amounts charged to patients who are not entitled to benefits under title XVIII of the Social Security Act in order to compensate for amounts not paid by reason of the limitation under subsection (a).

"LIMITATIONS ON COST-OF-LIVING ADJUSTMENTS

"SEC. 3 (a) Notwithstanding any other provision of law, no increase shall be made in payments or benefit amounts under any provision of law which would otherwise require such increase to become effective during fiscal year 1986 as a result of changes in—

"(1) the Consumer Price Index (or any component thereof); or

"(2) any other index which measures costs, prices, or wages.

"(b) No person shall be entitled to any increase in payments or benefit amounts under any provision of law if payment thereof is denied by reason of this section.

"(c) Notwithstanding any other provision of law, any change in—

"(1) the Consumer Price Index (or any component thereof); or

"(2) any other index which measures costs, prices, or wages,

which would have resulted in any increase in payments or benefit amounts during fiscal year 1986 but for the provisions of subsection (a) shall not be taken into account for purposes of determining any increase in payments or benefit amounts during fiscal year 1987 or any fiscal year thereafter.".

(4) The provisions of this subsection are enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(b)(1) Notwithstanding any other provision of law, the head of each agency of the Federal Government shall take such actions as may be necessary to ensure that such agency is prepared to carry out promptly any provisions of law enacted pursuant to this section that require action to be taken by such agency. Actions taken by an agency pursuant to this paragraph shall include the development of contingency plans for carrying out the programs, projects, and activities of such agency in the event that the amounts available for obligation and expenditure by such agency during fiscal year 1986 are reduced pursuant to this section.

(2) for purposes of this subsection, the term "agency" has the meaning given to such term in section 101 of title 31, United Sates Code.

SEC. 7. AMENDMENTS TO THE INTERNAL REVENUE CODE.

MAXIMUM DOLLAR AMOUNT.—Section 7430 (b)(1) of the Internal Revenue Code of 1954 is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

(b) DEFINITIONS.—Subparagraph (A) of section 7430 (c) (2) of such code is amended to read as follows:

"(A) IN GENERAL.—The term 'prevailing party' means any party to any proceeding described in subsection (a) (other than the United States or any creditor of the taxpayer involved)—

"(i) which has substantially prevailed with respect to—

"(I) the amount in controversy, or

"(II) the most significant issue or set of issues presented, and

"(ii) with respect to which the United States has not established that its position in the civil proceeding was substantially justified.

In determining whether the position of the United States in any civil proceeding was substantially justified, the court may take into account the administrative actions of the Internal Revenue Service in the matter giving rise to the issues in such proceeding. Notwithstanding this subparagraph, a party shall not be treated as a prevailing party if special circumstances would make an award unjust.".

(c) TERMINATION DATE.—Section 7430(f) of such Code is amended by striking out "1985" and inserting in lieu thereof "1989".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to civil actions or proceedings pending on, or commenced after, the 45th day after the date of the enactment of this Act.

(2) EXCEPTIONS.—The amendments made by this section shall not apply to any action or proceeding pending on such 45th day if there has been a determination by any court of the United States (including the Tax Court and the United States Claims Court) with respect to—

(A) the awarding of reasonable litigation costs in such proceeding, or

(B) the most significant issue or set of issues presented in such proceeding.

House amendment to the Senate amendment: In lieu of the matter proposed to be inserted by the Senate, insert the following:

SEC. 2. TRANSITIONAL RULE FOR PURPOSES OF IMPUTED INTEREST RULES.

Subsection (b) of section 44 of the Tax Reform Act of 1984 (relating to effective date for treatment of debt instruments received in exchange for property) is amended by adding at the end thereof the following new paragraphs:

"(4) SPECIAL RULES FOR SALES BEFORE APRIL 1, 1985.—

"(A) IN GENERAL.—In the case of any sale or exchange before April 1, 1985—

"(i) sections 483(c)(1)(B) and 1274(c)(3) of the Internal Revenue Code of 1954 shall be applied by substituting the testing rate determined under subparagraph (B) for 110 percent of the applicable Federal rate determined under section 1274(d) of such Code, and

"(ii) sections 483(b) and 1274(b) of such Code shall be applied by substituting the imputation rate determined under subparagraph (C) for 120 percent of the applicable Federal rate determined under section 1274(d) of such Code.

"(B) TESTING RATE.—For purposes of this paragraph—

"(i) IN GENERAL.—The testing rate determined under this subparagraph is the sum of—

"(I) 9 percent, plus

"(II) if the borrowed amount exceeds $2,000,000, the excess determined under clause (ii) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

"(ii) EXCESS.—For purposes of clause (i), the excess determined under this clause is the excess of 110 percent of the applicable Federal rate determined under section 1274(d) of such Code over 9 percent.

"(C) IMPUTATION RATE.—For purposes of this paragraph—

"(i) IN GENERAL.—The imputation rate determined under this subparagraph is the sum of—

"(I) 10 percent, plus

"(II) if the borrowed amount exceeds $2,000,000, the excess determined under clause (ii) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

"(ii) EXCESS.—For purposes of clause (i), the excess determined under this clause is the excess of 120 percent of the applicable Federal rate determined under section 1274(d) of such Code over 10 percent.

"(D) BORROWED AMOUNT.—For purposes of this paragraph, the term 'borrowed amount' means the sum of—

"(i) the stated principal, plus

"(ii) any stated interest payable more than 1 year after the period to which it is properly allocable.

"(E) AGGREGATION RULES.—For purposes of this paragraph—

"(i) all sales or exchanges which are part of the same transaction (or a series of related transactions) shall be treated as one sale or exchange, and

"(ii) all debt instruments arising from the same transaction (or a series of related transactions) shall be treated as one debt instrument.

"(5) EXCEPTION FOR ASSUMPTIONS OF LOANS MADE ON OR BEFORE OCTOBER 15, 1984.—If any person—

"(A) assumes, in connection with the sale or exchange of property, any debt obligation issued on or before October 15, 1984, or

"(B) acquires any property subject to any debt obligation issued on or before October 15, 1984, sections 1274 and 483 of the Internal Revenue Code of 1954 shall not apply to such debt obligation by reason of such assumption (or such acquisition) unless the terms and conditions of such debt obligation are modified in connection with the assumption (or acquisition)."

Mr. ROSTENKOWSKI (during the reading). Mr. Speaker I ask unanimous consent that the Senate amendment and the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. ARCHER. Mr. Speaker, reserving the right to object, this procedure, sadly, is not giving the House an opportunity to work its will on an issue where 300 House Members have sponsored legislation to make constructive changes in the imputed interest rules.

I am concerned that 3 months of time next year, which is what I believe the chairman is going to offer as a substitute for what the Senate has proposed, is in all likelihood not going to produce productive results. But I would like to ask the chairman and have a colloquy with him, if I might, as to how serious he feels about making changes in order to have some constructive improvement above what was done in the conference committee and I think many of us, in the haste of the conference committee, including the chairman, did not fully understand what the impact of this was, although we understood the issue.

□ 1720

Mr. ROSTENKOWSKI. I would like to remind my colleagues that the legislation that we are considering which the Senate has amended, was originally recommended by the administration, included in the House bill, and was not a conference product. It was the product that was generated through the Ways and Means Committee and the Senate Finance Committee. So the defects, or at least the perceived defects, have arisen since the passage of the original legislation.

In a discussion with the gentleman from Texas, I suggest that there be a delay of 3 months in the effective date mainly because I did not want to delay activity in the Ways and Means Committee. I wanted to be able to consider the issue as soon as the 99th Congress convenes. We all recognize that we will be back here with an inauguration; that we will be waiting for one body or the other to move, or the administration to make its budget submission. I sincerely think that to delay to April 1, 1985 would put the feet of the Members on the Ways and Means Committee to the fire so that we would be able to come to a logical and fair conclusion regarding these imputed interest rules.

If I am back here next year as chairman of the Ways and Means Committee, I expect to hold hearings on this issue.

Mr. ARCHER. We expect you to be back, Mr. Chairman.

Mr. ROSTENKOWSKI. I expect to hold hearings and expose members of the committee to both the problems and the assets of this legislation.

Mr. ARCHER. I would further ask the chairman if he would be willing to say to the House that you would not object to what has been proposed as a revenue loss of $350 to $400 million, whether we will be fighting a roadblock, that the chairman will say, wait a minute, we cannot give up any revenue, which will in its own way, impede the ability to make any constructive changes in this imputed interest rule.

I happen to believe those revenue estimates are wrong. I think that the impact of the legislation will be so adverse that it will chill the sales of real estate, and, therefore, there will not be the lost revenue that has been projected. But we have to go by the Treasury figures on that, and our own joint committee staff figures, and they are saying that the Senate compromise would lose $350 to $400 million.

I would simply ask the chairman whether he will raise in either direct or indirect ways an impediment to our reaching a constructive improvement as a result of this type of revenue loss.

I yield to the chairman for his response.

Mr. ROSTENKOWSKI. I think what the committee will do is look at these provisions on their merits. Certainly, will all be cognizant next year of the fact that losing revenues will further increase the deficits. However, I think that the revenue consequences of legislation and its impact on the deficit will be a problem that we will have to face throughout all the legislation that is reported by the Committee on Ways and Means.

I am pleased that there has been so much pressure on this issue so that we can be sincere about our efforts to develop a fair resolution. I listened carefully to all the arguments. I do not want to kill sales of properties, but I do think that we ought to look for fairness.

Mr. ARCHER. I would ask the chairman whether he would be willing to amend his request for an amendment to include a provision that any changes that might be made before April 1st would be retroactive to January the 1st.

Mr. ROSTENKOWSKI. I am not going to amend my amendment. However, I will state at this time that should there be any changes in the imputed interest provisions in the period between the 1st of January and the 1st of April next year, I certainly feel that we should treat people fairly in the new rules.

Mr. ARCHER. Further reserving the right to object, Mr. Speaker, I feel very strongly about this issue and raised it in the conference committee on the tax bill early on. I am very concerned about whether we will take the necessary action. I am not completely satisfied with the Senate language; the compromise that has been worked out in the Senate. But I regret the fact that the House is not having an opportunity to vote on that compromise language, which the Treasury has signed off on, and finds acceptable.

In that light, I would ask the chairman whether he would be willing to amend his unanimous-consent request so that he would merely use it to take the bill from the table and permit a vote on an amendment that would contain the language that the Senate has adopted in compromise fashion after working with the staff of the joint committee and with the Treasury, and I understand actually in consultation with the majority staff on the House side so that we at least would have a chance to vote on this today.

Mr. ROSTENKOWSKI. No, the gentleman from Illinois will not amend his amendment.

Mr. ARCHER. Mr. Speaker, I withdraw my reservation of objection.

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I do so so that the chairman might explain to us the motion that he is making and the bills that are included in the Senate opus.

I yield to the gentleman for his response.

Mr. ROSTENKOWSKI. Mr. Speaker, H.R. 5361 as passed by the House contained a 1-year extension through December 31, 1985 of the income and employment tax exclusions for qualified group legal service plans, and the tax exemption for group legal services organizations. The other body has amended the bill to include a number of unrelated tax provisions not considered by the House. These amendments include changes to the imputed interest provisions recently enacted in the Deficit Reduction Act of 1984, revisions to the TEFRA attorneys fees awards provisions, and modifications to the House-passed version of the debt ceiling increase.

The amendment that I am proposing incorporates the original House-passed provisions of H.R. 5361 relating to group legal services plans and a 3-month delay in the effective date of certain of the imputed interest provisions.

Mr. Speaker, the extension of the group legal services program is noncontroversial, and enjoys broad bipartisan support. H.R. 5361 passed the House by a vote of 300 to 87 on October 1, 1984 under suspension of the rules. The new imputed interest provisions have generated considerable controversy. The chief argument against these provisions is that they are too complex. The fact that so many Members of Congress have such strong opinions on the complexity of these rules indicates that these provisions should not be the subject of an 11th hour compromise developed with minimal input from Members of the Committee on Ways and Means and the House of Representatives.

The Senate imputed interest amendment, while meritorious in its intent, is 20 pages in length and unfortunately adds to the complexity of present law. I feel especially strongly that the House and, in particular the Ways and Means Committee, should have an ample opportunity to thoroughly analyze the new rules with a view toward simplification.

For this reason, I am proposing that the increase in the imputed interest rate scheduled to go into effect January 1, 1985, under the Tax Reform Act of 1984, be delayed for 3 months, until April 1, 1985, for transactions with deferred payments not exceeding $2 million. For these transactions, the rate would remain 9 percent for this 3-month period. In addition, I am proposing that assumptions of existing debt be exempt from the imputed interest rules.

Mr. Speaker, I urge the adoption of this amendment so that final congressional action on H.R. 5361 can be achieved prior to adjournment.

□ 1730

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I yield to the distinguished majority leader.

Mr. WRIGHT. Under the reservation of the right to object, I just want to make sure that everyone understands what is involved here, because I think it is a matter of quite considerable importance to Members on both sides of the aisle, and quite substantial significance to the future of our American economy.

The imputed interest provision in the recent tax bill which the Senate amendment would seek to alter makes certain assumptions which I would ask the gentleman from Illinois if he and I understand the same way. The tax bill we earlier adopted, if unchanged, would provide after January that if I had a piece of property that the gentleman from Illinois wanted to purchase, and the economics did not make it a viable purchase for his economic purposes if he had to go to the bank and borrow the money and pay 14.5 percent, and if I were to say to the gentleman from Illinois, "Look, I will sell you the property, and I will carry the paper over and above your down payment, and you will only have to pay me 10 percent" then I would be taxed as though I had in effect received 14.5 percent, or 4.5 percent more than I had whatever the market interest would be determined to be, even though I had not received that money. Even though I had decided in my own mind that I was not going to gouge the gentleman from Illinois for high interest rates and would give him the benefit of a reasonable interest rate, nevertheless, I would be taxed as though I had received the going rate of interest that the banks charge. Is that essentially correct?

Mr. ROSTENKOWSKI. That is right.

Mr. WRIGHT. If the gentleman would yield further, I feel very strongly, and I know a great many others do, that it is just fundamentally wrong for the Treasury to make an assumption that someone is trying to cheat or operating out of impure motives and to tax any American citizen for money he or she did not receive.

In the second place, I think it is fundamentally wrong, and contrary to sound public policy, for us to create a situation which in effect forces people to charge high rates of interest, and allows the banks to establish the minimum rate of interest that an individual might charge. That in my opinion is diametrically opposed to what we should be doing.

It seems to me more logical that we ought to be placing ceilings on interest rates rather than putting floors on interest rates, and pushing them up.

Having said that, let me see if I understand what the Senate would provide.

The Senate amendment, as I understand it, would exempt not only the $250,000 home exemption which exists in the law that we passed, and not only the $1 million farm exemption in the present law, but would exempt $2 million for a farm, or $4 million for a commercial property, and $250,000 for a home which is the primary residence or secondary vacation home. Is that essentially what the Senate bill would provide?

Mr. FRENZEL. I yield to the distinguished gentleman for Illinois.

Mr. ROSTENKOWSKI. The gentleman is describing the perfect transaction. However, it has been noted, at least by officials of the Treasury Department, that there is often an opportunity to raise the selling price artificially. As a result, the seller receives the benefit of capital gains with a long, stretched-out interest provision. Therefore, with an inflated selling price, the Treasury Department loses money because of the capital gains treatment, and it also loses because of increased depreciation deductions on the inflated price.

This is the evidence that has been presented to the Committee on Ways and Means; and the reason why this provision was enacted.

Mr. FRENZEL. Further reserving the right to object, I yield to the gentleman from Texas.

Mr. WRIGHT. In other words, and I certainly do honor the determination of my friend from Illinois, the chairman of this committee, to try to protect the Treasury.

I recognize that is what he is honestly endeavoring to do, and I honor him for that. But his position rests, does it not, upon the assumption that under the circumstances which I described earlier, I would be offering the lower rate of interest in order to deprive the Government of taxes. Supposing I were a very wealthy man, in the top income tax bracket, and any interest I might receive, therefore, would be taxed at a 50-percent rate; whereas, if I were selling this property on a long-term capital gains basis, I might be taxed on the sale price at only a 20-percent rate. It, therefore, might be to my advantage to connive a situation in which I would artificially raise the selling price in exchange for a reduced rate of interest, so that I would get roughly the same amount of money, but I would pay less taxes.

That is the reason for the provision, is it not, and I would like for the gentleman to respond.

Mr. FRENZEL. I yield to the distinguished gentleman from Illinois.

Mr. ROSTENKOWSKI. I thank the gentleman for yielding to me.

The gentleman is accurately stating the case. However, I want to emphasize that the inflated price results in inflated depreciation deductions.

Mr. WRIGHT. I recognize the validity of that concern, and all of us honestly should. But I just suggest, and I ask the gentleman if he does not think that it is a logical and reasonable assumption, that by far the greatest number of transactions are motivated not by any nefarious underhanded attempt of the kind we just described, but rather by the simple fact that a relatively lower rate of interest makes it possible for an individual to purchase property, whereas, without that lower rate of interest, it just is not worth it. Often, it is the only thing that would make it possible for the owner of property which he wants to sell, to get a buyer for the property. He could not sell it for the price that he wishes at the rate of interest the banks must charge because by the time it were amortized it would cost the purchaser two or three times the sales value.

Is not it, therefore, logical to assume that most of the people who would avail themselves of the privilege of selling their own property carrying the paper at a lower rate of interest, are motivated not by a desire to cheat the Government, but rather by a simple motivation of economics that permits the real estate transaction to take place. Without a livable rate of interest, the real estate transaction probably would not take place; and the shopping center or whatever it is would not be built; and the jobs that would be created would not be provided; and therefore, the economic growth that would be set in motion by the chain of action never would occur.

Mr. ROSTENKOWSKI. Would the gentleman yield?

Mr. FRENZEL. Further reserving the right to object, I will yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. I am not going to interpret the motives of any transactions. That is why I think a $2 million exemption is not inappropriate. The 3-month delay will give the Committee on Ways and Means an opportunity to have the majority leader testify before the committee—give us the benefit of his opinion. So, what I am suggesting by my amendment is that the Ways and Means Committee will look at this issue in the first 3 months of 1985 and try to develop a fair resolution of this problem.

Mr. WRIGHT. If the gentleman would yield for one more?

Mr. FRENZEL. Reserving the right to object, and knowing that the House is very anxious for the fat lady to sing, I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for his patience and I thank the gentleman from Illinois for his patience from me. I understand how strongly the gentleman feels about this and I honor his motives.

I thank the gentleman from Illinois is truly trying to protect the Treasury of the United States. I think he realizes that I feel deeply, as do other Members, about the proposition that we ought to be trying to keep interest rates low and encouraging them to charge lower interest rates, rather than discourage them. The gentleman says he is not trying to interpret motives. That is proper. What strikes me as improper is the apparent presumption underlying the imputed interest provision. That assumption does seem to be based upon a presumption that taxpayers offering low rates of interest are trying to cheat the Government. It is that assumption which I find basically objectionable.

□ 1740

But let me just ask this one additional question and, of course, I do not wish to object to the request of my friend, the distinguished chairman of this important House committee:

If we grant this, and if the other body sees fit to agree to this interim solution which would provide a $2 million protection which, after all, would cover most transactions that most of us are familiar with in our communities, for a period of 3 months after the beginning of the new year, did I understand the gentleman from Illinois to state that the Committee on Ways and Means would seriously take up the consideration of and bring to the floor for the opportunity of the Members to vote upon some amendatory means of relieving the harsh impact of this otherwise rather difficult and stringent imputed interest law prior to the expiration date that is in his language?

Mr. ROSTENKOWSKI. If the gentleman from Minnesota will yield further, the purpose of the short extension is maximize the opportunity for certainty with respect to these imputed interest provisions.

As chairman of the Committee on Ways and Means, I have noted that at the beginning of every session, there is not the momentum necessary for legislation. That is why when I discussed the 3-month delay with the gentleman from Texas [Mr. ARCHER] I thought that addressing this issue as soon as possible next year would be the best way to provide certainty to the real estate industry.

Of course, if after hearings are held, the Committee on Ways and Means feels that legislation is necessary and should be brought to the floor of the House of Representatives, I will be glad to bring it here.

Mr. WRIGHT. Mr Speaker, I thank the gentleman from Illinois for his statement.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I yield to the distinguished ranking member, soon to be departed, and certainly to be lamented, the gentleman from New York, whatever his name is.

Mr. CONABLE. I thank the gentleman for yielding to me.

Mr. Speaker, I hesitate to intervene in this because it does involve a possible extension of time over into the next Congress, for which I can make no commitment. However, I note the commitment of the chairman of the committee that the committee will take this up and will consider it during a 3-month time period.

I would like to advise my colleagues here that in 18 years on the Committee on Ways and Means, I have found the distinguished gentleman from Illinois [Mr. ROSTENKOWSKI] to be a man of his word. I do believe that those who are concerned about the seriousness of his commitment should understand that, to the extent that any chairman can speak for his committee, Mr. ROSTENKOWSKI can speak for the Committee on Ways and Means.

I do not have any reason to believe that that will be different in the 99th Congress than in the 98th, although, of course, that depends somewhat on the voice of the people. My impression would be that if we do not get some agreement on this matter that we may very well wind up with nothing.

What would the effect of that be? It would mean that the law we are seeking to put into place would go into place on January 1 rather than 3 months later. The existing law is in almost all cases preferable from the point of view of those concerned about the chilling effect of imputed interest rules on real estate deals, except in the case of raw land, I believe. Thus, what we are talking about is 3 additional months of a more benign rule from the point of view of possible objectors here.

It does seem to me totally within the province of the Committee on Ways and Means to move within that period of time, realizing that it is a fractious group and there are always possibilities of demurrals to the solutions that are suggested.

In any event, I would urge my colleagues to think carefully about the commitment that Chairman ROSTENKOWSKI has given. There is not a great deal of downside risk; but there is quite a bit of downside risk to a possible objection and the impasse which might result of whatever reason at this late date.

In short, I hope my colleagues will seriously consider the commitment the chairman of the committee has given.

Mr. FRENZEL. Further reserving the right to object, Mr. speaker, I yield to the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Minnesota has accurately presented the emotions of the House, that we would all like to wrap up this session of Congress. In that vein, I think it is important for the House to understand that in the most recent communication that I have had with Members of the Senate, they do not intend to take the chairman's recommendation.

If that be the case, we will be left with the worst of all worlds, which is the law that was passed in 1984 going into effect in January, and a further possibility of a wrestling match on the debt ceiling bill, which could keep us here for untold numbers of hours tonight.

I think the House needs to understand that: that this is a sort of Russian roulette technique that is going on at this time. I again would like to express my wish that we have a chance to vote on this compromise which would settle this issue, and let us move on to other things. It is a fair compromise that the Senate has devised. It certainly cuts the loss of revenue way down, and I think it is unfortunate that we do not have an opportunity to vote on it.

● Mr. SHAW. Mr. Speaker, I applaud the compromise reached on the imputed interest on seller-financed sales of property provision, contained in the Deficit Reduction Act. While I supported the Deficit Reduction Act, the provision, as it stands in law today, will have a critically adverse effect on the booming economy of south Florida.

Briefly the compromise recognizes the fact that the law failed to take into consderation the effect it would have on commerical or investment properties and small business and farms. The purchase price for farms was raised to $2 million, for small businesses it was raised to $1 million. And it allows for a weighted blend when the purchase price exceeds these levels.

Mr. Speaker, while this is not a complete repeal of the provision, it will go a long way toward addressing the concerns of my constituents and I support it.●

● Mr. SMITH of Florida. Mr. Speaker, I rise in support of that provision of H.R. 5361 which would correct the seller-financing provision of the Tax Reform Act of 1984.

This compromise on what is also called imputed interest has been carefully crafted. It is the proper thing to do for homeowners, small businesses, and others who otherwise would be adversely affected on January 1, 1985.

The IRS should not be permitted to paint every seller-financed transaction with the same broad brush. At times seller financing has been used to avoid taxes. But for many, especially would-be homeowners, seller financing is the only way to purchase or sell a home or commercial property.

I am cosponsoring H.R. 6021, which is broader in scope. However, after reviewing the compromise before the House, I urge my colleagues to join me in supporting this provision of H.R. 5361.●

● Mr. LEVINE of California. Mr. Speaker, I am deeply disappointed that Congress has not acted today to repeal the imputed interest regulations contained in the Deficit Reduction Act of 1984, H.R. 4170.

I strongly support repeal of these new regulations because they will compromise the ability of tens of thousands of homeowners in my district to finance the sale of their homes at a reasonable interest rate. I know from personsal experience that this option can be a vital tool in facilitating the sale of homes in these days of high interest rates.

That is why I cosponsored H.R. 6021, which would repeal the changes made in the imputed interest laws. Unfortunately, it is now clear that H.R. 6021 is dead, and along with it any hopes for a complete repeal of the interest regulations.

In place of a complete repeal, this body has the opportunity to consider an amendment, attached by the other body to H.R. 5361 which would expand the exemptions in the imputed interest law.

While I support these changes, they do not adequately address the problems this new regulation poses to the residents of my district.

The $250,000 exemption on principle residences is too low. As a result of rapidly increasing real estate values in Los Angeles County, many homeowners who paid very modest prices for their homes now find themselves living in extremely expensive homes. For example, it is not unusual for a home which cost as little as $30,000 a few years ago to be valued at ten times as much today.

Despite the passage of the compromise legislation, the ability of homeowners in my district to finance the sale of a home at an interest rate significantly below the market rate will be jeopardized.

At a time of unprecedented budget deficits, there is every reason to expect interest rates to continue to rise (despite the President's rather novel view that the two are unrelated). As this occurs, the impact on the residents of my district, and the real estate industry as a whole, could be calamitous.

I had hoped that Congress would act swiftly to repeal these imputed interest regulations. Although I applaud the action taken today by the House and the other body to limit the impact of the new imputed interest regulations, much more could have, and should have, been done to address the needs of the residents of my district.

This issue will not die with the 98th Congress, however. When Congress reconvenes in 1985, I plan to urge my colleagues to repeal this damaging and ill considered new law. ●

● Mr. MARTINEZ. Mr. Speaker, I rise today to express my strong support for the repeal of the imputed interested provisions of the Deficit Reduction Act.

It is urgent that Congress act upon this so that the thousands of Americans who depend on seller financing to own their own homes or small businesses will be assured that we in Congress are not going to take that opportunity from them.

Over and over again, Congress has expressed concern over the damages of high interest rates. The American people have voiced their despair at not being able to afford their own homes because they could not afford the interest rates. Some of these people have found that a seller financed home at a below market interest rate is the only way they could buy their own home. Young people, just beginning their careers and families, are desperately in need of affordable housing. Congress should be encouraging this kind of investment and ingenuity. Not discouraging it.

Yet that is precisely what the imputed interest provisions of the Deficit Reduction Act will do. Congress has a legitimate responsibility to put an end to abusive tax shelters and the imputed interest rule was added with that in mind. But we are taking that responsibility too far when we penalize young homeowners and middle income families as if their intent was to avoid taxes. That is not what they are doing. They are using the only means they have to better their lives and the lives of their families by buying a home.

Especially in a district like mine, the 30th District of California, real estate prices are incredibly high. The average family has to do everything they can to raise the money needed to buy a home in the Los Angeles area. Seller financing has become an important tool in doing this.

Allowing the continuation of seller financing without harmful tax penalties is essential to promoting home ownership. We should be applauding new and innovative efforts, not putting an end to them.●

Mr. FRENZEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, the gentleman from Illinois, the chairman of the Committee on Ways and Means, I am sure, understands the gravity of this situation right now.

I am a realtor, was before I came to the Congress of the United States, and I can tell the gentleman right now that realtors all across this country are extemely concerned about the problem that they are faced with right now with this type of action. They cannot sell many properties right now because the interest rates are so high. The only way that they can keep their businesses going and help people dispose of their property, whether they are commercial, privately owned or whatever, is through contract sales.

With the provision that the gentleman is talking about, he runs the risk of putting a lot of these people out of business, adding to the unemployment problem in the real estate industry, which has just come through a terrible period.

Mr. ROSTENKOWSKI. If the gentleman will yield, I am proposing an exemption of $2 million. How many houses in the gentleman's district sell for more than $2 million?

Mr. BURTON of Indiana. I am talking about all property, commercial, private, whatever.

Mr. ROSTENKOWSKI. The exemption is $2 million on all property, commercial as well.

Mr. BURTON of Indiana. But the 3 months the gentleman is talking about is not long enough.

Mr. ROSTENKOWSKI. I am sure we will come to some resolution on this within that time period.

Mr. BURTON of Indiana. The gentleman is sure of that?

Mr. ROSTENKOWSKI. I am going to try to. That is why I am asking for the 3-month delay.

Mr. BURTON of Indiana. Would the gentleman consider extending the time to 6 months?

Mr. ROSTENKOWSKI. No; I have proposed 3 months, because I think I can get my committee to move in 3 months. If we provided 6 months' delay, I will have other things before the committee during the 6-month period. However, we will be doing virtually nothing for the first 3 months of 1985.

Mr. BURTON of Indiana. So we have your personal guarantee that this will be resolved in the first 3 months of the new Congress.

Mr. ROSTENKOWSKI. I am the chairman of the entire committee. I cannot speak for the entire committee. However, as far as I am concerned, you have my commitment to try to get a bill to this floor or get this problem resolved.

Mr. BURTON of Indiana. But you see, Mr. Chairman, that is the problem. The gentleman cannot speak for the whole committee; he can only speak for himself; and he cannot speak for the whole Congress. That is why I think a more realistic approach would be to approach it for a 6-month period.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Indiana.

Mr. MYERS. I thank the gentleman for yielding.

Mr. Speaker, it troubles me somewhat about what the gentleman is doing with the extension. What happens when a farmer sells a farm during this 90-day period or 6-month period? What law would they come under for tax purposes?

Mr. ROSTENKOWSKI. If the gentleman will yield further, they would come under the rule that would be developed after the effective date of April 1.

Mr. MYERS. If the gentleman would yield further, what the chairman is actually saying is that no real estate would sell during that period of time because they would not know how to tax it.

Mr. ROSTENKOWSKI. If the gentleman will yield further, it would be the better of both. Anybody who sold in the period of January 1 to April 1, I am sure the Committee on Ways and Means would grandfather those people in.

Mr. MYERS. If the gentleman will yield further, I can see what the gentleman is trying to do with the 6 months, but I think we ought to cut the time down because it would certainly be uncertain during that period of time and I believe, for practical purposes, no one would want to sell, definitely no one would want to buy because they would not know what they were paying for the property.

□ 1750

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield further?

Mr. BURTON of Indiana. I yield.

Mr. ROSTENKOWSKI. That is the purpose for trying to resolve this matter in the first 3 months of 1985.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. Yes, I yield to my colleague, the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for yielding and for his reservation.

It seems to me it is somewhat significant what the chairman just said, that is his assurance that in his opinion, anyway, anything that came back would grandfather in any prior sales during this 3-month period of time. I think that is an extraordinarily significant piece of information.

I still agree with the gentleman that in fact the best thing to do for the majority of the Members of this House would be to get the matter resolved this afternoon; but if we do have some assurances that it will be grandfathered, I do think that improves the situation.

Mr. BURTON of Indiana. Mr. Speaker, I have just been informed that the industry is very, very concerned about this, and they would rather have nothing rather than have the 3 months extension.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield under his reservation?

Mr. BURTON of Indiana. Yes, I yield.

Mr. CAMPBELL. Mr. Speaker, I came out of the real estate business, too. I can assure the gentleman that the industry, and nobody else in it, I am sure would rather have nothing.

I do have some concern. I understand what the gentleman is saying about 6 months. On the face of it, it sounds like it is a reasonable request.

I also understand what the chairman is saying about trying to force quick action. I would favor a vote on the Senate package, but I want to see some resolution, and I do not see that possible.

I would like to pose a question if I might to the chairman. The only concern I have with the 3 months is the fact that we are going to be coming in late in January. We are going to have an inauguration. We are going to break for the recesses. I really wonder if a period of time of action of May 1 would get us ahead of the budget, would give us a reasonable length of time to work on this. I just pose that question if I might, if the gentleman would yield to the chairman. That is really the only concern that I have, because we are going to be bogged down for 6 or 7 weeks then.

Mr. ROSTENKOWSKI. Mr. Speaker, if the gentleman will yield further and search his calendar, he will find that in February of this year we reported one of the largest tax bills from the Ways and Means Committee in the history of Congress.

I am not concerned with whether or not we will be able to tackle this problem. The reason I want the short period of time is to resolve this issue. At least this will be a high priority item on the committee's agenda. That is the only purpose. I see a 6 months extension as allowing for more uncertainty.

Mr. CAMPBELL. Mr. Speaker, if the gentleman will yield further I am not looking to that, an inauguration and a newly organized Congress.

Mr. ROSTENKOWSKI. Is the gentleman figuring on a new administration?

Mr. CAMPBELL. No; but I am figuring on some new Members of Congress and new organization. The chairman knows that there will be committee turnover on both sides of the aisle in the committees.

Mr. ROSTENKOWSKI. I do not know whether the gentleman realizes this, but in early 1983 we developed the Social Security bill.

Mr. CONABLE. The Social Security bill came up in the first 3 months.

Mr. ROSTENKOWSKI. The Social Security bill came up in the Ways and Means Committee.

Mr. CAMPBELL. Well, I understand that. That was the concern I had, though. Due to the pressure we have, we might get it out, and I will give the chairman all the credit in the world. I think he will move the bill.

I do not think we are going to get it moved all the way through and back and resolved with the Senate into law before the expiration and I think we are going to have problems. That is the concern I had. That is the reason I asked for additional time.

Mr. LOEFFLER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. LOEFFLER. Mr. Speaker, I thank the gentleman for yielding.

Really, I would like to take the time to encourage the distinguished chairman of the Ways and Means Commmittee, for whom we all have great respect, to give some thought to extending the time period. I think the gentleman from South Carolina has made a most salient point in looking at the new organization of a new Congress, a situation where if we believe that we can get something done between now and the first of April, that is not too realistic.

I respect the chairman's sincerity. I know he would do everything in his power to move it.

But I remember that the Social Security issue was something that had been ongoing for some period of time, and the committee had had hearings. They had done a lot of things on the issue. It was something that both parties had been deeply involved with.

Looking at the imputed interest situation, it is something that came up in not too long a timeframe, some 2 to 3 months ago. It is something that I personally have a very strong feeling in opposition to the existing statute now that is scheduled to trigger in on the first of January.

I plead with the chairman to give some consideration to the proposition of the gentleman from South Carolina, who said to give us a little bit longer period of time. With all due respect to the Ways and Means Commitee, next year there is probably going to be some very, very heavy pressure with respect to budget reductions and then it will be the Ways and Means Committee that begins to look at other means for resolving the deficit.

So if I could have the attention of the chairman, I really would urge the distinguished chairman to think in terms of 4 months, or a May 1 extension, so that we could conclude our work and reach a compromise in support of the chairman's proposition and then be able to bring to think in terms of getting on our airplanes for the evening.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield, yes.

Mr. ROSTENKOWSKI. I know that there are all kinds of pressures not too far from this Chamber. If the Ways and Means Committee did not consider a gigantic package like Social Security in the first 3 months of 1983 and reported it to the floor, if we did not develop this year's tax bill immediately in February and reported a bill to the floor, I would feel uncomfortable with 3 months. However, I know that we will be able to direct our attention to this immediately upon convening the 99th Congress in 1985. We will have to.

I also want to provide certainty in the law. If there are problems in whether or not sombedoy sells a home pending a decision of the Ways and Means Committee, why not allow the Ways and Means Committee to resolve this issue in as short a period of time as possible?

I just do not understand the logic of the argument, unless there is some pressure group outside here.

Mr. LOEFFLER. Mr. Speaker, may I respond to the distinguished chairman? Will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. LOEFFLER. Mr. Speaker, each time that we go into a new Congress always there are new dynamics and when I plead in terms of an additional month under the gentleman's basic proposal, I think we all understand that the beginning of next year is going to be a very, very tough year, dealing with a budget resolution, and the focus is going to be on the Budget Committee and it is going to be on spending initially, so it is going to be very tough to move things in a quick way.

So I think when the gentleman refers to Social Security, yes, they moved and I commend the committee for moving expeditiously on a very serious matter; but quite frankly, that had been an issue before the entire Nation for more than 2 years. This is something that has just come to us, quite frankly, in the last 2 or 3 months.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. It is not a matter that has come before the House or the Congress in the last 2 months. It started 3 years ago when they put the 9-percent imputed rate in. It has been wrong since then. Everybody knew it. We do not need to have hearings. Nobody needs to listen to the industry. The industry is what got us into this problem. They said 110 percent of the T-bill rate was OK. Now they are changing their minds. We do not need to listen to them. Their advice has not been any good anyway.

What the Members of the House need to do, or the members of the Ways and Means Committee, is to sit down and work it out.

I would say go back to March 1. If you cannot do that, you can give them an extension for 30 days. This stuff about waiting longer, I do not understand.

Mr. ARCHER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. ARCHER. Mr. Speaker, I must say that I tend to agree with the length of time. Either we are going to be serious about doing something about this or we are not. If we are serious about it, we can do it all by the first of April. Much, much work has already gone into figuring out a way to extricate ourselves from this problem and still permit the sale of property. It has already taken place. All we have got to do is determine whether we are serious enough. The chairman says he is serious about it. I accept his word on that.

I think it would be a mistake to further extend it, but I will further reiterate that I do not think the Senate is going to take this simple extension and I think we are courting real problems on the debt ceiling.

Mr. GRADISON. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Ohio.

Mr. GRADISON. Mr. Speaker, I did not intend to ask for the floor to compliment the chairman, because I have some reservations about the need for any change in this legislation, but I think the way the discussion has gone on that it would not be inappropriate, recognizing that I am not totally in support of the argument that the law needs to be changed, but I think the chairman is on the right track in asking for the 3 months.

I would like to ask the chairman a question. Would the 3-month period, in the judgment of our chairman, give us permission to reexamine this issue in the total context of the ways in which real estate and the way in which income from real estate is taxed under our laws, rather than just looking at this in isolation?

□ 1800

Mr. ROSTENKOWSKI. I have narrowed this amendment down in my own mind to the imputed interest area. The Committee on Ways and Means will sit down next year and to look at the whole picture of the tax structure.

I cannot speculate on what we will do in the real estate area next year. However, this imputed interest issue, as has been pointed out, has many sponsors I think that I, as the chairman of the committee, must try to come to some resolution on this problem as soon as possible. That is the reason for the 3-month extension.

Mr. GRADISON. I thank the gentleman for yielding.

Mr. BURTON of Indiana. I would just like to make a couple of observations, and I hope that the chairman will resolve this matter if we do go ahead with the 3-month extension as quickly as possible next year.

I had a small real estate business in Indianapolis and we had 22 sales people, and when the interest rates went to 21.5 at prime, many real estate businesses, including ours, had to shut their doors. We did not go bankrupt, but we had to sell all of our assets and get out of business.

Now, one of the saving graces in the real estate industry was the ability to sell properties on contract, and the kinds of provisions that threaten the real estate industry totally, the demise of the real estate industry, is legislation that forces high interest rates on contract sales.

We are fighting high interest rates as it is right now at the bank, and to not allow people to sell their property by dealing on interest rates and trying to keep the payments low is going to really hurt severely the real estate industry.

My concern is, Mr. Chairman, that next year when we come back and we are facing a $150 billion deficit, $200 billion deficit or $220 billion deficit, the Ways and Means Committee is going to be put in a real bind and they are going to try to figure out how to get revenues wherever they can possibly find them, and when it comes to trying to reduce interest rates or allow interest rates to go lower for contract sales, you will say no, we don't want to do that because we can get additional tax dollars there, and the Members may feel that way as well and as a result nothing will be done and the time will expire and we will be faced with the problem I talked about a few moments ago.

That is why I think we need a longer period of time, the 6 months. The pressure would be great for you to do something after 3 months, but if you have not, then we will still have time to get the problem resolved.

Mr. KASICH. Will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Ohio.

Mr. KASICH. I would just like to express myself, and the gentleman from Texas [Mr. WRIGHT], I think, hit on the point earlier in the discussion. I am a little disturbed by some of the discussion that has gone on. There are a number of us that have been concerned about interest rates and have argued that interest rates have been too high. Frankly, I believe they are much too high when you look at historical trends, and what this is an effort, or what this really focuses on is a move to eliminate competition when it comes to rates. And the distinguished chairman of the committee, I just want him to understand that my concern is I think that you are shutting off one source of pressure, and one source of competition on the lending institutions today who I believe keep the rates too high, either by their own accord or by actions of the Federal Reserve.

But I am interested in lower rates. I think most Members in this body are interested in lower rates and I am fearful that if we follow this kind of approach that what we essentially are doing is shutting down one source of competition that we need to have to force pressure on interest rates, to bring them down to historical levels.

I am concerned about the ultimate level of economic activity and the chairman was gracious enough I know to hold significant hearings and to pass along the Home Mortgage Revenue Bond Program which was designed again to offer lower rates, to make things more competitive, to generate more jobs, more business.

I think to some degree this falls in that same category.

So my concern is we are shutting off one source of competiton that I think needs to exist in the marketplace, and I appreciate the gentleman yielding.

Mr. BARTLETT. Will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. BARTLETT. I appreciate the gentleman's reservation. I think I for one, as well as many in this House, and no doubt a majority, think this provision ought to be repealed today and not in 3 months or in 6 months, or at least to be substantially changed because it is unfair to people who otherwise want to be able to sell their homes.

But I respect the chairman of the committee and his desire to work out the exact procedures, and I want to make sure that I understand the gentleman's understanding on what the chairman is telling us so far as what would be resolved.

As I understand, if we grant this, then within 3 months of reconvening then the committee would come in, in the chairman's words, would come to a resolution, and I just want to confirm that.

I understand that that means that something would be brought to this House floor so that the body could work its will in some way or another, that we would have some piece of legislation that the committee would bring to the House floor, and the body could work its will.

Is that the gentleman's understanding of the chairman's understanding?

Mr. ROSTENKOWSKI. Will the gentleman yield?

Mr. BURTON of Indiana. I yield for an answer to the question.

Mr. ROSTENKOWSKI. To the extent that I can control the flow of legislation in my committee, if the Ways and Means Committee is favorably disposed to report legislation in this area, to the House of Representatives, it will be here.

However, I do think that keeping the termination date as close as possible to our reconvening in 1985 is more important and would result in legislation in the area much quicker.

Mr. BARTLETT. If the gentleman would further yield, I think the chairman makes a very persuasive case, that if it is our intent to move legislation quickly that we can move it within 3 months. Many of us think we could move it within 3 hours this evening. So the chairman would be saying that at the very least then he would tend to have a vote of his committee, and then the committee could decide to send something to the House floor.

Mr. BURTON of Indiana. My concern is not that the chairman is not well intentioned and plans to do that. But there may be forces beyond his control which would prohibit him from getting to the floor or getting it passed. Who knows what the situation may be at that time.

I would like to ask the gentleman from Illinois, the chairman, one other question if I might, and that is would you possibly agree to a 3-month automatic extension if it was resolved during the first quarter?

Mr. ROSTENKOWSKI. No, I will not agree to that.

Mr. MICA. Will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Florida.

Mr. MICA. If the gentleman would just take a moment, there is some confusion here. Could you explain the parliamentary situation we are in with regard to this?

You are reserving the right to object right now?

Mr. BURTON of Indiana. Yes, that is right.

Mr. MICA. And a motion is before us now for unanimous consent to allow a 30-day extension?

Mr. **BURTON** of Indiana. Ninety days.

Mr. **MICA**. A 3-month extension of the present regulations regarding imputed interest, or a repeal, a 3-month extension on sales below?

Mr. **BURTON** of Indiana. Right.

Mr. **MICA**. And you are requesting right at this time a 6-month extension?

Mr. **BURTON** of Indiana. We would like it completely reversed.

Mr. **MICA**. What is the situation, the gentleman mentioned the Senate and the debt ceiling.

Mr. **BURTON** of Indiana. I did not mention that.

Mr. **MICA**. Could you clarify that?

Is there another vote that will come?

Mr. **BURTON** of Indiana. On this, no.

Mr. **MICA**. Which is attached to the debt ceiling?

Mr. **BURTON** of Indiana. No. This is the only one that I know of.

Mr. **MICA**. So right now the choice is the 3-month extension——

Mr. **BURTON** of Indiana. Or nothing.

Mr. **MICA**. Or nothing.

Mr. **BURTON** of Indiana. That is right. And the concern that I have to make clear to everybody is that if it is not resolved during the first quarter because of some legislative entanglement, then the real estate industry is going to face a terrible crisis and we can resolve it right now but the chairman is recalcitrant and will not move on the thing. I know he is well intentioned, and my concern I believe, and the real estate industry's concern is although he may be well intentioned, he may not be able to get through the legislative process by the end of the first quarter a resolution to this problem, and if it is not resolved then the law goes into effect and they are not going to be able to sell properties on contract.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The **SPEAKER** pro tempore. Is there objection to the initial request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

RECESS

The **SPEAKER** pro tempore. Pursuant to the previous order of the House, the Chair declares the House in recess subject to the call of the Chair.

Members are reminded that the bells will ring 15 minutes before the House resumes its sitting.

Accordingly (at 6 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2300

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. FOLEY] at 11 o'clock and 5 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate has passed without amendment bills and concurrent resolution of the House of the following titles:

H.R. 452. An act for the relief of Jerome J. Hartmann and Rita J. Hartmann;

H.R. 597. An act to amend section 2733, 2734, and 2736 of title 10, United States Code and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims, and for other purposes:

H.R. 2078. An act for the relief of Hans Robert Beisch;

H.R. 2568. An act to amend the Internal Revenue Code of 1954 to extend for 2 years the exclusion from gross income with respect to educational assistance programs, and for other purposes;

H.R. 4354. An act to designate the Federal Building and U.S. Courthouse in Ocala, FL, as the "Golden-Collum Memorial Federal Building and U.S. Courthouse";

H.R. 4717. An act to designate the Federal Building and U.S. Courthouse in Las Vegas, NV, as the "Foley Federal Building and U.S. Courthouse";

H.R. 5189. An act to amend section 3056 of title 18, United States Code, to update the authorities of the U.S. Secret Service, and for other purposes;

H.R. 5323. An act to designate the U.S. Courthouse Building in Hato Rey, PR, as the "Clemente Ruiz Nazario U.S. Courthouse";

H.R. 5402. An act to designate the U.S. Post Office and Courthouse in Utica, NY, as the "Alexander Pirnie Federal Building";

H.R. 5716. An act providing for the conveyance of public lands, Seneca, County, OH;

H.R. 5747. An act to designate the Federal Building in Oak Ridge, TN, as the "Joe L. Evins Federal Building";

H.R. 5832. An act to authorize two additional Assistant Secretaries for the Department of the Treasury;

H.R. 6000. An act to designate the Table Rock Visitors Center building in the vicinity of Branson, MO, as the "Dewey J. Short Table Rock Lake Visitors Center";

H.R. 6299. An act to ensure the payment in 1985 of cost of living increases under the OASDI program in title II of the Social Security Act, and to provide for a study of certain changes which might be made in the provisions authorizing cost of living adjustments under that program";

H.R. 6441. An act to eliminate restrictions with respect to the imposition and collection of tolls on the Richmond-Petersburg Turnpike upon repayment by the Commonwealth of Virginia of certain Federal-aid highway funds used on such turnpike;

H.R. 6438. An act for the relief of Joseph Karel Hasek;

H. Con. Res. 366. Concurrent resolution providing for printing of additional copies of the General Explanation of the Revenue Provisions of the Deficit Reduction Act of 1984;

H. Con. Res. 373. Concurrent resolution to correct a technical error in the enrollment of the bill H.R. 6257;

H. Con. Res. 374. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3942; and

H. Con. Res. 375. Concurrent resolution providing for the hand-enrollment of H.J. Res. 648.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4700. An act to designate the Federal Building and U.S. Courthouse at 1961 Stout Street, Denver, CO., as the "Byron G. Rogers Federal Building and U.S. Courthouse";

H.R. 5386. An act to amend part A of title XVIII of the Social Security Act with respect to the payment rates for routine home care and other services included in hospice care;

H.R. 5646. An act to provide for a three-year extension in the authority to pay cash awards to Federal employees for certain cost savings disclosures, to clarify the authority to provide cash awards to members of the Armed Forces for such disclosures, to require a cost-benefit analysis of a Government program of furnishing workday care for dependents of Federal employees, and for other purposes; and

H.R. 5846. An act to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2624. An act to implement the International Convention Against the Taking of Hostages.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6027) "An act to clarify the application of the Clayton Act to the official conduct of local governments, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 771) "An act to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 149) "An act for the relief of Adel Shervin."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2217) "An act to provide for exemptions, based

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on safety concerns, from certain length and width limitations for commerical motor vehicles, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2706) "An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1985 and 1986, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the concurrent resolution (H. Con. Res. 372) "Concurrent resolution to correct the enrollment of H.R. 3398."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the amendment of the House to the amendments of the Senate to the bill (H.R. 5479) "An act to amend section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, with respect to awards of expenses of certain agency and court proceedings, and for other purposes."

The message also announced that pursuant to the provisions of Public Law 90-206, the Vice President appoints Mr. Robert A. Georgine, vice the Honorable Nicholas Brady, resigned, to the Commission on Executive, Legislative and Judicial Salaries.

The message also announced that pursuant to the provisions of sections 1928a-1928d of title 22, United States Code, as amended, the Senate appoints Mr. Sasser as a member of the Senate delegation to the North Atlantic Assembly fall meeting to be held in Brussels, Belgium, November 11-16, 1984.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS AND ARE READY TO ADJOURN

Mr. WRIGHT. Mr. Speaker, I send to the desk a privileged resolution (H. Res. 617) providing for the committee to notify the President of completion of business, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 617

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair, on behalf of the Speaker, and without objection, appoints as Members on the part of the House to the Committee to Notify the President the gentleman from Texas [Mr. Wright] and the gentleman from Illinois [Mr. Michel].

There was no objection.

PROVIDING FOR PRINTING OF REVISED EDITION OF RULES AND MANUAL OF HOUSE OF REPRESENTATIVES FOR THE 99TH CONGRESS

Mr. WRIGHT. Mr. Speaker, I send to the desk a privileged resolution (H. Res. 618) providing for the printing of the revised edition of the Rules and Manual of the House of Representatives for the 99th Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 618

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the Ninety-ninth Congress be printed as a House document, and that two thousand additional copies shall be printed and bound for the use of the House of Representatives, of which seven hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House for distribution to officers and Members of Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR PRINTING OF REPORTS OF COMPTROLLER GENERAL OF THE UNITED STATES AS HOUSE DOCUMENTS OF THE 2D SESSION OF THE 98TH CONGRESS

Mr. WRIGHT. Mr. Speaker, I send to the desk a privileged resolution (H. Res. 619) providing for the printing of reports of the Comptroller General of the United States as House documents of the 2d session of the 98th Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 619

Resolved, That, notwithstanding the sine die adjournment of the House, reports of the Comptroller General of the United States made to the Congress pursuant to the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be printed during such adjournment as House documents of the second session of the Ninety-eighth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS, AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES AUTHORIZED BY LAW OR BY THE HOUSE, NOTWITHSTANDING SINE DIE ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that notwithstanding the sine die adjournment of the 2d session of the 98th Congress, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING FILING AND PRINTING OF COMMITTEE REPORTS FOLLOWING SINE DIE ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that reports may be filed with the Clerk following the sine die adjournment by committees authorized by the House to conduct investigations, and on committee activities pursuant to clause 1(d), rule XI, and may be printed by the Clerk as reports of the 98th Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING EXTENSION AND REVISION OF MEMBERS' REMARKS IN CONGRESSIONAL RECORD FOLLOWING SINE DIE ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members of the House shall have the privilege, until the last edition authorized by the Joint Committee on Printing is published, to extend and revise their own remarks in the Congressional Record on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extensions of remarks, but this order shall not apply to any subject matter which may have occurred, or to any speech delivered subsequent to the adjournment of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR CHAIRMEN AND RANKING MINORITY MEMBERS OF COMMITTEES AND SUBCOMMITTEES TO EXTEND THEIR REMARKS UP TO AND INCLUDING LAST PUBLICATION OF THE CONGRESSIONAL RECORD

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the chairman and ranking minority member of each standing committee and each subcommittee thereof be permitted to extend their remarks in the RECORD, up to and including the last publication thereof, and to include therewith a summary of the work of that committee or subcommittee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PAYMENT RATES FOR ROUTINE HOME CARE AND OTHER SERVICES INCLUDED IN HOSPICE CARE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5386) to amend part A of title XVIII of the Social Security Act with respect to the payment rates for routine home care and other services included in hospice care, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill, as follows:

An Act to amend the Internal Revenue Code of 1954 to extend for one year the exclusion from gross income with respect to group legal services plans, and for other purposes.

The Clerk read the Senate amendment, as follows:

Page 2, after line 14, insert:

PUBLIC PENSION OFFSET PROVISIONS

SEC. 2. (a)(1) Section 337 (b) of the Social Security Amendments of 1983 is amended by striking out "to individuals who initially become eligible" and all that follows and inserting in lieu thereof "for months after June 1983.".

(2) The amendments made by this subsection shall apply to benefits payable under title II of the Social Security Act for months beginning after the month of enactment of this Act.

(b)(1) Section 334 (g)(1)(A) of the Social Security Amendments of 1977 is amended—

(A) by inserting "(i)" after "(A)"; and

(B) by inserting before the semicolon at the end thereof the following: ", or (ii) who would have been eligible for such a monthly periodic benefit (within the meaning of paragraph (2)) before the close of such 60-month period, except for a requirement which postponed eligibility (as so defined) for such monthly periodic benefit until the month following the month in which all other requirements were met".

(2) Section 334(h)(1) of such Amendments (as amended by section 7 of Public Law 97-455) is amended—

(A) by inserting "(A)" after "(1)"; and

(B) by inserting before the semicolon at the end thereof the following: ", or (B) who would have been eligible for such a monthly periodic benefit (within the meaning of subsection (g)(2)) before the close of June 1983, except for a requirement which postponed eligibility (as so defined) for such monthly periodic benefit until the month following the month in which all other requirements were met".

(3) The amendments made by this subsection shall apply with respect to benefits payable under title II of the Social Security Act for months beginning after the month of enactment of this Act.

TECHNICAL AMENDMENTS

SEC. 3. (a)(1) Section 2307(a)(1) of the Deficit Reduction Act of 1984 is amended by striking out "1842(b)(7)(A)" and inserting in lieu thereof "1842(b)(7)".

(2) Section 2326(a) of the Deficit Reduction Act of 1984 is amended by striking out "1816(a)(1)" and inserting in lieu thereof "1816(a)".

(3) Section 2354(b)(1) of the Deficit Reduction Act of 1984 is amended by striking out "last sentence of sections 1814(a) and the last sentence of section 1835(a)" and inserting in lieu thereof "the third sentence of section 1814(a) and the fourth sentence of section 1835(a)".

(4) Section 2354(b)(23) of the Deficit Reduction Act of 1984 is amended by striking out "1861(v)(1)(E)(ii)" and inserting in lieu thereof "1861(v)(1)(E)".

(5) Section 2354(c)(3)(B)(i) of the Deficit Reduction Act of 1984 is amended by inserting "under" before "section".

(6) Section 2363(b) of the Deficit Reduction Act of 1984 is amended by striking out "1903" and inserting in lieu thereof "1903(g)".

(7) Section 2373(b) of the Deficit Reduction Act of 1984 is amended by striking out paragraph (6).

(h)(1) Section 1814(k)(2) of the Social Security Act, as added by section 2321(a)(2) of the Deficit Reduction Act of 1984, is amended—

(A) by inserting after "public home health agency" the following: ", or by another home health agency which demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this paragraph),", and

(B) by inserting "60 percent of" before "the amount".

(2) Section 1833(a)(2)(A) of the Social Security Act is amended by inserting after "public provider of services" the following: ", or by another provider which demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this provision),".

(3) Section 1833(h)(5)(C) of the Social Security Act, as amended by section 2303(d) of the Deficit Reduction Act of 1984, is amended by inserting a comma after "1842(b)(6)(B)".

(4) Section 1839(f)(2)(A) of the Social Security Act, as amended by section 2302(b) of the Deficit Reduction Act of 1984, is amended—

(A) by striking out "for that January after the deduction" and inserting in lieu thereof "for that December after the deduction"; and

(B) by striking out "for that November" and inserting in lieu thereof "for that December".

(5) Section 1842(b)(7)(A) of the Social Security Act, as amended by section 2307 of the Deficit Reduction Act of 1984, is amended—

(A) in clause (ii), by striking out "the amount of the payment exceeds the reasonable charge for the services (with the customary charge determined consistent with subparagraph (B))" and inserting in lieu thereof "the payment is based upon a reasonable charge for the services in excess of the customary charge as determined in accordance with subparagraph (B)" and

(B) by striking out the last sentence thereof.

(6) Section 1842(b)(7)(B) of such Act, as amended by section 2307 of the Deficit Reduction Act of 1984, is amended by adding at the end thereof the following new clause:

"(iii) If all the teaching physicians in a hospital agree to have payment made for all of their physicians' services under this part furnished to patients in such hospital on the basis of an assignment described in paragraph (3)(B)(ii) or under the procedure described in section 1670(f)(1), the customary charge for such services shall be equal to 90 percent of the prevailing charges paid for similar services in the same locality.".

(7) Section 1861(r)(3) of the Social Security Act, as amended by section 2341 of the Deficit Reduction Act of 1984, is amended by striking out "under subsections (k) and (m) and sections 1814(a) and 1835" and inserting in lieu thereof "under subsections (k), (m), and (p)(1) of this section and sections 1814(a), 1832(a)(2)(F)(ii), and 1835".

(a) Paragraph (11) of section 1881(b) of the Social Security Act, added by section 2323(c) of the Deficit Reduction Act of 1984, is amended by aligning its left margin flush so as to align its left margin with that of paragraph (10).

(9) Section 1886(d)(5)(C)(i) of the Social Security Act, as amended by section 2311(a) of the Deficit Reduction Act of 1984, is amended by striking out "30 days after the date of the enactment of this Act" and inserting in lieu thereof "August 17, 1984".

(10) Section 1902(a)(26) of the Social Security Act, as amended by section 2368(b) of the Deficit Reduction Act of 1984, is amended by indenting subparagraph (C) two additional ems to the right so as to align its left margin with the left margin of subparagraph (A) of that section.

(c) The amendments made by this section shall be effective as if they had been originally included in the Deficit Reduction Act of 1984.

FOSTER CARE PROVISIONS

SEC. 4. (a) Section 474(b) of the Social Security Act is amended—

(1) in paragraphs (1), (2)(B), and (4)(B), by striking out "1981 through 1984" and inserting in lieu thereof "1981 through 1985";

(2) in paragraph (2)(A)—

(A) by striking out "and" at the end of clause (iii),

(B) by striking out the period at the end of clause (iv) and inserting in lieu thereof "; and", and

(C) by adding after clause (iv) the following new clause:

"(v) with respect to fiscal year 1985, only if the amount appropriated under section 420 for such fiscal year is equal to $266,000,000."; and

(3) in paragraph (5)(A)—

(A) by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1985", and

(B) by striking out "fiscal year 1984" in clause (ii) and inserting in lieu thereof "each of fiscal years 1984 and 1985".

(b) Section 474(c) of such Act is amended in paragraphs (1) and (2) by striking out "1981 through 1984" and inserting in lieu thereof "1981 through 1985".

(c)(1) Section 102(a)(1) of the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) is amended by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1985".

(2) Section 102(c) of such Act is amended by striking out "October 1, 1984" each place it appears and inserting in lieu thereof "October 1, 1985".

Mr. ROSTENKOWSKI [during the reading]. Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. HARTNETT. Reserving the right to object, Mr. Speaker, I would like to inquire of the distinguished chairman whether the question will be put on the bill itself.

Will the question be put on the bill itself? Will we have a vote on this?

I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. This is a unanimous-consent request.

Mr. HARTNETT. Well, further reserving the right to object, Mr. Speaker, there are those of us who have spent a lot of hours, along with the distinguished chairman here who has done a terrific job this year, as in the past, who are rather resentful, Mr. Speaker, that we did not get a vote last night on the continuing resolution and feel that the Congress was sort of derelict in its duty in not putting its individual stamp of approval on that continuing resolution and would like to demand a vote on this particular piece of legislation.

So further reserving the right to object, I would like to inquire of the chairman if he thinks that perhaps we might have a quorum present where we might get a vote on this issue tonight.

Mr. ROSTENKOWSKI. Well, that is a judgment the gentleman has to make.

Mr. HARTNETT. Well, Mr. Speaker, I am really constrained to object. I do not want to force my individual beliefs and will on the entire body here, but I just think as important as this legislation is that we ought to have a vote on it.

Mr. Speaker, I am constrained I think at this time to yield under my reservation to my colleague to my right here, the gentleman from Minnesota [Mr. Frenzel].

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding.

I wonder if I might inquire of the distinguished chairman what bill we are talking about here.

Mr. ROSTENKOWSKI. H.R. 5386, the conference report on the hospice legislation.

The SPEAKER pro tempore. The Chair would like to advise the Members that the Chair understands the pending question is the unanimous consent request by the gentleman from Illinois to dispense with the reading of the Senate amendment.

Mr. FRENZEL. Well, Mr. Speaker, would the gentleman yield to me again?

Mr. HARTNETT. Under my reservation, Mr. Speaker, I yield to my colleague.

Mr. FRENZEL. Mr. Speaker, the bill under consideration is a bill to which there is no controversy attached. It is simply late in moving. The principal sponsors are the gentleman from Ohio [Mr. Gradison] and some other wonderful principal sponsor.

It seems to me that no good could come from an objection and considerable good could come from allowing hospices to operate more freely and to dispense their very vital services to people who are suffering extremely under the circumstances that put them in there in the first place. I do not think anything is going to be gained tonight by objecting.

I will say to the gentleman that last night I tried to get a vote on a bill that cost the taxpayers about half a trillion dollars.

In what I would call most unseemly behavior on the part of the House, it refused to allow itself to be recorded.

The SPEAKER pro tempore. The Chair would like to interrupt and say that the wrong papers were read.

The Clerk will report the correct bill and the Senate amendment.

Mr. FRENZEL. Mr. Speaker, if the gentleman will continue to yield, if anybody has good reason to raise Cain, I do. I hope the gentleman does not.

Mr. HARTNETT. Mr. Speaker, until the proper papers are read, I will withdraw my reservation of objection.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Clerk will report the correct bill.

The Clerk read the title of H.R. 5386 as follows: "An Act to amend part A of title XVIII of the Social Security Act with respect to the payment rates for routine home care and other services included in hospice care."

Mr. CONABLE. Mr. Speaker, reserving the right to object, may I understand, this is the hospice bill?

The SPEAKER pro tempore. The Clerk will read the Senate amendent.

The Clerk proceeded to read as follows:

Amendment: Page 2, after line 14, insert: "PUBLIC PENSION OFFSET PROVISIONS."

Mr. ROSTENKOWSKI (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. Rostenkowski] is recognized.

Mr. ROSTENKOWSKI. Mr. Speaker, H.R. 5386 passed the House of Representatives unanimously on October 1, 1984. The bill provides for an increase in the payment rates for home care under the hospice benefit from $46.25 to $53.17 a day.

The Senate has today passed H.R. 5386 and added three new sections:

1. PUBLIC PENSION OFFSETS

The 1983 Social Security amendments contained a permanent public pension offset provision which treats a Government pension received by the spouse of a Social Security beneficiary as being made up of two separate components: a Social Security equivalent and a private pension equivalent. This provision applies only to persons who become eligible for their public pensions after June 1983.

The Senate amendment to H.R. 5386 is virtually identical to the House version of the offset which was rejected in conference by the Senate in December 1982. The House position in 1982 was that since this approach made sense for persons becoming newly eligible, it also made sense for all beneficiaries. The Senate has agreed with our reasoning after almost 2 years. The House should concur with the Senate amendment.

2. AMENDMENTS TO THE FOSTER CARE ACT

The Senate amendment to H.R. 5386 also extends for 1 year two foster care provisions which expired on September 30, 1984. Identical amendments were passed by the House on October 1, 1984 as part of H.R. 6266.

One of the provisions to be extended provides authority for States to claim Federal matching funds for children who are placed in foster care under a voluntary placement agreement between the agency and the child's parents. The other provision allows States to transfer funds allocated to them for foster care to use for child welfare services.

3. TECHNICAL CORRECTIONS

A number of noncontroversial technical corrections to the medicare provisions of the Deficit Reduction Act.

Mr. CONABLE. Mr. Speaker, will the chairman yield to me for a parliamentary inquiry?

Mr. ROSTENKOWSKI. I yield to the gentleman from New York.

PARLIAMENTARY INQUIRY

Mr. CONABLE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CONABLE. Mr. Speaker, under what procedure is the chairman now proceeding? Has he been recognized for a specific period of time?

The Chair did not state such, and I am wondering if the gentleman can yield to me for further inquiry or not.

The SPEAKER pro tempore. The gentleman from Illinois asked unanimous consent to have the Senate amendment considered as read and printed in the Record. The Chair put the unanimous consent request and at that point heard no reservation and in error recognized the gentleman from Illinois but the Chair should recognize the gentleman from New York under his reservation to the original request.

● Mr. FORD of Tennessee. Mr. Speaker, I rise in support of the motion by Chairman Rostenkowski to concur in the Senate amendments to H.R. 5386. As chairman of the Subcommittee on Public Assistance and Unemployment Compensation which has jurisdiction over the foster care program, I am pleased that the Senate amendment provides for the extension of two foster care provisions which expired on September 30. The extension of these provisions was included in H.R. 6266 which was approved by the subcommittee and which passed the House on October 1. While the Senate amendments to H.R. 5386 does not contain a specific authorization for the child welfare resource centers as was provided for in H.R. 6266, the conference report on the HHS/Labor Appropriation which passed the House on October 10, does contain a directive to the Department of Health and Human Services to fund child welfare resource centers in fiscal year 1985. A specific authorization for child welfare resource centers was first proposed in legislation that I introduced on May 30 of this year (H.R. 5758).

Yesterday a letter was sent to a number of Members of the House and Senate from Assistant Secretary Dorcas Hardy of the Department of Health and Human Services indicating the Department's intent to continue to fund "resource development and dissemination activities in support of programs directed at children" and that existing child welfare resource centers will be eligible to apply. According to officials of the Department of Health and Human Services, this is a definite change in policy and is intended to provide for grants for such activities separate and in addition to the discretionary grant program funding announced on August 23 by the Department. I am inserting in the Record at this point a copy of the content of that letter.

Thank you for your letter expressing support for resource centers for children, youth and families.

As you know, the current regional resource centers were informed in FY 1982 that Federal financial support would be limited to two years and that the centers would need to develop alternative funding support for maintaining operations beyond this Federal funding period. Since this has been our understanding and stated public position for two years, no FY 1984 funds were allotted to extend the grants. Centers have continued to operate on funds awarded in FY 1982 and FY 1983.

We continue to believe that, after ten years and $42 million of Federal funding, these centers have had sufficient time and opportunity to demonstrate their effectiveness and benefits to States and services agencies and to obtain support from the States and agencies being served. We recognize that this type of center can serve a useful function, but we do not believe that it should simply be assumed that Federal funding should be the only or primary source of support. Our experience is that guaranteeing funding to a given group of grantees does not result in the best product for the expenditure, and is therefore poor public policy.

However, once funds have been appropriated for FY 1985, we plan to announce availability of competitive funding for resource development and dissemination activities in support of programs directed at children. Existing regional resource centers will be eligible to apply.

This grant competition will be separate and apart from the HDS Coordinated Discretionary Program, for which availability of funds was announced in the Federal Register on August 23, 1984. There has been some misunderstanding that the child welfare issues contained in that announcement in some way duplicate or substitute for the regional resource centers. That is not the case. The August announcement contained two types of child welfare funding: (1) Child Welfare Services Training; and (2) Child Welfare Services Research and Demonstration. The Child Welfare Services Training grants are an ongoing program, authorized under section 426(a)(1)(C) of the Social Security Act, for training child welfare personnel. The only change made this year is that, while these training grants remain a separate program, the procedures for awarding the grants have been incorporated into the coordinated HDS process. The other priority areas announced for discretionary grants focus on specific issues in the child welfare services field needing further research and development. The results of these projects will be disseminated broadly and used in providing assistance to States and other agencies.

We appreciate your support for the child welfare services program and recognize Congressional concern that States and other child welfare agencies receive assistance in carrying out their responsibilities. We will continue to work with you to ensure that we provide the most effective and the most cost efficient means of doing so.

Sincerely,

Dorcase R. Hardy,
Assistant Secretary for
Human Development Services.●

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from New York.

Mr. CONABLE. In short, this is the hospice bill?

Mr. ROSTENKOWSKI. That is correct.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation presently being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman.

Mr. CONABLE. Mr. Speaker, this is the hospice bill, plus something relating to disabled widows, plus the foster care provision which passed out of our committee without dissent?

Mr. ROSTENKOWSKI. Right.

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Mr. CONABLE. In other words, there is nothing in this proposal except for additional technical corrections beyond those three provisions, as I understand the chairman's statement.

Mr. ROSTENKOWSKI. The gentleman is correct.

Mr. CONABLE. It sounds as though it is something that should be accepted without question by the body, and I thank the chairman for his explanation.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. Panetta].

Mr. PANETTA. I thank the chairman for yielding.

I want to thank both sides for the work that has been done on this hospice bill. In order for hospice to be effective, for adequate medicare coverage, we need these additional rates.

This was passed overwhelmingly on the House side and accepted overwhelmingly on the Senate side, and I want to thank both sides for the work they have done.

Mr. FRENZEL. Will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Minnesota.

Mr. FRENZEL. You are the wonderful person I was trying to think of.

Mr. PANETTA. I thank the gentleman.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

The SPEAKER pro tempore. The Chair will receive a report from the committee to notify the President.

Mr. WRIGHT. Mr. Speaker, the gentleman from Texas, Mr. Loeffler, will report for our committee.

Mr. LOEFFLER. I thank the distinguished majority leader.

In behalf of my minority leader and the distinguished majority leader, they have spoken to the President at a rather early hour this evening, and his report to us is absolutely accurate. In behalf of all Republicans on my side of the aisle, we wish everyone good travels and Godspeed journeys, and we look forward to resuming the 99th Congress January 3.

I thank the majority leader.

The SPEAKER pro tempore. The Chair thanks the committee for its report.

INTERNAL REVENUE CODE OF 1954 AMENDMENTS RELATING TO IMPUTED INTEREST

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5361), to amend the Internal Revenue Code of 1954 to extend for 1 year the exclusion from gross income with respect to group legal services plans, and for other purposes, with a Senate amendment to the House amendment to the Senate amendment thereto, and concur in the Senate amendment to the House amendment to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to the Senate amendment, as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate, insert:

SEC. 2. TRANSITIONAL RULE FOR PURPOSES OF IMPUTED INTEREST RULES.

Subsection (b) of section 44 of the Tax Reform Act of 1984 (relating to effective date for treatment of debt instruments received in exchange for property) is amended by adding at the end thereof the following new paragraphs:

“(4) Special rules for sales before July 1, 1985.—

“(A) In general.—In the case of any sale or exchange before July 1, of property other than new section 38 property—

(i) sections 483(c)(1)(B) and 1274(c)(3) of the Internal Revenue Code of 1954 shall be applied by substituting the testing rate determined under subparagraph (B) for 110 percent of the applicable Federal rate determined under section 1274(d) of such Code, and

“(ii) sections 483(b) and 1274(b) of such Code shall be applied by substituting the imputation rate determined under subparagraph (C) for 120 percent of the applicable Federal rate determined under section 1274(d) of such code.

“(B) Testing rate.—For purposes of this paragraph—

“(i) In general.—The testing rate determined under this subparagraph is the sum of—

“(I) 9 percent, plus

“(II) if the borrowed amount exceeds $2,000,000, the excess determined under clause (ii) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

“(ii) Excess.—For purposes of clause (i), the excess determined under this clause is the excess of 110 percent of the applicable Federal rate determined under section 1274(d) of such code over 9 percent.

“(C) Imputation rate.—For purposes of this paragraph—

“(i) In general.—The imputation rate determined under this subparagraph is the sum or—

“(I) 10 percent, plus

“(II) if the borrowed amount exceeds $2,000,000, the excess determined under clause (ii) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

“(ii) Excess.—For purposes of clause (i), the excess determined under this clause is the excess of 120 percent of the applicable Federal rate determined under section 1274(d) of such Code over 10 percent.

“(D) Borrowed amount.—For purposes of this paragraph, the term ‘borrowed amount’ means the stated principal amount.

“(E) Aggregation rules.—For purposes of this paragraph—

“(i) all sales or exchanges which are part of the same transaction (or a series of related transactions) shall be treated as one sale or exchange, and

“(ii) all debt instruments arising from the same transaction (or a series of related transactions) shall be treated as one debt instrument.

“(F) Cash method of accounting.—In the case of any sale or exchange before July 1, 1985, of property (other than new section 38 property) used in the active business of farming and in which the borrowed amount does not exceed $2,000,000—

(i) section 1274 of the Internal Revenue Code of 1954 shall not apply, and

(ii) interest on the obligation issued in connection with such sale or exchange shall be taken into account by both buyer and seller on the cash receipts and disbursements method of accounting. The Secretary of the Treasury or his delegate may by regulation prescribe rules to prevent the mismatching of interest income and interest deductions in connection with obligations on which interest is computed on the cash receipts and disbursements method of accounting.

“(5) General rule for assumptions of loans.—Except as provided in paragraphs (6) and (7), if any person—

“(A) assumes, in connection with the sale or exchange of property, any debt obligation, or

“(B) acquires any property subject to any debt obligation,

sections 1274 and 483 of the Internal Revenue Code of 1954 shall apply to such debt obligation by reason of such assumption (or such acquisition).

“(6) Exception for assumptions of loans made on or before October 15, 1984.—

“(A) In general.—If any person—

“(i) assumes, in connection with the sale or exchange of property, any debt obligation described in subparagraph (B) and issued on or before October 15, 1984, or

“(ii) acquires any property subject to any such debt obligation issued on or before October 15, 1984,

sections 1274 and 483 of the Internal Revenue Code of 1954 shall not be applied to such debt obligation by reason of such assumption (or such acquisition) unless the terms and conditions of such debt obligation are modified in connection with the assumption (or acquisition).

“(B) Obligations described in this subparagraph.—A debt obligation is described in this subparagraph if such obligation—

“(i) was issued on or before October 15, 1984, and

“(ii) was assumed (or property was taken subject to such obligation) in connection with the sale or exchange of property (including a deemed sale under section 338(a)) the sales price of which is greater than $100,000,000.

“(C) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to effect the purpose of this paragraph and paragraph (5), including regulations relating to tax-exempt obligations, government subsidized loans, or other instruments.

“(D) Certain exempt transactions.—The Secretary shall prescribe regulations under which any transaction shall be exempt from the application of this paragraph if such exemption is not likely to significantly reduce the tax liability of the purchaser by reason of the overstatement of the adjusted basis of the acquired asset.

“(7) Exception for assumptions of loans with respect to certain property.—

“(A) In general.—If any person—

“(i) assumes, in connection with the sale or exchange of property described in subparagraph (B), any debt obligation, or

“(ii) acquires any such property subject to any such debt obligation,

sections 1274 and 483 of the Internal Revenue Code of 1954 shall not be applied to such debt obligation by reason of such assumption (or such acquisition) unless the terms and conditions of such debt obligation are modified in connection with the assumption (or acquisition).

“(B) Sales or exchanges to which this paragraph applies.—This paragraph shall apply to any of the following sales or exchanges:

“(i) Residences.—Any sale or exchange of a residence by an individual, an estate, or a testamentary trust, but only if—

“(I) either—

“(aa) such residence on the date of such sale or exchange (or in the case of an estate or testamentary trust, on the date of death of the decedent) was the principal residence (within the meaning of section 1034) of the individual or decedent, or

“(bb) during the 2-year period ending on such date, no substantial portion of such residence was of a character subject to an allowance under this title for depreciation (or amortization in lieu thereof) in the hands of such individual or decedent, and

“(I) such residence was not at any time, in the hands of such individual, estate, testamentary trust, or decedent, described in section 1221(1) (relating to inventory, etc.).

“(ii) Farms.—Any sale or exchange by a qualified person of—

“(I) real property which was used as a farm (within the meaning of section 6420(c)(2)) at all times during the 3-year period ending on the date of such sale or exchange, or

“(II) tangible personal property which was used in the active conduct of the trade or business of farming on such farm and is sold in connection with the sale of such farm,

but only if such property is sold or exchanged for use in the active conduct of the trade or business of farming by the transferee of such property.

“(iii) Trades or businesses.—

"(I) IN GENERAL.—Any sale or exchange by a qualified person of any trade or business.

"(II) APPLICATION WITH SUBPARAGRAPH (B).—This subparagraph shall not apply to any sale or exchange of any property described in subparagraph (B).

"(III) NEW SECTION 38 PROPERTY.—This subparagraph shall not apply to the sale or exchange of any property which, in the hands of the transferee, is new section 38 property.

"(iv) SALE OF BUSINESS REAL ESTATE.—Any sale or exchange of any real property used in an active trade or business by a person who would be a qualified person if he disposed of his entire interest.

This subparagraph shall not apply to any transaction described in the last sentence of paragraph (6)(B) (relating to transaction in excess of $100,000,000).

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) QUALIFIED PERSON DEFINED.—The term 'qualified person' means—

"(I) a person who—

"(aa) is an individual, estate, or testamentary trust,

"(bb) is a corporation which immediately prior to the date of the sale or exchange has 35 or fewer shareholders, or

"(cc) is a partnership which immediately prior to the date of the sale or exchange has 35 or fewer partners,

"(II) is a 10-percent owner of a farm or a trade or business,

"(III) pursuant to a plan, disposes of—

"(aa) an interest in a farm or farm property, or

"(bb) his entire interest in a trade or business and all substantially similar trades or businesses, and

"(IV) the ownership interest of whom may be readily established by reason of qualified allocations (of the type described in section 168(j)(9)(B), one class of stock, or the like).

"(ii) 10-PERCENT OWNER DEFINED.—The term '10-percent owner' means a person having at least a 10-percent ownership interest, applying the attribution rules of section 318 (other than subsection (a)(4)).

"(iii) TRADE OR BUSINESS DEFINED.—

"(I) IN GENERAL.—The term 'trade or business' means any trade or business, including any line of business, qualifying as an active trade or business within the meaning of section 355.

"(II) RENTAL OF REAL PROPERTY.—For purposes of this clause, the holding of real property for rental shall not be treated as an active trade or business.

Mr. ROSTENKOWSKI (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. ARCHER. Mr. Speaker, reserving the right to object, I do so for the purpose of asking our chairman if he would describe for us succinctly what is in this new Senate amendment to the amendment which we sent over to the Senate relative to the imputed interest and seller financing.

Mr. ROSTENKOWSKI. Will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, earlier tonight the House sent to the other body an amendment to H.R. 5361 with regard to the imputed interest rules which would provide a 3-month delay in the effective date for transactions below $2 million. In addition, the House exempted assumptions of existing debt from the new imputed interest rules.

The other body has returned H.R. 5361 with a relatively minor modification to the imputed interest rules passed by the House. The most significant change of the other body is to provide a 6-month delay until July 1, 1985, in the effective date of the scheduled increases in imputed interest rates.

In addition, the Senate would, one, modify the House assumption rule;

Two, require the cash method of accounting for both parties in the case of a farm land below $2 million;

Three, make exceptions to certain appreciable property; and

Four, make certain definitional changes.

Mr. Speaker, after careful consideration of these modifications and in the interest of concluding the action on this bill, I urge the House's concurrence in the Senate amendment.

Mr. ARCHER. Mr. Speaker, further reserving the right to object, I would ask the chairman if there is any provision during this temporary period for sales that are over $2 million.

Mr. ROSTENKOWSKI. No; there is not. I am told we will have a blended rate between the low percent, or 9 percent, and the upper rate.

Mr. CONABLE. Will the gentleman yield to me?

Mr. ARCHER. I will be happy to yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, this is not the proposal that we sent to the other body. As we sent it to the other body, we had your assurance that the Ways and Means Committee would consider this issue early in the 99th Congress. It is a matter of concern on our side that it be promptly considered, and am I to assume that your assurance carries over into the 6-month period?

Mr. ROSTENKOWSKI. Will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. It will certainly be considered in 6 months.

Mr. CONABLE. We have your assurance?

Mr. ROSTENKOWSKI. I think you had a better deal before.

Mr. CONABLE. I happen to agree with the chairman. But I want to be sure that changing the outline of the agreement has not changed his determination to bring this matter before the Ways and Means Committee.

Mr. ROSTENKOWSKI. I am positive that I will try to encourage my committee to consider this in the 6-month period.

Mr. CONABLE. I thank the chairman.

Mr. ARCHER. I must say that I share the feelings of the gentleman from New York, and I am glad to hear the chairman say that we will attempt to consider this matter expeditiously, and not wait for the 6 months to run out.

I thank the chairman and the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. HARTNETT. Mr. Speaker, reserving the right to object, is it my understanding of the distinguished chairman, Mr. Speaker, that this is some type of a compromise on imputed interest which we I think in the House wanted repealed completely?

Is this some type of compromise, Mr. Chairman, that maybe in the 99th Congress, for those of us who might or might not be here, who might be here I guess I should ask, would maybe attach this to some other type of bill? I mean would we not ever get a clean vote on this as to whether or not to repeal imputed interest, or is this some type of a compromise you had to yield to?

Would you explain this to me, Mr. Chairman, under my reservation?

Mr. ROSTENKOWSKI. Will the gentleman yield?

Mr. HARTNETT. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. We have gone through this. As I understand what has been done, this is a compromise on the legislation that was passed at an earlier date. The Ways and Means Committee, or at least if I am chairman, I have committed myself to trying to get some certainty into the law with respect to the imputed interest provisions that are disturbing Members of the Congress.

The compromise was arranged by the conferees or by Senator DOLE and myself. And as I understand it, it is acceptable to the other body. Of course, I cannot, I cannot be a clairvoyant and tell you what we are going to do, but I know I have a commitment with Members of the House to try and get some resolution to what we consider is a problem in the imputed interest area. I am going to try to bring that certainty back within a 6-month period.

Mr. HARTNETT. Further reserving my right to object, I thank the distinguished chairman for his explanation.

PARLIAMENTARY INQUIRY

Mr. HARTNETT. I would like to inquire of the Chair a parliamentary inquiry under my reservation of objection.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HARTNETT. Mr. Speaker, is this unanimous-consent request to put the question of the bill itself? What I am trying to ask you, Mr. Speaker, is, is this for consideration of the bill itself; will the question be put to the House itself?

The SPEAKER pro tempore. The Chair will respond to the unanimous-consent request. If the gentleman will permit, the gentleman from Illinois asked unanimous consent to dispense with the reading of the amendment. Reservations were taken on the question of agreeing to the unanimous-consent request to dispense with the reading.

The Chair has not yet put the question on the unanimous consent request to dispense with the reading. If dispensing of the reading is agreed to, the Chair will put the question on agreeing to the request.

Agreeing to the request will constitute the adoption of the Senate amendment.

Mr. HARTNETT. In response to the Speaker's explanation, I withdraw my reservation of objection to the unanimous consent request to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Illinois?

Mr. HARTNETT. Mr. Speaker, reserving the right to object, what is the request of the gentleman? What is the request from the gentleman from Illinois at this time, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to have the House agree to the latest amendment of the Senate.

Mr. HARTNETT. Further reserving the right to object, Mr. Speaker, and Mr. Chairman, into what position would an objection put this bill, then, Mr. Speaker?

Mr. ROSTENKOWSKI. Kill the bill. It would kill the bill, as I understand it.

□ 2330

The SPEAKER pro tempore. There would be no question before the House at that point.

Mr. HARTNETT. There is no way that a motion could be made that the bill could then be brought, that the chairman could move that the bill be brought before the House?

The SPEAKER pro tempore. The stage of disagreement not having been reached, there is no such motion that would be in order, no privileged motion is available to the gentleman.

Mr. HARTNETT. Under my reservation of objection, Mr. Speaker, I yield to the gentleman from Texas.

Mr. LOEFFLER. I thank the gentleman for yielding.

Mr. Speaker, I urge the gentleman [Mr. Hartnett] not to object. This is something that he and I and many others in this body have fought long and hard for and it is a step forward from where we were earlier this afternoon. Furthermore, it is my understanding, from visiting with the majority leader on the other side of the aisle, that once we conclude our work on this measure in a positive fashion, it is the intention of the majority leadership in the Senate to move forward to complete its work on the debt-limit bill and to move forward with the sine die resolution and we will then be in the process of completing our work.

There are several items still before the desk in our own body that will come forward after we conclude with this matter, about five, there will be unanimous-consent requests for that.

It is my understanding once that is completed, however it is finally disposed, then we will be moving forward to conclude our work for this Congress.

Mr. Speaker, I urge the gentleman [Mr. Hartnett] not to object.

Mr. HARTNETT. Mr. Speaker, under my reservation, if I could reclaim my time, I would say to my colleague from Texas [Mr. Loeffler] and to the distinguished chairman [Mr. Rostenkowski], for whom I have a great deal of respect, that it is this Member's opinion and the reason for his reservation of objection, Mr. Speaker, that we do ourselves no great service, nor do we do the American people whom we represent any great service, when we in the late-night hours in the last minutes, closing minutes of these sessions which have lasted far too long, pass important legislation under unanimous-consent requests.

Obviously the imputed interest, which is the major portion of this bill, Mr. Chairman, is a very significant concern to people in my industry, in the housing industry, and I think they deserve a better hearing and I think this question deserves consideration on its own merit, not to be tacked onto another bill.

That is the reason for my reservation, Mr. Speaker, but considering the late hour, the request of my colleagues and the work of the distinguished chairman have put in on this legislation I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENROLLMENT OF H.R. 5361, INTERNAL REVENUE CODE OF 1954 AMENDMENTS RELATING TO IMPUTED INTEREST

Mr. ROSTENKOWSKI. Mr. Speaker, I send to the Speaker's table a concurrent resolution (H. Con. Res. 378) to make one technical correction in the enrollment of the bill (H.R. 5361) to amend the Internal Revenue Code of 1954 to extend for 1 year the exclusion from gross income with respect to group legal services plans, and for other purposes and ask unamimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 378

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 5361) an act to amend the Internal Revenue Code of 1954 to extend for one year the exclusion from gross income with respect to group legal revenue plans, and for other purpose the Clerk of the House of Representatives make the following correction.

On page 5, line 29 of the Senate amendment to the House amendment to the Senate amendment, insert the word "no" before the word "greater".

Mr. ROSTENKOWSKI (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the concurrent resolution be dispensed with, and that it be printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Illinois?

Mr. CONABLE. Mr. Speaker, reserving the right to object, I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, this is a typographical error in the enrollment of the bill, and this concurrent resolution just corrects that typo.

Mr. CONABLE. Mr. Speaker, further reserving the right to object, I do so only for the purpose of assuring the Members that this is the normal procedure where a typographical error appears in hastily drawn legislation, admittedly a bad way to legislate, but the error should be corrected, can be corrected by a concurrent resolution of this sort, and that is the sole purpose the chairman, Mr. Rostenkowski the gentleman from Illinois has in making this particular request at this time.

I will ask the chairman, is that not correct?

Mr. ROSTENKOWSKI. The gentleman from New York [Mr. CONABLE] is correct.

Mr. CONABLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Illinois?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

BYRON G. ROGERS FEDERAL BUILDING AND U.S. COURTHOUSE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H.R. 4700 to designate the Federal Building and U.S. Courthouse at 1961 Stout Street, Denver, CO, as the "Byron G. Rogers Federal Building and U.S. Courthouse," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

> Page 2, after line 4, insert:
>
> SEC. 2. The Lowndesville Recreation Area, located within the Richard B. Russell Dam and Lake project, South Carolina and Georgia, shall hereafter be known and designated as the "Jim Rampey Recreation Area". Any reference in any law, map, regulation, document, record, or other paper of the United States to such recreation area shall be deemed to be a reference to such area as the "Jim Rampey Recreation Area".

Mr. LEVITAS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendment be dispensed with, and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. STANGELAND. Mr. Speaker, reserving the right to object, I do so only to just very briefly explain to the body what we are doing.

Mr. Speaker, I introduced a bill to name the Federal Building and U.S. Courthouse in Denver, CO, after a former, very distinguished former Member of the other side, Byron G. Rogers, the "Byron G. Rogers Federal Building."

Mr. Rogers passed away over the Christmas holiday last year.

The Senate amendment, very briefly, is to name part of the Richard B. Russell Dam and Lake project in South Carolina and Georgia the "Jim Rampey Recreation Area."

We have no objection to that, but the key part of this piece of legislation is to recognize a very distinguished former colleague, Byron Rogers, better known to most of us who knew him as "the Judge."

Mr. Speaker, I only met him after I came to Congress when he had left the Congress, having been defeated in a primary in his own district, but he was someone who I came to think very highly of, in effect love very dearly, a very dear and good friend.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. STANGELAND. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman, my good friend from Minnesota, for yielding.

Mr. Speaker, I would point out that the basic bill in this instance, H.R. 4700, is a bill of which the gentleman from Minnesota is the sponsor and which passed this House some time ago.

As the gentleman has stated, the person for whom the Federal building will be named in Denver, CO, is a distinguished former Member of this House and a person who became, in later years, a close personal friend of the gentleman from Minnesota.

Mr. Speaker, I would like to commend the gentleman from Minnesota [Mr. STANGELAND] for bringing this to the attention of the House and for his efforts in regard to this piece of lesiglation.

I would also like to take this occasion to commend the gentleman from Minnesota for all of his efforts in a constructive and bipartisan way to achieve many of the things that we have been able to achieve during the 98th Congress, both in the Subcommittee on Public Buildings and Grounds, and the Subcommittee on Water, and in so many other areas.

It was his leadership in a bipartisan way of cooperation that made a lot of the success possible.

Mr. Speaker, I want to take this opportunity to commend him for it.

With respect to the Senate amendment, I should point out that Jim Rampey was personally responsible for the creation and establishment of the recreation area which will be named after him, and it is one that I think is very appropriate, and I would urge my colleagues to go along with the Senate amendment and agree to the unanimous-consent request.

Mr. Speaker, I thank the gentleman for yielding.

Mr. STANGELAND. I thank my colleague from Georgia.

I have to say that it has been a pleasure to work with my colleague from Georgia [Mr. LEVITAS], a very knowledgeable member of the Subcommittee on Public Buildings and Grounds, the chairman at that time, and I was the ranking member of, and we have had a good relationship and he understands what we are doing and we concur.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. WALKER. Mr. Speaker, reserving the right to object, I reserve objection to inquire how many bills are we going to have run out here under unanimous-consent requests this evening? The problem is that we are being told here that on the last bill we had to bring it up under that procedure, under a unanimous-consent procedure, where there was a very important vote and I do not have a problem with that, except that the reason why we are told we cannot vote is because there is a probability there is not a quorum of the Congress in town and therefore such a vote would cause major problems.

Now I do not think any of us want to do that.

On the other hand, we ought not to be conducting a broad range of legislative business here tonight if we have reason to believe that we do not have 218 Members around to conduct business.

□ 2340

I wonder how many bills we have before us that we are going to run out here on the floor tonight lacking a quorum.

The SPEAKER pro tempore. The Chair is aware of two additional unanimous-consent requests relating to agreeing to Senate amendments.

Mr. WALKER. Will that be it? Are we going to cut if off at that point?

The SPEAKER pro tempore. The Chair is aware of no other unanimous-consent requests.

The Chair has to report a Senate amendment which is privileged to the adjournment resolution.

Mr. WALKER. I thank the Chair.

I would simply say that I think that after we get past the two that the Chair has just announced, following this one, that we will probably be in a position of having to object to any other legislation coming before the House tonight.

I thank the Chair.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia for the dispensing of the reading of the Senate amendment?

There was no objection.

● Mr. DERRICK. Mr. Speaker, I rise in enthusiastic support of H.R. 4700, a bill to designate the Federal building and U.S. courthouse on Stout Street, Denver, CO, as the "Byron G. Rogers Federal Building and United States Courthouse."

Mr. Speaker, my specific interest in this measure pertains to provisions that were added to the bill in the other body by my distinguished South

Carolina colleagues in that Chamber. The Senate amendment redesignates the name of a park in the Richard B. Russell Dam and Lake project.

Since 1981, I have been working with Mrs. Robert W. Farmer, Sr., to have the Lowndesville Recreation Area on Lake Russell renamed the "Jim Rampey Recreation Area" in memory of her late father. Mr. Rampey purchased 100 acres of land in Lowndesville in 1919. He had earned the money to purchase the property working as a prison guard, and for many years farmed the land. Upon his death in 1960, the property was inherited by Mrs. Farmer and her sister, who subsequently sold 73 acres of the property to the Government for the development of a State park associated with the Richard B. Russell Dam and Lake.

Mr. Speaker, efforts were initiated to bring about this name change through the Corps of Engineers, but we were subsequently advised that statutory authority was required if the park to be named after an individual. During the course of our efforts, we collected the support of all appropriate local government officials, as well as the South Carolina Department of Parks, Recreation and Tourism.

I believe this name change is an appropriate and fitting tribute to the memory of the late Jim Rampey, and am pleased that it has been added as an amendment to H.R. 4700. Inasmuch as this provision involves no cost to the Federal Government, and is vigorously supported by local and State officials in South Carolina, I am most pleased that we have been able to conclude action on the measure prior to the adjournment of this Congress. I thank all my colleagues in the House for joining with me in support of this legislation.●

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Georgia [Mr. LEVITAS]?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CRIMINAL FINE ENFORCEMENT ACT OF 1984

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5846) to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out all after line 10 over to and including line 2 on page 3 and insert:

"(2) A judgment imposing the payment of a fine or penalty shall, upon the filing of notice of lien in the manner in which a notice of tax lien would be filed under section 6323(f) of the Internal Revenue Code of 1954, be a lien in favor of the United States upon all property and rights of property belonging to the defendant, except with respect to properties or transactions specified in subsections (b), (c) or (d) of section 6323 of the Internal Revenue Code of 1954 for which a notice of tax lien properly filed on the same date would not be valid and except with respect to property that would be exempt from levy for taxes under section 6334(a) of the Code. Such lien shall be valid against any subsequent purchaser, holder of a security interest, mechanic's lienor or judgment creditor. A writ of execution may be issued with respect to any property or rights to property subject to such lien.

"(3) Such lien is valid against property referred to in paragraph (2) of this subsection if, but for such paragraph, applicable law would permit enforcement of the lien.

"(4) The effect of any executive, whether by attachment, garnishment, levy or other means, on salary, wages or other income payable to or receivable by a defendant shall be continuous from the date such execution is first made until the liability for the fine or penalty to which the execution relates is satisfied, the liability ceases to exist or becomes unenforceable, or the execution is released. Salaries, wages and other income shall be exempt from execution only to the extent of the exemptions from levy for taxes provided in section 6334(d) of the Internal Revenue Code of 1954.

"(5) For the purposes of any State or local law providing for the filing of a notice of a tax lien, a notice of lien for a judgment imposing the payment of a fine or penalty shall be considered a notice of lien for taxes payable to the United States. If such notice is not accepted for filing, the registration, recording, docketing, or indexing, of the judgment imposing payment of a fine or penalty in accordance with section 1962 of title 28, United States Code shall be considered for all purposes as the filing prescribed by this subsection.

Page 9, line 19, strike out "$1,000,000" and insert "$500,000".

Page 9, line 21, strike out "$1,000,000" and insert "$500,000".

Page 9, line 23, strike out "$250,000" and insert "$100,000".

Page 9, line 24, after "(c)" insert "(1)".

Page 10, after line 3, insert:

"(2) Except as otherwise expressly provided, the aggregate of fines that a court may impose on a defendant at the same time for different offenses that arise from a common scheme or plan, and that do not cause separable or distinguishable kinds of harm or damage, is twice the amount imposed for the most serious offense.

Page 12, line 1, after "by" insert "sections 2 through 9 of ".

Page 12, after line 2, insert:

SEC. 11. (a) Rule 12.2 of the Federal Rules of Criminal Procedure is amended—

(1) by striking out "to a mental examination by a psychiatrist or other expert designated for this purpose in the order of the court" in subdivision (c) and inserting in lieu thereof "to an examination pursuant to 18 U.S.C. 4242"; and

(2) by striking out "mental condition" in subdivision (d) and inserting in lieu thereof "guilt".

(b) Section 404(b) and section 404(d) of chapter IV of title II of the Joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes", H.J. Res. 648, 98th Congress, are repealed.

(c) The amendments and repeals made by subsections (a) and (b) of this section shall apply on and after the enactment of the Joint Resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes", H.J. Res. 648, 98th Congress.

SEC. 12. (a)(1) Title 18, United States Code, is amended by striking out chapter 228.

(2) Section 3651 of title 18, United States Code, is amended by striking out the following paragraph:

"If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.".

(3) Section 3651 of title 18, United States Code, as amended by paragraph (2) of this subsection, is further amended by striking out the last paragraph and inserting in lieu thereof the following:

"The defendant's liability for any time or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.".

(4) The second paragraph of section 3655 of title 18, United States Code, is amended to read as follows:

"He shall keep informed concerning the conduct and condition of each probationer under his supervision and shall report thereon to the court placing such person on probation.".

(5) The first sentence of section 4209(a) of title 18, United States Code, is amended by striking out "and, in a case" and all that follows through the end of the sentence and inserting in lieu thereof a period.

(6) Section 4214(b)(1) of title 18, United States Code, is amended by striking out "or a failure to pay a fine in default within thirty days after notification that it is in default" each place it appears.

(7)(A) Chapter 227 of title 18, United States Code, is amended by inserting after section 3564 the following:

"§ 3565. Collection and payment of fines and penalties

"In all criminal cases in which judgment or sentence is rendered, imposing the payment of a fine or penalty, whether alone or with any other kind of punishment, such judgment, so far as the fine or penalty is concerned, may be enforced by execution against the property of the defendant in like manner as judgments in civil cases. Where the judgment directs imprisonment until the fine or penalty imposed is paid, the issue of execution on the judgment shall not discharge the defendant from imprisonment until the amount of the judgment is paid.".

(B) The table of sections for chapter 227 of title 18, United States Code, is amended by striking out the item relating to section 3565 and inserting in lieu thereof the following:

"3565. Collection and payment of fines and penalties.".

(8) Section 3569 of title 18, United States Code is amended—

(A) by inserting "(a)" before "When a" at the beginning of the first paragraph; and

(B) by adding at the end the following:

"(b) Any such indigent prisoner in a Federal institution may, in the first instance, make his application to the warden of such institution, who shall have all the powers of a United States magistrate in such matters, and upon proper showing in support of the application shall administer the oath required by subsection (a) of this section, discharge the prisoner, and file his certificate to that effect in the records of the institution.

"Any such indigent prisoner, to whom the warden shall fail or refuse to administer the oath may apply to the nearest magistrate for the relief authorized by this section and the magistrate shall proceed de novo to hear and determine the matter.".

(9) Section 238(i) of chapter II of title II of the Joint Resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes", H.J. Res. 648, 98th Congress, is repealed.

(b) The amendments and the repeal made by subsection (a) of this section shall apply on and after the enactment of the Joint Resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes", H.J. Res. 648, 98th Congress.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

Is there objection to the request of the gentleman from Virginia?

Mr. GEKAS. Reserving the right to object, Mr. Speaker, we probably agree that what is about to happen here has to happen, but I would like to have the gentleman from Virginia explain exactly what we are about. It is an important measure that the House has acted upon affirmatively in the past and the Senate has made some amendments. But the RECORD should reflect now an explanation to the Members of the House.

Mr. BOUCHER. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Virginia.

Mr. BOUCHER. I thank the gentleman for yielding.

Would the gentleman agree to withdraw his reservation until the unanimous-consent request to waive the reading of the Senate amendments as been agreed to? Then at a further point I would be happy to offer the explanation that the gentleman has requested.

Mr. GEKAS. If I do not sacrifice my right to object.

The SPEAKER pro tempore. The Chair will protect the gentleman's rights.

Mr. GEKAS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia [Mr. BOUCHER]?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Virginia?

Mr. GEKAS. Mr. Speaker, I reserve the right to object.

Mr. BOUCHER. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Virginia.

Mr. BOUCHER. I thank the gentleman for yielding.

Mr. Speaker, I would be happy at this time, under the gentleman's reservation, to provide the explanation that he requested with regard to the effect of the Senate amendments.

Mr. Speaker, H.R. 5846 was reported without dissent by the Judiciary Committee and was passed by the House on the Suspension Calendar last July 30. The bill makes fines a tougher criminal penalty and improves fine collection methods.

I was pleased to introduce H.R. 5846 during the summer of this year. It was drafted through extensive negotiations involving all of the interested parties, including the Department of Justice, our colleague from Illinois [Mrs. MARTIN], who is the principal cosponsor of the legislation, the Administrative Office of the U.S. Courts, and the senior Senator from Illinois [Mr. PERCY], whose subcommittee held hearings this Congress on Federal fine collection efforts.

H.R. 5846 enjoys broad bipartisan support as revealed by cosponsorship of more than 50 Members from both sides of the aisle.

Federal law and practice regarding the imposition and collection of fines in criminal cases suffer from serious deficiencies. First, maximum fine levels are currently so low that criminals can consider fines a cost of doing business. As noted by the House Judiciary Committee, current fine levels are "woefully inadequate to deter criminal behavior," a view echoed by the Senate Judiciary Committee in its report on the omnibus crime bill (S. 1762), which states that "the maximum levels of fines under current law are set so low that the courts are not able to use them effectively as a sentencing option."

Second, Federal judges at this time are provided with no statutory guidance regarding the punishment to be imposed upon convicted offenders. There is currently no statutory statement of the purposes of criminal punishment, and it was not until last Congress that judges were given any legislative guidance at all about what should be considered when deciding the punishment to impose. That guidance concerns only restitution.

Legislative guidance about the factors to consider when deciding whether to impose a fine will have important beneficial consequences. Fine collection will be improved because more realistic fines, which evidence suggests are more likely to be collected, can be imposed. In addition, greater equity in punishment will be fostered. Fines equal in amount are not necessarily equal in punishment. A $5,000 fine for a millionaire is less severe punishment than a $5,000 fine for a person whose annual income is $15,000.

Third, current law and practice lack incentives for the prompt and full payment of fines. If a fine is to be an effective punishment, it must be collected promptly and in full. Overdue fines should be subject to interest, and to a penalty if excessively overdue. Willful nonpayment of a fine should be a crime.

Finally, the procedures available to the Justice Department for enforcing fines when the defendant fails or refuses to pay are inadequate. There is no serious problem if the fine is imposed as a condition of probation, for if the defendant does not pay the fine, probation can be revoked. If the fine is a straight fine, however, the Justice Department must enforce the fine in the same manner as it enforces a money judgment in a civil case. The United States records the judgment as provided by the State law and assumes the status of judgment creditor. State laws regarding the enforcement of judgments vary, so the enforceability of the fine judgment will vary from State to State.

The bill is greatly needed to improve fine collection methods. There are currently more than 21,000 Federal criminal fines, amounting to $132,000,000 outstanding nationwide. The collection processes contained in H.R. 5846 will greatly improve the Federal Government's ability to obtain payment of Federal fines in the future. Among other steps to improve current law and practice, H.R. 5846—

Substantially increases maximum fine levels, so that a drug dealer, for example, can be fined up to the greater of $250,000 or twice the amount of money the dealer made as a result of the crime;

Imposes interest at the rate of 1.5 percent per month on delinquent fines, and, if a fine is more than 90 days delinquent, imposes a penalty of 25 percent of the amount past due;

Makes it a criminal offense for a convicted defendant willfully to fail to pay a fine;

Mandates that the U.S. Parole Commission, when it paroles a prisoner who owes a fine, require as a condition of parole that the prisoner make a diligent effort to pay the fine;

Gives the United States with a "super" judgment lien, that has the priority and carriers the exemptions of Federal tax lien;

Requires a court, when it stays payment of a fine, to order, unless exceptional circumstances exist, that the defendant: First, deposit with the court pending the outcome of the appeal the amount due as a fine; second, provide bond or other security to ensure payment of the fine; or third, not transfer or dissipate assets;

Permits the Justice Department, when a fine is to be paid in installments, to declare the entire unpaid balance of the fine to be due and payable if a scheduled installment is missed.

These provisions are tough, but the bill is not draconian. It requires, for example, that a judge consider a defendant's ability to pay in determining the amount of a fine. In addition, the bill is sensitive to constitutional concerns. The Supreme Court has held that a person cannot be imprisoned for failure to pay a fine if that failure is due to the person's indigency. The bill, therefore, provides that before a judge can impose a committed fine—a fine that requires the defendant to stay in prison until the fine is paid—the judge must find that the defendant has the present ability to pay the fine.

The other body has amended the bill in serveral respects. I am inserting at this point in the RECORD an analysis of those amendments. While not all of the changes made by the other body strengthen the bill, they do not fatally weaken it. If we had more time, it might be appropriate to seek a conference to work out compromises on some of the changes. It is too late in the session, however, for that to be a viable course of action, so I recommend that the House accede to the changes made by the other body.

ANALYSIS OF CHANGES IN H.R. 5846 MADE BY THE SENATE

The Senate's amendments make changes in sections 2 and 6 of H.R. 5846 and add two new sections to the bill.

Section 2 amendments. Section 2 of the bill amends 18 U.S.C 3565 to strengthen the lien that the United States has as a result of the imposition of a criminal fine. The Senate has made minor and technical changes to the House-passed provisions. These changes maintain the effectiveness of the lien and help assure that other holders of security interests will be notified of the lien of the United States.

Section 6 amendments. Section 6 of the bill adds new sections to chapter 229 of title 18 of the United States Code. The Senate has amended new section 3623, which sets forth new maximum fine levels for defendants convicted of Federal criminal offenses. If the defendant is an organization, a court can impose a fine that is the greatest of three options. The options are: First, the amount specified in the law setting forth the offense; second, if the defendant derives pecuniary gain from the offense or inflicts pecuniary loss upon another, twice the gain derived or twice the loss inflicted; and third, in the case of a felony or a misdemeanor resulting in death, $1 million, and in the case of a misdemeanor punishable by more than 6 months imprisonment, $250,000.

The Senate has amended the third option to reduce the amounts from $1 million to $500,000 and from $250,000 to $100,000. The provisions allowing the court to impose the fine authorized by the law setting forth the offense or a fine of twice the pecuniary gain derived or twice the pecuniary loss inflicted, have not been altered.

The Senate has also limited the court's ability to set the amount of a fine when the defendant has been convicted of multiple offenses. The court cannot impose upon a defendant convicted of multiple offenses fines aggregating more than twice the amount imposed for the most serious offense, if two conditions exist. The conditions are, first, that the offenses arise from a common scheme or plan and cause indistinguishable kinds of damage. The second condition is that the fines for the offenses be imposed "at the same time."

For example, assume that an organization is charged with six offenses; that the maximum fine for each, as set forth in the law defining the offense, is $20,000; and that the organization derived a pecuniary gain of $1 million from each offense. The organization is convicted of three of the offenses, and after considering all of the factors the court determines that, as permitted by new section 3623(c), a fine of twice the pecuniary gain should be imposed for each offense. Under the other body's version of the bill, however, the aggregate fine for the three offenses could not exceed twice the amount imposable under new section 3623(c). In this instance, therefore, the fines for the three offenses could not total more than $4 million.

If the organization were later convicted of the other three offenses, and the court determines that a fine of twice the pecuniary gain should be imposed, the fine could not exceed $4 million—twice the amount imposable under new section 3623(c). The fact that the organization had previously been fined $4 million for offenses arising from a common plan and involving indistinguishable kinds of harm, would not prevent the court from imposing the full $4 million because the fines for the first three offenses were not imposed "at the same time" as the fines for the other three offenses.

Frankly, the two Senate amendments to section 6 of the bill do not strengthen the bill. The House-passed version of section 6 is tougher than the Senate-passed version. Fine levels need to be significantly higher for organizations because organizations cannot be imprisoned and because they generally have greater resources than individuals. See House Report No. 98-906 at 15-16. The limitation on aggregate fines is not really necessary, for the bill directs the judge, when deciding the amount of a fine, to consider the defendant's ability to pay, among other factors. See id. at 13-14. This, it seems to me, is adequate to protect against a fine so high that the organization could not pay it. The aggregate fine amendment imposes an artificial limitation that can only serve on occasion, to let criminals of great means escape just punishment.

While the Senate-passed amendments do not strengthen the bill, they do not fatally weaken it. Because of the lateness of the session, there is not enough time to seek a conference to work out better provisions, so our best course of action is to accept the Senate's amendments.

NEW SECTIONS

The Senate amendments add two new sections (11 and 12) to the bill, both of which are necessitated by the crime measures included in the conference report on the continuing resolution.

Section 11 of the bill deals with rule 12.2 of the Federal Rules of Criminal Procedure, which provides for court-ordered mental examinations when a defendant raises mental condition of insanity as a defense. Chapter IV of title II of the continuing resolution, which deals with reforming the Federal insanity defense, purports to revise rule 12.2. The amendments made by chapter IV, however, are ineffectual since they are directed to rule 12.2 as it existed prior to changes that took effect in August 1983.

Section 11 repeals the provisions of the continuing resolution that are ineffectual, and amends current rule 12.2 in a manner consistent with the continuing resolution.

Section 12 of the bill reverses the effect of certain amendments to the current criminal code made by chapter II of title II of the continuing resolution. Those amendments were intended to be transitional, and their effect will expire on the effective date of the new sentencing provisions of chapter II. They are however, inconsistent with the provisions of H.R. 5846, and considered inferior by all interested parties. Thus, this section returns current law to the status quo, so that it can be properly amended by H.R. 5846.

Mr. GEKAS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I believe that the amendments to which the gentleman from Virginia has referred are remedial and technical and should be accepted by the House.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Virginia [Mr. Boucher]?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just approved.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

REQUEST FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 5646, PROVIDING A 3-YEAR EXTENSION IN AUTHORITY RELATING TO COST SAVINGS DISCLOSURES AWARDS

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5646) to provide for a 3-year extension in the authority to pay cash awards to Federal employees for certain cost savings disclosures, to clarify the authority to provide cash awards to members of the Armed Forces for such disclosures, to require a cost-benefit analysis of a Government program of furnishing workday care for dependents of Federal employees, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, after line 16, insert:

Sec. 3. The Congress finds and affirms that—

(1) the Code of Ethics for Government Service charges that any person in government service should expose corruption wherever discovered;

(2) reprisals against employees who report incidents of fraud, waste and mismanagement is prohibited by law;

(3) the Constitution protects the rights of all citizens; and

(4) every person has a right to seek remedies to protect their individual rights.

Sec. 4. Title V is amended by inserting at the end of section 1208 the following new section:

"Sec. 1209. Judicial Review

"(a) The Special Counsel may obtain judicial review of a final order or decision rendered by the Board in actions brought pursuant to Sec. 1206 and 1207 of this title. Employees affected by an agency action subject to the Special Counsel complaint and who are aggrieved by the final decision may file a petition to intervene as a matter of right and will be considered a party to the proceeding. In corrective actions, the agency responsible for the matter giving rise to the Special Counsel complaint before the Board shall be the named respondent. In disciplinary actions, the respondent employees named in the Special Counsel complaint before the Board shall be the named respondent in the judicial proceeding.

"(b) Petitions brought pursuant to this subpart shall be filed with the District Court and the right of a trial *de novo* and appellant review shall be preserved.

"(c) The Special Counsel shall file a petition for enforcement of subpoena and protective orders with the District Court pursuant to investigative and prosecutorial authority granted to the Special Counsel in accordance with this title.".

Sec. 5. Section 1209 is retitled as new section 1210.

Page 3, after line 16, insert:

Sec. 6. The first sentence of section 5532 (e) of title 5, United States Code, is amended by striking out "after the effective date of the Civil Service Reform Act of 1978" and inserting in lieu thereof "beinning October 1, 1984.".

Page 3, after line 16, insert:

Sec. 7. The New York International and Bulk Mail Center at Jersey City, New Jersey, shall be known and designated as the "New Jersey, International and Bulk Mail Center". Any reference in any law, map, regulation, document, or other paper of the United States to such building shall be held to be a reference to the New Jersey International and Bulk Mail Center.

Sec. 8. The United States Postal Service shall cause to be erected alongside the street on its property leading into the employee parking lot at the New York International and Bulk Mail Center at Jersey City, New Jersey, a suitable sign bearing the inscription "Michael McDermott Place", to dedicate that portion of the street in memory of former postal employee Michael McDermott.

Sec. 9. The above two sections shall take effect six months after the date of enactment of this Act.

Mr. McCLOSKEY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Indiana?

Mr. FRENZEL. Reserving the right to object, Mr. Speaker, I think the House understands what it did with this bill. In my judgment, there is a pernicious amendment which should require an objection.

I would ask and yield to the gentleman from Indiana [Mr. McCloskey] to explain not the two noncontroversial amendments from the other body, but the one offered by the senior Senator from Iowa.

Mr. McCLOSKEY. I thank the gentleman from Minnesota for yielding.

Mr. Speaker, there are three Senate amendments. The first amends the authority of the special counsel of the Merit Systems Protection Board. Currently, the special counsel can bring petitions for corrective and disciplinary action to the Merit Systems Protection Board. If the Board rules against the special counsel, the special counsel has no opportunity to go to court to challenge that ruling. This amendment permits the special counsel to seek judicial review of Board decisions on cases initiated by the special counsel.

The second amendment extends the expiring authority of the Office of Personnel Management to grant exceptions to the dual compensation restrictions which apply to retired military personnel who hold civilian positions. The Office may grant a waiver when there is a severe shortage of qualified medical officers. The Senate amendment would extend this waiver authority for an additional 5 years.

The third amendment names the road in front of the New Jersey Foreign and Bulk Mail Center after Michael McDermott, the postal worker who was accidentally killed at that facility.

Mr. FRENZEL. Further reserving the right to object, I would ask the distinguished gentleman from Indiana to tell me whether this amendment was ever considered in the House.

Mr. McCLOSKEY. There were hearings held on this matter in the House, but it did not get acted on on the House floor.

Mr. FRENZEL. I wonder if the distinguished gentleman would tell me further whether there were hearings in the Senate committee or whether the amendment was one added late at night on the Senate floor.

Mr. McCLOSKEY. There were hearings on similar matters, but not particularly on this proposal.

Mr. FRENZEL. And the gentleman tells me that it was a Senate floor amendment?

Mr. McCLOSKEY. Yes.

Mr. FRENZEL. I thank the gentleman.

Further reserving the right to object, Mr. Speaker, this amendment gives a whistleblower the right to appeal to the Federal judiciary and places three Federal entities at odds with each other. Each purporting to represent the United States in Federal District Court.

The Department of Justice would be representing the agency involved in the personnel action. The Merit System Protection Board would be there defending its own quasi-judicial action. Finally, a special counsel, under the guise of representing the United States, would be there actually to act as a private counsel to the whistleblower.

There would therefore be three positions in every case in the Federal court system which is already overloaded. The potential for mischief, court backlogs and inconsistent precedent is enormous.

Further reserving the right to object, Mr. Speaker, this is the kind of procedure to which I have objected many times on the floor. We have taken an amendment which is apparently germane, but which I think is not very well understood.

□ 2350

I am told that the matters under which the special counsel might appear in court are not clearly set forth in the legislative language. It has not been subject to debate or honing by amendment, and if ever there was a bill before us, in the last hours of the Congress, that deserved to be objected to, this has to be one.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. I thank the gentleman for yielding.

Mr. Speaker, I would say in the steely night watches of the 11th hour of the last day, and that sort of thing, is when this kind of mischief obviously occurs.

Would the gentleman indicate to me whether I am correct in my understanding that this is the measure that does in fact carry with it as an integral part the study on day care center facilities and things of that kind, to which this pernicious amendment has been added?

Mr. FRENZEL. The gentleman is correct. The House bill is a two-part bill.

In addition, there are two Senate amendments which are noncontroversial, and there is a third Senate amendment which I have explained to the gentleman I feel is pernicious.

I further yield to the gentleman from Virginia.

Mr. PARRIS. I appreciate that explanation.

Mr. Speaker, I would say to the gentleman that I totally agree with his categorization of the quality or lack thereof of the amendment in question.

I would simply suggest to the gentleman that in other aspects of the bill there is considerable merit, and it is a close judgmental question, obviously, which I leave to my very good friend from Minnesota, for whom I have the highest regard, as to whether or not the unacceptability of this amendment should negate the positive effects of the balance of the bill.

I know the gentleman does take his responsibilities very seriously.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I would respond to the gentleman by saying that the good parts of the bill can be revived in a couple of months. The bad part of the bill, once it becomes law, will become law probably forevermore, until some enlightened future Congress strikes it from the books. But who knows when that unforeseen time might occur?

Mr. PARRIS. Should the gentleman see fit to exercise his right to object, I would certainly enlist his assistance in the next Congress, where I suspect both of us will be present, to try to bring the balance of the provision to the law of the land.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I might be tempted to allow this terrible crime to occur if I could be assured by the gentleman from Indiana that his committee would review this amendment sometime early in its deliberations next year and try to refine the language so that at least we know what in heck that special counsel is going into court on and how often he has to get in there and entangle the other justice activities or the other litigating activities of other agencies of the Federal Government.

I yield to the distinguished gentleman.

Mr. McCLOSKEY. I thank the distinguished gentleman from Minnesota.

Mr. Speaker, believe me, his concerns are well taken.

I also thank the distinguished gentleman from Virginia. We understand his concerns as to this.

On balance, I think you will see that overall this is a very important but fair measure. We regret it being dealt with at such a late hour. But you have my full assurance and the assurance of the entire committee that we can take this up very early in the year in hearings and work to correct your concerns and improve this decent but imperfect product.

Mr. FRENZEL. I thank the gentleman for his contribution, in the hope that he might add to his study the burden the taxpayer carries for this wonderful service that we shall apply if this bill is passed.

Mr. McCLOSKEY. I will gladly so recommend.

Mr. FRENZEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. WORTLEY. Mr. Speaker, by request, I object.

The SPEAKER pro tempore. Objection is heard.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 377. Concurrent resolution providing for the sine die adjournment of the Ninety-eighth Congress.

ASTRONAUT KATHY SULLIVAN'S WALK IN SPACE, A FITTING OBSERVANCE OF THE 100TH ANNIVESARY OF THE BIRTH OF ELEANOR ROOSEVELT

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, as a member of the House Appropriations Subcommittee on HUD-Independent Agencies, of which NASA is one, and as a Member of this body who had the privilege of the tutelage of Eleanor Roosevelt, I would like to salute the accomplishments of Astronaut Kathy Sullivan who today became the first American woman to walk in space, and to suggest that it was a fitting observance of the 100th anniversary of the birth of Eleanor Roosevelt.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore. The Chair lays before the House the following privileged message from the Senate.

The Clerk read as follows:

Resolved, That the concurrent resolution from the House of Representatives (H. Con. Res. 377) entitled "Concurrent resolution providing for the sine die adjournment of the Ninety-eighth Congress".

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

That the two Houses of Congress shall adjourn on Thursday, October 11, 1984, or on Friday October 12, 1984, and that when they adjourn on said day, they stand adjourned sine die.

PARLIAMENTARY INQUIRY

Mr. LOEFFLER. Mr. Speaker, for the clarification of the body, is it correct to assume that this technical amendment to the sine die resolution does not include the so-called call-back provision but, rather, addresses the dates of today and tomorrow so that we might conclude our work without having to stop the clock?

The SPEAKER pro tempore. The gentleman's assumption is correct.

Mr. LOEFFLER. I thank the Chair.

The SPEAKER pro tempore. The question is on the Senate amendment.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from California [Mr. DIXON].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

GENERAL LEAVE

Mr. WALKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from New York [Mr. FISH].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 2400

SECOND DEBATE IN 1984 PRESIDENTIAL ELECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. LOEFFLER] is recognized for 5 minutes.

Mr. LOEFFLER. Mr. Speaker, this evening we all witnessed the second debate in Presidential election 1984. I think it was very clear during the course of this debate the very fine division between two parties; two groups of candidates, the President and Vice President and their challengers. I think it can be safely said that the Vice President, Mr. BUSH, did an outstanding job of representing the type of philosophy that has been put into effect for the past 4 years. One that brings hope and opportunity to each and every American that has set forth the foundation for a renewed opportunity for prosperity, for growth. One that was brought about in this body by a bipartisan coalition in 1981 and 1982 and one that hopefully in 1985 and 1986 will be promoted again by this body having a more conservative representation.

I think it is most important that we commend the Vice President, an extraordinary Vice President. One that has backed his President, our Nation's President, in the finest manner for the past 4 years. An individual who is extremely qualified having once served in this body, having had various responsibilities in the highest level of Government, serving here in Washington and serving throughout the world representing the United States of America.

There is no question in my mind that he allowed the people of the United States to see how capable he is and he also made it perfectly clear that there is a difference. A difference between Ronald Reagan and Fritz Mondale. On the domestic front, the Vice President very clearly pointed out that Ronald Reagan and GEORGE BUSH are not the candidates for taxes but rather the candidates for continued and sustained economic growth without inflation and an administration that will move forward to reduce the deficits through the reduction in the growth of Federal spending.

He also set forth the very clear principle enunciated by our great President, Ronald Reagan, that in addition to fostering economic opportunity, during the past 4 years we have made the United States a stronger nation. Thereby giving Ronald Reagan, in his second administration that opportunity to achieve what I heard him once say, and I quote: "The eventual elimination of all nuclear weapons in the world."

So on behalf of this side of the aisle, to our great and extraordinary Vice President, we say, Mr. BUSH, job well done. Now let us move on to November 6 to get the election behind us, to come back here on January 3d with more Republicans on this side of the aisle to give the President and Vice President the support that they did not have during the course of 1983 and 1984.

Mr. Speaker, again on behalf of those of us who witnessed the debate this evening, it was a fine debate; a situation where the American people now can see very clearly there are two different groups. Two philosophies of Government, one having proved itself in a very favorable way in the last 4 years; the other advocating a philosophy that disproved itself through 1980.

I would be happy to yield to the distinguished gentlewoman from New Orleans.

Mrs. BOGGS. I thank the gentleman for yielding.

Mr. Speaker, I too am an old friend and admirer of the Vice President and thought he comported himself very well in the debate this evening. But since the debate was mentioned and his performance in the debate was alluded to, I would like to also say that there could not be a woman in America who was not proud of the performance of our colleague, GERALDINE FERRARO.

Mr. LOEFFLER. Mr. Speaker, I yield back the balance of my time.

EQUAL ACCESS GUIDELINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. BONKER] is recognized for 5 minutes.

● Mr. BONKER. Mr. Speaker, as the House sponsor of the recently enacted Equal Access Act, I would like to join my colleague and coauthor, the gentleman from Pennsylvania [Mr. GOODLING], in presenting the Equal Access Guidelines to Congress. These guidelines should prove to be of great value to school administrators, teachers, and students in interpreting and implementing the Equal Access Act. In essence, the act establishes a policy of nondiscrimination with respect to the treatment of student groups, including student religious groups, which wish to meet during noninstructional time at public secondary schools.

Although the Equal Access Act generated much controversy, groups which participated on both sides of the debate worked together to hammer out these guidelines. Like the Equal Access Act itself, the guidelines are the product of compromise and I would like to commend these groups for putting aside their differences to develop this much needed document.

The guidelines are especially important because there is no congressional report for the final version of the legislation, which was added as an amendment to the Emergency Math/Science Education Act. Already, my office has been contacted by numerous school officials and other interested parties concerning specific features of the act. These guidelines provide practical answers to the questions raised by the new law.

I would be remiss if I did not acknowledge the work of the Education and Labor Committee under the leadership of the late Carl Perkins from Kentucky. Without Chairman Perkins' parlimentary skill and determination, this legislation would not have been enacted. I would also like to commend the gentleman from Pennsylvania [Mr. GOODLING] for his leadership on the other side of the aisle. As a former schoolteacher, principal, school board president, and school superintendent, he brought special knowledge and experience to the equal access debate and I concur with his remarks, which follow, concerning the Equal Access Act.

THE EQUAL ACCESS ACT GUIDELINES

The organizations listed below were all involved with The Equal Access Act in the 98th Congress. Some actively supported the bill, others remained publicly neutral, and some opposed the bill. All are deeply interested in seeing the equal access concept implemented in the secondary schools of America in accordance with law.

After consideration over a 2-year period, the Equal Access Act became law on August 11, 1984, passing the Senate 88 to 11 and the House 337 to 77. The final version reflects the usual give and take of the legislative process. This brief explanation of the act is designed to help school administrators, teachers, and student groups who must live under the act in real school situations to understand what this new legislation means. For your convenience the Equal Access Act—Title VIII of Public Law 98-377—follows:

TITLE VIII—THE EQUAL ACCESS ACT

SHORT TITLE

SEC. 801. This title may be cited as "The Equal Access Act".

DENIAL OF EQUAL ACCESS PROHIBITED

SEC. 802. (a) It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

(b) A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

(c) Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that—

(1) the meeting is voluntary and student-initiated;

(2) there is no sponsorship of the meeting by the school, the government, or its agents or employees;

(3) employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;

(4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

(5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

(d) Nothing in this title shall be construed to authorize the United States or any State or political subdivision thereof—

(1) to influence the form or content of any prayer or other religious activity;

(2) to require any person to participate in prayer or other religious activity;

(3) to expend public funds beyond the incidental cost of providing the space for student-initiated meetings;

(4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;

(5) to sanction meetings that are otherwise unlawful;

(6) to limit the rights of groups of students which are not of a specified numerical size; or

(7) to abridge the constitutional rights of any person.

(e) Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this title shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school.

(f) Nothing in this title shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

DEFINITIONS

SEC. 803. As used in this title—

(1) The term "secondary school" means a public school which provides secondary education as determined by State law.

(2) The term "sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

(3) The term "meeting" includes those activities of student groups which are permitted under a school's limited open forum and are not directly related to the school curriculum.

(4) The term "noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

SEVERABILITY

SEC. 804. If any provision of this title or the application thereof to any person or circumstances is judicially determines to be invalid, the provisions of the remainder of the title and the application to other persons or circumstances shall not be affected thereby.

CONSTRUCTION

SEC. 805. The provisions of this title shall supersede all other provisions of Federal law that are inconsistent with the provisions of this title.

Approved August 11, 1984.

The congressional intent in passing The Equal Access Act was to develop legislation that respects both the Establishment Clause and the Free Exercise and Free Speech Clauses of the First Amendment, so that secondary school students may organize meetings. While Congress recognized the constitutional prohibition against state-sponsored religious activities in public schools, it also believed that student-initiated speech, including religious speech, should not be excised from the school environment. At the same time, Congress affirmed that it is local school boards and administrators who have the right and responsibility to implement equal access in conformity with the Act and the Constitution. Moreover, in passing The Equal Access Act, Congress did not intend to prohibit any activity that is otherwise constitutional.

The title—The Equal Access Act—explains the essential thrust of the Act. There are three basic precepts.

The first basic precept is equal treatment. If a public secondary school permits student groups to meet for student-initiated activity not directly related to the school curriculum, it is required to treat all such student groups equally. This means the school connot discriminate against any students conducting such meetings "on the basis of the religious, political, philosophical, or other content of the speech at such meetings." Sec. 802(a). This language was used to make it clear that religious speech was to receive equal treatment, not preferred treatment.

The second basic precept is protection of student-initiated and student-led meetings. With respect to religious activities in the public schools, the Supreme Court has held unconstitutional state-initiated and state-sponsored religious activities. (This Act leaves the "school prayer" decisions undisturbed.) The Court has not ruled on student-initiated and student-led religious activities that are not state-sponsored by merely given equal access with other noncurriculum related student activities.

The third basic precept is preservation of local control. The Act does not limit the authority of the school to maintain order and discipline or to protect the well-being of students and faculty. It only marginally limits other authority to make policy about student meetings.

While the Act does not specifically cover every situation, an understanding of the three basic precepts of the Act should be a sufficient guide in addressing most situations.

Here are some questions and answers which indicate how the Act is intended to work:

(1) Q. What is meant by "limited open forum"? Sec. 802 (a) and (b).

A. A limited open forum is created when a secondary school provides an opportunity during "noninstructional time" for students to organize meetings to discuss subject matter not directly related to the school curriculum and permits those meetings on school premises. The forum created is said to be "limited" because it is only the school's own students who can take advantage of the open forum. Outsiders are not granted any independent right of access by The Equal Access Act.

(2) Q. Does a school have to provide a limited open forum for students?

A. No. The school or local policy-making body has the exclusive authority to determine whether it will create or maintain a limited open forum. If a school has a limited open forum, it may not discriminate against a student group because of the content of its speech. If a school does not have a limited open forum, the request of a single student group to organize a meeting or a club which is not directly related to the school curriculum requires the school to determine whether it wants to create such a forum.

(3) Q. What are "secondary schools"?

A. The Act explicitly states that this question is to be answered with reference to state law. Sec. 803(1).

(4) Q. Do meetings of curriculum related student groups trigger implementation of The Equal Access Act?

A. No. Only allowing meetings of noncurriculum related student groups triggers implementation of the Act.

(5) Q. What is meant by "noncurriculum related student groups"? Sec. 802(b).

A. A noncurriculum related student group is a group or club which is interested in a subject matter not directly related to the school curriculum. The math club, the Spanish club, the drama club and athletic teams would normally be curriculum related. A religious club, political club or service club would be considered noncurriculum related.

(6) Q. Who determines which student groups are curriculum related?

A. Local school authorities. However, a school cannot defeat the intent of The Equal Access Act by some all-encompassing definition that arbitrarily results in all but one or a few student clubs being defined as curriculum related.

(7) Q. When can noncurriculum related student groups meet?

A. A limited open forum requiring equal access may be established during "noninstructional time." Sec. 802(b). The Act defines "noninstructional time" as time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends. Sec. 803(4). It includes time before an individual student's school day begins or after it ends even though other students may be receiving classroom instruction at the time because of split, staggered or flexible school schedules. Thus students whose school day has not begun or has already ended may meet together, although other students' school day has already begun or has not yet ended.

(8) Q. Can noncurriculum related student groups meet during the school day?

A. The Act neither requires nor forbids a limited open forum for noncurriculum related student clubs during the instructional day. The constitutionality of equal access for religious clubs during the school day is currently being litigated in the Federal courts.

(9) Q. May a school establish regulations for meetings which take place in its limited open forum?

A. Yes. The Act does not take away a school's authority to establish time, place and manner regulations for its limited open forum. For example, it may establish a reasonable time period on any one school day, a combination of days, or all school days. It may assign the rooms in which student groups can meet. It can enforce order and discipline in the meetings. The key is that regulations must be uniform and nondiscriminatory.

(10) Q. Can a school require a minimum number of students to form a noncurriculum related club?

A. Not if it "limit[s] the rights of groups of students." Sec. 802(d)(6). Care must be exercised that the school not discriminate against numerically small student groups which wish to establish a club by setting a requirement of a minimum number or students to form a club. The key is to be flexible in dealing with small student groups and to accommodate student groups that want to meet. For example, one teacher could monitor several small student groups meeting in a large room.

(11) Q. Should a school formulate a written policy for the operation of a limit open forum?

A. If a school decides to create a limited open forum or if such a forum already exists, it is strongly recommended that a uniform set of regulations be drawn up as soon as possible and be made available to administrators, teachers, students and parents. The importance of having such a document will become clearly evident if the school either denies a student group the opportunity to meet or is forced to withdraw that opportunity. When the rules are known in advance, general acceptance is easier to obtain.

(12) Q. What does "student-initiated" mean? Sec. 802(c)(1).

A. "Student-initiated" is one of the key precepts of the Act. It means the students themselves are seeking permission to meet and will direct and control the meeting. It means that neither a teacher or other employee of the school nor the school itself is initiating the meeting. Further, nonschool persons may not direct, conduct or control student meetings. School authorities may take reasonable steps to assure compliance with these provisions. These provisions do not mean that students are forbidden to seek advice from nonschool persons.

(13) Q. May teachers be present during student meetings?

A. Yes. but there are limitations. For insurance purposes or by local policy or state law, teachers are commonly required to be present during student meetings. In order to avoid any taint of state sponsorship of religion, teachers or employees are to be present at student religious meetings only in a "nonparticipatory capacity." Sec. 802(c)(3). The Act also prohibits teachers or other school officials from influencing the form or content of any prayer or other religious activity. Although the Act could literally be read as prohibiting teacher participation in all clubs, it is doubtful that Congress intended that result. Congress did not intend to prohibit teacher participation in nonreligious student meetings. Thus, for example, a teacher could participate in the chess club or the Future Teachers of America. A school, under the Act, could prohibit teacher participation in political clubs because of the possibility of undue influence.

(14) Q. May outsiders attend a student meeting?

A. Yes, if invited by the students, unless the school adopts a policy barring all "nonschool persons." However, the nonschool persons cannot, in fact, be running the student group. Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups. A school may decide not to permit any outside resource people to attend any club meetings, or it may determine how many times during a school year an outside resource person may attend any club meetings, or it may limit the number of outside resource people who may attend a single meeting.

(15) Q. Can a teacher or other school employee be required to be present at a student meeting if that person does not share the beliefs of the students?

A. No. No school employee can be required to attend a meeting "if the content of the speech at the meeting is contrary to the beliefs" of that employee. However, if a school establishes a limited open forum, it is responsible for supplying a monitor for every student group meeting if a monitor is required.

(16) Q. Does the assignment of a teacher to a meeting for custodial purposes constitute "sponsorship of the meeting"?

A. No. Sec. 803(2).

(17) Q. Does the expenditure of public funds for the incidental cost of providing the space (including heat and light) for student-initiated meetings constitute sponsorship?

A. No. Sec. 802(d)(3).

(18) Q. If a school pays a teacher for monitoring a student religious club, does that constitute "sponsorship"?

A. Congressional debate apparently took for granted that payment of a school-required monitor for any club was an "incidental cost of providing the space for student-initiated meetings." Sec. 803(d)(3). However, there are some who maintain that schools may not expend money to monitor religious clubs in view of the Establishment Clause.

(19) Q. Does the use of school media to announce meetings of noncurriculum related student groups constitute "sponsorship" of those meetings?

A. The Act does not directly address this issue. If only information about all meetings is given, the use of school media—the public address system, the school paper, the official bulletin board—may not constitute sponsorship of meetings. However, schools should be cautioned that the Act forbids their promotion of these meetings, and the singling out of one or a few of them for special attention would be promoting them. Because a basic precept fo the Act is student-initiation, each noncurriculum related student group is responsible for its own promotion.

(20) Q. Do school authorities retain disciplinary control?

A. Yes. The Act emphasizes the "authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary." Sec. 802(f). Furthermore, the school must provide that "the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school." Sec. 802(c)(4). These two provisions do not authorize a school to prohibit certain student groups from meeting because of administrative inconvenience or speculative harm. For example, a group cannot be barred at a particular school because a similar student group at a different school has generated difficulties.

(21) Q. What about groups which wish to advocate or discuss changes in existing law?

A. Students who wish to discuss controversial social and legal issues such as the rights of the unborn, drinking age, the draft and alternative lifestyles may not be barred on the basis of the content of their speech. However, the school must not sanction meetings in which unlawful conduct occurs. Sec. 802(d)(5).

(22) Q. What if some students object to other students meeting,

A. The rights of the lawful, orderly student group to meet are not dependent upon the fact that other students may object to the ideas expressed. All students enjoy free speech constitutional guarantees. It is the school's responsibility to maintain discipline in order that all student groups be afforded an equal opportunity to meet peacefully without harassment. The school must not allow a "hecklers' veto."

(23) Q. What about so-called "hate" groups?

A. Student groups which are unlawful, Sec. 802(d)(5), or which materially and substantially interfere with the orderly conduct of educational activities, Sec. 802(c)(4), can be excluded. However, a student group cannot be denied equal access because its ideas are unpopular. Freedom of speech includes ideas the majority may find repugnant.

(24) Q. Must noncurriculum related student groups have an open admissions policy?

A. The Act does not address this issue. It is an open constitutional question whether a requirement that all group meetings during the limited open forum be open to all students without regard to race, gender, religion or national origin could be enforced against a group with restrictive policies. The answer to this question may in part turn on whether a State's civil rights laws require an open attendance policy.

(25) Q. What may a school do to make it clear that it is not promoting, endorsing or otherwise sponsoring noncurriculum related student groups?

A. A school may distribute a disclaimer which plainly states that in affording such students groups an opportunity to meet it is merely making its physical facilities available,

(26) Q. What happens if a school violates The Equal Access Act?

A. The law contemplates a judicial remedy. An aggrieved person could bring suit in a U.S. district court to compel the school to observe the law. No cutoff of federal funds is involved. Sec. 802(e).

(27) Q. Does the Act have any impact on the after-hours rental of school facilities to non-student groups?

A. No. Such rentals would continue to be governed by local regulations and general constitutional principles.

(28) Q. What about situations not addressed in this explanation?

A. At the present time, indications are that the Department of Education will not issue regulations with respect to this Act.

Questions about its implementation may arise. The groups below are available for advice:

American Association of School Administrators, 1801 N. Moore, Arlington, VA 22209, 703-528-0700, Bruce Hunter.

American Civil Liberties Union, 600 Pennsylvania Ave., S.E., Washingtion, DC 20003, 202-544-1681, Barry W. Lynn.

American Jewish Congress, Commission on Law and Social Action, 15 E. 84th St., New York, NY 10028, 212-879-4500, Marc Stern, Lois Waldman.

Christian Legal Society, P.O. Box 1492, Springfield, VA 22151, 703-941-3192, Sam Ericsson.

National Association of Evangelicals, 1430 K Street, NW, Washington, DC 20005, 202-628-7911, Forest Montgomery.

In addition to the above groups, the following also participated in the forumlation of these guidelines.

Americans for Democratic Action, Mitch Edelstein, Baptist Joint Committee on Public Affairs, John W. Baker, General Conference of Seventh-day Adventists, Gary M. Ross, National Educational Association, Joel Packer.

The following groups are in general agreement with the guidelines:

American Federation of Teachers, Catholic League for Religious and Civil Rights, Christian Educators Association, National Council of the Churches of Christ in the U.S.A., People for the American Way.

Additional groups may become signators in the near future.

October, 1984.●

● Mr. GOODLING. Mr. Speaker, as a coauthor of the Equal Access Act, I am pleased to place in the RECORD, with the gentlemen from Washington [Mr. BONKER] guidelines for implementing the Equal Access Act that were drafted jointly by leading outside proponents and opponents of the law. These groups should be commended for putting their differences behind them once the law passed and working together to provide an agreed upon explanation of the act for school administrator. The text of these guidelines is entirely the product of these outside groups—not the congressional drafters of this act. We did, however, take the liberty of deleting a few misplaced statutory citations.

As these guidelines suggest, the Equal Access Act imposes only one basic requirement on school administrators. Student initiated religious groups must receive the same treatment as other student-initiated groups. Beyond this, subsection c of the act suggests ways to comply with this basic requirement and subsection d of the act identifies certain potentially troublesome actions that are not authorized—or prohibited—by the act, but nothing in subsections c and d of the act are stated as requirements. School administrators are left free to determine how the equal access requirement can best be fulfilled in their school. As a former school administrator, I have great faith in the ability of school administrators to fairly implement the equal access requirement within the spirit of religious accommodation underlying the act.

We would like to reiterate that these guidelines are intended as an explanation and do not reflect the official position of the Congress or the U.S. Government.●

CONGRESS SHOULD TAKE STRONGER STANCE IN PROMOTING EFFECTIVE MANAGEMENT OF FUNDS IT ALLOCATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HAYES] is recognized for 5 minutes.

● Mr. HAYES. Mr. Speaker, I am appalled at my colleagues' continuous discussions about spending billions of dollars for one program or another, supposedly to help the poor and middle income people of our country. I wish that this body would give as much consideration to the way in which these funds and programs are managed.

Just today, I learned that nearly 2 tons of surplus cheese, earmarked for school lunches and the poor, that we talk so much about assisting, was dumped and partly buried in two locations in south Chicago. Some boxes were charred. The residents of those neighborhoods are angry and rightly so, because this administration has asked poor people to tighten their belts and try to cope with the kind of economic hardship that they have not had to face before. Yet, they are forced to view this unbelievable situation.

I have asked the Department of Agriculture, Food and Nutrition Service to investigate this matter because we cannot afford to waste food or our taxpayers' money. What a careless, disregard for the plight of the poor in our country. Two tons of cheese can go a long way to feed the children in our schools, many of which depend on a school lunch for their major nourishment of the day.

I hope that this body will consider not only spending mechanisms, but will take a stronger stance in promoting effective management of the funds that we allocate.●

MORE GRACE COMMISSION ERRORS FOUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. FORD] is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, I would like to call the attention of my colleagues to yet another example of statistical inaccuracy found in reports of the Grace Commission.

This one was uncovered by Steven Kelman, an associate professor at Harvard, and demonstrates again how reckless this Commission has been with facts and figures.

At this point the enormous errors in fact committed by the Grace Commission are extremely well documented. Yet President Reagan continues to cite the Commission's recommendations as gospel. The Commission's work shows woeful disregard for fact. And in embracing the false data as fact the President is misleading the people.

I would like to include Professor Kelman's findings for the benefit of my colleagues.

The article follows:

DON'T LET THE HORROR STORIES KEEP YOU AWAKE

(By Steven Kelman)

When pressed by Walter Mondale to lay out his plan for budget savings during last Sunday's debate, President Reagan mentioned that "we have 2,478 specific recommendations from a commission of more than 2,000 business people in this country through the Grace Commission that we're studying right now, and we've already implemented 17 percent of them that are recommendations as to how to make government more efficient and economic."

On a number of occasions, President Reagan has cited the Grace Commission's recommendations as his solution for the deficit and hence his alternative to a tax increase. A neat solution it appears to be—a way to eliminate a problem, without causing any pain. And a solution that taps public perceptions enough so that it doesn't appear outlandish—polls show that the public believes about 50 cents of every tax dollar goes down the drain as waste.

The Grace Commission's claim that one could cut funded spending by $424 billion over a three-year period simply by eliminating waste came under some attack when the report was released last winter. Critics pointed out that many of the big money-savers involved substantive policy changes, such as reducing payments under Medicare or dramatically changing federal pensions. Furthermore, the administration's commitment to the Grace recommendations was hardly enhanced when Congress had its first chance to vote on a major commission recommendation—to charge customers market rates for electricity produced by government installations such as the Hoover Dam—and the administration supported continuation of this subsidy to the West.

I have been examining recommendations by the Grace Commission in areas that do not involve substantive policy but do fall into what most people have in mind when they think of government waste—contentions that it costs the Veterans Administration four times as much to build a nursing home bed as it costs the private sector, and the saga of the Pentagon's $9,600 Allen wrench.

In fact, I examined each of the items listed in a Grace Commission press release entitled, "Ten Random Samples of Bureaucratic Absurdity," to see to what extent the horror stories they recounted stood up to scrutiny. The results of my research will be published in the Winter issue of The Public Interest. I present one example here, as illustrative of my findings.

The Grace Commission maintained that, "In comparison to a private sector company, managing comparable building space, the

General Services Administration employs 17 times as many people and spends almost 14 times as much on total management costs."

This contention turns out to be so wildly inaccurate that it is hard to know where to begin. The best place is with two whopping errors in the numbers the Grace Commission provides regarding the property management division of the large life insurance firm being compared with GSA. The chart the commission provided states that the insurance firm in question was managing 10,000 buildings, "comparable building space" to GSA.

In fact, no insurance company has a portfolio anywhere near that large. It turns out that the insurance company with which the Grace Commission was making the comparison owns not 10,000 buildings, but 1,000. Furthermore, the Grace Commission states that the insurance company employs a total of 300 professionals, 100 in central administration and 200 under contract. It turns out, however, that the company in question does not employ 200 individuals under contract, but rather hires 200 property management firms actually to manage its buildings. These firms in turn may have many professionals working for them.

The figure that the commission's chart provided of 5,000 professionals at GSA is also exaggerated. About one-third of these are clerical, and other nonprofessional employees— not professionals at all (the Grace Commission simply looked at total white-collar employment at the Public Buildings Service). Another 800 manage GSA design and construction, overseeing the contract process for construction of new buildings as well as repairs and alterations of existing buildings (there are around 3,000 of the latter done a year, for some of which the design work takes palce within GSA itself).

The people managing design and construction for the insureance company work in a different division and weren't included in the employment figures the Grace Commission provided. Thus the number of professionals working on building management at GSA is really around 2,700 rather than 5,000.

Although all this indicates that the Grace Commission is monumentally mistaken, it is difficult to play around with these figures to arrive at a genuine comparison. One would need to know how many professionals the building management contractors employ, and the insurance company itself doesn't know that.

Beyond that, the nature of the GSA portfolio is different from the insurance company's portfolio. Over two-thirds of the GSA buildings are leased rather than owned, which requires people to work on bidding initial leases and on lease renewals (neither of which the insurance company needs to do), but does not require government-provided building management services. More than 1,000 of the GSA buildings are (owned or leased) local Social Security offices, which are considerably smaller than properties an insurance company owns. GSA officials would themselves concede that they probably have a larger staff for comparable functions than a private-sector counterpart, because GSA requires more levels of review on contracting and leasing decisions to ensure due process and minimize corruption. But the difference is nothing like 17 to 1.

The other cases I examined generally told similar tales. There certainly is waste in government. But my research suggests that horror stories are almost always wildly exaggerated. The notion that we can make a substantial dent on the deficit without pain simply by cutting waste is comforting. But it is a myth.●

PROGRESS TOWARD PEACE IN EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, a very courageous and hopeful drama is unfolding in El Salvador which ought not pass unrecognized.

I am speaking of Salvadoran President Jose Napoleon Duarte's bold pledge before the U.N. General Assembly to open direct dialog with Salvadoran opposition forces. Speaking in terms which leave no uncertainty about his desire for peace, Mr. Duarte offered to meet with rebel leaders next Monday in the northern Salvadoran town of La Palma.

This momentous turn of events, consummated by quick rebel acceptance, carries with it the first real hope of a peaceful settlement in El Salvador since the outbreak of war in 1979. It also carries the very real threat of a military coup, supported by rightwing factions opposed to dialog.

It is in this respect that the United States can and must play a vital role in ensuring that Mr. Duarte has his opportunity to pursue his bid for peace. The United States should affirm forthwith its full support for Mr. Duarte and his most recent bid to solve his country's problems. It should also be made clear in no uncertain terms that all U.S. assistance to El Salvador would cease immediately in the event of military action against Mr. Duarte's lawfully elected government.

An estimated 50,000 Salvadorans have died in the fighting of the past 5 years; out of that carnage we have all come to understand that military action will not bring lasting peace to El Salvador. Let us strike a new course toward peace by throwing our full weight behind President Duarte's promising overtures.●

PRESIDENT DUARTE'S INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. BIAGGI] is recognized for 5 minutes.

● Mr. BIAGGI. Mr. Speaker, the announcement earlier this week that President Jose Napoleon Duarte of El Salvador plans to conduct meetings next week with rebel leaders deserves our praise. President Reagan yesterday aptly referred to the Duarte initiative as "an act of great statesmanship."

Those of us in Congress who have voted for economic and military aid for El Salvador should feel that we made a sound policy judgment. This is especially true since the last votes we took on aid to El Salvador which came just after President Duarte's election—which was a clear and convincing victory for democracy. I for one based my decision to vote for the $61 million in emergency military aid as a vote of confidence for the newly elected President who had pledged major reforms.

No matter the outcome of the talks next week, President Duarte has proven beyond a shadow of a doubt that he is a man of his word. He recognizes that the return to democracy can only come with a move toward national reconciliation—or as El Salvador's Foreign Minister said "the bringing together of the Salvadorian family." I wish President Duarte well in his talks next week and hope the United States will continue to support this progressive leader.●

TRIBUTE TO RICHARD OTTINGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 5 minutes.

● Mr. FISH. Mr. Speaker, I rise to pay tribute to one of the most dedicated and principled Members of the House, my colleague from New York, RICHARD OTTINGER.

DICK is retiring after eight terms as Congressman from New York's Westchester County. During his tenure here, which spans 20 years, DICK has distinguished himself as one of the foremost authorities on energy and the environment. His efforts in cleaning up the Hudson River are legendary in New York.

DICK has served admirably as chairman of the powerful Energy Conservation and Power Subcommittee of the House Energy and Commerce Committee, and has also been a leading member of the Science and Technology Committee. I had the good fortune to serve as DICK's ranking minority member on the Energy Applications Subcommittee. Due to DICK's efforts, the Environmental and Energy Study Conference—the largest bipartisan and bicameral institution of this body, comprising over two-thirds of the House and the Senate Members—stands guard over congressional interests in our natural resources. DICK also continues to serve as director of the newly founded Energy and Environment Institute.

A native of Westchester County, DICK graduated from Cornell University and the Harvard Law School. He served his country during the Korean conflict, rising to the rank of captain and was twice cited for distinguished service. Following adjournment of the House, DICK will be returning to his home in Westchester to pursue other career interests including teaching and a television program for public interest groups.

Dick's Westchester County constituents have been well served the past 20 years, as has the American public. Those of us who have known him and have shared the pleasure of his friendship, will greatly miss him.●

Mr. GARCIA. Mr. Speaker, I would like to express my sincere admiration for our colleague, Dick Ottinger, as he completes his final term in the House of Representatives. Dick represented one of the most affluent districts in New York and the Nation. However, he was persistent in his quest to make sure his votes reflected the wishes and interests of all Americans. His record clearly shows his support for the poor, the disenfranciséd and the downtrodden.

Dick's accomplishments show him to be a public servant who takes his responsibilities seriously. As one of the founders of both the Peace Corps and Grassroots Action, he demonstrated his diverse talents and true dedication to the people. He is well known as a consumer advocate and watchdog on nuclear power development, and will be cited as an innovator in alternative economic and energy policies. An unrelenting concern for the environment, illustrated by his founding and chairmanship of the influential Environmental Study Conference, established him as a leader in the battle to preserve our Nation's resources. His popularity at home and a long list of accomplishments make him an exemplary and distinguished official.

There is no question that Dick will be missed in the U.S. Congress and by the people of New York. I am honored to have served with Dick, and wish him all the best in the future.

● Mr. GILMAN. Mr. Speaker, I am pleased at the opportunity to pay tribute to a friend and colleague who has been such a vital part of our New York delegation over the years. I would also like to thank my good friend and colleague, the gentleman from New York [Mr. Fish] for making this time available to us today.

Dick Ottinger has served eight terms in this body, representing the people of Westchester for two decades, and in that time, he has gained a reputation that goes far beyond his county's boundaries. I have enjoyed working with Dick over the years, on such regional issues as the safety of the Indian Point Nuclear Powerplant, continuing the operation of the Mental Retardation Institute, keeping the Tarrytown General Motors plant open and many more. Until 2 years ago my district was on the west side of the Hudson River; however, with redistricting, I now represent a portion of Westchester County as well, along with my colleagues, Mr. Fish, and Mr. Biaggi. We have all found that in working with Dick on issues affecting Westchester County and the Nation, solutions were found, and problems overcome. His service in this body as chairman of the Subcommittee on Energy Conservation and Power of the Energy and Commerce Committee, is noted for being intense in its approach to the needs of the average consumer. Much valuable legislation has passed through Dick Ottinger's hands during his tenure, and I am certain that his colleagues on the committee lament Dick's decision to retire as well.

Earlier in my remarks I alluded to Dick's lengthy tenure of public service. His reputation is well known throughout New York. Even my legislative assistant recalls prepared a paper in high school on Dick's career in public office. So, Mr. Speaker, it is clearly evident from all that has been said, and what is yet to be said, that Dick Ottinger has left his mark and that he will truly be missed by many of us in this body. We can only hope that he will visit us from time to time, and that he will remain as available for guidance as he has been in the past. I personally look forward to seeking Dick Ottinger in and around Westchester, and assure my colleagues that his knowledge and wisdom will continue to be tapped as needed by all those concerned not only with regard to New York issues, but on the paramount issues of energy and environment as well.●

●Mr. McHUGH. Mr. Speaker, all of us have known Dick Ottinger as conscientious and hardworking, knowledgeable, and effective as a legislator, and as an amiable, trustworthy friend. We will all miss him, and of course we all have individual experiences we have shared with him that will stand out in our memories in the years ahead.

As I survey the decade I have served in the House of Representatives, one of the most memorable experiences relates to the initial activities of the Democratic class of 1974. It was an unusual group in terms of numbers alone—an unprecedented influx of over six dozen new Democratic Representatives. Although it included diverse personalities from different parts of the country, we were able to work together for common purposes. That class really stuck together, and not through some kind of herd mentality or insecurity, but through a shared commitment to have a positive impact on this institution. To be sure, our efforts were not universally appreciated by our more senior colleagues, but there is no question that our efforts had an impact.

That so many diverse people could be held together so effectively was in large measure due to Dick Ottinger's leadership. It was he who served as the first chairman of that class of 1974, an obvious choice because he was at once both an old and a new Member, having served before but, fortuitously, coming back with our class of freshmen. It was his experience and wisdom that guided us during those first critical months, when so many things could have gone wrong and so few did, so many divisive and conflicting directions could have been taken, but were not. Indeed, our common sense of purpose not only was sustained, but we grew in respect for each other and what we could accomplish together. As we were leavened by time and experience, together we came to love this House and its traditions, and that common experience, has left its stamp on this House. Ten years later, we remain proud of our joint efforts, and, as I say, what early successes we enjoyed had much to do with the leadership that Dick Ottinger so generously provided. His example was one of integrity and dignity, diligent hard work, genuine respect for the opinions of others, and the courage of his own convictions. It is not surprising that Dick Ottinger's strengths rubbed off on others, and that so many of his own characteristics were reflected in our class of 1974.

There are a number of other ways in which I got to know Dick Ottinger over the years—as an astute member of the New York delegation, as a perennial champion of environmental legislation and consumer interests, and as a member of the executive committee of the Democratic study group—but those early days in this body will persist in my memory as ones of special importance. So, in addition to all the admirable things you've done in Congress, Dick, we thank you especially for having started so many of us off on the right track, and for having nourished us with the power of your example and your friendship. May the choicest blessings surround you and your family in all your future adventures.●

● Mr. DINGELL. Mr. Speaker, I rise to join my colleagues to pay tribute to the gentleman from New York [Mr. Ottinger], one of the finest Members of this House, and I want to thank the other gentleman from New York [Mr. Fish] for arranging this special order.

There is a sense of great loss in seeing Dick Ottinger depart from Congress, and there is a sense of envy in seeing him gain the freedom from our chaos—a freedom I frequently wish I could enjoy.

Those of you here who have suffered an unusually long "silly season," that period when the surprises come in the Congress, will probably share with me those pangs that tell us some people are wiser than we. It is also the time when someone with the good sense Dick has shown is the most enviable to a poor soul like me who will be staying on.

I don't want to take up much time, but I do want to tick off what I think are some of the important contributions Dick has made. I first encountered him in the mid-1960's, struggling all by himself on preserving the Hudson River and the Hudson Highlands. He also led a charge against the Tellico Dam, and almost won it.

In his more recent tenure these past 10 years, Dick has founded and nurtured the Environmental and Energy Study Conference, a bipartisan and bicameral success story.

Perhaps most significantly of all, Dick has been the staunchest and most effective advocate in the Congress of environmentally sound energy policies. Since he returned in 1975 and we labored through the Energy Policy and Conservation Act, through fights against synthetic fuels subsidies and Clinch River and for energy conservation, recycling existing dams, and for renewable energy, Dick has been an unflagging and unflappable advocate.

I have watched Dick grow as a Member and as a chairman, and I will miss him. But I will also miss him because I have learned much from him, and have learned to love and respect his ideas and his ideals.

I know my colleagues will join me in wishing Dick Ottinger the very best in your new endeavors.●

● Mr. WYDEN. Mr. Speaker, I wish to join my colleagues in paying tribute to our colleague, Richard Ottinger.

Since my arrival in Congress in 1981, I have had the pleasure of serving with Dick on his House Energy and Commerce Committee Subcommittee on Energy Conservation and Power. It has been tremendously satisfying to work with Dick.

Dick has also been a most capable chairman, under whom it has been a pleasure to serve. In the Pacific Northwest, we owe a particular debt of gratitude for Dick's commitment to the pursuit of cost-effective, least-cost energy strategies, such as the one embodied in the Pacific Northwest Power Act. Without his strong interest in overseeing the implementation of this 1980 law, including his chairing a field hearing in Portland, I do not believe the region would be as far along the least-cost energy road as we now are.

He has also devoted considerable staff time and effort to looking into issues surrounding renewable energy, energy conservation, nuclear power and small hydroelectric development, that are of enormous interest to my constituents.

Finally, Mr. Speaker, one measure of a chiairman's commitment to excellence can be found in the quality of the staff of his commmittee. In a word, the subcommittee's staff is outstanding. In his choice of his high-caliber staff, Dick has truly demonstrated his vision and leadership.

I look forward to working with Dick in his new capacity as a teacher and as director of the newly founded Energy and Environment Institute.●

● Mr. WEISS. Mr. Speaker, I rise to pay tribute to Dick Ottinger, a man whose principled and inspired leadership over the course of two decades has contributed immeasurably to the House of Representatives and to the people of the United States. Dick Ottinger will be sorely missed not only by his colleagues in the House, but by his constituents in Westchester and concerned citizens across the country who have come to regard him as a stalwart in the battle for a decent, fair, and humane America.

Dick Ottinger has championed the cause of the people not once, not twice, but always. He is the progressive's progressive, insisting on fairness and opportunity for Americans in all areas of life. His broad expertise is matched only by his effectiveness in using power for humane purposes. His absence from the House will be a severe setback for all those who refuse to accept the retrogressive policies of the last 4 years.

As chairman of the Energy and Commerce Subcommittee on Energy Conservation and Power, Dick Ottinger has challenged the role of big oil in amassing excessive profits, fought against our Nation's wasteful and dangerous nuclear energy policies, and promoted conservation efforts and important research on alternative energy sources such as solar power.

In addition, he has compiled an unsurpassed record in his attention to safeguarding our Nation's environment. He is the founder of the Environmental and Energy Study Conference, comprised of more than two-thirds of the entire Congress, which monitors our air, land, and water in the face of the grave threat to their survival that is posed by the current administration's policies. Dick's efforts to encourage cleaning up the Hudson River have been Herculean. He has also joined in opposition to the damaging Westway project in New York City, which threatens that same river with long-term environmental damage in order to obtain an illusory short-term gain.

Dick has been a consistent champion of the cause of human rights around the world. He is a founding member of the Peace Corps, and he has served as director of programs for the west coast of South America. He has also been a leader in the fight to achieve meaningful arms control and to end our ill-advised intervention in Central America. He has spoken out vigorously against increased military aid to El Salvador and has mobilized his colleagues against further military intervention in Nicaragua. He has consistently voted against further wasteful spending for destabilizing weapons systems, including the MX missile and the B-1 bomber, and his thoughtful critique of the military-industrial complex has clarified its role in our society and exposed its dangers for our future.

On matters of economic policy, Dick has not been content to sit idly by while the most damaging aspects of Reaganomics continue to weak havoc on our Nation's disadvantaged and to threaten the ability of our Government to meet the needs of American citizens. Dick has coordinated efforts to create an extensive Democratic alternative to Reaganomics. That plan, called the National Economic Recovery project, provides a strategy to rebuild America by decreasing defense spending, cutting the deficit, and promoting sustained economic growth. I am proud to say that, at his insistence, the plan includes my own legislation—H.R. 425—aimed at converting our Nation's military facilities to productive civilian uses.

When Dick Ottinger first came to Congress, he joined a popular movement for progressive change. To his disappointment, however, he has stayed long enough to see the important and highly successful program which he fought long and hard to create become subject to devastating cutbacks and cruel cancellations. Through this all, Dick refused to do other than fight for what he believes in: decency, compassion, justice, and fairness. In recent years, he has been a lighthouse in the storm, and his departure will certainly make the waters more difficult to navigate for those who seek to raise all boats and sail into the future.

My regret at losing Dick Ottinger from this body is somewhat tempered by the knowledge that he will continue to be involved and influential in matters of great public concern. I look forward to working with him in his new role and wish him and his family the very best in all of their endeavors.●

● Mr. LELAND. Mr. Speaker, I would like to add my voice to those of our many colleagues honoring Dick Ottinger upon his retirement from Congress.

It has been my privilege to serve with Dick on the Health and the Environment Subcommittee and I will selfishly miss his presence. Dick has steadfastly championed the poor and underprivileged of this Nation; he is their friend and mine. He opposed raising energy prices as a conservation tool, knowing that such a proposal only serves to victimize the poor. He continuously supported health programs to aid those in need. In particular, I am grateful for his generous support for my bill to provide services for pregnant adolescents.

Dick's environmental record speaks for itself. His is a vision for a better

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future for all of us. Thanks to his many initiatives, that vision is being accomplished.

The citizens of his district and the U.S. public are losing an accomplished, dedicated, and devoted legislator. We wish him all the best in his future endeavors.●

● Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in the House of Representatives in paying tribute to the Honorable Richard L. Ottinger, who has been a dedicated Member of Congress, ably representing the 20th Congressional District of New York during the last 20 years.

Dick and I were both first elected to the 89th Congress, and through the years we have served in Congress together, I have come to know and respect him for his legislative and leadership abilities, and for his knowledge and expertise on energy and environment issues.

Before coming to Congress, Richard Ottinger served our country with distinction as a captain in the U.S. Air Force. He practiced international and corporate law from 1955 to 1960, and was the Contract Manager for the International Cooperation Administration from 1960 to 1961. His activities as a founder and second staff member of the Peace Corps, and as Director of Programs for the West Coast of South America from 1961 to 1964, is most commendable and worthy of recognition.

Elected to the 89th Congress in 1964, Dick served in the House of Representatives for three terms, and then was reelected to the 94th Congress in 1974. He has acted with diligence and distinction as a member of the House Energy and Commerce Committee, and as chairman of the Subcommittee on Energy Conservation and Power, and as a member of the House Science and Technology Committee, and its Subcommittee on Energy Development and Applications and its Subcommittee on Transportation, Aviation and Materials. He also has compiled an outstanding record of achievement as the director of the Energy and Environment Institute.

Dick is a fine legislator, a dedicated and devoted American, and a Congressman of great ability and skill, who has worked hard to protect our environment and preserve our natural resources, while at the same time attempting to meet our country's energy needs. He will sorely be missed by all of us in Congress who had an opportunity to work with him and to know him.

I extend to Dick Ottinger my best wishes for continued success in all his future endeavors in devotion to the highest principles.●

● Mr. WAXMAN. Mr. Speaker, Dick Ottinger's retirement is a profound loss to this House. For almost 20 years Dick has freely and unselfishly shared his commitment, principles, and leadership with us in the pursuit of public service. In fact, for almost 20 years Dick Ottinger has been the conscience of this House.

Dick Ottinger is a courageous legislator—his compassion, intellect, and willingness to fight on issues others are afraid to take on make him a special and unique public representative.

Although Dick has had a great impact in many areas, I think his lasting legacy will be his efforts to preserve our environment and set a sensible energy policy. Dick Ottinger is one of America's premier environmentalists.

Dick has fought in every important battle, from the Clinch River Breeder Reactor to the preservation of the Hudson River to the safe disposal of nuclear waste. His outstanding leadership on the Clean Air and Water Acts has been an inspiration to us all. And the demands of leadership have not tired him—his foresight in recognizing our Nation's acid rain problem and his commitment to legislation is unmatched in this House.

As chairman fo the Energy and Conservation Power Subcommittee, Dick has fought for an energy policy that will stand the test of time and bring real energy security to our Nation. Dick's vision of an energy policy that utilizes the contributions of solar and other renewable energy resources is changing the way our Nation thinks about energy resources.

Dick's foresight led to the creation of the Energy and Environment Study Conference. The EESC was Dick's special project, and it will continue to serve Congress with essential information on energy and environmental issues.

I especially value Dick's talents and skills because I was privileged to work closely with him on the Energy and Commerce Committee. Although we often found ourselves in battles with the odds stacked against us, I cannot remember one instance where Dick compromised his principles. I can, however, remember many times when Dick beat the odds.

I wish Dick wouldn't retire. He is both a good friend and one of the best legislators I have known. But I know that try as he might, Dick will not ever stop serving the public. Now his contributions will come in his teachings and writings.

Legislators like Dick Ottinger cannot be replaced. But his leadership and example will continue to inspire others to better service.●

● Mr. FLORIO. Mr. Speaker, each new Member of Congress arrives in this city hoping to leave their mark on a town proud of its heritage. But, only a handful succeed in distinguishing themselves through dedicated and principled hard work.

I join today in paying tribute to one of our most capable and distinguished colleagues whose tenure in Washington spans 20 years—Dick Ottinger of New York.

Before he ever thought of running for Congress, Dick Ottinger had amassed a record of public service which foreshadowed his years to come in Washington and that led the residents of the 20th District of New York to expect more than the ordinary from this remarkable colleague.

His unique combination of committee and leadership assignments provided him with the opportunity to distinguish himself as one of the foremost authorities on energy and the environment. His life in public service demonstrates to all of us in politics that politics can be decent, it can be open, honest, and operate free from ethical taint.

Mr. Speaker, Dick Ottinger has a reputation he should relish. It has been a pleasure to work with him as a member of the Energy and Commerce Committee and I wish him well as he returns to his native New York to pursue new career interests. We will miss this public servant who has left his mark on Washington.●

● Mr. BEDELL. Mr. Speaker, I am pleased to have the opportunity to pay tribute to our colleague, Dick Ottinger, as he leaves this body for other challenges.

When I first came to Congress some 10 years ago, Dick was one of the Members of our freshman class. Recognizing his leadership abilities we selected him as the first president of our class. The accomplishments of the class that first year under his leadership were exciting accomplishments, and for many of us some of the most rewarding of our service in the Congress.

Dick is a tremendous individual whose many admirable qualities have been a service to the Congress. One of Dick's qualities is his tremendous energy and dedication to those causes in which he believes. It is well known that he has been one of the leaders in the Congress in regard to environmental issues. He has always fought to see that as much as possible we leave this world to those who follow in a condition as nearly as possible to that in which we found it. Another quality Dick has is his willingness to fight for what he believes no matter whether or not it is popular. There are those who believe that the way to live is, "to go along is to get along." Dick is one who believes that it is more important to stand up for what you believe is right, and as such I believe he sets a tremendous example for all of us who have had the priviledge of working with him.

I know not what direction Dick's life will take him from here. I only know that whatever he does he will do to the very best of his ability, and that he will continue to set an example for everyone around him.

I am most thankful that I have had an opportunity to know Dick and benefit from his knowledge and skill. I wish him well in his future endeavors.●

● Mr. RODINO. Mr. Speaker, I want to take these few moments to pay tribute to one of the truly great leaders in the House of Representatives—Congressman Richard Ottinger—who is, sadly, leaving this body at the end of this session.

Dick Ottinger has had a distinguished career in the Congress, and has left his distinctive mark on this institution. As one of the first public officials to recognize the need to protect our environment, Dick has been responsible for a great many measures that have preserved our Nation's great resources. As a strong and compassionate voice for the needy in our society, Dick has provided leadership on legislation that has improved the quality of life for the Nation's disadvantaged.

Dick's constituents in New York have been served well during his tenure in Congress, and this body will clearly not be the same without him. It has been a tremendous privilege for me to work with him over the years, and an even greater privilege to know him as a person and count him as a friend.

Although he leaves us now, I know that Dick Ottinger will succeed in whatever endeavor he takes on. He embodies all the qualities a public servant ought to possess—and has served as a role model for many of us. We will miss him, and wish him well.●

● Mr. WINN. Mr. Speaker, I am pleased to join my friends and colleagues today in paying special tribute to a fellow Member of Congress—Dick Ottinger. Dick is considered one of the most dedicated and principled Members who have ever served in this body, having distinguished himself particularly on matters of energy and the environment. As chairman of the Energy and Commerce Subcommittee on Energy Conservation and Power, Dick has devoted himself to these important issues with enthusiasm and care. I have particularly enjoyed working with Dick on the Science and Technology Committee, where he has consistently offered a balanced approach to the many difficult issues we have had to face.

I have had the pleasure of knowing Dick Ottinger for a number of years, and I know the House of Representatives will miss this remarkable legislator. I wish Dick and his family all the very best that life has to offer.●

● Mr. ADDABBO. Mr. Speaker, I am pleased today to join my colleagues and pay tribute to the service my fellow New Yorker, Congressman Dick Ottinger has given this Chamber.

Congressman Ottinger has served the people of Westchester for more than 20 years and should be praised extensively for his work toward improving the environment. I sometimes wonder what the Hudson River would look like if Dick Ottinger had not been a leading figure in its cleanup. It is true that it does not look the way it did when the first explorers sailed into New York but after Dick Ottinger's hard work we can be sure that its beauty and resources are protected for the next few centuries. And that is important because the Hudson's future is our future. It gives us clean water for drinking, boating, and other recreational activities.

Dick Ottinger's contributions go much further than up the Hudson River. As chairman of the Energy, Conservation and Power Subcommittee, and as a member of the Science and Technology Committee, he has been one of our country's outspoken advocates dedicated to promoting the ecology and conservation. Americans all over the United States now think about shutting off the lights when they leave a room thanks to these educational messages worked out by legislators such as Dick Ottinger. Americans know the value of paper and think twice at recycling newspapers, bottles, and other materials. Not only do we conserve our resources, we keep America beautiful. Dick Ottinger has been at the forefront of this campaign.

Congressman Ottinger developed the Environmental and Energy Study conference which has brought together House and Senate leaders from both sides of the aisle to address these conservation issues. Dick Ottinger may be leaving this House but he has left it with many fixtures in place to insure his work continues.

Mr. Speaker, the face of America has changed dramatically since Henry Hudson sailed into New York. It continues to change and we have fruits that no other nation on this globe can match. Through Congressman Ottinger's dedication and determination future generations are guaranteed to enjoy these fruits and the beauty America has to offer.

I wish Congressman Ottinger and his family good luck in his future interests and thank him for the service he has given to our State and Nation.●

● Mr. de la GARZA. Mr. Speaker, leaving our midst with the adjournment of this Congress is our distinguished colleague Richard Ottinger. I would like to say it has certainly been a privilege to serve with Richard for these past 16 years.

A legislator of style and integrity Richard is a man who has served in this body with distinction and pride. He has earned the respect and admiration of all of us for the fine job he has done for his constituency over the years and for the contributions he has made in aiding the Congress in producing effective legislation.

Producing a solid record of achievement reflecting his abiding concern for the needs of the American people Richard has worked diligently. His contributions are indeed innumerable going beyond what he has done for his district and State of New York for many years affect our national and international interests.

Richard's ability and dedication to high performance will remain as an example for all of us to follow. As he ends his distinguished career in Congress I wish Richard well and congratulate his neighbors of Westchester County upon his decision to rejoin them. Know always you have been an example of the best in representative government.

I bid you Godspeed and all the best in your future endeavors.●

● Mr. OBERSTAR. Mr. Speaker, few Members have been as successful as Dick Ottinger in serving both the specific interests of his district and the interests of the Nation. Dick Ottinger has done it through prodigious work and the exercise of a tremendous intelligence. He will be missed.

For 20 years, with a brief hiatus, Dick Ottinger has been one of the crusading liberals of this House and a staunch and effective advocate of strong environmental protection and sound energy policies.

Dick's retirement from the House is a tremendous loss to those of us who care deeply about progressive legislation and policies, those of us who believe in the duty of the Federal Government to assist those in our society who most need the protection of Government.

Dick has been one of our most determined and effective legislators and this House will be the poorer in his absence. We will miss the benefits of his experience, his intelligence, and his enormous energy.

Dick's life in public service now enters another phase. With his abilities and commitment, we can anticipate future successes on Dick's part. Westchester County in New York and the Nation need the continued and active involvement of Dick Ottinger.

I wish Dick much happiness in the years ahead.●

● Mr. JEFFORDS. Mr. Speaker, I want to thank my friend Mr. Fish for arranging this special order for our good friend Dick Ottinger.

When Dick first announced his retirement earlier this year, I was asked by a Gannett News Service reporter for my reactions. At that time, if my memory serves me well, I said something along the lines that on environmental and energy issues "People go in and see how Dick voted before they cast their own votes." I stand on that statement now as strongly as I did when I first said it, except now I must add with a bit of remorse "Who do we turn to now?" He most certainly will be missed for his leadership and vision.

Dick has been a relentless champion for environmental protection and energy conservation since he first arrived in Washington. He has provided me with welcomed guidance on these issues through the years and I'm sure to many of us in the House. In my 10 years as a Member of this body, I have been pleased and honored to have been associated with Dick on a number of issues that are of concern to Vermonters. In particular, the construction work in progress bill [CWIP], national container deposit legislation, preserving funding for solar and wind energy development in the Department of Energy budget and initiating the residential energy conservation service and residential energy tax credits.

Dick's commitment to ensuring that environmental and energy issues received the attention they deserved in this body is well documented. Early in his career he formed an Ad Hoc Committee on the Environment. This gave way to the Environmental and Energy Study Conference in 1975. A group which I had the unique opportunity to serve as the first Republican cochair with Senator Gary Hart in the 95th Congress. These efforts are day-to-day reminders to all of us in the House of Dick's strong commitment to these issues.

I myself will best remember Dick as a champion of energy conservation issues. As chairman of the Subcommittee on Energy Conservation and Power, he continually challenged attempts to deemphasize conservation as a legitimate energy saving and capacity producing tool. He was never afraid to take the various energy-related agencies to task on the administration of their programs. Most recently, I point to his decision to hold a hearing on FERC licensing of small hydroelectric projects.

Even though Dick announced his retirement early this year, he has not given up his relentless campaign to promote wise energy policy and environmental actions. His vision for the future spurred him to introduce, in this final session of this Congress, a bill to establish regional power planning compacts. An idea that's time has come as we struggle to accommodate future electricity needs in an era of surplus power in some areas, shortages in others, high oil prices, the increasing environmental damages of coal-fired generation and mothballed construction projects. This action by Dick is a vivid example of his unselfish devotion to the cause of energy conservation and planning in this country. In addition, in this session he has introduced legislation to renew the residential energy tax credits; set to run out in 1985 and passed over in the 1984 tax bill.

Dick has always impressed me most with his vision and foresight. Recently, he displayed these qualities once again when he married a Vermonter. I congratulate the two of them and I am certain that Dick will be well counseled in any future environmental challenge he may decide to take on.

I will miss Dick, we all will. His leaving leaves the rest of us with a mandate; to keep up his good work.●

● Mr. BROWN of California. Mr. Speaker, it has been my pleasure to work with my good friend and colleague Dick Ottinger since 1965 when he was first elected to serve New York's 25th Congressional District.

Dick has been an able, dedicated, and persistent public servant. Labels do not fit him well, although he has championed many liberal causes.

His work on the House Science and Technology Committee, on which we serve together, demonstrates the commitment and understanding of complex issues which he brings to all his work. Perhaps the best example I can give stems from personal experience on an issue we worked closely on for many years—the Clinch River breeder reactor. In the 1970's, our primary objection to commercial breeder reactor technology was the threat posed by the development of a plutonium economy. Breeder technology threatened to drastically increase international transport of uranium and thus posed serious nuclear proliferation risks.

Dick understood, before many of us did, that breeder technology was also undesirable from an economic standpoint. Given the uranium supply situation, and the rate of growth in energy demand. Dick investigated viable alternatives through his chairmanship of the Energy Conservation and Power Subcommittee of the House Energy and Commerce Committee. He certainly was a leading spokesman for solar energy and energy conservation programs. But he also championed the cause of making conventional reactors safer and more efficient. He doggedly pursued the issue of extended burn-up of nuclear fuel in conventional reactors in order to conserve fuel. He understood the overall energy picture better than any Member, and sought to act responsibly on his knowledge.

Dick has become something of an institution. We will all miss his friendly and straightforward manner, his unassuming attitude, and his charming and sometimes befuddled look which belies a sharp insightful mind.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McEwen (at the request of Mr. Michel), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gaydos, for 5 minutes, today.

Mr. Loeffler, for 5 minutes, today.

(The following Members (at the request of Mr. Wortley) to revise and extend their remarks and include extraneous material:)

Mr. Walker, for 60 minutes, today.

Mr. Weber, for 60 minutes, today.

Mr. Gingrich, for 60 minutes, today.

(The following Members (at the request of Mr. Richardson) to revise and extend their remarks and include extraneous material:)

Mr. Glickman, for 5 minutes, today.

Mr. Bonker, for 5 minutes, today.

Mr. Hayes, for 5 minutes, today.

Mr. Ford of Michigan, for 5 minutes, today.

Mr. Panetta, for 5 minutes, today.

Mr. Biaggi, for 5 minutes, today.

Mr. Weiss, for 5 minutes, today.

Mr. Pepper, for 60 minutes, today.

Mr. Dixon, for 60 minutes, today.

Mr. Gonzalez, for 60 minutes, today.

Mr. Foley, for 60 minutes, today.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1407. An act to protect purchasers of used automobiles from fraudulent practices associated with automobile odometer modifications, and for other purposes; to the Committee on Energy and Commerce.

2619. An act to extend programs under the Indian Education Act through fiscal year 1985; to the Committee on Education and Labor.

S. Con. Res. 94. Concurrent resolution expressing the sense of Congress that the President of Syria should permit Jewish emigration; to the Committee on Foreign Affairs.

S. Con. Res. 109. Concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to support a national STORM program; to the Committee on Science and Technology.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the

House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 648. Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 864. An act to amend the Volunteers in the Parks Act of 1969, and for other purposes; and

S.J. Res. 259. Joint resolution to designate the week of November 12, 1984, through November 18, 1984, as "National Reye's Syndrome Week."

RECESS

The SPEAKER pro tempore. Without objection, the Chair declares a recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 6 minutes a.m.) the House stood in recess subject to the call of the Chair.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4155. A letter from the Director, Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority, pursuant to Public Law 93-344, section 1014(e) (H. Doc. No. 98-275); to the Committee on Appropriations and ordered to be printed.

4156. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), Department of Defense, transmitting notice of the Navy's decision to study conversion to contractor performance the laundry, dry cleaning services at Marine Corps Base, Camp Lejeune, NC, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(a) (96 Stat. 747)); to the Committee on Armed Services.

4157. A letter from the Secretary of Transportation, transmitting the annual report on progress toward completion of the Northeast corridor improvement project, pursuant to Public Law 94-210, section 703(1)(D); to the Committee on Energy and Commerce.

4158. A letter from the Secretary of Transportation, transmitting the annual report for the Maritime Administration for fiscal year 1983 including the following reports: Acquisition of obsolete vessels in exchange for credit; war-risk insurance activities; scrapping or removal of obsolete vessels owned by the United States; ship sales activities; foreign-flag waivers for recipients of operating-differential subsidies; U.S.-flag carriage of Government-sponsored cargoes; allocation of construction—and operating—differential subsidy to port ranges; and claims arising under the Admiralty Act, pursuant to the act of June 29, 1936, chapter 858, section 208 (90 Stat. 380), section 804 (84 Stat. 1033; 94 Stat. 2241; 95 Stat. 164), and section 809(a) (89 Stat. 680; 94 Stat. 2241; 95 Stat. 164); to the Committee on Merchant Marine and Fisheries.

4159. A letter from the National Adjutant, Disabled American Veterans, transmitting the proceedings of the national convention held in Washington, D.C., August 26-30, 1984, pursuant to 36 U.S.C. 90i; 44 U.S.C. 1332 (H. Doc. No. 98-276); to the Committee on Veterans' Affairs and ordered to be printed.

4160. A letter from the Comptroller General of the United States, transmitting a report entitled "Federal Agencies' Block Grant Civil Rights Enforcement Efforts: A Status Report"; jointly, to the Committees on Government Operations, the Judiciary, and Education and Labor.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROE:

H.R. 6440. A bill to designate the main channel for the project for San Leandro Marina, CA, as the "Jack D. Maltester Channel", and for other purposes; to the Committee on Public Works and Transportation.

By Mr. BLILEY (for himself, and Mr. Sisisky):

H.R. 6441. A bill to eliminate restrictions with respect to the imposition and collection of tolls on the Richmond-Petersburg Turnpike upon repayment by the Commonwealth of Virginia of certain Federal-aid highway funds used on such turnpike; to the Committee on Public Works and Transportation.

By Mr. DAVIS:

H.R. 6442. A bill to provide for the use and distribution of the Lake Superior Bands of Chippewa Indians judgment funds in docket 18-S and in docket 18-U, before the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WRIGHT:

H. Con. Res. 375. Concurrent resolution relating to the enrollment of House Joint Resolution 648; considered and agreed to.

By Mr. DINGELL:

H. Con. Res. 376. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 2867; considered and agreed to.

By Mr. WRIGHT:

H. Con. Res. 377. Concurrent resolution providing for the sine die adjournment of the two Houses of Congress on Thursday, October 11, 1984; considered and agreed to.

By Mr. ROSTENKOWSKI:

H. Con. Res. 378. Concurrent resolution correcting the enrollment of H.R. 5361; considered and agreed to.

By Mr. WRIGHT:

H. Res. 617. Resolution providing for the appointment of the committee to notify the President of completion of business; considered and agreed to.

H. Res. 618. Resolution providing that a revised edition of the Rules and Manual of the House of Representatives for the 99th Congress be printed as a House document; considered and agreed to.

H. Res. 619. Resolution providing that reports of the Comptroller General of the United States made to the Congress shall be printed during such adjournment as House documents of the 2d session of the 98th Congress; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1509: Mr. Bosco, Mr. Eckart, Mr. Fish, Mr. Frank, Mr. Jeffords, Mr. Martin of New York, Mr. Minish, Mr. Mrazek, Mr. Murphy, Mr. Chappie, Mr. Dowdy of Mississippi, Mr. Tallon, Mr. Boehlert, Mr. Clinger, Jr., Mr. Dwyer of New Jersey, and Mr. Edgar.

H.R. 1543: Mr. Shannon.

H.R. 1676: Ms. Kaptur.

H.R. 1689: Mr. Frenzel.

H.R. 4175: Mr. Fauntroy.

H.R. 4428: Mr. Britt and Mr. McHugh.

H.R. 4728: Mr. Gray, Mr. Rangel, and Mr. Smith of Florida.

H.R. 4729: Mr. Gray, Mr. Rangel, and Mr. Smith of Florida.

H.R. 5863: Mr. Hawkins, Mr. Ackerman, and Mrs. Boxer.

H.R. 5981: Ms. Oakar.

H.R. 6033: Mr. McEwen.

H.R. 6050: Mr. Morrison of Washington, Mr. Hawkins, and Mr. Ackerman.

H.R. 6051: Mr. Morrison of Washington, Mr. Hawkins, and Mr. Ackerman.

H.R. 6093: Mrs. Collins.

H.R. 6124: Mr. Morrison of Washington, Mr. Hawkins, Mr. Ackerman, and Mr. Towns.

H.R. 6146: Mr. Fuqua and Mr. Frenzel.

H.R. 6203: Mr. Carper.

H.R. 6207: Mr. Morrison of Washington.

H.R. 6239: Mr. Corcoran.

H.R. 6307: Mr. Whitehurst and Mr. Richardson.

H.J. Res. 473: Mr. Martinez.

H.J. Res. 613: Mr. Heftel of Hawaii.

H. Con. Res. 339: Mr. Berman.

H. Con. Res. 345: Mr. Addabbo.

H. Con. Res. 346: Mr. Eckart, Mrs. Hall of Indiana, Mr. Spratt, Mr. Weaver, Mr. Garcia, Mr. Hughes, Mr. Ackerman, and Mr. Vento.

H. Con. Res. 363: Mr. Rudd, Mr. Luken, Mr. Nielson of Utah, Mrs. Roukema, Mr. Emerson, Mr. Annunzio, Mr. McNulty, Mr. Williams of Ohio, Mr. de la Garza, Mr. Fields, Mr. Pritchard, Mr. Udall, Mr. Frank, Mr. Dicks, Mr. Sharp, Mr. Pickle, and Mr. Smith of New Jersey.

EXTENSIONS OF REMARKS

H.R. 4209

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. MITCHELL. Mr. Speaker, on October 2 last, the House of Representatives, by a unanimous vote of 416–0, approved my substitute amendment to H.R. 4209; 2 days later the Senate passed the measure by voice vote thereby clearing it for the President. H.R. 4209, and companion provisions contained in the fiscal year 1985 Defense authorization bill, H.R. 5167, are extensive procurement reform measures dealing with, among other things, the spare parts scandals of recent years.

In order to assist our colleagues when responding to inquiries on the Mitchell substitute, I am today inserting in the RECORD a section-by-section analysis of the measure.

SECTION-BY-SECTION ANALYSIS OF THE MITCHELL SUBSTITUTE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 4209

Section 1. Cites the short title of the Act as the "Small Business and Federal Procurement Competition Act of 1984".

TITLE I

PURPOSES AND DEFINITIONS

Section 101. Would establish three purposes for this Act, namely: (1) to eliminate practices and procedures that unnecessarily inhibit full and open competition; (2) to promote the use of contracting as a means to expand the industrial base in order to increase the capability of the economy to respond to government demands during times of national emergency; and (3) to foster opportunities for the increased participation of small and small disadvantaged businesses in the competitive procurement process.

Section 102. Would amend section 4 of the Office of Federal Policy Procurement Act to contain definitions for the following terms:

"Technical data" would be defined as recorded information of a scientific or technical nature (including software documentation) relating to supplies.

"Major system" would be defined as a combination of elements that function together to produce the capabilities required to fulfill a mission need. It may include hardware, equipment or software, or any combination but excludes construction or other improvements to real property. If DOD is responsible for the system, it will be considered a "major system" if RDT&E for the system is estimated to be more than $75 million or if the total expenditure for the procurement of the system is expected to exceed $300 million. If a civilian agency is responsible for the system, it would be considered a major system if the total expenditure is expected to exceed $75,000, or such other amount as may be specified in OMB Circular A-109, whichever is greater. Notwithstanding these dollar thresholds for both military and civilian agencies, any system may be designated a "major system" by the head of the agency responsible for the system.

"Item", "item of supply", or "supplies", would be defined as including any part or component or subsystem but would not include the packaging or labeling associated with the shipment or identification of an "item".

TITLE II

AMENDMENTS TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Section 201(a). Would amend section 303B of the Federal Property and Administrative Services Act of 1949 by adding to such section a new subsection (f).

This new subsection would require that the head of a civilian agency must consider, when preparing a solicitation for a development contract on a major system, the use of cost evaluation factors that take into account proposals to incorporate in the design of the system: (1) parts that are available in the Federal supply system or that are commercially available, and (2) parts that the government will be able to acquire competitively in the future. With respect to production contracts for major systems, the head of the agency must consider the use of cost evaluation factors that take into account the right of the government to use delivered technical data for competitive reprocurement and offeror proposals for the qualification or development of multiple sources of supply for spare parts incorporated in that system. For both R&D and production contracts the decision to use such cost evaluation factors must be based upon consideration of the purpose for which the system is being acquired and the technology necessary to meet the system's required capabilities. In addition, the foregoing considerations may also be applied, as negotiation objectives, to contracts that will be awarded noncompetitively.

Section 201(b). Subsection (b) provides that the requirements of section 201(a) of the bill shall apply to any solicitation issued more than 180 days after the date of enactment.

Section 202(a). Would amend Title III of the Federal Property and Administrative Service Act of 1949 by adding a new section 303D.

Newly created section 303D pertains to the use of qualification requirements. Subsection (a) would define a "qualification requirement" as a test or other quality assurance demonstration that must be completed by an offeror prior to award of a contract.

Subsection (b) would require, except as provided in subsection (c), that before any qualification requirement may be enforced with respect to any particular procurement, the head of the agency must: (1) prepare a written justification that specifies why the requirement must be demonstrated prior to award; (2) specify the requirement in writing and make it available to all offerors. Such requirement must be the least restrictive of competition commensurate with legitimate needs of the agency; (3) specify an estimate of the costs of qualification; (4) ensure that an offeror is provided a prompt opportunity to demonstrate its compliance; (5) if the testing is to be performed by a government contractor, provide that such contractor is not to be one expected to benefit from the lack of additional qualified sources and that it will adhere to the restrictions on technical data asserted by the potential offeror seeking qualification; and (6) ensure that a potential offeror is promptly informed as to whether it has attained qualification and, if not, furnished with specific information why qualification was not obtained.

Subsection (c) provides that the six preconditions to the use of qualification requirements recited in (b) are not applicable to a qualification requirement established by statute prior to date of enactment. This subsection (c) also provides that, except for qualified products lists, a waiver may be granted for up to two years to the requirements of subsection (b)(2) through (5) if, after reviewing the comments of the Competition Advocate, the head of the procuring activity determines that it is unreasonable to specify such standards. Regardless of whether a waiver from (b)(2) through (5) is granted, a potential offeror has the right to submit and have considered its offer for any contract. The potential offeror, in addition, has a right to submit its bid/offer even though it has not been indentified as meeting a qualification requirement, as long as the offeror can demonstrate either that it is in compliance with the requirement or that it can comply with the requirement prior to the award date of the contract. Nothing in this subsection requires a referral to the Small Business Administration (SBA) pursuant to its Certificate of Competency Program (established by section 8(b)(7) of the Small Business Act) if the basis for the referral is a challenge by the offeror to either the validity of the qualification requirement or the offeror's compliance with the requirement. The last paragraph of this subsection specifies that the head of an agency need not delay a procurement in order to comply with subsection (b) or in order to provide a potential offeror with an opportunity to meet the qualification requirement.

Subsection (d) would provide that if there is only one qualified source, or manufacturer, or only one qualified product, the agency concerned shall periodically publish notice in the Commerce Business Daily seeking additional sources and shall reimburse the cost of a small business to become qualified if such business could be reasonably expected to compete for the supply of such product and if the costs of reimbursement is reasonable taking into account the anticipated savings from increased competition.

Subsection (e) would require the reevaluation of each qualification requirement pursuant to subsection (b) every seven (7) years unless a waiver is granted under subsection (c).

Subsection (f) would require that, except in an emergency, once an agency determines not to enforce a qualification requirement for a particular type of contract, it may not thereafter use the qualification requirement unless it complies with the requirements of subsection (b).

Section 202(b). Subsection (b) provides that the requirements of section 202(a)

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

shall apply to solicitations issued more than 180 days after enactment.

Section 203(a). Would amend the Federal Property and Administrative Service Act of 1949 to add a new section 303E.

The newly created section 303E pertains to the validation of proprietary data restrictions. Subsection (a) requires that a contract providing for delivery of technical data must provide that a contractor, or subcontractor at any tier, shall be prepared to furnish written justification supporting its assertion of proprietary data restrictions applicable to the government. In addition, the contracting officer may review the validity of an asserted restriction only if he/she has reasonable grounds to question the current validity of the restriction and continued adherence to the restriction by the United States would make it impracticable to procure the item competitively at a later time.

Subsection (b) allows the contracting officer to initiate a challenge to the restriction by issuing notice to the party asserting the restriction. The notice must (1) specify the grounds for challenge; and (2) inform the contractor (or subcontractor) that it has 60 days to submit a response justifying the current validity of the asserted restriction.

Subsection (c) provides that if a contractor/subcontractor submits to the contracting officer a written request for additional time in order to prepare a justification, the contracting officer shall approve such request as appropriate. In addition, if the party asserting the restriction receives more than one challenge from more than one contracting officer, the contracting officer initiating the first challenge shall, upon the request of the party, formulate a schedule of responses that will afford such party an equitable opportunity to respond to each such challenge.

Subsection (d) provides that upon the failure of the party to submit any response to a challenge, the contracting officer shall issue a decision pertaining to the validity of the asserted restriction. If a written justification is received, the contracting officer has 60 days from receipt to either issue a decision or notify the party asserting the restriction of the time within which a decision will be issued.

Subsection (e) provides that any claim as to the validity of an asserted restriction that is submitted to the contracting officer shall be considered a claim within the meaning of the Contract Disputes Act of 1978.

Subsection (f) provides that if the challenge to the validity of the restriction is sustained, such restriction shall be immediately cancelled and the contractor shall be liable to the government for the costs incurred in challenging the restriction unless the position of the contractor was substantially justified or special circumstances would make such payment unjust. If, on the other hand, the challenge is not sustained, the government will continue to be bound by the restriction but the government shall be liable to the contractor for cost incurred to defend the challenge only if the government's actions are found not to be in good faith.

Secion 203(b). Subsection (b) provides that the amendments made by section 203(a) apply with respect to solicitations issued more than 60 days after date of enactment.

Section 204(a). Would amend the Federal Property and Administrative Services Act of 1949 by adding a new section 303F.

The newly created section 303F pertains to the commercial pricing of supplies. Subsection (a) would require (subject to the provisions of subsection (b)(2) and subsection (c)), that a contract awarded non-competitively for commercial items may not result in a price to the United States that exceeds the lowest price at which such items are sold to the public.

Subsection (b) provides that a person offering a commercial item for sale to the government must either (1) certify that the offered price is not more than its lowest commercial price or (2) submit a written statement specifying the amount of the difference between its lowest commercial price and the price offered, and providing a justification for the difference.

Subsection (c) provides that the requirements of subsection (a) (dealing with non-competitive contracts) and subsection (b) (dealing with all types of contracts) do not apply when the contracting officer determines that the use of the lowest commercial price is not appropriate because of national security considerations or differences in quantities, quality, delivery, or other terms and conditions of the contract.

Section 204(b). Subsection (b) provides that the amendments made by section 204(a) shall take effect 180 days after date of enactment.

Section 205(a). Would amend the Federal Property and Administrative Services Act of 1949 by adding a new section 303G.

Newly created section 303G pertains to economic order quantities.

Subsection (a) would require that each agency shall order supplies in quantities (1) that will result in the most advantageous price to the government; and (2) will not exceed the quantity needed by the government for these supplies.

Subsection (b) would require, when practicable, that each solicitation for supplies include a provision inviting each offeror to express an opinion as to whether the quantity proposed to be procured is most advantageous to the government. In addition, the offeror will be invited to recommend and submit quotations for those quantities that would be more advantageous to the government.

Section 205(b). Subsection (b) provides that section 205(a) takes effect 180 days after date of enactment.

Section 206(a). Would amend the Federal Property and Administrative Services Act of 1949 by adding a new section 303H.

Newly created section 303H pertains to a prohibition on contractors from unreasonably limiting their subcontractors from selling directly to the government.

Subsection (a) provides that every contract for property or services must contain a provision that the contractor will not unreasonably restrict the subcontractor, by agreement or otherwise, from selling directly to the government any item or process to be produced under the subcontract.

Subsection (b) provides that this section 303H does not prohibit a contractor from asserting rights it otherwise has under law.

Section 206(b). Subsection (b) provides that the provisions of section 206(a) apply to solicitations made more than 180 days after date of enactment.

Section 207. This section contains clerical amendments and would change the table of contents in the Federal Property and Administrative Services Act of 1949 to reflect the amendments made to that Act by Title II of this substitute Amendment.

TITLE III

AMENDMENTS TO THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT

Section 301(a). Would amend the Office of Federal Procurement Policy Act by redesignating section 21 of that Act as section 23 and by inserting after section 20 a new section 21.

Newly created section 21 pertains to rights in technical data.

Subsection (a) provides that the legitimate proprietary interests of the government and of a contractor to technical data shall be defined in the Federal Acquisition Regulations (FAR). Such regulations may not impair any right with respect to patents or copyrights or any other right in data otherwise established by law. With respect to civilian agencies, the FAR shall provide that the government may not require a person who has developed a commercial product or process, as a condition for the purchase of such product or process, to provide the government the technical data that pertains to that commercial item. This restriction, however does not apply to data the government needs to operate and maintain the item, if obtained as an element of performance under the contract.

Subsection (b) requires that the FAR also contain a provision that, with respect to civilian procurements, the government shall have, except as otherwise prohibited by Federal statute, unlimited rights in technical data developed exclusively with Federal funds if delivery of the data was required as an element of contract performance and if the data is needed to ensure the competitive acquisition of supplies or services that will be required in substantial quantities in the future. In addition, except as otherwise prohibited by federal statute, the government, with respect to civilian contracts, shall have an exerciseable right to use, on an unrestricted royalty-free basis, or have its contractors use, for governmental purposes (excluding publication outside the government), technical data developed exclusively with Federal funds. Such rights as provided for in this subsection are in addition to and not in lieu of any other rights that the United States may have pursuant to law.

Subsection (c) provides a listing of three factors that must be considered when fashioning the regulations pursuant to subsection (a). These three factors are: (1) the source of the funds used to develop the technical data; (2) the statement of Congressional policies in the University, Small Business and Patent Procedures Act; Small Business Innovation Development Act of 1982; and the Small Business Act; and (3) the interests of the United States in developing and locating alternative sources of supply and manufacture.

Subsection (d) would require that the technical data provisions of the FAR require that contracts contain appropriate provisions relating to technical data including provisions: (1) defining the rights of the respective parties to data that will be delivered under the contract; (2) specifying the data to be delivered and the schedule of delivery; (3) specifying the procedures for determining the acceptability of the data; (4) establishing separate contract line items for the technical data to be delivered; (5) identifying data that will be delivered with restrictions; (6) requiring the contractor to revise and keep up to date the data delivered under the contract; (7) requiring the contractor to furnish written assurance that the technical data delivered or made available to the government is complete and accurate; (8) establishing remedies if the data is incomplete or inadequate; and (9) authorizing the withholding of contract payments if delivery of data does not meet the requirements of the contract.

Section 301(b). Subsection (b) would amend 10 U.S.C. section 2320(a) to provide that the provisions contained therein are only applicable to regulations issued by the DOD as part of its supplement to the FAR.

Section 301(c). Subsection (c) provides that section 301(a), pertaining to the issuance of the regulations, becomes effective upon date of enactment and that such regulations shall be issued not later than July 1, 1985.

Section 301(d). Subsection (d) would require that, within 60 days after the regulations are issued, the Secretary of Defense, Administrator of the General Services Administration (GSA), and the Administrator of NASA, shall submit to Congress a joint report detailing how the regulations give consideration to the factors specified for consideration in subsection (a).

Section 302(a). Would amend the Office of Federal Procurement Policy Act to add a new section 22.

Newly created section 22 pertains to the publication of proposed procurement regulations.

Subsection (a) would require the publication in the Federal Register of any procurement policy, regulation, procedure or form (including amendments or modifications thereto) relating to the expenditure of appropriated funds that have (1) a significant effect beyond the internal operating procedures of the issuing agency, or (2) a significant cost or administrative impact on contractors or offerors. Except as provided in subsection (d), such procurement policy, regulation, procedure or form may not take effect until 30 days after publication in the Federal Register.

Subsection (b) would require, subject to subsection (c), that the head of the agency shall publish in the Federal Register a notice of the proposed procurement policy, regulation, procedure or form and that all interested parties may comment on such proposals. The length of the comment period may not be less than 30 days.

Subsection (c) would require that any notice of a proposed procurement policy, regulation, procedure or form prepared for publication in the Federal Register includes:

(1) the test of the proposal or if it is impracticable to publish the full text, a summary of the proposal and a statement specifying the name, address and telephone number of the officer of the agency from whom the text may be obtained; and

(2) the name and address of the officer of the agency designated to receive public comments on the proposal.

Subsection (d) would provide that the requirements of subsections (a) and (b) may be waived by the officer issuing the procurement policy, regulation, or form if urgent and compelling circumstances make compliance with the publication requirements impracticable. Subsection (d) also provides that any procurement policy, regulation, procedure or form with respect to which the requirements of subsections (a) and (b) are waived, shall take effect on a temporary basis if: (1) a notice of the proposal is published in the Federal Register accompanied by a statement that such proposal is temporary, and (2) provision is made for a public comment period beginning 30 days from the date of publication of the notice. After considering the comments received, the head of the agency waiving the requirement may issue the final proposal.

Section 302(b). Subsection (b) provides that the requirements of section 302(a) shall apply to procurement policies, regulations, procedures or forms issued in final form on or after the date which is 30 days after date of enactment.

Section 302(c). Subsection (c) would repeal 10 U.S.C. sec. 2302a which pertains to the issuance of procurement regulations by the military services.

Section 303(a). Would amend section 18 of the Office of Federal Procurement Policy Act pertaining to the publication of procurement notices in the Commerce Business Daily (CBD).

Subsection (a) of section 18 would require, except as provided in subsection (c), that executive agencies furnish to the Secretary of Commerce for publication in the CBD notice of an intent to solicit contracts for property or services or to place an order under a basic agreement, a basic ordering agreement or similar contracting arrangement if the amount of the contract or order is expected to exceed $10,000. Such notification would also be required for any award or order if such award exceeds $25,000 and if there are likely to be subcontracting opportunities. The notices are to be published promptly. Further, an agency is prohibited from issuing a solicitation within 15 days after notice appears in the CBD, and is prohibited from establishing a deadline for submission of bids and proposals that is less than 30 days following the appearance of such notice. In the case of solicitations for R&D, the deadline for submission of bids would be at least 45 days following publication of the solicitation notice.

Subsection (b) would provide for the listing of information to be included in the solicitation notice. Such information is to include:

(1) an accurate description of the property or services to be contracted for in sufficient detail so as to not be unnecessarily restrictive of competition including, as appropriate, agency nomenclature, national stock number or part number, description of the item's form, fit, or function, physical dimensions, material of manufacture, or similar information that will assist prospective contractors to make an informed business judgment as to whether to request copies of the solicitation;

(2) information concerning whether technical data necessary to respond to the solicitation will be furnished and the source where such technical data may be obtained and, if a qualification requirement exists as to the offeror, its product, or its service, the identification of the office where such qualification requirement may be obtained;

(3) the name, business address and telephone number of the contracting officer;

(4) a statement that all responsible sources may submit an offer, proposal, or quotation and that agencies shall consider all such responses; and

(5) a statement justifying the use of noncompetitive procedures, if such are used, and the identification of the intended source.

Subsection (c) would provide for exceptions to the notice requirements. Notice would no be required if:

(1) disclosure of agency needs would compromise the national security;

(2) the proposed procurement would be the result of acceptance of an unsolicited proposal that demonstrates a unique and innovative research concept and notice would disclose originality of thought, innovativeness of the proposal, or proprietary information, or a proposed procurement would result from a proposal submitted under section 9 of the Small Business Act;

(3) orders are being placed under a requirements contract;

(4) the procurement is for perishable subsistence supplies; or

(5) the procurement is for utilities than telecommunication services and only one source is available.

The prime contract notice requirements of subsection (a) do not apply to non-competitive procurements authorized paragraphs (2), (3), (4), (5), or (7) of section 303(c) of the Federal Property and Administrative Services Act of 1949 or paragraphs (2), (3), (4), (5), or (7) of section 2304(c) of title 10 U.S.C. These enumerated paragraphs permit non-competitive procurements when:

(1) there is an unusual an compelling urgency;

(2) it is necessary to maintain or establish a facility for industrial mobilization, or an essential engineering or R&D capability by a university, non-profit, or federally funded research and development center;

(3) an international agreement or treaty so requires;

(4) a statute expressly authorizes procurement from a specified source, through another agency, or when brand name commercial items are needed for resale;

(5) there is a determination by the head of the agency of public necessity and Congress is notified 30 days in advance.

In the case of any other procurement, notice would not be required if the head of an agency, after consultation with the Administrators of OFPP and SBA, makes a written determination that publication of presolicitation notice is not appropriate or reasonable.

A new subsection (d) would require agencies to make available to any business concern, or its authorized representative, a complete solicitation package for procurements announced in the CBD. This subsection would also authorize the agency to charge a fee not to exceed the actual cost of duplicating such solicitation package.

Section 303(b). This subsection establishes an effective date of April 1, 1985 for the section 303(a) notice provisions.

Section 303(c). This subsection would provide that section 303(a) notice provisions would apply to the Tennessee Valley Authority when respect to procurements made from appropriated funds only.

TITLE IV

AMENDMENTS TO THE SMALL BUSINESS ACT

Section 401. Would amend section 8(b)(7) of the Small Business Act by adding a provision that prohibits SBA from creating any administrative exemption to a mandatory referral under its Certificate of Competency Program if the statutory conditions for such a referral are met. This section would further provide that an application for such certification need not be processed if the small business declines the referral.

Section 402(a). Subsection (a) would amend section 8(d)(1) of the Small Business Act by adding to the policy statement contained therein that it is the policy of the United States that small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals shall have maximum practicable opportunity to participate in contracts and subcontracts for subsystems, assemblies, components and related services for major systems. This statement is further amended to provide that it is also the policy of the United States that its prime contractors establish procedures to ensure the timely payment of amounts due to their small business subcontractors.

Section 402(b). Subsection (b) would require that the policy statements required by section 402(a) be included in the contract clauses required under section 8(d)(2) of the Small Business Act.

Section 403(a). Subsection (a) would amend section 15 of the Small Business Act by redesignating subsection 15( ) as subsection (m) and by inserting a new subsection ( ) that would provide for the assignment of a breakout procurement center representative (BOPCR) to each major procurement center. "Major procurement center" is defined as any DOD center that awarded, in the preceding fiscal year, at least $150 million in contracts for other than commercial items, and any civilian purchasing center as may be designated as a major procurement center by the SBA. The BOPCR would be required to function as an advocate for full and open competition, whenever appropriate, and for the breakout of items for competitive procurement. Such individual would be authorized to:

(1) attend provisioning conferences or similar sessions and make recommendations concerning competitive procurement methods;

(2) review restrictions and recommend reevaluation of acquisition method codes;

(3) review limitations imposed on competition because of restrictions on the rights of the United States to use technical data and to recommend review of the validity of such restrictions when appropriate;

(4) obtain and make available unrestricted technical data from governmental sources for use in competitive solicitation packages;

(5) have access to data and unclassified procurement records of the procurement center;

(6) receive, analyze, make recommendations, and/or to forward to appropriate personnel for review, unsolicited engineering proposals to determine if cost savings could be achieved by adopting such proposals. Agency personnel would be required to inform the BOPCR as to the disposition of such proposals; and

(7) review the system that accounts for the acquisition and management of technical data to insure its maximum availability to appropriate parties as needed to prepare bids or other offers to sell to the government.

To assist the BOPCR, SBA would be required to assign at least 2 small business technical advisors to each major procurement center. These advisors and the BOPCR would be full time employees of SBA, fully qualified, technically trained, and familiar with the supplies and services procured by the center to which they are assigned. The BOPCR and at least one of the technical advisors must be accredited engineers. This subsection would further provide that these personnel positions be assigned a grade level sufficient to attract and retain persons of high qualifications.

Section 403(b). Subsection (b) would require SBA and the Comptroller General to jointly establish standards to measure cost savings and increased competition achieved by the BOPCRS and would require SBA to submit an annual report to the Congress concerning such achievements. Within 180 days following the submission of the second annual report the GAO is to report to Congress its evaluation as to whether SBA is adhering to the established standards for measuring the cost effectiveness of the BOPCR Program.

Section 404(a). Would amend section 8 of the Small Business Act pertaining to the publication of procurement notices in the Commerce Business Daily (CBD).

The newly amended section 8(e) would require, except as provided in subsection (g), that executive agencies furnish to the Secretary of Commerce for publication in the CBD notice of an intent to solicit contracts for property or services or to place an order under a basic agreement, a basic ordering agreement or similar contracting arrangements if the amount of the contract or order is expected to exceed $10,000. Such notification would also be required for any award or order if such award exceeds $25,000 and if there are likely to be subcontracting opportunities. The notices required by this subsection would have to be published promptly. Further, an agency is prohibited from issuing a solicitation within 15 days after notice appears in the CBD, and is prohibited from establishing a deadline for submission of bids and proposals that is less than 30 days following the appearance of such notice. In the case of solicitations for R&D, the deadline for submission of bids would be at least 45 days following publication of the solicitation notice.

Newly created subsection (f) would provide for the listing of information to be included in the solicitation notice. Such information is to include:

(1) an accurate description of the property or services to be contracted for in sufficient detail so as to not be unnecessarily restrictive of competition including, as appropriate, agency nomenclature, national stock number or part number, description of the item's form, fit, or function, physical dimensions, material of manufacture, or similar information that will assist prospective contractors to make an informed business judgment as to whether to request copies of the solicitation;

(2) information concerning whether technical data necessary to respond to the solicitation will be furnished and the source where such technical data may be obtained and, if a qualification requirement exists as to the offeror, its product, or its service, the identification of the office where such qualification requirement may be obtained;

(3) the name, business address and telephone number of the contracting officer;

(4) a statement that all responsible sources may submit an offer, proposal, or quotation and that agencies shall consider all such responses; and

(5) a statement justifying the use of noncompetitive procedures, if such are to be used, and the identification of the intended source.

Newly created subsection (g) would provide for exceptions to the notice requirements. Notice would not be required if:

(1) disclosure of agency needs would compromise the national security;

(2) the proposed procurement would be the result of acceptance of an unsolicited proposal that demonstrates a unique and innovative research concept and notice would disclose originality of thought, innovativeness of the proposal, or proprietary information, or a proposed procurement would result from a proposal submitted under section 9 of the Small Business Act;

(3) orders are being placed under a requirements contract;

(4) the procurement is for perishable subsistence supplies; or

(5) the procurement is for utilities other than telecommunication services and only one source is available.

The prime contract notice requirements of subsection (e) do not apply to non-competitive procurements authorized by paragraphs (2), (3), (4), (5), or (7) of section 303(c) of the Federal Property and Administrative Services Act of 1949 or paragraphs (2), (3), (4), (5), or (7) of section 2304(c) of title 10 U.S.C. These enumerated paragraphs permit noncompetitive procurements when:

(1) there is an unusual and compelling ugency;

(2) it is necessary to maintain or establish a facility for industrial mobilization, or an essential engineering or R&D capability by a university, non-profit, or federally funded research and development center;

(3) an international agreement or treaty so requires;

(4) a statute expressly authorizes procurement from a specified source, through another agency, or when brand name commercial items are needed for resale;

(5) there is determination by the head of the agency of public necessity and Congress is notified 30 days in advance.

Subsection (g) also would provide that in the case of any other procurement, notice would not be required if the head of an agency, afer consultation with the Administrators of OFPP and SBA, makes a written determination that publication of pre-solicitation notice is not appropriate or reasonable.

A new subsection (h) would also be created that would prohibit the use of noncompetitive procedures unless written justification has been approved at specified administrative levels based upon the dollar value of the contract—

For contracts between $100,000 and $1 million, approval by the advocate for competition would be required;

For contracts between $1 million and $10 million, approval by the head of the procuring activity or his or her delegate would be required. Such delegate would have to be a general or flag officer, or, if a civilian, serving in a position comparable to grade GS-16 or above;

If the contract amount exceeds $10 million, approval may not be delegated below the level of senior procurement executive of the agency as designed by section 16(3) of the OFPP Act.

This subsection also would require compliance with all other procedural requirements for the use of non-competitive procurement methods established by the Federal Property and Administrative Services Act of 1949 or chapter 137 of title 10 U.S.C., whichever statute would appropriately apply.

A new subsection (i) would require agencies to make available to any business concern, or its authorized representative, a complete solicitation package for procurements announced in the CBD. This subsection would also authorize the agency to charge a fee not to exceed the actual cost of duplicating such solicitation package.

A new subsection (j) defines the term "executive agency" as having the meaning provided in section 4(l) of the OFPP Act.

Section 404(b). This subsection establishes an effective date of April 1, 1985 for the section 404(a) notice provisions.

Section 404(c). This subsection would provide that section 404(a) notice provisions would apply to the Tennessee Valley Authority with respect to procurements made from appropriated funds only.

TITLE V

OTHER PROCUREMENT PROVISIONS

Section 501. This section would require that, within 180 days after date of enactment, the FAR shall be revised to include provisions relating to the manner in which each agency may negotiate prices for supplies to be obtained under a noncompetitive contract. The regulations must specify the incurred overhead a contractor may appropriately allocate to supplies and shall require the contractor to identify those supplies it did not manufacture or to which it did not contribute significant value. Nothing in this section requires the submission of cost or pricing data.

Section 502. This section would require the head of each civilian agency to ensure, with respect to personnel of that agency primarily engaged in procurement activities, that the performance appraisal system for such employees affords appropriate recognition to efforts: (1) to increase competition and cost savings; (2) to further the purposes of the Small Business and Federal Procurement Competition Act of 1984 and the Defense Procurement Reform Act of 1984; and (3) to further such other objectives and purposes of the procurement system as may be authorized by law.

Section 503. This section would require that the Administrator of the Office of Federal Procurement Policy submit, not later than July 1, 1985, a report on the use of various methods to qualify competing sources for subcontracts under major systems. In those situations when a prime contractor qualifies its subcontractors/suppliers, the report is also to discuss the desirability and feasibility of a contractual requirement that the prime contractor qualify at least two sources for each major subsystem or component or that the prime furnish to the government, as a deliverable item under the contract, the standards and processes used by the prime to allow the government to qualify such additional sources.

Section 504(a). Would amend section 303(b) and section 303(f) of the Federal Property and Administrative Services Act of 1949 by striking paragraph (2) of subsection (b) and by adding new provisions to both subsections.

The new provisions would instruct civilian agencies that the use of competitive procurement procedures may exclude other than small business concerns from competing if such action is taken in furtherance of section 9 and 15 of the Small Business Act. Moreover, in no event shall any award under sections 8, 9 or 15 of the Small Business Act be subject to the justification and approval process required by section 303(f)(1) of the Federal Property and Administrative Services Act of 1949.

Section 309(b) of the Federal Property and Administrative Services Act of 1949 is also amended by inserting two new paragraphs that define the term "competitive procedures" to include awards made pursuant to sections 9 and 15 of the Small Business Act.

Section 309(c) of the Federal Property and Administrative Services Act of 1949 is amended to reference the definitions of "technical data", "major system", "item", "item of supply," and "supplies" that are contained in the Office of Federal Procurement Policy Act, as amended by section 102 of this Act. (i.e. Small Business and Federal Procurement Competition Enhancement Act of 1984).

Section 504(b). This subsection would amend 10 U.S.C. 2304(b), 10 U.S.C. 2304(f) and 10 U.S.C. 2302(c), pertaining to military agencies, to contain identical provisions with those provided for civilian agencies under subsection (a) of this section 504.

Section 505. Would repeal 10 U.S.C. 2311(b) as amended by section 1214 of the Defense Procurement Reform Act of 1984 (such provision pertains to the approval of non-competitive contracts and would now be addressed by section 404 of this Act).●

THE KENNEDY CENTER BILL

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, there is a word in our English vocabulary that describes the type of attitude that we, the Members of this body should adhere to. The word I am referring to is "priority". The definition is a simple one; the quality or state of being prior, taking precedence of importance.

One would hope that the distinguished Members of this body would operate on this principle of priority and importance. But this did not seem the case yesterday as we debated and voted on the continuing resolution.

But first, let me take you back in time a few hours before the continuing resolution to a bill of vast importance and consequence. S. 2562, which was also debated in the House yesterday, provided for waiver-of-interest payments and for repayment of principal of bonds of the John F. Kennedy Center for the Performing Arts.

I will not go into the details of this profound piece of legislation except to say it dealt with a few million dollars and affects only a small special-interest group concerned with the performing arts which I have nothing against.

But there is one aspect of the two different pieces of legislation that were debated and voted on yesterday that appalls me. The Kennedy Center bill which involved a few million dollars had two recorded votes taken, which noted each Member's stand on the legislation. But no recorded vote was taken on the continuing resolution that involved $470 billion of the taxpayers' money.

While I think the Kennedy Center bill did indeed warrant debate and the recorded votes, there is really no comparison to the magnitude of the continuing resolution compared with the Kennedy Center legislation.

Where is the justice of this decision? The people in this country need an accurate record of each Member's vote. Our actions in this body should be held accountable by those who elect us to this office. A decision as paramount as this demands a recorded vote, so that our constituents may judge accordingly in the upcoming election as to whether we have acted responsibly with the vast control of the revenues received from taxation.

With these remarks, I would like to state for the record that I am opposed to the waste and exorbitant spending that will occur through the passage of this resolution. Everyone talks about balancing the budget and curbing the huge deficits, but few are willing to make the needed sacrifices for the sake of our economy and our Nation.●

AN AMERICAN CLASSIC

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. FORD of Michigan. Mr. Speaker, before leaving Washington, I wanted to take this opportunity to tell you of a very important birthday about to be celebrated. The Ford Thunderbird turns 30 in 1985 and the Ford Motor Co. is commemorating this special event. The 30-year history is explained well in the following news release from the Ford Motor Co. I know you'll enjoy reading this and reminiscing about this enduring car.

THUNDERBIRD—A LEGEND TURNS 30

Until the mid 1950's, Thunderbird has its place only in lore and the dictionary. Today, the word calls up images, of sleek, powerful automobiles cruising along American highways and by-ways. Ford made it so in 1955.

The Ford Thunderbird turns 30 in 1985. Over those three decades, it has more than lived up to its charge as an industry trendsetter—a car for car lovers.

Thirty years of Thunderbirds have included the classic two-seaters that started it all and collectors' cars in practically every version since then. Thunderbird has starred at the races and in the movies. And, the latest models—the aerodynamically shaped look-of-the-future Thunderbirds introduced in 1983—are obviously destined for a prominent place in Thunderbird—and automotive—history.

Thunderbird joined the Ford car family in 1955 as an eyecatching, two-seater intended as a sports car. It single-handedly started the personal luxury car segment of the market in the United States.

When it debuted February 20, 1954 at the Detroit Auto Show, the car had it all—the looks, the performance, the promise—except for one important ingredient—the name. It was nameless.

The name came from a Ford car stylist who won a suit of clothes for entering Thunderbird in a long list of choices in a name-that-car contest.

The first production car bearing the legendary name and emblem rolled off the line at Ford's Dearborn (Mich.) Assembly Plant September 9, 1954. The first one was sold October 22 of that year. The new two-seaters were 52.1 inches high with a 102-inch wheelbase and a curb weight of 2,833 pounds.

The standard powertrain was a modified V-8 that put out 160 horsepower teamed with a three-speed manual transmission.

The Ford-O-Matic transmission was optional.

A unique two-seater feature was separate tops—a power-operated canvas one for fair and sunny weather and a detachable plastic hardtop for foul weather. The distinctive portholes were added in 1956.

Also, the 1956 Thunderbird, rarest of all with a production of 15,631, incorporated Ford's new safety concept of "packaging the passengers." Standard equipment included energy-absorbing instrument panel padding, a concave safety stearing wheel, safety door latches, and a shatter-resistant mirror. Seat belts were optional.

The four-seater, or "Square Bird," as it was to become known, came on the scene in 1958. Standing 52.5 inches high and 205 inches long on a 113-inch wheelbase, it was square in design—bigger, faster, and more plush than its predecessor. The advantages of the move to four passengers was almost immediately obvious. Retail deliveries of 48,482 in 1958 almost matched the number of two-seaters sold during the entire three years they were on the market. The 1958 Thunderbird was Motor Trend Magazine's "Car of the Year."

An outstanding feature of the 1958-60 Thunderbirds was that a number of components—glass moldings, wheel discs, rocker panels and side trim, to name some significant ones—were made of stainless steel.

To highlight this revolutionary—and expensive—approach, Allegheny-Ludlum Steel Company made a 1960 Thunderbird entirely of stainless steel and put it in a time vault. It will be removed on the car's 40th Anniversary.

Another milestone was that the first sliding sunroof on a post-World War II American car was introduced on the 1960 Thunderbird.

Highlights of subsequent generations were:

1961-63—A "projectile" look. Inside, the theme was carried out with a dual cockpit dash panel.

Lead innovations were the first swing-away steering wheel and a 30,000-mile fuel filter.

The standard 390 Sports V-8 engine with a trio of twin-barreled Holley carburetors could pump out 340 horsepower.

1964-66—Reverted partially to the square design theme on the outside. Roof lines retained the formal air of previous models, but wall-to-wall taillamps added elegance and distinction. Inside, there was a command console, thin-shell bucket seats with built-in headrests, and "pistol grip" door handles.

These were the first American cars to offer a windows-closed flow-through ventilation system.

The 1966 convertible was the last of the open-air Thunderbirds.

1967-69—A jet aircraft-like design featuring a long thrusting hood and a short rear deck. The 1967 line included the first four-door model and the first Thunderbird with six-passenger capacity.

Abercrombie and Fitch, a New York City store, exclusively offered a 1967 Landau-based Apollo Special with special lighting, electric sunroof, gold nameplates and a custom interior that included a desk and television for rear-seat passengers. Only five were built.

1970-76—Design highlights were a prominent sharp nose complemented by an egg crate grille. Other distinctive features included opera windows and a standup hood ornament.

The one-millionth Thunderbird was a 1972 Landau model which was purchased by a California Thunderbird collector.

Special among this group of Thunderbirds were several luxury group limited edition models, the rarest being a 1976 commemorative Thunderbird featuring black metal-flake paint, a spare tire bulge in the trunk-lid, a vinyl half roof and a moonroof as standard equipment. Only 32 were produced.

The 1976 version was the last of "the big Birds."

1977-80—Due mainly to federally-mandated fuel economy standards, the 1977 model year marked the first time in the history of the line that a Thunderbird was smaller than in the previous year.

The 1977 car, featuring a unique wrapover roof treatment and beveled opera windows in the center pillars, was 216 inches long compared with the 1976 Thunderbird's 215.7 inches of overall length. The new wheelbase was 114 inches, more than six inches shorter, and curb weight was reduced from 4,808 pounds in 1976 to 3,007 pounds the following year. It was Ford's entry into the high-volume midsized-specialty car market. The 1978 model became the all-time production leader, at 352,750 units.

1980-82—Further downsizing produced a 108.4-inch wheelbase and an overall length of 200.4 inches. Sporty looking and contemporary, it retained such Thunderbird hallmarks as wraparound parking lights, a prominent "B" and sculptured bodyside character lines.

Every generation of Thunderbirds has added excitement to the American road and produced classic cars or collectors cars, some of which could yet become classics.

The 1955-1957 two-seaters were acclaimed classics just four years after the last one was built. Of the total 53,166 cars that were produced, at least 10,000 are in "show" condition and accounted for today, including the very first one to come off the assembly line. Most of these "classics" are owned by the members of Classic Thunderbird International, a band of some 5,000 two-seater worshippers.

Equally dedicated are the members of the Vintage Thunderbird Club, a national group of "Square Bird" (1958-1960) lovers. Ford produced 198,191 of these convertibles and two-door models. Landau models are especially valuable since fewer than 500 were built.

The convertibles are the leading collectors' cars in the four-seaters. 1977-1982 models included numerous limited-edition makes being sought now by collectors.

The newest Thunderbirds have already proven extremely popular and are certain to add more to this proud history.●

CAPT. JOHN BUTTERFIELD LAUDED AS FITNESS EXPERT

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. WON PAT. Mr. Speaker, I am pleased to announce that Capt. John A. Butterfield, commander of the Naval Air Station in Guam, has just been recognized as 1 of 10 Health American Fitness Leaders for 1984 by the U.S. Jaycees.

This highly decorated Navy Pilot received a silver medallion here in Washington this week as acknowledgment of his own personal accomplishments in the world of physical fitness and for his leadership role in encouraging others to follow his example.

Captain Butterfield has founded running clubs in the United States and around the world during his brilliant military career. He is credited with implementing a directive on physical fitness for the Department of Defense and with establishing a close relationship between the President's Council on Physical Fitness and the Pentagon.

Following his award ceremony, Captain Butterfield visited my office. I can state from firsthand experience that he is a model of physical and mental alertness. If everyone were to follow the lead of this man and his fellow award winners what a more healthy nation this would be.

As a longtime personal advocate of physical fitness and weight control I applaud Captain Butterfield, his colleagues, and the U.S. Jaycees for their joint efforts to raise our awareness of the importance physical well-being has to each of us.

Since he and his lovely family came to Guam a year ago the captain has continued advocating physical fitness to those under his command and to the civilian community. I wish him the best of success in the future and salute this fine officer for the outstanding work he is doing.

At this time I insert some recent articles from the Guam Tribune about Captain Butterfield's achievements:

[From the Guam Tribune, Aug. 31, 1984]

Butterfield Selected Healthy American Fitness Leader for 1984

According to a United States Jaycees news release, Guam Naval Air Station Commanding Officer John A. Butterfield has been selected as one of ten Healthy American Fitness Leaders (HAFL) for 1984 to be honored at a ceremony on September 19, in Washington D.C. Captain Butterfield is a graduate of the United States Naval Academy at Annapolis and Harvard University.

Butterfield was selected by the U.S. Jaycees for his efforts to bring fitness to people all over the world. He founded running clubs across the United States and in foreign countries and has spoken at various clinics and seminars. As coordinator for Physical Fitness and Training for the Department of Defense, Butterfield was responsible for implementing a directive on physical fitness and weight control and encouraged the Armed Services to give attention to the important relationship of fitness to readiness. He also helped establish a close relationship between the President's Council on Physical Fitness and Sports and the Department of Defense.

In 1978 Butterfield received the Navy League's John Paul Jones Award for Inspirational Leadership. Captain Butterfield and his wife Priscilla have three children; Molly, Andrew and Wendy.

The HAFL Awards are administered in cooperation with the President's Council on

Physical Fitness and Sports and sponsored by Allstate Life Insurance Company.

The United States Jaycees, formerly the United States Junior Chamber of Commerce has approximately 7,000 local chapters with 270,000 members nationwide.

On Guam, Captain Butterfield is an avid member of the Guam Running Club and recently organized the NASUSO sponsored Team Triathlon fielding over 200 people for the event.

[From the Guam Tribune, June 29, 1984]

NAS CO, THE MAN BEHIND MILITARY FITNESS

He's got 56 marathon finishes to his credit including the Boston (seven times), the famed New York and the San Francisco Golden Gate Marathon and a host of other lesser known courses, but that's the least of his accomplishments.

With a genuine humility that bespeaks his Christian faith, the United States Navy's Captain John Butterfield talks about his involvement as the overall Coordinator for formulating the physical fitness policy for all the armed services of the United States of America. The degree of responsibility and the scope of the work involved is staggering when one considers that more than 2 million men in uniform will be directly affected by the fitness policy.

Early in 1982, Captain Butterfield was in command of a small naval base in the Mediterranean when reassignment to a tour of duty in Washington, DC placed him in an Assistant Secretary of Defense Office that also happened to be charged with monitoring the physical fitness policy of all the armed services. The job was included among his more important duties in the Defense Department.

"It was flat blind luck that I got that job," said the Navy Captain. And it happened almost matter-of-factly as the Captain remembers someone saying. "Butterfield, by the way, your office is responsible for the physical fitness policy for all the armed forces."

At the time, under Presidential direction, the services were told to do a better job in insuring that the services were more physically fit. The details would be left to the individual services to implement. Butterfield would be the "overseer" and "Coordinator" for the fitness policy acting as Chairman for the Department of Defense Fitness Committee.

The quarterly round of committee meetings started. Testing procedures were formulated, evaluated and reevaluated. All avenues and methods pertaining to improving and maintaining individual physical fitness were investigated. The ultimate purpose was to "refine the individual services' programs so that it was something that was workable." Testing, weight control and medical screening policies were proposed and agreed upon. Remedial programs were defined to get people to pass the prescribed test. Most importantly, the policy addressed the need to "convince the troops of the importance of a personal interest in fitness," said Butterfield.

The Captain's own keen interest in personal fitness was the perfect catalyst for the overall Defense policy. As early as 1970, Butterfield had started on his own Aerobics program. He had read Dr. Ken Cooper's book on aerobics while at the Armed Forces Staff College. Cooper's Aerobics Clinic in Dallas, Texas was one of several institutions consulted to form the basis of understanding the mechanics of physical fitness.

The study was also designed to "insure down through the ranks" a complete maintenance program for fitness. Butterfield says the navy tests once a year. For the Navy, a required 1.5 mile run is included in the tests, whereas, the Marine Corps requires a 3 mile run.

The seriousness of that origin Presidential directive is that some individuals have been discharged from the services for failing to meet the fitness requirements, although Butterfield says, "that hasn't happened in great numbers yet." The remedial program was designed to give prospective failures a year to show progress. But Butterfield says there are specific cases where "promotional advancement was held up because a particular individual was unable to pass the fitness test or because they were obese."

Butterfield himself qualified for the Olympic Marathon trials in 1972 running a personal marathon best of 2 hours, 28 minutes. His sharp competitive edge is obliquely obscured by an effervescent and unbounded enthusiasm for living. He has since become good friends with Dr. Ken Cooper and both share a bond with San Francisco's blind runner, Harry Cordellos. As Cordellos's partner in the 1975 Boston Blind Runner's Marathon, they hold the record at 2 hours, 57 minutes which even under normal marathon conditions is very very fast.

Although injuries in the last couple of years have set the Captain's running goals back a bit, he is still a formidable road racer and has participated wholeheartedly in the Guam Running Club's schedule of events.

Captain Butterfield arrived on Guam earlier this year and is currently the new Commanding Officer at NAS, Agana, Guam. He graduated from the Naval Academy in 1959 and has been a commissioned officer for the last 25 years.●

H.R. 5814

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. HAYES. Mr. Speaker, as this the 2d session of the 98th Congress draws to a close, many of us will be facing the voters for reelection. While there are a host of issues our constituents will want to discuss, I am certain each and every Member of this body will hear the pleas of the unemployed.

Today, the official unemployment figure stands at 7.5 percent of the population. That translates into 8.5 million Americans who are without employment. For black Americans that figure is around 14 percent. Considering those who are not counted in the official unemployment rate and the families of those unemployed, the figure approaches 21 million citizens who are affected by the unemployment in this country. In the First Congressional District of Illinois which I represent, I see the unemployed every time I return home. I hear their stories about the pain and suffering of not having an income, of not being able to find a job, of how their lives have become shattered and how their families have become disillusioned. In human terms, unemployment is a tragedy with epidemic proportions.

Whether you talk about the south side of Chicago, or the rural roads of our late colleague, Carl Perkins, the story is the same, families are going hungry and jobs are nonexistent. Many proposals in this Congress which could have helped in the fight against unemployment have been sidetracked or outright killed by the Reagan administration. While it is uncertain at this time who will occupy the White House for the next 4 years, one thing is certain, this August body will have to come to terms with its responsibility to help those citizens who are in need.

I believe one mechanism to effectively deal with this problem is a bill I introduced, H.R. 5814, the Jobs and Income Action Act. This measure, which was summarized in the CONGRESSIONAL RECORD on June 14, 1984, has been the subject of one hearing which proved very informative and insightful for the House Subcommittee on Employment Opportunities of the Education and Labor Committee. I plan to reintroduce the measure in the 99th Congress at which time I will be seeking cosponsors from both sides of the isle.

So that my colleagues will have a little more insight on the Jobs and Income Action Act, I want to take this opportunity to share with them two articles on the bill written by very notable authors. The first article, entitled, "What Do We Mean By Freedom," is authored by Frances Moore Lappe, the author of "Diet For a Small Planet." The second article entitled, "A Job as a human right," is authored by Dr. Manning Marable, now a professor of political sociology at Colgate University. I urge all of my colleagues to read them. The articles follow:

A JOB AS A HUMAN RIGHT

(By Dr. Manning Marable)

Perhaps President Reagan's greatest publicity coup in the past year has been the widespread belief that the administration's policies have produced an "economic recovery." Technically, there has been a marked decline in unemployment rates. From December 1982 to December 1983, the unemployment rate declined from 11 to 8.5 percent. As of July, 1984, the Reagan Administration proudly reported that only 8.5 million Americans were jobless, roughly 7.5 percent of the labor force.

However, the Joint Economic Committee of Congress noted recently that real unemployment is still worse than ever. The Labor Department does not count "discouraged workers" in figuring the labor force. These are women and men who have lost their jobs, have exhausted all unemployment compensation, and who have not "actively" applied for a new job within a month or more. If discouraged workers are counted, the real rate of unemployment increases to 9.7 percent. Then there are millions more workers who have part-time jobs who would like to work full time, and millions of others who are employed on a temporary or marginal basis at minimum wage levels, which cannot support a family. The Reagan Administration counts none of these marginally employed adults in their unemployment statistics. And the total number of Americans who were either out of work, underemployed, or who were in families whose incomes were halted or disrupted between June 1983 and June 1984 was 71.2 million.

The Reaganites and conservative Democrats have suggested several "solutions" to the unemployment crises. One popular scheme is "Workfare," in which welfare recipients are ordered to work at a public job in order to receive benefits. In theory, workfare provides the poor with occupational skills which permit them to be competitive for other jobs. But in practice, it is little more than slave labor. In New York City last year, 27,000 welfare recipients had benefits cut or halted for months for "failing to meet work requirements." Near all welfare recipients do not object to working—but they receive less than half of the salary normally given to nonwelfare employees with identical skills for the same jobs. Few of the workfare participants ever obtain permanent, "regular" jobs; none of them may join the public employee's union, by court order; and their use by the city weakens the unions and reduces the number of positions for full time workers. A second strategy of the Reaganites, the proposal for a "subminimum wage" for youth, would reduce positions for adult workers and tend to lower the overall wage scale for service workers and manual laborers.

Congressman Charles Hayes (D-Illinois) recognizes the inadequacies of these and other "solutions" to the jobs crisis. "With residents of urban ghettos and areas which suffered disproportionately from industrial decline, reaching twice the national average, it is obvious that new and innovative strategies" are needed "to attack this critical problem." On June 14, Congressman Hayes introduced before Congress, H.R. 5814, "The Income and Jobs Action Act of 1984," which in comprehensive scope and political vision is one of the most profound documents in recent years. The "Income and Jobs Action Act" declares that "every adult American able and willing to earn a living through paid work" should have the human right "to a free choice among opportunities for useful, productive and fulfilling paid employment at decent wages." Those unable to work have the right "to an adequate standard of living that rises with increases in the wealth and productivity of the society." H.R. 5814 calls for one percent of the annual Pentagon budget to be transferred to a new "Conversion Planning Office" which would promote planned conversion "from military to civilian" sectors of the economy, and from old industrial civilian sectors (steel, auto, etc.) to "areas of needed civilian expansion." The bill also calls for decentralized, "non-federal planning for sustainable recovery and full employment" by town, city, state government agencies, with direct input from neighborhood associations, women's and civil rights groups. The long-range goal of this "bottom-up" planning is to foster genuine economic democracy, and cutting the average work week to 35 hours.

It is absolutely imperative that all constituencies from the Rainbow Coalition—Blacks, Latinos, farmers, women's groups, progressives in trade unions, etc.—push the Hayes jobs bill at local levels through educational meetings and public demonstrations. Various groups, including the National Congress of Unemployed Organizations and trade union locals, are mobilizing members to lobby for this bill. Last year, unemployment cost the nation over $200 billion in unpaid taxes and benefits. A guaranteed income or job not only makes solid economic sense—it is the most fundamental moral and human right of all.

WHAT DO WE MEAN BY FREEDOM?

(By Frances Moore Lappe)

July 4, 1984.—A jarring pair of images: July 4th recalls freedom from tyranny; "1984," the end of freedom. This clash of symbols prompts a new look at what we mean by freedom in America in 1984.

Our forebears knew what they meant by freedom—escape from a monarch's tyranny. Freedom was a political concept to be secured through political rights—to vote, to assemble and speak freely, to think and worship according to one's conscience.

Yet, they understood that political freedom depended upon economic independence, based on economic security. "A power over a man's subsistence amounts to a power over a man's will," Alexander Hamilton said. But such independence was assured, they believed, by forces outside of the political arena.

In Thomas Jefferson's view, the vitality of our political democracy rested in large part on our development as a nation of economically independent freeholders, controlling our own sustenance. Jefferson ignored the painful issue of slavery, but at least for free men, economic security was insured by our country's generous natural bounty and by the wide dispersion of economic power—quite reasonable assumptions in a largely undeveloped land where 90 percent of white citizens owned their own jobs as self-employed small farmers and business people.

Our forebears thus presumed that to protect our freedom, we needed no independent economic rights, such as the right to earn a livelihood, or the right to an adequate standard of living for those unable to work.

But over the last two centuries, the very foundation on which our forebears' vision rested seems to have given way to precisely what they most feared—dependence on concentrated economic power. "Dependence breeds subservience." Jefferson warned. Today, the same percentage of our people that were once independent entrepreneurs are now employees, working for fewer and fewer corporate bodies. Out of 16 million enterprises in the United States, 1,200—or less than one hundredth of 1 percent—sell one half of the nation's goods and services and account for one out of every three jobs.

While, following Jefferson, Americans have presumed that private property is a prime guarantor of our freedom, many of us have failed to note the obvious, put so well by Yale economist Charles Lindblom: "Income-producing property is the bulwark of freedom only for those who have it." And most Americans don't. The wealthiest one-half percent of Americans own half of all corporate stock, receiving, on average, $100,000 a year in dividends from these assets, while the bottom 83 percent own less than 10 percent of corporate stock, averaging only about $100 a year in dividends. Eighty percent of Americans own no stock at all. And one half of all Americans have no net savings to protect them against economic disaster such as the loss of a job.

With wealth-producing property so narrowly held, with "acceptable" unemployment regularly redefined upward and nearly half of Americans now facing poverty or just scraping by, our security, and therefore our freedom, decreases. For the essence of freedom is choice, and economic insecurity is a prime impediment to choice. As Franklin Roosevelt told us, "Necessitous men are not free men."

Indeed, what does freedom mean to an unemployed steelworker? The choice of another job with comparable opportunity? Maybe. But with millions of others jobless, and with no means to insure that companies invest in communities where jobs are needed, the choices are mighty narrow.

And for the half of American working women whose income is $11,500 or less, especially those trying to raise children on this income, the choices for self-development are restricted indeed.

Two hundred years ago, our forebears properly focused on freedom from political coercion. For them, freedom rested in establishing clear-cut political rights.

Today, might we open a new frontier of freedom by asking what economic rights would establish the security our forebears assumed to be the handmaiden of political democracy?

Exactly 40 years ago Franklin D. Roosevelt called for an economic bill of rights. Last month, Reps. Charles Hayes (D-Ill.) and John Conyers (D-Mich.) continued to chart this new frontier by introducing the Income and Jobs Action Act. It would lay the basis for establishing two economic rights—the right to earn a living and the right to an adequate standard of living for those unable to work for pay.

In 1825, James Madison remarked that the United States "had been useful in proving things before held impossible," specifically, the capacity of humanity for self-government. What gave our founders the courage to attempt the "impossible?" At base, it was a moral leap—a profound shift in the perception of what human beings are capable.

In 1984, establishing economic rights seems no less "impossible." Do we not need a comparable moral leap, one in which economic rights become as central to our concept of freedom as political rights?●

TRIBUTE TO NORMAN D'AMOURS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BIAGGI. Mr. Speaker, it is my pleasure today to pay tribute to Norm D'Amours, our friend and colleague from New Hampshire who is seeking to return to the 99th Congress as a Member of the Senate.

Norm D'Amours has effectively served the people of the First District of New Hampshire for the past 10 years. During that time, there has been remarkable growth in this region of the Granite State but Norm has consistently provided the highest quality of constituent service and kept up with the increasing demands during this past decade.

I have had the pleasure of working with Norm on the House Merchant

Marine and Fisheries Committee. We each chair different subcommittees of the full committee and have worked together on a number of legislative projects over the years. NORM, as chairman of the Oceanography Subcommittee, has demonstrated great leadership on behalf of protecting the valuable resources of the ocean from the ever-present threats caused by pollution. He has also led efforts to protect marine mammals and in general is one of the more enlightened Members of the House in terms of protecting those elements of the environment which fall under the purview of his subcommittee.

NORM D'AMOURS is also a leader on the House Banking Committee. He will perhaps best be remembered for his outstanding leadership which led to the repeal of an onerous proposed withholding tax on interest and dividends.

NORM was elected to Congress after a distinguished career as an assistant attorney general and as Manchester city prosecutor. He has taught at the State police training school and at St. Anselm's College. Coming from the ranks of law enforcement as I do, I appreciated NORM's strong support for law enforcement during his career in the House.

I wish NORM well in his campaign for the Senate and know that I as one Member was grateful for his friendship. He is a hard-working and dedicated public servant who has served his constituents and Nation well.●

TRIBUTE TO REV. CHARLES B. MOTSETT

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, the Reverend Charles B. Motsett observes a milestone this year: He celebrates his jubilee, 50 years in the priesthood. This is a grand occasion and one which will be celebrated in communities across central Illinois.

Father Motsett serves as the chaplain for St. Elizabeth Hospital in Danville, IL. This is his second stay in Danville; the first, from 1948 to 1974, saw him serving as pastor of St. Paul's Parish and treasurer of the Schlarman High School Board. From 1974–82, he was pastor of Sacred Heart Church in Farmer City, IL.

When he arrived at St. Paul's, it had 175 families; when he left, the membership was 800 families.

Father Motsett received his education at Notre Dame University and completed his theology training at North American College and Gregorian University, Rome. He was ordained in Rome in 1934, and accepted parish positions in Canton, Kewanee, and Gibson City, IL.

Among his honors is the First Citizen of the Year Award from the American Business Club of Danville.

Father Motsett, congratulations upon your jubilee, and we thank God for your continuing ministry among us.●

ARMS CONTROL AND COMPLIANCE ISSUES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. FASCELL. Mr. Speaker, on January 23, 1984, President Reagan submitted to the Congress a classified report on Soviet noncompliance with arms control agreements and released to the public an outline of the seven specific charges listed in the report. Late last night we received a similar study conducted by the General Advisory Committee [GAC] on Arms Control and Disarmament. It is important to note, however, that in President Reagan's transmittal letter he states that:

> Neither the methodology of analysis nor the conclusions reached in this report have been formally reviewed or approved by any agencies of the U.S. Government.

It is our responsibility to carefully consider the charges contained in this report in order to be assured that existing arms control agreements continue to serve our country's national security interests. The importance of existing treaties must be weighed judiciously against the importance of the alleged violations. All avenues with the Soviet Union for resolving the differences, explaining the evidence of violations, and of rectifying the problems must be exhausted in negotiating mechanisms such as the Standing Consultative Commission or in other special high-level meetings or negotiations. It is also important to remember that compliance issues are usually complicated and difficult to resolve but past experience has proven that they can be successfully worked out to our satisfaction and to the satisfaction of the Soviet Union with no compromise to our own national security. But, it takes an ongoing consistent commitment to arms control and negotiations at the highest levels of the executive branch to achieve those successful results. There is one successful consultative process which exists and we must be absolutely sure to use that to the fullest extent possible while also being careful not to undermine the credibility and access to that consultative process, the Standing Consultative Commission. We cannot simply lodge these accusations and then walk away from the problem when it so vitally affects our national security and involves nuclear weapons. We must make new efforts to resolve our differences with the Soviet Union and solve these problems of compliance.

As the General Advisory Committee report is evaluated and analyzed there are three major considerations we should keep in mind.

First, the charges of Soviet violations of arms agreements and treaties with our country are serious and should be considered with caution and analyzed carefully. The charges must be substantiated. In the first report to Congress by the President on January 23, 1984, many of the findings were tentative and inconclusive. It remains to be seen if the General Advisory Committee report represents any change from the January 1984 report. It is my concern that we may be unnecessarily jeopardizing our national security by elevating to public international accusations certain arms control compliance problems which might have been solved and rectified at a working level between our country and the Soviet Union. Caution and consultation are needed to head off such a potentially dangerous development which could place the framework of arms control agreements and treaties between our country and the Soviet Union in jeopardy.

It is also important to remember that the treaties and agreements that are in force or that are being observed do exert control and limitations on the nuclear arms situation. The treaties should not be challenged lightly since such actions might cause a breakout into several areas of the nuclear arms race which have been restrained by existing treaties.

It is crucial to evaluate whether the violations actually damage the treaties and agreements or offer either side a military advantage. In this respect, in testimony before the Foreign Affairs Committee earlier this year, Richard D. Perle, Assistant Secretary for International Security Affairs at the Department of Defense assured the committee that Soviet "cheating has been at the margins" and has not resulted in a military advantage for the Soviets. Such violations need to be resolved and rectified but should not place the treaties or our arms control objectives at risk. As long as the integrity and usefulness of the negotiated arms control agreements can be maintained while resolving the specific charges of misconduct, the existing system is working and should be respected and sustained.

Second, there is a working consultative process which can resolve the specific charges and that process should be used as much as possible. The process is the Standing Consultative Commission. The Standing Consultative Commission has worked successfully in the past to resolve disagreements between our country and the Soviet Union regarding compliance with arms control agreements. Certain nuclear arms activities by both the Soviet Union and by our country have been questioned in the Commission context. Some of the activities have been clarified and explained while other more suspect activities have actually been changed or corrected by both sides. In fact, Robert W. Buchheim who was SCC Commissioner from 1976 to 1981 stated quite bluntly that the SCC "never yet had to deal with a case of real or apparent clear and substantial noncompliance with an existing agreement." In the past the Soviet Union has actually halted certain nuclear arms activities which were questioned in the SCC. For example, they halted such things as new missile silo construction, certain forms of concealment, and testing air defense radars in an ABM configuration. They dismantled and destroyed those radars.

Previous administrations, Republican and Democratic, have expressed satisfaction with the Standing Consultative Commission and its ability to resolve compliance problems. President Ford stated at a press conference in June 1975:

> I have found that (the Soviets) have not violated the SALT agreements, that they have not used any loopholes, and in order to determine whether they have or they have not, there is a Standing Consultative group . . . and that group, after looking into the allegations, came to the conclusion that there had been no violations.

And Paul Warnke, Arms Control and Disarmament Agency Director during the Carter administration, put it this way:

> We have demonstrated our ability to verify compliance with the SALT I agreements with high confidence . . . The United States has promptly raised with the Soviets any unusual or ambiguous activities which had given rise to U.S. concern. Consequently, the Soviets are well aware that the United States will call them into account for any questionable activities related to their strategic programs and will expect satisfactory clarification or resolution of the problems involved.

The experience with SALT I seemed to reinforce the idea that in a consultative process of ongoing negotiations U.S. concerns were answered by Soviet explanations or Soviet corrective actions. An interagency group composed of DOD, the JCS, State, CIA, and ACDA concluded in 1979 that:

> The specific charge that the Soviets cheated on SALT I is inaccurate. We raised a number of issues with the Soviets in SALT I, as they did with us, but in every case the activity in question either ceased or subsequent information clarified the situation and allayed our concern.

If, indeed, this consultative process has the potential of continuing in such a successful manner then we should be acting to support and facilitate that process, using it to the fullest extent possible.

Third, we need to get back to the business of arms control rather than exclusively competing in new weapons systems and trading accusations about treaty violations. What if we were to offer the Soviet Union a consistent commitment to arms control and an active agenda which promises to lead to agreements and provide incentives for resolving problems and differences. Our country has not maintained a consistent active arms control policy accompanied by a continuous dialog at a high level and even a working level with the Soviet Union. If we can work our way into a stable businesslike posture with a problem-solving rather than a problem-creating approach then we may achieve some arms control progress which can enhance our national security. We have problems with Soviet compliance to certain treaty provisions and they have problems with our compliance so the best way of mutually resolving these grievances may be to return to a working reliance on the Standing Consultative Commission to resolve these problems and differences. We do have an important national security stake in seeing the arms control process resolve these problems.

These are the three considerations that I think should form part of the evaluation of the General Advisory Committee report on Soviet noncompliance with arms agreements.

As chairman of the Foreign Affairs Committee and the Subcommittee on International Security and Scientific Affairs I have requested a Congressional Research Service study on arms control policy and I am also organizing arms control hearings and briefings for the 99th Congress. Parts of the study and several of the hearings and briefings will focus specifically on the issues of compliance and verification. I trust that these efforts will also be helpful in our careful evaluation of the General Advisory Committee report and in our own deliberations about the direction of arms control policy in the future. It is my view that our country must make new arms control efforts to resolve with the Soviet Union all of these allegations of Soviet arms violations and to ensure future treaty compliance.●

BLACK AND JEWISH UNITY IN THE UNITED STATES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. CONYERS. Mr. Speaker, the issue of black and Jewish unity in the United States deserves a dispassionate and thoughtful examination conducted in a moment of tranquility. Questions of affirmative action and international affairs cannot be resolved in the noise of headlines and deadlines, but must be approached in a spirit of growth and mutual understanding by all colleagues, black and Jew, and all members of the human family. Such is the article by Lenni Brenner which appeared in Freedomways magazine in the second quarter of 1984.

This examination may raise our sociological consciousness about cross-cultural fertilization, as well as elevate our political maturity at a point in history when humanity sorely needs more consultation and understanding than it needs noisy confrontation. In the "Misguided Search for Black and Jewish Unity," noted Middle East historian Dr. Brenner has presented his case in a manner that is timely and thoughtful but not divisive. A reading of it, whether or not you agree with his conclusions. will certainly elevate the discussion to a higher and more positive level as we continue the search for unity, peace, and justice among all the world's peoples.

THE MISGUIDED SEARCH FOR BLACK/JEWISH UNITY

(By Lenni Brenner)

Out of the controversy surrounding presidential candidate Jesse Jackson's "Hymie" remark arose, yet again, a host of questions regarding the relationship between Blacks and Jews. While the dust may have finally settled on the incident itself, the discussion it triggered—a discussion that goes far beyond Reverend Jackson, his remarks or the election at hand—continues. The main question being addressed is whether the potential exists for forging some kind of coalition between Afro-Americans and Jews. For any such dialogue to be meaningful, it must not only consider the social interaction of the two groups and their relationship to (as well as the nature of) the Democratic Party in which both play a crucial role, but it must take into account the sociological evolution undergone by American Jews in the decades since World War II.

The "Hymie" incident brought forth several responses from Jewish liberals. Philip Green, writing in the March 17, 1984, issue of The Nation, calls himself a Jackson supporter and tells Jews to overlook Jackson's slur, for which the candidate had apologized. However, it quickly becomes clear that the Jackson candidacy as such is not the writer's central concern. To the contrary, what Green calls "the immediate program of retiring Ronald Reagan" looms as being far more important to him than the "longer-run hope for fundamental political change," which identifies with Jackson. To Green, the most serious danger posed by Jackson's offense was that his campaign would collapse "and the enthusiasm of his supporters [would be] replaced by a sense of loss and betrayal. . . . That scenario leads to an all-too-plausible conclusion: black voters sitting on their hands. . . . And that would mean a defeat for any Democratic candidate."

Although Green's Jewish identity is the peg on which he hangs his article, he is not really writing as a Jew but as a liberal. This is evidenced by his inability to come up with any specifically Jewish motivation for supporting Jackson, beyond the statement that Jackson's positions are "vitally in our interests."

Another liberal submission to the debate is Jack Newfield's widely discussed "Blacks and Jews," in the March 20, 1984, edition of New York's popular weekly, *The Village Voice.* A prominent reform Democrat, Newfield leads off with a pious preachment about brotherhood:

> What Jackson said is a tragedy: for him, for black-Jewish relations, for champions of compromise in the Middle East, and for the noble concept for a rainbow coalition of the rejected. . . . What is needed now is the courage to transcend our automatic loyalties to our own tribe. . . . Only by creating loyalties to something more universal than our immediate tribe—to ideas and values like community, tolerance, pluralism and equality—can we begin the process of reciprocity and reconciliation between Blacks and Jews.

One might be tempted to say amen to this homily except that, for Newfield, the term "tribe" is a euphemism for race. The essential racialism of Newfield's orientation, veiled in his *Voice* pronouncements, surfaces unmistakably when he is addressing his fellow Jews, as he does in an inteview published in the Autumn 1982 issue of *Response,* a small circulation magazine targeted to a Jewish readership:

> Well, I think I share . . . an identification with the tribal suffering. I don't know why, but if I read of Russian Jews waiting outside a visa office, if I read that a synagogue is blown up in Brussels, or I read Timerman's book, it affects me more on a certain level than when I read about a massacre in El Salvador or if I read about some atrocity in South Africa. There is a sense that these are my brothers and sisters. . . . my Jewish identity basically is tribal.

Ever cautious when writing in the *Voice,* with its heterogeneous circulation of over 500,000, he lets it all hang out in *Response:*

> I have come to accept that there is a good deal of wisdom in Pat Moynihan's report on the breakup of the black family structure. My political bias was to disbelieve the theory, but my experience suggests that it is valid. I know how most black leaders hate this theory of Moynihan's. But I think the absence of a strong father figure of authority, the loss of discipline, the consequences of a working mother, the lure of the streets, all contribute to the loss of civilized values. Yes, sure, unemployment, racism, rotten schools, and the availability of heroin are big factors. But I also think that the lack of a stable, traditional, biological family structure is also a factor.

Jewish liberals tend to view Blacks as, first and foremost, a handle to the liberal ax: Blacks are to provide numbers at the polls for the Democratic Party. Naturally enough, not a few black Democrats are coming from a similar place; for them, the Jews are the handle, providing votes and, it is important to stress, campaign contributions for deserving black Democrats. To these careerists, the fact that proportionately more Jews do vote for black Democrats than do whites of other ethnic groups is crucial. But it is crucial only within a conception of politics that extends no further than the borders of the electoral arena.

Within a broader view of politics, one that is concerned with the issue of society's fundamental reorganization, two questions immediately arise: Have the aforementioned black Democrats attempted to seriously alter the power relationships prevailing in the United States? And are there many among the Jews who voted for them who are prepared to go further, to ally themselves with the masses of Black people behind a program of firm opposition to an economic system that does not and cannot, by its very nature, provide education and jobs to the poorest strata of Blacks, Native Americans and Hispanics? Being liberals in the end, these black Democrats necessarily cling to and puvey a false picture of today's U.S. Jewry, thereby obscuring the only real possibility that exists: an alliance between the broad majority of Blacks and other exploited groups and the progressive minority of Jews.

THE MISUSE OF HISTORY

For Jack Newfield (in his Voice persona), matters could not be plainer:

> "The logical morality of black-Jewish coalitions is overwhelming to me. Blacks and Jews share a history of persecution, slavery and the Holocaust."

Except that slavery ended 119 years ago, Hitler was defeated 39 years ago, and the Holocaust occurred on the European, not the American continent. If black history has not been compelling and instructive enough to dissuade leading black American entertainers from breaking the cultural boycott of South Africa and performing in the bantustans, then it is folly to think that the Jews will ever unite en masse with Blacks on the basis of Jewish history. For surely Newfield is aware that while all Jewish people learn that their ancestors were "slaves in Egypt," such knowledge did not prevent Jews from owning slaves, including black slaves. Unquestionably, it is important to learn from the past, but it is important to learn from the full sweep of history, not merely from the history of one's own or another group's oppression. Preoccupation with ancient wrongs can never produce an effective strategy for the future.

Closer to today, Newfield reminds us of—

> A shared history of struggle in the civil rights movement. There is no more haunting symbol of that collaboration than the buried bodies of Goodman, Chaney, and Schwerner—two Jewish activists . . . and a black activist who were murdered together.

Here again, Newfield surely knows that the vast majority of southern Jews did not march with the black activists in the '60s. He must know also, regarding northern Jews, that while most of them sympathized with the civil rights struggle when it was confined to the South, by 1966 no less 55 percent of New York's Jews thumbed their noses at the black community's needs and concerns and voted against a civilian police review board. In this area, at least Newfield would be well advised to follow the admonition of editor Leonard Fein, in the April 1984 issue of his magazine, Moment:

> It is inappropriate for those who regularly refer to "shvartzes" sanctimoniously to condemn those who use "Hymie". . . . It is time, and then some, for us to stop pretending that our history of persecution has immunized us against prejudice. And it is time for us to stop expecting to be rewarded with gratitude for having once upon a time been there when it counted. *When it comes to the battle for justice, credentials must be daily renewed.* (Italics mine)

The political trajectory of today's American Jewry cannot be accurately traced without reference to the contemporary Jewish economic and social condition. In this regard, Jack Newfield displays a not uncommon misperception of current realities:

> A surprisingly large number of people believe in the stereo-typical myth of the powerful Jew. . . . The real power in America is corporate and military. . . . Jews do not own the biggest banks . . . Jews do not own any oil companies . . . Jews do not control the defense industry. . . . Jews do not own any of the corporations that have become symbols of greed or misconduct.

To be sure, the myth of the "all-powerful Jew" was a staple of European anti-Semitic propaganda. It is not surprising, therefore, that many liberals, and even many on the left, are squeamish about having attention called to those economic changes which have converted a community, once unique in the United States for its mass radicalism, into a pillar of capitalism. (In contrast, the Jewish "neo-conservatives" openly celebrate the swift upward mobility of American Jewry and are using it to court Jewish youth.) But let us not exchange the old myth for Newfield's new one—that modern American Jewry is still a pariah within the economic order.

The Jewish immigrants who filled the tenements of New York City's Lower East Side in the early 20th century were overwhelmingly poor. However, blue collar workers constituted a majority of the Jewish population only up until the 1940s. From that point on, the picture began to change and, today, only 13 to 15 percent of Jews are poor. While some of these are women of all ages, most are retirees. Excepting such atypical subgroups as Israeli and Soviet immigrant taxi drivers, the blue collar Jew is a vanishing breed. Conservative sociologist William Rubinstein, writing of Western Jewry as a whole, correctly surmises that "indeed, the Jews may become the first ethnic group in history without a working class of any size." At least 85 percent of American Jewish youth go to college, the highest rate for any ethnic or religious community on earth. Among younger Jews, grade school and high school teachers make up the lower class. Today, Jews comprise only 2.7 percent of the population of the country but are 9 percent of the nation's doctors and 20 percent of its lawyers. On an Ivy League campus, up to 30 percent of the instructors are likely to be Jews. According to the historian, Howard Sacher, "by 1957 . . . some 20% of America's 9,000 millionaires were Jews." The distinguished journalist, Stephen Isaacs, writes that "Jews are now the most affluent group in America. . . . Comparisons of the data showed that Jews had moved past the Episcopalians . . . and one suspects that the gap has widened since 1969."

"As for the top stratum of the Jewish population, the lists published in the 1982 and 1983 issues of Forbes magazine, devoted to the 400 richest individuals in the U.S., are instructive. Based on the names listed (for example, real estate magnate Seymour Milstein is not a Puerto Rican), source of wealth, and biographical information gleaned from other publications, one could make the educated estimate that, at the very least, 80 of the 400 richest Americans are Jews; i.e., at least the same percentage that Sacher gave for their percentage among millionaires as a whole.

The monopolization of most major U.S. industries was well under way when the large-scale Jewish immigration occurred during the early 20th century, so Jewish investors necessarily drifted into fields that were then marginal, as with movies and real estate. (This marginal status was also attributable to anti-Semitism, which was strong within the upper class during that period. It lingers on, and its last legal redoubts are some posh social clubs which the Supreme Court allows to discriminate on the grounds that they are private. Club discrimination, which is down at any rate, would quickly collapse if wealthy Jews chose to make an issue of it. That they do not suggests, first of all, that they do not see themselves as suffering from it, at least not to any great extent—Irving Shapiro, the former chairman of Dupont, regards those who complain about club discrimination as "second and third raters who use it as a crutch." Secondly, being capitalists, they are not inclined to demonstrate for anyone's rights, even their own, because they identify such protest with the radicalism they abhor. Finally, a significant element among them share Newfield's tribalist perspective and, as with Laurence Tisch of the Loew's theater chain, they oppose assimilation as a "disaster.") But to imagine that these investors-turned-millionaires are, in today's United States, somehow marginal, a sort of pariah elite, is to superimpose the past onto the present.

What message do the statistics convey? While a small percentage of the elderly Jewish poor are liberals, and some are even radicals, most cannot be thought of as potential allies of the black poor. Rarely does it happen that elderly people who were not liberal or radical in their earlier years become so in old age. Moreover, today the elderly Jewish poor feel preyed upon by black youths of the so-called underclass. With the next stratum, the middle-level professionals, we find that while some Jewish school teachers, for example, are liberal—that is, they support Black and Hispanic control over their communities' schools—it is widely known that the conservative majority of the United Federation of Teachers consists of Jewish teachers who are the power base of that union's conservative head, Albert Shanker. Or consider the membership of the liberal American Civil Liberties Union (ACLU); while the percentage of Jewish lawyers in the ACLU is higher than their percentage among lawyers as a whole, they are nonetheless a minority of Jewish lawyers. Over at the more militant National Lawyers Guild, one finds an even smaller minority.

Even excluding the millionaires and the other upper class types, generally speaking, the typical class relationship between a Black person and a Jewish person is one in which the Jew is in the superior social position. Few Jewish students have the experience of being taught by more than one black teacher, if that. Few Jews patronize black-owned stores. Fewer still have utilized the services of a black attorney or a black physician. The number of Jews with black landlords must be miniscule, and has there ever been a Black person who had a Jewish maid? In contrast, sociologist Seymour Martin Lipset estimates that a majority of white families residing outside of the South with full-time servants are Jewish, and 40 to 60 percent of middle class Jewish families have their black cleaning lady.

It is the Jewish past, with its long history of persecution and its now-vanished blue collar tradition, that lends an air of initial credibility to the notion that masses of Blacks and Jews can be united in a coalition. But when we leave aside the historic factor and examine the contemporary class character of the two groups, the prospects for coalescence are revealed as illusory. Those people, Black and Jewish, who are advocating a mass Black/Jewish bloc fail to notice that the interests of a predominantly affluent group and a predominantly working-class and poor group are not, and cannot be, the same.

AMERICAN JEWRY'S EVOLUTION: FROM LEFT TO RIGHT

Anti-Semitism and poverty combined to produce a sizable revolutionary movement among the Jews of the Russian Tsarist empire. Adherents of the movement were numerous among those Jews who immigrated to the United States, and for as long as a blue collar Jewish working class existed in this country Jewish radicals played a significant role in the leadership of the trade union movement. The election of a Socialist Party congressman from Manhattan's Lower East Side in 1914, 1916 and again in 1920, firmly established the classic image of the Jew as radical. But although the radicals remained a powerful force until the late 1940s, the onset of the New Deal in 1933 say liberalism eclipse radicalism as the dominant ideology among Jews, with the Roosevelt taking 90 percent of the Jewish vote in 1944. This political development was, of course, directly related to the evolving and changing class make-up of the Jewish population.

The transformation of the Jewish community from working class to overwhelmingly bourgeois was a completely domestic process, quite independent of Zionism's fate in the Middle East. In fact, until the U.S. government's recognition of the newly-created state of Israel in 1948, the leading Jewish Establishment organization, the American Jewish Committee—publisher of Commentary—was hostile to Zionism, fearing that it would raise questions about their loyalty to U.S. capitalism. However, once Israel's existence was given Washington's blessing, Zionism became a central focus for the Establishment and its point of ideological linkage to the Jewish middle class.

There were always some wealthy Jews in the Republican Party, and their number increased in the 1970s after the Israeli government concluded that it could not ultimately rely on George McGovern. True, McGovern strongly supported arms for Israel, but he preached peace elsewhere, and his supporters were a peace constituency. This could not set well with Israel, which requires a warlike U.S. government to sustain its diet of U.S. arms. Accordingly, the then Israeli ambassador to the United States, Yitzhak Rabin, toured the synagogues urging Jews to vote for Nixon. He did capture 35 percent of the Jewish vote in 1972, and Reagan commanded 40 percent of that vote in 1980. Nevertheless, it is impossible to assess the degree to which Israeli policy interests, as a separate factor, moved these minorities of Jews to the right, given that they were equally right-leaning on domestic issues, particularly those connected to race. The one certain thing is that while they see Jewish support as highly desirable, the Republicans, being the party of the entire capitalist class, are not financially dependent on their wealthy Jewish supporters, and the latter do not play a disproportionate role within the Party's councils.

The Democrats are another matter. For them, the question of Jewish support is crucial. Despite the large minorities for Nixon and Reagan, the Jews remain the only white ethnic group that does not give a majority of its votes to the Republicans. And while both the Blacks and the Hispanics give more of their votes to the Democrats than the Jews do, either group contributes substantially to its coffers as neither has much money to give. According to G. William Domhoff, the Party's funds come from two prime sources: a group of Texas oil men (known as "the Cowboys"), and wealthy pro-Zionist Jews. Added to these are the AFL-CIO bureaucracy, with its ties, overt and covert (through the CIA), to Israel's de facto company union, the Zionist-dominated Histadrut. Herein lies the critical importance of harmonious Black/Jewish relations for the liberals: if the illusion of these two groups' common interests fades, the Democratic Party will have entered a period of profound crisis.

Consistent with his understandable need, as a liberal, for the fantasy that the Jews, like the Blacks, are still an outcast community, Jack Newfield must deny the role played by Jewish money in the Democratic Party. His denial in response is explicit:

> There is a kind of devil theory that the Jews control the media, or that Jews control the Democratic Party through money, which I think is inflated. And therefore it's hard to believe that Jews are discriminated against if you have these myths.

Countering Newfield's opinion is an informed discussion of the Jewish role in the Democratic Party by Stephen Isaacs in his Jews in American Politics, published in 1974:

> Members of this small ethnoreligious group are so active politically that they normally donate more than half the large gifts of national Democratic campaigns. . . . The big contributions to the political campaigns have been the same men who contribute most generously to U[nited] J[ewish] A[ppeal] and to [the Jewish] federation[s]. And the people who get the money from those contributors for politics are, generally, the same ones who have headed the UJA and federation fund drives. . . . [Max] Fisher [the leading Jewish political fundraiser, a Republican] believes it is obvious that political contributions would come from the ranks of the charity contributors.

Isaacs continues:

> As one non-Jewish strategist told this writer, "You can't hope to go anywhere in national politics, if you're a Democrat, without Jewish money". . . . "What people have to put in perspective—and fail to—" said Texan Robert Strauss, chairman of the Democratic National Committee [in 1972] ". . . is that the source of major Jewish giving is two cities: New York, Los Angeles . . . People talk about rich Texans. The truth of the matter is, there's no money in Texas compared to New York. . . ."

Nor is all of this giving merely to obtain support for Israel. Isaacs is blunt:

> On the level of local politics, the *quid pro quo* is likely to be more tangible than on the national scale. In localities across the country, Jews like non-Jews have been known to invest in candidates in return for government contracts, favorable rezonings on potentially valuable plots of real estate. . . . Jews have tended to be active in such instances of bribery . . . their types of livelihoods—real estate, for instance—have been like those of the Mafia, entrepreneurial and speculative. . . .

OF DEMOCRATS AND DEMAGOGUES

Peace movement activists are aware that there are any number of liberals who can always be counted on to sign an advertisement deploring U.S. policies vis-à-vis Southern Africa and Central America, but these same people are conspicuously silent on the issue of Palestine. Indeed, on this topic, Paul O'Dwyer may be seen accepting an award from Menachem Begin, and Tom Hayden and Jane Fonda are photographed in Beirut with the Israeli Army. Clearly, these people do not harbor imperialistic sentiments; rather, it is their party's financial dependence on the same people who fund the UJA that leads them to avert their eyes from the injustices being perpetrated against the Palestinian people.

That extreme pressure is felt by Democratic politicians and activists to capitulate to the Zionist line on the Middle East is reflected in a confession by Jack Newfield that appeared in the *Village Voice* on September 28, 1972:

> I was there when Bella Abzug said at the Village Independent Democrats in 1970 she was against the jets for Israel. And then I watched her deny she ever said it. And finally I lied, and denied she ever said it, so that she could beat Barry Farber.

In March/April 1975, George McGovern went to the Middle East and, after meeting with Yasir Arafat in Beirut, journeyed to Israel. There, he told the press that he was for the creation of a Palestinian state on the West Bank. When a journalist sought to embarrass him by reminding him that he had previously lent his name to a statement, signed by dozens of senators, opposing observer status for the Palestine Liberation Organization at the United Nations, McGovern entreated: "Please don't hold those of us in Congress to statements signed for domestic consumption."

Jesse Jackson admits having said it, but it was candidates Walter Mondale and Gary Hart who, during the New York primary, acted as if they believed New York to be a Jewish preserve, with their steady drumbeating for the U.S. embassy in Tel Aviv to be moved to Jerusalem. Knowledge that such a move would be a disaster for U.S. interests throughout the Muslim world is widespread and fully grasped by the members of the Democratic Party, and their real attitude toward the embassy proposal was exposed by Bernard Gwertzman in the New York Times:

> More than 30 Senators and 200 Representatives have co-sponsored a bill to move the American Embassy. . . . But many of the cosponsors . . . are privately saying they have created a monster that they hope will be killed before it comes to a vote.

Chagrined by the Democratic candidates' penchant for demagoguery in this area, even the dyed-in-the-wool party stalwarts at the Village Voice noted, in the paper's April 3 endorsement of Mondale, "we find ourselves in agreement with Jesse Jackson on the Middle East," and declared:

> There is little to choose between Mondale and Hart on the Middle East especially during this primary when both vie without dignity or restraint to please the most intractable supporters of a belligerent Israel. . . . The unthinking positions of both candidates represent a failure of leadership.

"Failure of leadership" notwithstanding, the liberals are irrevocably wedded to the "lesser of two evils" concept when it comes to pulling the lever on election day. Fearing a second Reagan term above all else, they are making a desperate effort to paper over the fundamental conflict between the disparate Black and Jewish components of the classic New Deal coalition.

THE EXPLODING AND IMPLODING JEWS

When the public sees tens of thousands marching in "Salute to Israel Day" parades, it does not realize that most Jews are not marching. The majority, 60.2 percent, are unaffiliated with any Jewish organization, religious or Zionist. Among heads of households under age 30, 70 percent have no affiliation. In many respects, this division—between the exploding majority, who have assimilated into the white intelligentsia, and the imploding minority who are, if anything, becoming more committed to a Jewish identity—is a central distinction among modern Jews.

When the Zionists boast of the millions of dollars collected for Israel, they do not usually mention the fact that 77 percent of those millions come from only eight percent of the donors. Moreover, according to Hirsch Goodman, a leading Israeli journalist, the vast majority of Jews in the United States have yet to give a single penny. And in spite of the fact that American Jews, like their middle-class counterparts of other backgrounds, are fond of travelling abroad, fewer than 15 percent of them have ever visited Israel—fewer than have been to Europe.

Most crucially, the intermarriage rate is soaring, and Goodman's estimate that the rate of mixed-marriages between Jews and non-Jews will reach 50 percent by the mid-1980s seems accurate. Egon Mayer and Carl Sheingold, sociologists who have been studying intermarriage for the American Jewish Committee, are categoric in their findings:

> In most mixed marriages, the born-Jewish spouse affirms a Jewish identity, but does little to act on this affirmation. . . . Most children of intermarriage are being raised without any ethnic or religious identification.

The Zionist movement's impact on U.S. Jewry is decidedly mixed, Orthodox Jews, no more than 10 to 15 percent of American Jewry, are the narrow pool from which Israel draws its very small number of American settlers. From 1948 to 1976, less than 60,000 "olim" arrived there, and it is estimated that between 60 to 80 percent returned. Thus, if we take Zionism in its maximalist settler sense, it is a failure, and obscure cult among Jews, and no more than a speck on the sociopolitical map of the U.S.

On the other hand, the movement cannot be defined solely in terms of its full practitioners. It is the wealthy members of the aptly named Conservative Jewish sect, those whom veteran Jewish leader Phil Klutznik accuses of "checkbook Judaism," who provide the financial base of the United Jewish Appeal. But the largest specifically Zionist group is the non-political women's charity, Hadassah, which claims 370,000 members—although only about 220,000 members of the entire American Zionist movement bother to vote by mail for the delegates to the World Zionist Congresses. Zionism has the distinction of being the only general movement in U.S. political life with a female majority, but this is only because it provides an outlet for Jewish women that is unavailable to them in the male chauvinist Orthodox and Conservative religious sects.

Zionism's basic weakness is its inability to attract the educated Jewish youth. In May 1976, Aharon Yadlin, then the Israeli Education Minister, admitted that only one percent of the half-million American Jewish students took part in the activities of the Hillel societies or any other Jewish campus organizations.

Imploding Jewry, the minority of the U.S. Jewish population known as "organized Jewry," is, first of all, strongly chauvinistic. This is clearly indicated by the results of a survey of 309 young leaders of the Federations and UJA, published in the 1981 American Jewish Year Book. Nearly 65 percent reject the notion that Judaism's values are the same as those of other religions. A majority are convinced that the Jews have contributed more to civilization than any other people. The religious doctrine enjoying the widest support is the one defining Jews as the "Chosen People"—63 percent accept the concept, and only 18 percent explicitly reject it. Eighty-five percent believe that assimilation is the greatest danger facing Jews. A majority believe that American Jews owe their primary loyalty to other Jews rather than to the whole American people.

The January 13, 1984, New York Times reported on a series of lectures entitled, "Turning Inward: The Retribalization of the Jews," at the 92nd Street YMHA (Young Men's Hebrew Association), a long-time center of New York's Jewish cultural life. One of the speakers, Irving Greenberg, Director of the Jewish National Resources Center, declared that he was opposed to "universalism . . . [and would henceforward] no longer agree to play by the rules of modernity." Explaining this position, he said: "The reason is that I live after the Holocaust and the rebirth of Israel."

Yossi Klein, a frequent contributor to the Village Voice on the Middle East and also a contributing editor at Moment, expresses his innermost thoughts on the Jews thusly, in the latter publication:

> I share the belief that the Jewish people is the heart of existence . . . . Jewish power means that God, who is manifest in history through the Jewish people, is returning to an active, perhaps even messianic, role in the world.

Significantly, such chauvinism is not found exclusively among the religious. Many Jews who are far removed from the faith show symptoms of what can be called the "Jesus-Marx-Freud-Einstein Syndrome." It is not that they think they, personally, or all Jews, are geniuses, but the fact that these four Jews were strikes them as having momentous implications. Thus, in the January 1983 issue of Midstream, journal of the Theodore Herzl Foundation (whose offices are in the U.S. Zionist movement's headquarters on New York's Park Avenue), Marvin Weitz submits.

> It is not mere coincidence that many of the men who have created the great changes and advancements of Western civilization were Jews . . . . Perhaps it is time for the scientific community, and particularly its Jewish members, to search for the possible genetic reasons why there has been a preeminence of Jews among philosophers, writers and scientists, teachers and Nobel laureates, as well as among the ranks of business and professional leaders . . . .
>
> This latest biological evidence [Israeli research on world Jewish blood groups] would seem to point overwhelmingly to the possibility that among Jewish genetic strengths, there might well be special DNA genetic band loci for exceptional intelligence and survival characteristics.

AFRICA AND AFFIRMATIVE ACTION

The Holocaust accounts, in part, for the repugnance that even the most bourgeois Jews came to feel about the U.S. Southland's anti-Black social system and for their prominence among the financial patrons of the civil rights movement in the 1960's. However, when the movement entered its "Black Power" phase, and the Blacks began to exclude whites from their organizations, as well as to speak out on the Middle East, the Jewish Establishment began for the first time to talk about "black anti-Semitism." Their discomfort with Afro-American activism became more acute when most black African states broke relations with Israel in response to its occupation of African territory in Egypt's Sinai Desert. When Israel's convivial ties with South Africa, which had been developing over many years, increased following the 1973 Arab-Israeli war, relations between Blacks and Jews were further strained.

An extended discussion of the Jewish Establishment's position regarding Israel's increasing military, economic and political involvement with the Pretoria regime is neither possible nor necessary here. Suffice it to say that Establishment figures have only rarely disparaged the connection. Moreover, by urging Jews to donate money to Israel, by lobbying in support of U.S. arms for Israel, and, lately, by embracing such despots as President Mobutu of Zaire, in gratitude for his re-establishment of diplomatic relations with Israel, the Establishment confirms that its commitment to Israel has made it an implacable foe of democracy in Africa.

The Zionist-led Jewish Establishment, like any establishment, exists and acts to preserve its class privileges. Consistent with that objective are its ties to both U.S. imperialism and Israeli colonialism, and its antipathy for progressive movements. Fundamentally, the Jewish Establishment represents a wealthy elite that presumes to speak for the whole of American Jewry as a cover for the pursuit and defense of its own private economic and political interests. Realizing that a victory for the black majority's liberation movement in South Africa would seriously threaten those interests, this elite accepts the bond between Israel and Pretoria's white minority regime as essential.

In the context of their general disaffection for black efforts to advance in U.S. society, the Establishment has also been in the fore front of the opposition to affirmative action, a stance that is most likely popular among the rank and file of organized Jewry. A false analogy forms the basis of this opposition. Traditionally, anti-Semites have used quotas to exclude Jewish minorities, and these are being wrongly equated with affirmative action quotas, which are designed by governmental institutions to include, and insure opportunities for, Blacks and other historically disadvantaged groups. Since Jews are not a deprived group in U.S. society, they do not benefit from today's quotas, but neither do they suffer discrimination from them. Only insofar as affirmative action quotas benefiting Blacks may affect, say, job opportunities for whites in general, may (or may not) Jews be affected, but in no way are they a target of such effects. By condemning affirmative action as racist, on a par with the numerus clausus of such regimes as the virulently anti-Semitic Russian Tsarist state, the Establishment is disguising its own white racist motives. At the same time, said Establishment places itself in the dubious position of defending what it calls "real" equality—the "equality of merit": to wit, it is illegal for both millionaires and the homeless to sleep in the subway. (The hypocrisy of this position is particularly evident in the Zionists' enthusiastic approval of such obvious violations of equality as Jews-only housing projects in Israeli-occupied territories.)

THE PROGRESSIVE JEWISH MINORITY

A portion of any intelligentsia will always be found on the side of progress, armed with the understanding that the status quo must be transformed to further society's development. And since modern American Jewry is the most intellectualized social stratum in world history, it is certain that individual Jews will always play a role in the process of change. These individuals, however, will not amount to a majority of Jews. There is nothing unusual about this. In Ireland, individual Protestants have frequently led the nationalist movement, but the majority of Protestants have not stood with them. Similarly, in Lebanon, some Christian intellectuals played a crucial part in the creation of the radical movement; again, though, the majority of Christians did not join them. In our own country, individual southern whites played a distinguished role in the civil rights struggle but were opposed by most southern whites. The message of human equality is universal, but it is never universally received.

While some individuals from the ranks of organized Jewry will come over to the forces of change in the U.S., realistically, the Jewish youth who are unaffiliated—the exploding majority—are the most likely source of recruits. And even here, the potential should not be overestimated. Most Jewish young people, like their counterparts of all other backgrounds, including Blacks, long to "make it" in society rather than to challenge it.

Although these young people stand in contradiction with the Establishment on the question of assimilation and mixed marriage, they see no need to combat that Establishment actively. Since it lacks the means to coerce them, they feel they can simply ignore it. Regarding Israel, young Jews are not only just as influenced by the propaganda disseminated through the media as other Americans are, but in addition, most have picked up some degree of ethnic chauvinism from their families. Regarding Blacks, Jewish young people range from being racist to being conscious believers in equality, usually depending on what tendencies were strongest in their family backgrounds.

In all probability, it will be a general "American" issue, not a "Jewish" issue, that will move young Jews in a progressive direction. For example, the Zionist Establishment's opposition to affirmative action for women could be decisive, since secularized Jewish women share the perspectives of feminism that are increasingly widespread in U.S. intellectual life, and most young Jewish men also accept them. Actually, where women's rights are concerned, "Jewish" and "American" issues intersect: the attention of young Jews should be called to the sexist nature of Israeli society, a society which, being dominated by Orthodoxy, does not permit women to initiate divorce. In any case, the fact that the bulk of young U.S. Jewry has an essentially secular, cosmopolitan outlook holds possibilities for its development of an egalitarian world view. It has the potential for recognizing that Zionism is opposed to all the basic tenets underlying the U.S. civil rights revolution.

THE NEEDS OF THE TIMES

A coalition between progressive Blacks, Jews and others would transcent the confines of conventional politics, including conventional "racial" politics. Not only would Jews be called upon to break with the reactionaries of "organized Jewry," but Blacks would have to move away from the notion that some variant of storefront nationalism, or the Democratic Party, or a synthesis of the two, can solve the catastrophic crisis burdening the black community. If the Democrats win in 1984, the rich would become perhaps a nickel poorer, and the poor perhaps a nickel richer. But the Democrats have no answer to the problems of training and employing millions of youth for jobs that the workings of the system have permanently eliminated.

In foreign affairs, the Democrats do not give more than lip service to the struggle against apartheid or challenge the Israel/South Africa alliance. As for the black Democrats in Congress, they have not mobilized the masses against apartheid, despite the welcome outspokenness of some of them and despite their identification with those seeking to liberate southern Africa from tyranny. And the majority of them are likely to continue voting in favor of arms for Israel as they do now. Yet unequivocal opposition to aid for Israel would be high on the priority list of any progressive coalition worthy of the name.

Within such a coalition, all talk of "Hymie" and "Honky" would be consciously rejected for what it is: the hydrant pissing on the dog. A genuinely multinational approach would have to be developed that could embrace not only Jews, Blacks and Hispanics, the Democratic Party's traditional constituency, but all aggrieved elements within our society who are solidly committed to working for change.●

HOUSE OF REPRESENTATIVES—*Friday, October 12, 1984*

(Legislative Day of Thursday, October 11, 1984)

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. FOLEY] at 2 o'clock and 54 minutes p.m. on Friday, October 12, 1984.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray in the words of St. Francis of Assisi:

Lord, make us instruments of thy peace,
Where there is hatred, let us sow love;
Where there is injury, pardon;
Where there is doubt, faith;
Where there is despair, hope;
Where there is darkness, light; and
Where there is sadness, joy.
O, Divine Master, grant that we may not so much seek to be consoled as to console;
To be understood as to understand;
To be loved as to love.
For it is in giving that we receive;
It is in pardoning that we are pardoned,
And it is in dying that we are born to eternal life.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills, a joint resolution and a concurrent resolution of the House of the following titles:

H.R. 1314. An act to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government, and for other purposes;

H.R. 6112. An act to amend the Tax Equity and Fiscal Responsibility Act of 1982 with respect to the effect of the 1985 increase in the Federal unemployment tax rate on certain small business provisions contained in State unemployment compensation laws;

H.R. 6430. An act to amend the River and Harbor Act of 1946;

H.J. Res. 654. Joint resolution increasing the statutory limit on the public debt; and

H. Con. Res. 376. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 2867.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 6 to the bill (H.R. 6286) "An act to amend title 35, United States Code, to increase the effectiveness of the patent laws, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the joint resolution (S.J. Res. 236) Joint resolution relating to cooperative East-West ventures in space.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and a concurrent resolution of the House of the following titles:

H.R. 4222. An act to make certain technical amendments with respect to the court of appeals for the Federal circuit, and for other purposes; and

H. Con. Res. 378. Concurrent resolution correcting the enrollment of H.R. 5361.

The message also announced that the Senate had passed a concurrent resolution following title, in which the concurrence of the House is requested:

S. Con. Res. 155. Concurrent resolution providing for a sine die adjournment of the Congress.

ELECTION OF HON. THOMAS S. FOLEY AS SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER

Mr. PRICE. Mr. Speaker, I offer a privileged resolution (H. Res. 620) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 620

Resolved, That the Honorable Thomas S. Foley, a Representative from the State of Washington, be, and he is hereby, elected Speaker pro tempore during any absence of the Speaker, such authority to continue not later than October 15, 1984.

Resolved, That the President and the Senate be notified by the Clerk of the election of the Honorable Thomas S. Foley as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF HON. THOMAS S. FOLEY AS SPEAKER PRO TEMPORE DURING ABSENCE OF THE SPEAKER

The SPEAKER pro tempore [Mr. KAZEN]. The Chair now asks the gentleman from Illinois [Mr. PRICE] to administer the oath of office to the gentleman from Washington [Mr. FOLEY] as Speaker pro tempore.

Mr. FOLEY assumed the chair and took the oath of office administered to him by the gentleman from Illinois [Mr. PRICE].

REQUEST FOR CONSIDERATION OF SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION 378, CORRECTING ENROLLMENT OF H.R. 5361, INTERNAL REVENUE CODE OF 1954 AMENDMENTS RELATIVE TO IMPUTED INTEREST

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 378) correcting the enrollment of H.R. 5361, to amend the Internal Revenue Code of 1954 to extend for 1 year the exclusion from gross income with respect to group legal service plans, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Page 1, after line 11, insert:

In the Senate amendment to the House amendment to the Senate amendment make the following changes;

Page 7, line 7, strike out "(I)" and insert "(II)".

Page 8, strike out lines 32 and 33 and insert:

"(II) APPLICATION WITH CLAUSE (II).—This clause shall not apply to

Page 8, line 1, strike out "subparagraph (B)" and insert "clause (ii).

Page 8, line 3, strike out "subparagraph" and insert "clause".

Page 8A, line 14, strike out "transaction" and insert "transactions".

Mr. FRENZEL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. SHANNON]?

Mr. LOEFFLER. Mr. Speaker, reserving the right to object, I do so for the purposes of informing this body that I shall object to all unanimous-consent requests that will be brought forward, not only on this but other pieces of legislation that have been brought to the attention of the Speaker and to the minority for Members who would like to see their bills moved at the last moment.

In fairness to all, I inform the body that I do now object.

The SPEAKER pro tempore. Objection is heard.

REQUEST FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 379, CORRECTING ENROLLMENT OF H.R. 3398, TRADE LAW AMENDMENTS, CHANGING TARIFF TREATMENT WITH RESPECT TO CERTAIN ARTICLES

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 379) to correct the enrollment of H.R. 3398, to amend the trade laws, authorize the negotiation of trade agreements, extend trade preferences, change the tariff treatment with respect to certain articles, and for other purposes, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 379

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 3398) to amend the trade laws, authorize the negotiation of trade agreements, extend trade preferences, change the tariff treatment with respect to certain articles and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 195(c)(2)(A) of the bill—

(A) insert "112, 115, 118(1)," before "133",

(B) insert "167," after "166,", and

(C) insert "179," after "176,".

(2) In section 195(c)(2)(B) of the bill—

(A) insert "112, 115," after "sections" in clause (ii),

(B) insert "179," after "175," in clause (ii),

(C) strike out "and" at the end of clause (v),

(D) strike out the period at the end of clause (vi) and insert in lieu thereof a comma, and

(E) add at the end thereof the following new clauses:

"(vii) in the case of section 118(1), June 1, 1982, and

"(viii) in the case of section 167, October 30, 1983.".

Mr. SHANNON (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Massachusetts?

Mr. LOEFFLER. Mr. Speaker, I object.

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The SPEAKER pro tempore. Objection is heard.

INQUIRY INTO OBJECTIONS BY MINORITY

(Mr. KAZEN asked and was given permission to address the House for 1 minute.)

Mr. KAZEN. Mr. Speaker, will the gentleman state his reason for his last objection which is, by my understanding, that the resolution applied only to a technical change in a bill which we have already passed.

Mr. LOEFFLER. Mr. Speaker, if the gentleman will yield to me, in fact both of the pieces of legislation that have been brought before us this afternoon apply to technical corrections, and if we began to open up the flow of legislation on these two, then we have a responsibility and obligation to adhere to all the requests that have come in to both sides of the aisle for legislation similar to this or with either greater impact, and, therefore, it is the decision of the minority that all legislation will be objected to; and for that purpose, I have made my point.

Mr. KAZEN. Mr. Speaker, let me ask the gentleman further, if these resolutions do not pass, and if these corrections are not made, is not there the possibility that the laws that we have passed will be flawed?

Mr. LOEFFLER. In response to my great friend from Texas, we were looking at a point last night when we would have gone out, had the other body not run into a problem, and therefore, we are today at the same point that we would have been last night when all of our membership was under the impression that we would adjourn sine die some time last night.

Furthermore, what we are looking at, from the standpoint of concluding our work for the 98th Congress is basically, this is a general agreement between the majority and minority on this side.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield to me?

Mr. KAZEN. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman.

I think the second bill to which the gentleman from Texas objected was one in which technical corrections may be perhaps characterized as fly specking, and the imputed interest bill will probably not be fatally flawed because of our failure to pass that concurrent resolution.

The previous concurrent resolution referred to some flaws in the trade bill that we passed, with respect to some of the tariff changes in which, due to the fact that the Senate had its effective date in a separate section than it had the particular tariff bills, there will be a time vacuum between the expiration of certain tariff suspensions and the first of the year when the effective date in the language occurs.

It is, in my judgment, that that 6-month time lag, or whatever it is, in those bills be covered, so I think it is not a good thing that that one was objected to.

It is my hope that the Customs Service, in dealing with entries under those particular items of the USTS will restrain itself until shortly after the beginning of the next session; and we can put those effective dates back in order and take care of that retroactive period, because I am certain that the Committee on Ways and Means will want to make those corrections, and I hope the Customs Service is not untoward in pressing claims for that 6-month period.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker pro tempore:

H.J. Res. 654. Joint resolution increasing the statutory limit on the public debt.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 5183. An act to direct the Secretary of Agriculture to convey certain National Forest System lands to Craig County, VA;

H.R. 5603. An act to revise and extend programs for persons with developmental disabilities;

H.R. 5618. An act to amend title 38, United States Code, to revise and improve Veterans' Administration health programs and to improve security and law enforcement at Veterans' Administration facilities; and for other purposes;

H.R. 5787. An act to remove an impediment to oil and gas leasing of certain Federal lands in Corpus Christi, TX, and Fort Hueneme, CA, and for other purposes;

H.R. 6206. An act relating to the water rights of the Ak-Chin Indian Community;

H.R. 6216. An act to amend the Bankruptcy Amendments and Federal Judgeship Act of 1984 to make technical corrections with respect to the retirement of certain bankruptcy judges, and for other purposes;

H.R. 6225. An act to prevent disruption of the structure and functioning of the Government by ratifying all reorganization plans as a matter of law;

H.R. 6228. An act providing for an extension until April 21, 1992, of five patents relating to oral hypoglycemic drugs of the sulfonylurea class;

H.R. 6248. An act to amend title VII of the Omnibus Crime Control and Safe

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Streets Act of 1968 to provide enhanced penalties for certain persons possessing firearms after three previous convictions for burglaries or robberies, and for other purposes;

H.R. 6311. An act to combat international terrorism;

H.R. 2372. An act to recognize the organization known as the Navy Wives Clubs of America;

H.R. 3401. An act to designate the U.S. Post Office and Courthouse located at 245 East Capital Street in Jackson, MS, as the "James O. Eastland U.S. Courthouse";

H.R. 3402. An act to designate that hereafter the Federal building at 100 West Capital Street in Jackson, MS, will be known as the Dr. A.H. McCoy Federal Building;

H.R. 4025. An act to authorize the Administrator of General Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes;

H.R. 4164. An act to amend the Vocational Education Act of 1963 to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes;

H.R. 5167. An act to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for the Department of Defense, for fiscal year 1985, to revise and improve defense procurement, compensation, and management programs, to establish new defense educational assistance programs, to authorize appropriations for national security programs of the Department of Energy, and for other purposes;

H.R. 437. An act for the relief of Patrick Starkie;

H.R. 932. An act for the relief of Harry Chen Tak Wong;

H.R. 1072. An act for the relief of Margot Hogan;

H.R. 1152. An act for the relief of Tomoko Jessica Hyan;

H.R. 1426. An act for the relief of Phillip Harper;

H.R. 1713. An act for the relief of Elizaveta Fankukhina;

H.R. 1865. An act for the relief of Nery De Maio;

H.R. 1932. An act for the relief of Mireille Laffite;

H.R. 2418. An act for the relief of Anis Ur Rahman;

H.R. 3382. An act for the relief of Dennis L. Dalton;

H.R. 5691. An act for the relief of Sutu Bungani William Beck;

H.J. Res. 482. Joint resolution authorizing the Law Enforcement Officers Memorial Fund to establish a memorial in the District of Columbia or its environs;

H.J. Res. 551. Joint resolution providing for reappointment of Anne Legendre Armstrong as a citizen regent of the Smithsonian Institution;

H.J. Res. 552. Joint resolution providing for reappointment of A. Leon Higginbotham, Jr., as a citizen regent of the Smithsonian Institution;

H.J. Res. 580. Joint resolution authorizing the Kahlil Gibran Centennial Foundation to establish a memorial in the District of Columbia or its environs;

H.J. Res. 638. Joint resolution designating October 1984 as "National Head Injury Awareness Month";

H.J. Res. 648. Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes; and

H.J. Res. 655. Joint resolution designating February 16, 1985, as "Lithuanian Independence Day."

ADJOURNMENT SINE DIE

Mr. KILDEE. Mr. Speaker, I move that the House do now adjourn sine die.

The motion was agreed to.

The **SPEAKER** pro tempore. In accordance with the provisions of House Concurrent Resolution 377, as amended, the Chair declares the 2d session of the 98th Congress adjourned sine die.

Thereupon (at 3 o'clock and 5 minutes p.m.) pursuant to House Concurrent Resolution 377, the House adjourned sine die.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Submitted October 12, 1984]

[Legislative day of October 11, 1984]

4161. A letter from the Principal Deputy Assistant Secretary of Defense (Comptroller) transmitting a report of contract award dates for the period November 1, 1984, to December 31, 1984, of weapon systems for which authorization has been requested, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

4162. A letter from the Comptroller General of the United States transmitting a report, entitled "Legislative Changes and Administrative Improvements Should Be Considered for FDA to Better Protect the Public From Adulterated Food Products"; to the Committee on Energy and Commerce.

4163. A letter from the Comptroller General of the United States transmitting a report on progress in improving program and budget information for congressional use, pursuant to 31 U.S.C. 1113(e)(2)(E); to the Committee on Government Operations.

4164. A letter from the Administrator, Federal Aviation Administration, transmitting the semiannual report on the effectiveness of the Civil Aviation Security Program, pursuant to Public Law 85-726, section 315(a) (88 Stat. 415); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted October 12, 1984]

[Legislative day of October 11, 1984]

Mr. FUQUA: Committee on Science and Technology. Report on allocation of budget totals for fiscal year 1985 (Rept. No. 98-1162). Referred to the Committee of the Whole House on the State of the Union.

Mr. de la GARZA: Committee on Agriculture. H.R. 3746. A bill entitled the Agricultural Stabilization and Conservation Committee Act of 1983; with amendments (Rept. No. 98-1163). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Submitted October 12, 1984]

[Legislative day of October 11, 1984]

By Mr. SHANNON:

H. Con. Res. 379. Concurrent resolution to correct the enrollment of H.R. 3398; the consideration of which was objected to.

By Mr. PRICE:

H. Res. 620. Resolution electing the Honorable Thomas S. Foley, of Washington, as Speaker pro tempore during the absence of the Speaker; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Submitted October 12, 1984]

[Legislative day of October 11, 1984]

H.R. 6210: Mr. Weiss.

H.R. 6429: Mr. Towns and Mr. Owens.

H.J. Res. 450: Mr. Albosta.

H.J. Res. 475: Mrs. Collins.

H. Con. Res. 363: Mr. Nielson of Utah, Mrs. Roukema, Mr. Emerson, Mr. Annunzio, Mr. McNulty, Mr. Williams of Ohio, Mr. Smith of New Jersey, Mr. Sam B. Hall, Jr., Mr. Miller of Ohio, Mr. Kasich, and Mr. Ralph M. Hall.

SENATE ENROLLED BILLS SIGNED AFTER SINE DIE ADJOURNMENT

The **SPEAKER** pro tempore announced on October 12, 1984, his signature to enrolled bills of the Senate of the following titles:

S. 2583. An act to authorize U.S. participation in the Office International de la Vigne et du Vin (the International Office of the Vine and Wine); and

S. 2947. An act to designate the lock and dam on the Warrior River in Hale County, AL, as the "Armistead I Selden Lock and Dam."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER SINE DIE ADJOURNMENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee on October 12, 1984, had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 440. An act for the relief of Francisco Akers;

H.R. 1095. An act to grant a Federal charter to the 369th Veterans' Association;

H.R. 1483. An act to provide for the restoration of the fish and wildlife in the Trinity River basin, CA, and for other purposes;

H.R. 1870. An act to require the Secretary of the Treasury to coin and sell a national medal in honor of the members and former members of the Armed Forces of the United States who served in the Vietnam conflict;

H.R. 1961. An act to require the Administrator of Veterans' Affairs to prescribe regulations regarding the determination of service connection of certain disabilities of veterans who were exposed to dioxin in the Republic of Vietnam while performing active military, naval, or air service or to radiation from nuclear detonations while performing such service, to provide interim benefits for certain disabilities and deaths, and for other purposes;

H.R. 2087. An act for the relief of Hans Robert Beisch;

H.R. 2645. An act to amend the act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia;

H.R. 2671. An act for the relief of Edgar Gildardo Herrera;

H.R. 2823. An act to amend title I of the Reclamation Project Authorization Act of 1972 in order to provide for the establishment of the Russell Lakes Waterfowl Management Area as a replacement for the authorized Mishak National Wildlife Refuge, and for other purposes;

H.R. 3331. An act to authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles for purposes of the Santa Monica Mountains National Recreation Area;

H.R. 3788. An act to designate various areas as components of the national wilderness preservation system in the national forests in the State of Texas;

H.R. 3942. An act to facilitate commercial space launches, and for other purposes;

H.R. 3971. An act to provide that any Osage headright or restricted real estate or funds which is part of the estate of a deceased Osage Indian who did possess a certificate of competency at the time of death shall be exempt from any estate or inheritance tax imposed by the State of Oklahoma;

H.R. 4263. An act to designate certain lands in the Cherokee National Forest, TN, as wilderness areas, and to allow management of certain lands for uses other than wilderness;

H.R. 4401. An act for the relief of Shu-Ahtsai Wei, her husband, Yen Wei, and their sons, Teh-fu Wei and Teh-huei Wei;

H.R. 4473. An act to designate the Federal Archives and Records Center in San Bruno, CA, as the "Leo J. Ryan Memorial Federal Archives and Records Center";

H.R. 4717. An act to designate the Federal Building and U.S. Courthouse in Las Vegas, NV, as the "Foley Federal Building and U.S. Courthouse";

H.R. 4966. An act to recognize the organization known as the Women's Army Corps Veterans' Association;

H.R. 5076. An act to designate certain areas in the Allegheny National Forest as wilderness and recreation areas;

H.R. 5172. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1985, and for other purposes;

H.R. 5252. An act to redesignate the Veterans' Administration Medical Center located in Poplar Bluff, MO, as the "John J. Pershing Veterans' Administration Medical Center";

H.R. 5271. An act to extend the Wetlands Loan Act;

H.R. 5323. An act to designate the U.S. Courthouse Building in Hato Rey, PR, as the "Clemente Ruiz Nazario U.S. Courthouse";

H.R. 5358. An act to enable honey producers and handlers to finance a nationally coordinated research, promotion, and consumer information program designed to expand their markets for honey;

H.R. 5402. An act to designate the United States Post Office and Courthouse in Utica, NY, as the "Alexander Pirnie Federal Building";

H.R. 5716. An act providing for the conveyance of public lands, Seneca County, OH.

H.R. 5728. An act to permit aliens lawfully admitted for permanent residence who are employed by the American University of Beirut to return to the United States as special immigrants after completion of such employment;

H.R. 6000. An act to designate the Table Rock Lake Visitors Center building in the vicinity of Branson, MO, as the "Dewey J. Short Table Rock Lake Visitors Center";

H.R. 6101. An act to amend the Panama Canal Act of 1979 to authorize quarters allowances for certain employees of the Department of Defense serving in the area formerly known as the Canal Zone;

H.R. 6221. An act to provide for the use and distribution of certain funds awarded the Wyandotte Tribe of Oklahoma and to restore certain mineral rights to the Three Affiliated Tribes of the Fort Berthold Reservation;

H.R. 6257. An act to amend the Motor Vehicle and Information Cost Savings Act to impede those motor vehicle thefts which occur for purposes of dismantling the vehicles and major replacement parts to have identifying numbers or symbols, and for other purposes;

H.R. 6296. An act entitled: "The San Juan Basin Wilderness Protection Act of 1984;"

H.J. Res. 332. Joint resolution to designate the week beginning May 20, 1985, as "National Medical Transcriptionist Week"; and

H.J. Res. 594. Joint resolution designating the week beginning February 17, 1985, as a time to recognize volunteers who give their time to become Big Brothers and Big Sisters to youths in need of adult companionship.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED AFTER SINE DIE ADJOURNMENT

The SPEAKER announced on the following dates his signature to enrolled bills and a joint resolution of the Senate of the following titles:

On October 17, 1984:

S. 149. An act for the relief of Adel Shervin;

S. 540. An act to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and National Research Institutes, and for other purposes;

S. 543. An act to designate certain national forest system lands in the State of Wyoming for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple-use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes;

S. 771. An act to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes;

S. 1160. An act to authorize Douglas County of the State of Nevada to transfer certain land to a private owner;

S. 2217. An act to provide for exemptions, based on safety concerns, from certain length and width limitations for commercial motor vehicles, and for other purposes;

S. 2301. An act to revise and extend programs for the provision of health services and preventive health services, and for other purposes;

S. 2449. An act for the relief of the Sisters of Mercy of the Union, Province of St. Louis, MO;

S. 2499. An act to authorize the appropriation of funds for certain maritime programs for fiscal year 1985;

S. 2574. An act to amend provisions of the Public Health Service Act relating to health professions training assistance, nurse education, the National Health Service Corps, health maintenance organizations, and primary health care services, and for other purposes;

S. 2706. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1985 and 1986, and for other purposes;

S. 3021. An act to name the Federal building in Elkins, WV, the "Jennings Randolph Federal Center";

S. 3034. An act to grant a Federal charter to the National Society, Daughters of the American Colonists; and

S.J. Res. 236. Joint resolution relating to cooperative East-West ventures in space.

On October 18, 1984:

S. 66. An act to amend the Communications Act of 1934 to provide a national policy regarding cable television;

S. 1291. An act to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, and section 305 of the Energy Reorganization Act of 1974;

S. 2526. An act to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes; and

S. 2565. An act to extend programs under the Head Start Act; and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED AFTER SINE DIE ADJOURNMENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee on the following dates had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

October 17, 1984:

H.R. 89. An act to permit the transportation of passengers between Puerto Rico and other U.S. ports on foreign-flag vessels when U.S. flag service for such transportation is not available;

H.R. 452. An act for the relief of Jerome J. Hartmann and Rita J. Hartmann;

H.R. 723. An act for the relief of Marsha D. Christopher;

H.R. 1880. An act to establish an interagency committee and a technical study group on cigarette safety;

H.R. 2790. An act to amend the Colorado River Basin Salinity Control Act to authorize certain additional measures to assure accomplishment of the objectives of title II of such act; and for other purposes;

H.R. 3150. An act to direct the Secretary of Agriculture to convey, for certain specified consideration, to the Sabine River Authority approximately 31,000 acres of land within the Sabine National Forest to be used for the purposes of the Toledo Bend project, Louisiana and Texas; and for other purposes;

H.R. 4209. An act to amend the Small Business Act, the Federal Property and Administrative Service Act of 1949, and the Office of Federal Procurement Policy Act to enhance competition in Government procurement; and for other purposes;

H.R. 4354. An act to designate the Federal building and U.S. Courthouse in Ocala, FL, as the "Golden-Collum Memorial Federal Building and U.S. Courthouse";

H.R. 4585. An act to authorize appropriations for the Office of Environmental Quality and the Council on Environmental Quality for fiscal years 1985 and 1986, and for other purposes;

H.R. 4700. An act to designate the Federal Building and U.S. Courthouse at 1961 Stout Street, Denver, CO, as the "Byron G. Rogers Federal Building and U.S. Courthouse";

H.R. 5121. An act to designate certain national forest system lands in the State of Virginia as wilderness, and for other purposes;

H.R. 5688. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and of dependency and indemnity compensation for surviving spouses and children of veterans, to increase the rates of subsistence and educational assistance allowances for veterans pursuing vocational rehabilitation programs under chapter 31 of such title and for veterans and eligible persons pursuing programs of education or training under chapters 34, 35, or 36 of such title, to increase the opportunities for vocational rehabilitation of certain veterans receiving disability compensation, and to provide vocational training opportunities for certain veterans receiving pension; and for other purposes;

H.R. 5747. An act to designate the Federal Building in Oak Ridge, TN, as the "Joe L. Evins Federal Building";

H.R. 5832. An act to authorize two additional Assistant Secretaries for the Department of the Treasury;

H.R. 6007. An act to establish certain procedures regarding the judicial service of retired judges of District of Columbia courts, and for other purposes;

H.R. 6027. An act to clarify the application of the Clayton Act to the official conduct of local governments, and for other purposes;

H.R. 6100. An act to clarify the intent of Congress with respect to the families eligible for a commemorative medal authorized for the families of Americans missing or otherwise unaccounted for in Southeast Asia;

H.R. 6112. An act to amend the Tax Equity and Fiscal Responsibility Act of 1982 with respect to the effect of the 1985 increase in the Federal unemployment tax rate on certain small business provisions contained in State unemployment compensation laws;

H.R. 6299. An act to ensure the payment in 1985 of cost-of-living increases under the OASDI Program in title II of the Social Security Act, and to provide for a study of certain changes which might be made in the provisions authorizing cost-of-living adjustments under that program;

H.R. 6303. An act to make certain technical corrections in various acts relating to the Osage Tribe of Indians of Oklahoma;

H.R. 6430. An act to amend the River and Harbor Act of 1946;

H.R. 6438. An act for the relief of Joseph Karel Hasek;

H.R. 6441. An act to eliminate restrictions with respect to the imposition and collection of tolls on the Richmond-Petersburg Turnpike upon repayment by the Commonwealth of Virginia of certain Federal-aid highway funds used on such turnpike; and

H.J. Res. 158. Joint resolution to make technical corrections in the act of January 12, 1983 (Public Law 97-459).

On October 18, 1984:

H.R. 597. An act to amend sections 2733, 2734, and 2736 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims, and for other purposes;

H.R. 999. An act to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes;

H.R. 1314. An act to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government, and for other purposes;

H.R. 2568. An act to amend the Internal Revenue Code of 1954 to extend for 2 years the exclusion from gross income with respect to educational assistance programs, and for other purposes;

H.R. 2867. An act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1985 through 1988, and for other purposes;

H.R. 5189. An act to amend section 3056 of title 18, United States Code, to update the authorities of the U.S. Secret Service, and for other purposes;

H.R. 5361. An act to amend the Internal Revenue Code of 1954 to extend for 1 year the exclusion from gross income with respect to group legal services plans, and for other purposes;

H.R. 5386. An act to amend part A of title XVIII of the Social Security Act with respect to the payment rates for routine home care and other services included in hospice care;

H.R. 5399. An act to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the U.S. Government, the intelligence community staff, and for Central Intelligence Agency Retirement and Disability System, and for other purposes;

H.R. 5479. An act to amend section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, with respect to awards of expenses of certain agency and court proceedings, and for other purposes;

H.R. 5492. An act to provide for the conservation and management of Atlantic striped bass, and for other purposes;

H.R. 5760. An act to declare that the United States holds certain lands in trust for the Cocopah Indian Tribe of Arizona, and for other purposes;

H.R. 5833. An act to improve certain maritime programs of the Department of Transportation and the Department of Commerce or;

H.R. 6028. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 6224. An act to provide for the assumption of selected functions, programs, and resources of St. Elizabeths Hospital by the District of Columbia, to provide for the establishment of a comprehensive mental health care system in the District of Columbia, and for other purposes; and

H.R. 6286. An act to amend title 35, United States Code, to increase the effectiveness of the patent laws, and for other purposes.

On October 19, 1984:

H.R. 2300. An act to provide retirement equity for former spouses of civil service retirees, and for other purposes;

H.R. 3398. An act to amend the trade laws, authorize the negotiation of trade agreements, extend trade preferences, change the tariff treatment with respect to certain articles and for other purposes.

H.R. 5846. An act to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes;

H.R. 6163. An act to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes; and

H.R. 6342. An act to approve governing international fishery agreements with Iceland and the EEC; to establish national standards for artificial reefs; to implement the Convention on Conservation of Antarctic Marine Living Resources; and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 12, 1984:

H.J. Res. 654. Joint resolution increasing the statutory limit on the public debt.

On October 18, 1984:

H.R. 5076. An act to designate certain areas in the Allegheny National Forest as wilderness and recreation areas;

H.R. 5172. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1985, and for other purposes;

H.R. 5252. An act to redesignate the Veterans' Administration Medical Center located in Poplar Bluff, MO, as the "John J. Pershing Veterans' Administration Medical Center";

H.R. 5271. An act to extend the Wetlands Loan Act;

H.R. 5323. An act to designate the U.S. Courthouse Building in Hato Rey, Puerto Rico, as the "Clemente Ruiz Nazario U.S. Courthouse";

H.R. 5358. An act to enable honey producers and handlers to finance a nationally coordinated research, promotion, and consumer information program designed to expand their markets for honey;

H.R. 5402. An act to designated the U.S. Post Office and Courthouse in Utica, NY, as the "Alexander Pirnie Federal Building";

H.R. 5716. An act providing for the conveyance of public lands, Seneca County, OH;

H.R. 5728. An act to permit aliens lawfully admitted for permanent residence who are employed by the American University of Beirut to return to the United States as special immigrants after completion of such employment;

H.R. 6000. An act to designate the Table Rock Lake Visitors Center building in the vicinity of Branson, MO, as the "Dewey J. Short Table Rock Lake Visitors Center";

On October 19, 1984:

H.R. 89. An act to permit the transportation of passengers between Puerto Rico and other U.S. ports on foreign-flag vessels when U.S.-flag service for such transportation is not available;

H.R. 452. An act for the relief of Jerome J. Hartmann and Rita J. Hartmann;

H.R. 597. An act to amend sections 2733, 2734, and 2736 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims, and for other purposes;

H.R. 723. An act for the relief of Marsha D. Christopher;

H.R. 999. An act to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes;

H.R. 1880. An act to establish an interagency committee and a technical study group on cigarette safety;

H.R. 2790. An act to amend the Colorado River Basin Salinity Control Act to authorize certain additional measures to assure accomplishment of the objectives of title II of such act, and for other purposes;

H.R. 3150. An act to direct the Secretary of Agriculture to convey, for certain specified consideration, to the Sabine River Authority approximately 31,000 acres of land within the Sabine National Forest to be used for the purposes of the Toledo Bend project, Louisiana and Texas, and for other purposes;

H.R. 4209. An act to amend the Small Business Act, the Federal Property and Administrative Services Act of 1949, and the Office of Federal Procurement Policy Act to enhance competition in Government procurement, and for other purposes;

H.R. 4354. An act to designate the Federal Building and U.S. Courthouse in Ocala, FL, as the "Golden-Collum Memorial Federal Building and United States Courthouse";

H.R. 4585. An act to authorize appropriations for the Office of Environmental Quality and the Council on Environmental Quality for fiscal years 1985 and 1986, and for other purposes;

H.R. 3331. An act to authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles for purposes of the Santa Monica Mountains National Recreation Area;

H.R. 3788. An act to designate various areas as components of the national wilderness preservation system in the national forests in the State of Texas;

H.R. 3942. An act to facilitate commercial space launches, and for other purposes;

H.R. 3971. An act to provide that any Osage headright or restricted real estate or funds which is part of the estate of a deceased Osage Indian who did not possess a certificate of competency at the time of death shall be exempt from any estate or inheritance tax imposed by the State of Oklahoma;

H.R. 4263. An act to designate certain lands in the Cherokee National Forest, TN, as wilderness areas, and to allow management of certain lands for uses other than wilderness;

H.R. 4401. An act for the relief of Shu-Ahtsai Wei, her husband, Yen Wei, and their sons, Teh-fu Wei and Teh-huei Wei;

H.R. 4473. An act to designate the Federal Archives and Records Center in San Bruno, CA, as the "Leo J. Ryan Memorial Federal Archives and Records Center";

H.R. 4717. An act to designate the Federal Building and U.S. Courthouse in Las Vegas, NV, as the "Foley Federal Building and U.S. Courthouse";

H.R. 4966. An act to recognize the organization known as the Women's Army Corps Veterans' Association;

H.R. 4700. An act to designate the Federal Building and U.S. Courthouse at 1961 Stout Street, Denver, CO, as the "Byron G. Rogers Federal Building and U.S. Courthouse";

H.R. 5121. An act to designate certain national forest system lands in the State of Virginia as wilderness, and for other purposes;

H.R. 5189. An act to amend section 3056 of title 18, United States Code, to update the authorities of the U.S. Secret Service, and for other purposes;

H.R. 5688. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and of dependency and indemnity compensation for surviving spouses and children of veterans, to increase the rates of subsistence and educational assistance allowances for veterans pursuing vocational rehabilitation programs under chapter 31 of such title and for veterans and eligible persons pursuing programs of education or training under chapter 34, 35, or 36 of such title, to increase the opportunities for vocational rehabilitation of certain veterans receiving disability compensation, and to provide vocational training opportunities for certain veterans receiving pension; and for other purposes;

H.R. 5747. An act to designate the Federal Building in Oak Ridge, TN, as the "Joe L. Evins Federal Building";

H.R. 5760. An act to declare that the United States holds certain lands in trust for the Cocopah Indian Tribe of Arizona, and for other purposes;

H.R. 5832. An act to authorize two additional Assistant Secretaries for the Department of the Treasury;

H.R. 6007. An act to establish certain procedures regarding the judicial service of retired judges of District of Columbia courts, and for other purposes;

H.R. 6027. An act to clarify the application of the Clayton Act to the official conduct of local governments, and for other purposes;

H.R. 6100. An act to clarify the intent of Congress with respect to the families eligible for a commemorative medal authorized for the families of Americans missing or otherwise unaccounted for in Southeast Asia;

H.R. 6101. An act to amend the Panama Canal Act of 1979 to authorize quarters allowances for certain employees of the Department of Defense serving in the area formerly known as the Canal Zone;

H.R. 6221. An act to provide for the use and distribution of certain funds awarded in the Wyandotte Tribe of Oklahoma and to restore certain mineral rights to the Three Affiliated Tribes of the Fort Berthold Reservation;

H.R. 6257. An act to amend the Motor Vehicle and Information Cost Savings Act to impede those motor vehicle thefts which occur for purposes of dismantling the vehicles and reselling the major parts by requiring passenger motor vehicles and major replacement parts to have identifying numbers or symbols, and for other purposes;

H.R. 6296. An act entitled: "The San Juan Basin Wilderness Protection Act of 1984";

H.J. Res. 332. Joint resolution to designate the week beginning May 20, 1985, as "National Medical Transcriptionist Week";

H.J. Res. 594. Joint resolution designating the week beginning February 17, 1985, as a time to recognize volunteers who give their time to become Big Brothers and Big Sisters to youths in need of adult companionship;

H.R. 6112. An act to amend the Tax Equity and Fiscal Responsibility Act of 1982 with respect to the effect of the 1985 increase in the Federal unemployment tax rate on certain small business provisions contained in State unemployment compensation laws;

H.R. 6299. An act to amend the payment in 1985 of cost-of-living increases under the OASDI program in title II of the Social Security Act, and to provide for a study of certain changes which might be made in the provisions authorizing cost-of-living adjustments under that program;

H.R. 6303. An act to make certain technical corrections in various acts relating to the Osage Tribe of Indians of Oklahoma;

H.R. 6430. An act to amend the River and Harbor Act of 1946;

H.R. 6438. An act for the relief of Joseph Karel Hasek;

H.R. 6441. An act to eliminate restrictions with respect to the imposition and collection of tolls on the Richmond-Petersburg Turnpike upon repayment by the Commonwealth of Virginia of certain Federal-aid highway funds used on such turnpike;

H.J. Res. 158. Joint resolution to make technical corrections in the act of January 12, 1983 (Public Law 97-458);

H.R. 5833. An act to improve certain maritime programs of the Department of Transportation and the Department of Commerce;

H.R. 440. An act for the relief of Frederick Francisco Akers;

H.R. 1095. An act to grant a Federal charter to the 368th Veterans' Association;

H.R. 1438. An act to provide for the restoration of the fish and wildlife in the Trinity River basin, California, and for other purposes;

H.R. 1870. An act to require the Secretary of the Treasury to coin and sell a national medal in honor of the members and former members of the Armed Forces of the United States who served in the Vietnam conflict;

H.R. 1961. An act to require the Administrator of Veterans' Affairs to prescribe regulations regarding the determination of service connection of certain disabilities of veterans who were exposed to dioxin in the Republic of Vietnam while performing active military, naval, or air service or to radiation from nuclear detonations while performing such service, to provide interim benefits for certain disabilities and deaths, and for other purposes;

H.R. 2087. An act for the relief of Hans Robert Beisch;

H.R. 2645. An act to amend the act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georiga;

H.R. 2671. An act for the relief of Edgar Gildardo Herrera; and

H.R. 2823. An act to amend title I of the Reclamation Project Authorization Act of 1972 in order to provide for the establishment of the Russell Lakes Waterfowl Management Area as a replacement for the authorized Mishak National Wildlife Refuge, and for other purposes.

On October 29, 1984:

H.R. 1314. An act to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government, and for other purposes;

H.R. 2300. An act to provide retirement equity for former spouses of civil service retirees, and for other purposes;

H.R. 2568. An act to amend the Internal Revenue Code of 1954 to extend for 2 years the exclusion from gross income with respect to educational assistance programs, and for other purposes;

H.R. 2867. An act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1985 through 1988, and for other purposes;

H.R. 3398. An act to amend the trade laws, authorize the negotiation of trade agreements, extend trade preferences, change the tariff treatment with respect to certain articles and for other purposes;

H.R. 5361. An act to amend the Internal Revenue Code of 1954 to extend for 1 year the exclusion and gross income with respect to group legal services plans, and for other purposes;

H.R. 5386. An act to amend part A of title XVIII of the Social Security Act with respect to the payment rates for routine home care and other services included in hospice care;

H.R. 5399. An act to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency retirement and disability system, and for other purposes;

H.R. 5479. An act to amend section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, with respect to awards of expenses of certain agency and court proceedings, and for other purposes;

H.R. 5492. An act to provide for the conservation and management of Atlantic striped bass, and for other purposes;

H.R. 5846. An act to amend title 18 United States Code, to improve collection and administration of criminal fines, and for other purposes;

H.R. 6028. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 6163. An act to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes.

H.R. 6224. An act to provide for the assumption of selected functions, programs, and resources of St. Elizabeths Hospital by the District of Columbia, to provide for the establishment of a comprehensive mental health care system in the District of Columbia, and for other purposes.

H.R. 6286. An act to amend title 35, United States Code, to increase the effectiveness of the patent laws, and for other purposes; and

H.R. 6342. An act to approve governing international fishery agreements with Iceland and the EEC; to establish national standards for artificial reefs; to implement the Convention on the Conservation of Antarctic Marine Living Resources; and for other purposes.

BILLS AND JOINT RESOLUTIONS APPROVED AFTER SINE DIE ADJOURNMENT

The President, subsequent to the sine die adjournment of the Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the House of the following titles:

On September 21, 1984:

H.J. Res. 505. Joint resolution designating the week beginning September 23, 1984, as "National Adult Day Care Week."

On September 24, 1984:

H.J. Res. 545. Joint resolution designating the week of September 16 through 22, 1984, as "Emergency Medicine Week."

On September 25, 1984:

H.R. 5177. An act granting the consent of Congress to an amendment to the Wheeling Creek watershed protection and flood prevention district compact entered into by the States of West Virginia and Pennsylvania.

On September 28, 1984:

H.R. 9. An act to designate components of the National Wilderness Preservation System in the State of Florida;

H.R. 71. An act to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the High Plains States, and for other purposes;

H.R. 743. An act for the relief of Theda June Davis;

H.R. 1250. An act to improve access for handicapped and elderly individuals to registration facilities and polling places for Federal elections;

H.R. 1437. An act entitled the "California Wilderness Act of 1984";

H.R. 2387. An act for the relief of Benjamin B. Doeh.

H.J. Res. 153. Joint resolution to designate the week beginning October 7, 1984, as "Natonal Children's Week"; and

H.J. Res. 453. Joint resolution designating the week of September 30 through October 6, 1984, as "National High-Tech Week."

On October 3, 1984:

H.R. 1150. An act for the relief of Teodoro N. Salanga, Jr.

H.R. H. 1236. An act for the relief of Andrew and Julia Lui.

H.R. 5343. An act for the relief of Narciso Archila Navarrete;

H.J. Res. 392. Joint resolution to designate December 7, 1984, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; and

H.J. Res. 653. Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes.

On October 4, 1984:

H.R. 718. An act for the relief of Samuel C. Willett;

H.R. 5147. An act to implement the Eastern Pacific Ocean Tuna Fishing Agreement, signed in San Jose, Costa Rica, March 15, 1983;

H.R. 5297. An act to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes;

H.J. Res. 554. Joint resolution to designate the week of November 11 through 17, 1984, as "Women in Agriculture Week";

H.J. Res. 605. Joint resolution regarding the implementation of the policy of the U.S. Government in opposition to the practice of torture by any foreign government; and

H.J. Res. 606. Joint resolution to designate the week of October 14 through 21, 1984, as "National Housing Week."

On October 5, 1984:

H.R. 5561. An act to enhance the economic development of Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and for other purposes; and

H.J. Res. 656. Joint resolution making further continuing appropriations for fiscal year 1985.

On October 6, 1984:

H.J. Res. 659. Joint resolution making further continuing appropriations for the fiscal year 1985.

On October 9, 1984:

H.R. 1904. An act to extend and improve provisions of laws relating to child abuse and neglect and adoption, and for other purposes;

H.R. 3755. An act to amend titles II and XVI of the Social Security Act to provide for reform in the disability determination process; and

H.J. Res. 649. Joint resolution changing the date for the counting of the electoral votes in 1985.

On October 10, 1984:

H.J. Res. 663. Joint resolution making further continuing appropriations for fiscal year 1985.

On October 11, 1984:

H.R. 3130. An act to authorize amendments to a certain repayment and water service contract for the Frenchman Unit of the Pick-Sloan Missouri River Basin Program;

H.R. 4968. An act to provide for the conveyance by the Secretary of Energy of surface rights to certain parcels of land located on Naval Petroleum Reserve No. 2 in the State of California on which private residences are located; and

H.R. 5221. An act to extend through September 30, 1988, the period during which amendments to the U.S. Grain Standards Act contained in section 155 of the Omnibus Budget Reconciliation Act of 1981 remain effective, and for other purposes.

On October 12, 1984:

H.R. 3879. An act to establish a national program to increase the availability of information on the health consequences of smoking, to amend the Federal Cigarette Labeling and Advertising Act to change the label requirements for cigarettes, and for other purposes; and

H.J. Res. 648. Joint resolution continuing appropriations for fiscal year 1985, and for other purposes.

On October 13, 1984:

H.J. Res. 654. Joint resolution increasing the statutory limit on the public debt.

On October 15, 1984:

H.R. 960. An act to confer citizenship posthumously on Cpl. Wladyslaw Staniszewski; and

H.R. 5164. An act to the National Security Act of 1947 to regulate public disclosure of information held by the Central Intelligence Agency, and for other purposes.

On October 16, 1984:

H.R. 2838. An act to entitled the "Federal Timber Contract Payment Modification Act."

On October 17, 1984:

H.R. 2878. An act to amend and extend the Library Services and Construction Act;

H.R. 2889. An act to amend the National Historic Preservation Act, and for other purposes;

H.R. 3601. An act to modify the boundary of the Pike National Forest in the State of Colorado, and for other purposes;

H.R. 3697. An act to modify Federal land acquisition and disposal policies carried out with respect to Fire Island National Seashore, and for other purposes;

H.R. 4932. An act to withdraw certain public lands in Lincoln County, NV, and for other purposes;

H.R. 4994. An act to exempt from taxation by the District of Columbia certain property of the Jewish War Veterans, U.S.A. National Memorial, Inc.;

H.R. 5223. An act to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to exempt restaurant central kitchens under certain conditions from Federal inspection requirements;

H.R. 5513. An act to designate the Delta States Research Center in Stoneville, MS, as the "Jamie Whitten Delta States Research Center";

H.R. 5540. An act to provide for restoration of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, to institute for such tribe those Federal services provided to Indians who are recognized by the Federal Government and who receive such services because of Federal trust responsibility, and for other purposes;

H.R. 5631. An act to provide for the acquisition of a visitor contact and administrative site for the Big Thicket National Preserve in the State of Texas;

H.R. 5782. An act granting the consent of Congress to an amendment to the Delaware River Basin compact;

H.R. 5818. An act to enable the Consumer Product Safety Commission to protect the public by ordering notice and repair, replacement or refund of certain toys or articles intended for use by children if such toys or articles contain a defect which creates a substantial risk of injury to children;

H.R. 5997. An act to designate the U.S. post office and courthouse in Pendleton, OR, as the "John F. Kilkenny U.S. Post Office and Courthouse"; and

H.R. 6223. An act to amend the act providing for the incorporation of certain persons as Group Hospitalization, Inc.

On October 19, 1984:

H.R. 437. An act for the relief of Patrick Starkie;

H.R. 932. An act for the relief of Harry Chen Tak Wong;

H.R. 1072. An act for the relief of Margot Hogan;

H.R. 1152. An act for the relief of Tomoko Jessica Kyan;

H.R. 1426. An act for the relief of Phillip Harper;

H.R. 1713. An act for the relief of Elizaveta Frankukhina;

H.R. 1865. An act for the relief of Nery De Maio;

H.R. 1932. An act for the relief of Mireille Laffite;

H.R. 2372. An act to recognize the organization known as the Navy Wives Clubs of America;

H.R. 2418. An act for the relief of Anis Ur Rahmaan;

H.R. 3382. An act for the relief of Dennis L. Dalton;

H.R. 3401. An act to designate the U.S. post office and courthouse located at 245 East Capital Street in Jackson, MS, as the "James O. Eastland U.S. Courthouse";

H.R. 3402. An act to designate that hereafter the Federal building at 100 West Capital Street in Jackson, MS, will be known as the Dr. A.H. McCoy Federal Building;

H.R. 4025. An act to authorize the Administrator of General Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes;

H.R. 4164. An act to amend the Vocational Education Act of 1963 to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes; and

H.R. 5167. An act to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for the Department of Defense for fiscal year 1985, to revise and improve defense procurement, compensation, and management programs, to establish new defense educational assistance programs, to authorize appropriations for national security programs of the Department of Energy, and for other purposes;

H.R. 5183. An act to direct the Secretary of Agriculture to convey certain national forest system lands to Craig County, VA;

H.R. 5603. An act to revise and extend programs for persons with developmental disabilities;

H.R. 5618. An act to amend title 38, United States Code, to revise and improve Veterans' Administration health programs and to improve security and law enforcement at Veterans' Administration facilities, and for other purposes;

H.R. 5691. An act for the relief of Sutu Bungani William Beck;

H.R. 5787. An act to remove and impediment to oil and gas leasing of certain Federal lands in Corpus Christi, TX, and Port Hueneme, CA, and for other purposes;

H.R. 6206. An act relating to the water rights of the Ak-Chin Indian Community;

H.R. 6216. An act to amend the Bankruptcy Amendments and Federal Judgeship Act of 1984 to make technical corrections with respect to the retirement of certain bankruptcy judges, and for other purposes;

H.R. 6225. An act to prevent disruption of the structure and functioning of the Government by ratifying all reorganization plans as a matter of law;

H.R. 6228. An act providing for an extension until April 21, 1992, of five patents relating to oral hypoglycemic drugs of the sulfonylurea class;

H.R. 6311. An act to combat international terrorism;

H.J. Res. 482. Joint resolution authorizing the law enforcement officers memorial fund to establish a memorial in the District of Columbia;

H.J. Res. 551. Joint resolution providing for reappointment of Anne Legendre Armstrong as a citizen regent of the Smithsonian Institution;

H.J. Res. 552. Joint resolution providing for reappointment of A. Leon Higginbotham, Jr., as a citizen regent of the Smithsonian Institution;

H.J. Res. 580. Joint resolution authorizing the Kahlil Gibran Centennial Foundation to establish a memorial in the District of Columbia or its environs;

H.J. Res. 638. Joint resolution designating October 1984 as "National Head Injury Awareness Month"; and

H.J. Res. 655. Joint resolution designating February 16, 1985 as "Lithuanian Independence Day."

October 24, 1984:

H.R. 1438. An act to provide for the restoration of the fish and wildlife in the Trinity River Basin, CA, and for other purposes;

H.R. 1961. An act to require the Administrator of Veterans' Affairs to prescribe regulations regarding the determination of service connection of certain disabilities of veterans who were exposed to dioxin in the Republic of Vietnam while performing active military, naval, or air service or to radiation from nuclear detonations while performing such service, to provide interim benefits for certain disabilities and deaths, and for other purposes;

H.R. 5688. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and of dependency and indemnity compensation for surviving spouses and children of veterans, to increase the rates of subsistence and educational assistance allowances for veterans pursuing vocational rehabilitation programs under chapter 31 of such title and for veterans and eligible persons pursuing programs of education or training under chapter 34, 35, or 36 of such title, to increase the opportunities for vocational rehabilitation of certain veterans receiving disability compensation, and to provide vocational training opportunities for certain veterans receiving pension; and for other purposes; and

H.R. 6027. An act to clarify the application of the Clayton Act to the official conduct of local governments, and for other purposes;

On October 25, 1984:

H.R. 6257. An act to amend the Motor Vehicle and Information Cost Savings Act to impede those motor vehicle thefts which occur for purposes of dismantling the vehicles and reselling the major parts by requiring passenger motor vehicles and major replacement parts to have identifying numbers or symbols and for other purposes.

On October 26, 1984:

H.R. 5271. An act to extend the Wetlands Loan Act.

On October 30, 1984:

H.R. 89. An act to permit the transportation of passengers between Puerto Rico and other U.S. ports on foreign-flag vessels when U.S.-flag service for such transportation is not available;

H.R. 440. An act for the relief of Frederick Francisco Akers;

H.R. 597. An act to amend sections 2733, 2734, and 2736, of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims, and for other purposes;

H.R. 1095. An act to grant a Federal charter to the 369th Veterans' Association;

H.R. 1870. An act to require the Secretary of the Treasury to coin and sell a national medal in honor of the members and former members of the Armed Forces of the United States who served in the Vietnam conflict;

H.R. 1880. An act to establish an interagency committee and a technical study group on cigarette safety;

H.R. 2087. An act for the relief of Hans Robert Beisch;

H.R. 2645. An act to amend the act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia;

H.R. 2671. An act for the relief of Edgar Gildardo Herrera;

H.R. 2790. An act to amend the Colorado River Basin Salinity Control Act to authorize certain additional measures to assure accomplishment of the objectives of title II of such act, and for other purposes;

H.R. 2823. An act to amend title I of the Reclamation Project Authorization Act of 1972 in order to provide for the establishment of the Russell Lakes Waterfowl Management Area as a replacement for the authorized Mishak National Wildlife Refuge, and for other purposes;

H.R. 3150. An act to direct the Secretary of Agriculture to convey, for certain specified consideration, for Sabine River Authority approximately 31,000 acres of land within the Sabine National Forest to be used for the purposes of the Toledo Bend project, Louisiana and Texas, and for other purposes;

H.R. 3331. An act to authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles for purposes of the Santa Monica Mountains National Recreation Area;

H.R. 3398. An act to amend the trade laws, authorize the negotiation of trade agreements, extend trade preferences, change the tariff treatment with respect to certain articles, and for other purposes;

H.R. 3788. An act to designate various areas as components of the National Wilderness Preservation System in the national forests in the State of Texas;

H.R. 3942. An act to facilitate commercial space launches, and for other purposes;

H.R. 3971. An act to provide that any Osage headright or restricted real estate or funds which is part of the estate of a deceased Osage Indian who did not possess a certificate of competency at the time of death shall be exempt from any estate or inheritance tax imposed by the State of Oklahoma;

H.R. 4209. An act to amend the Small Business Act, the Federal Property and Administrative Services Act of 1949, and the Office of Federal Procurement Policy Act to enhance competition in Government procurement, and for other purposes;

H.R. 4263. An act to designate certain lands in the Cherokee National Forest, TN, as wilderness areas, and to allow management of certain lands for uses other than wilderness;

H.R. 4354. An act to designate the Federal building and U.S. Courthouse in Ocala, FL, as the "Golden-Collum Memorial Federal Building and U.S. Courthouse";

H.R. 4401. An act for relief of Shu-Ah-tsai Wei, her husband, Yen Wei, and their sons, Teh-fu Wei and Teh-huei Wei;

H.R. 4473. An act to designate the Federal Archives and Records Center in San Bruno, CA, as the "Leo J. Ryan Memorial Federal Archives and Records Center";

H.R. 4585. An act to authorize appropriations for the Office of Environmental Quality and the Council on Environmental Quality for fiscal years 1985 and 1986, and for other purposes;

H.R. 4700. An act to designate the Federal building and U.S. Courthouse at 1961 Stout Street, Denver, CO, as the "Bryon G. Rogers Federal Building and U.S. Courthouse";

H.R. 4717. An act to designate the Federal building and U.S. Courthouse in Las Vegas, NV, as the "Foley Federal Building and U.S. Courthouse";

H.R. 4966. An act to recognize the organization known as the Women's Army Corps Veterans' Association;

H.R. 5076. An act to designate certain areas in the Allegheny National Forest as wilderness and recreation areas;

H.R. 5121. An act to designate certain National Forest System lands in the State of Virginia as wilderness, and for other purposes;

H.R. 5189. An act to amend section 3056 of title 18, United States Code, to update the authorities of the U.S. Secret Service, and for other purposes;

H.R. 5252. An act to redesignate the Veterans' Administration Medical Center located in Poplar Bluff, MO, as the "John J. Pershing Veterans' Administration Medical Center";

H.R. 5323. An act to designate the U.S. courthouse building in Hato Rey, PR, as the "Clemente Ruiz Nazario United States Courthouse";

H.R. 5358. An act to enable honey producers and handlers to finance a nationally coordinated research, promotion, and consumer information program designated to expand their markets for honey;

H.R. 5402. An act to designate the U.S. post office and courthouse in Utica, NY, as the "Alexander Pirnie Federal Building";

H.R. 5716. An act providing for the conveyance of public lands, Seneca County, OH;

H.R. 5728. An act to permit aliens lawfully admitted for permanent residence who are employed by the American University of Beirut to return to the United States as special immigrants after completion of such employment;

H.R. 5747. An act to designate the Federal building in Oak Ridge, TN, as the "Joe L. Evins Federal Building";

H.R. 5832. An act to authorize two additional Assistant Secretaries for the Department of the Treasury;

H.R. 5833. An act to improve certain maritime programs of the Department of Transportation and the Department of Commerce;

H.R. 5846. An act to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes;

H.R. 6000. An act to designate the Table Rock Lake Visitors Center building in the vicinity of Branson, MO, as the "Dewey J. Short Table Rock Lake Visitors Center";

H.R. 6007. An act to establish certain procedures regarding the judicial service of retired judges of DC courts, and for other purposes;

H.R. 6100. An act to clarify the intent of Congress with respect to the families eligible for a commemorative medal authorized for the families of Americans missing or otherwise unaccounted for in Southeast Asia;

H.R. 6101. An act to amend the Panama Canal Act of 1979 to authorize quarters allowances for certain employees of the Department of Defense serving in the area formerly known as the Canal Zone;

H.R. 6112. An act to amend the Tax Equity and Fiscal Responsibility Act of 1982 with respect to the effect of the 1985 increase in the Federal unemployment tax rate on certain small business provisions contained in State unemployment compensation laws;

H.R. 6221. An act to provide for the use and distribution of certain funds awarded the Wyandotte Tribe of Oklahoma and to restore certain mineral rights to the three tribes of the Fort Berthold Reservation;

H.R. 6296. An act entitled: "The San Juan Basin Wilderness Protection Act of 1984";

H.R. 6299. An act to ensure the payment in 1985 of cost-of-living increases under the OASDI program in title II of the Social Security Act, and to provide for a study of certain changes which might be made in the provisions authorizing cost-of-living adjustments under that program;

H.R. 6303. An act to make certain technical corrections in various acts relating to the Osage Tribe and Indians of Oklahoma;

H.R. 6430. An act to amend the River and Harbor Act of 1946;

H.R. 6438. An act for the relief of Joseph Karel Hasek;

H.R. 6441. An act to eliminate restrictions with respect to the imposition and collection of tolls on the Richmond-Petersburg Turnpike upon repayment by the Commonwealth of Virginia of certain Federal-aid highway funds used on such turnpike;

H.J. Res. 158. Joint resolution to make technical corrections in the act of January 12, 1983 (Public Law 97-459);

H.J. Res. 332. Joint resolution to designate the week beginning May 20, 1985, as "National Medical Transcriptionist Week"; and

H.J. Res. 594. Joint resolution designating the week beginning February 17, 1985, as a time to recognize volunteers who give their time to become Big Brothers and Big Sisters to youths in need of adult companionship.

On October 31, 1984:

H.R. 2568. An act to amend the Internal Revenue Code of 1954 to extend for 2 years the exclusion from gross income with respect to educational assistance programs, and for other purposes;

H.R. 5361. An act to amend the Internal Revenue Code of 1954 to extend for 1 year the exclusion from gross income with respect to group legal services plans, and for other purposes; and

H.R. 5492. An act to provide for the conservation and management of Atlantic striped bass, and for other purposes.

On November 8, 1984

H.R. 1314. An act to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government, and for other purposes;

H.R. 2300. An act to provide retirement equity for former spouses of civil service retirees, and for other purposes;

H.R. 2867. An act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1985 through 1988, and for other purposes;

H.R. 5386. An act to amend part A of title XVIII of the Social Security Act with respect to the payment rates for routine home care and other services included in hospice care;

H.R. 5399. An act to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency retirement and disability system, and for other purposes;

H.R. 6028. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 6163. An act to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes;

H.R. 6224. An act to provide for the assumption of selected functions, programs, and resources of St. Elizabeths Hospital by the District of Columbia, to provide for the establishment of a comprehensive mental health care system in the District of Columbia, and for other purposes;

H.R. 6286. An act to amend title 35, United States Code, to increase the effectiveness of the patent laws, and for other purposes; and

H.R. 6342. An act to approve governing international fishery agreements with Iceland and the EEC; to establish national standards for artificial reefs; to implement the Convention on the Conservation of Antarctic Marine Living Resources; and for other purposes.

BILLS DISAPPROVED AFTER SINE DIE ADJOURNMENT

The President announced his disapproval of the following bills with memorandums of disapproval as follows:

H.R. 2859

The President has withheld his approval from H.R. 2859, a bill for the relief of John Brima Charles.

H.R. 6248

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from H.R. 6248, the "Armed Career Criminal Act of 1984."

This legislation would generally enhance the penalties under existing law applicable to a felon who has been convicted three times in a United States or State court of robbery or burglary and who receives, possesses, or transports firearms.

Although I certainly support the aims of H.R. 6248, I note that identical provisions were contained in the Administration's "Comprehensive Crime Control Act," which I approved on October 12, 1984, as part of P.L. 98-473. That legislation—marking the culmination of much hard work and effort on the part of members of my Administration and the Congress—is the most comprehensive revision of Federal criminal statutes to be enacted in many years.

Inasmuch as H.R. 6248 merely duplicates existing law, it is unnecessary. Accordingly, I decline to approve it.

RONALD REAGAN.

THE WHITE HOUSE, *October 19, 1984.*

H.R. 452

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 452, a bill "For the relief of Jerome J. Hartmann and Rita J. Hartmann."

The purpose of the bill is to allow the Hartmanns to file an action against the United States, notwithstanding any other provision of law or order of any court or administrative body, with respect to damage suffered by them due to the rise in the water level of Avon Lake, Iowa, allegedly caused by the negligent design, construction, and operation of the Red Rock Reservoir and related levees.

Jerome J. Hartmann and Rita J. Hartmann are the owners of property near the Red Rock Dam and Lake Red Rock project in Iowa, which was constructed by the United States Army Corps of Engineers and began operation in 1969. The Hartmanns' property includes Avon Lake, a former gravel quarry that the Hartmanns operated as a recreational lake.

In the spring of 1973, during a period of record rainfall and impoundment of record flood storage at Lake Red Rock, the level at Avon Lake and another nearby lake, Avondale Lake, rose to a record elevation. Operation of Avon Lake for recreation was suspended and approximately 100 homes in the area suffered some form of flood damage. By August of 1973, Lake Red Rock had returned to low levels but despite pumping of Avondale Lake by the Corps of Engineers, Avon and Avondale Lakes did not recede. In 1974, with no apparent influence whatever from Lake Red Rock, the levels at Avon and Avondale Lakes rose to new highs. The waters did not recede to normal levels until after 1974.

While I sympathize with the Hartmanns and all others who suffer losses from flood waters, I am compelled to withhold my approval of H.R. 452 on several grounds.

First, the Corps attempted to determine the cause of the rise in water levels at Avon and Avondale Lakes. The geology of the area was reexamined and water levels were monitored. A casual relationship between the Federal project and the fluctuations in water elevation levels at the private lakes has not been established.

Second, over fifty years ago, when it was embarking on a major program to build flood control projects, the Congress established Federal immunity (33 U.S.C. 702(c)) against claims for incidental or periodic flood damages that might be associated with such projects in recognition that these projects yield broad and substantial societal and economic benefits for the country.

Over the years, the Executive branch and the Congress have viewed this immunity as essential to continued Federal involvement in the area of flood control. Contrary to this longstanding national policy, H.R. 452 would establish an undesirable precedent and grant preferential treatment to the Hartmanns over residents of the area who may have similarly suffered flood damages. The circumstances of this case clearly do not warrant special treatment for the Hartmanns.

RONALD REAGAN.

THE WHITE HOUSE, *October 30, 1984.*

H.R. 723

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 723, a private bill for the relief of Marsha D. Christopher, a Postal Service worker. I sympathize with Mrs. Christopher. The on-the-job injury to her resulting from an attack by a dog was severe, but I believe that enactment of this bill would set an undesirable and potentially costly precedent and would discriminate unfairly against the thousands of other postal workers and Federal employees who also incur job-related injuries.

Mrs. Christopher has received the benefits allowed to Federal workers injured on the job as provided by the Federal Employees' Compensation Act (FECA). The bill would waive the subrogation provisions of FECA, thus enabling Mrs. Christopher to receive and retain FECA benefits in addition to money recovered by her as the result of her private settlement with the owner of the dog. This would undermine the primary purpose of the subrogation provisions of the Act, which is to place the cost of compensation on the person or persons responsible for the injury and to relieve the taxpaying public of this expense.

RONALD REAGAN.

THE WHITE HOUSE, *October 30, 1984.*

H.R. 999

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from H.R. 999, the "American Conservation Corps Act of 1984." This legislation would establish, within the Departments of Agriculture and the Interior, conservation-related employment programs for youths.

The programs that H.R. 999 would in effect reestablish—the Youth Conservation Corps (YCC) and the Young Adult Conservation Corps (YACC)—were terminated by Congress at my recommendation because they had proven to be costly and unnecessary. The American Conservation Corps (ACC) would duplicate other efforts for youth financed by the Job Training Partnership Act (JTPA), such as the Job Corps, JTPA State Block Grants, and the Summer Youth program. In fiscal year 1985, the Federal Government will spend nearly $2.2 billion on these programs, which will train about 1.5 million people. This training is done at a much lower per-capita cost than would be the case under the ACC, and is much more likely to result in permanent private sector jobs for their graduates because they involve the private sector in job training.

The ACC, however, would be based on the discredited approach to youth unemployment that relies on artificial public sector employment, just as did the Public Service Employment program operated under the Comprehensive Employment and Training Act until it was terminated by Congress in 1981.

Moreover, the ACC is not a necessary or effective way of managing Federal lands. The Federal Government currently spends over $4 billion annually on land management. This amount is adequate to fund all activities needed to ensure the preservation of these precious resources for this and future generations of Americans. Any conservation project that could be performed by the ACC could be done better and for less money under existing programs, because of less overhead for residential centers and the greater productivity of existing workers who are already well trained. In addition, I have recently signed S. 864, which would expand the National Park Service's volunteer program, and allow such a program to be established in the Bureau of Land Management. Under these worthwhile programs, including those administered by the Forest Service and the Fish and Wildlife Service, citizens offer valuable volunteer services to assist the Departments of Agriculture and the Interior in the management of Federal lands.

Finally, while the three year, $225 million ACC authorization is itself unwarranted, it would almost certainly grow. The Youth Conservation Corps began in 1971 as a $1 million pilot program, and was subsequently given a permanent authorization of $60 million annually, notwithstanding its inability to provide enduring, meaningful benefits for the trainees or the public. Moreover, the proponents of the ACC have already served notice that they intend to attempt in the next Congress to increase the ACC authorization to $300 million annually.

I believe that America's unemployed youth would be better served by reducing Federal spending so that more resources are available to the private sector of our economy to fuel a continuation of the current economic expansion that has added 6 million new jobs to the workforce over the last two years. If given the opportunity, the private sector is much more likely to offer young people promising career opportunities than temporary make-work Federal job programs such as the American Conservation Corps.

RONALD REAGAN.

THE WHITE HOUSE, *October 30, 1984.*

H.R. 5172

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 5172, which includes the "National Bureau of Standards Authorization Act for Fiscal Year 1985" (Title I), clarifications of the role of the National Science Foundation in engineering research and education (Title II), and the "Manufacturing Sciences and Robotics Research and Development Act of 1984" (Title III). Title I would, among other things, authorize appropriations for certain Department of Commerce programs for fiscal year 1985, for which appropriations have already been enacted.

Title III of H.R. 5172 would establish a new program providing Federal financial support for a variety of research, development, education, and training activities, whose purported purpose would be to improve manufacturing technologies, including robotics and automation. These activities would total $250 million during fiscal years 1985-1988, and represent an unwarranted role for the Federal government. The decisions on how to allocate investments for research on manufacturing technologies are best left to American industry. It is highly doubtful that this Act and resulting Federal expenditures would improve the competitiveness of U.S. manufacturing.

The new role for the Federal government contemplated by Title III could also serve as the basis for a Federal industrial policy to influence our Nation's technological development. This Administration has steadfastly opposed such a role for the Federal government.

My Administration has fostered the development of a robust and improving economy, which will do more than anything to improve the growth and productivity of the industrial sector. We will continue our efforts to improve the general economy, the regulatory environment, and tax policies that are essential if U.S. industry is to remain competitive. I cannot, however, approve legislation that would result in significant Federal expenditures with little or no assurance that there are any benefits to be gained.

I am, therefore, constrained to withhold my approval from H.R. 5172.

RONALD REAGAN.

THE WHITE HOUSE, *October 30, 1984.*

H.R. 5760

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 5760, a bill "To declare that the United States holds certain lands in trust for the Cocopah Indian Tribe of Arizona, and for other purposes."

Title I of H.R. 5760 would declare that almost 4,000 acres of Federal land in Yuma County, Arizona, be held in trust by the United States for the benefit of the Cocopah Indian Tribe. I do not object to this provision.

Title II of H.R. 5760 would allow the Navajo Tribe to reassert against the United States, vague and uncertain claims originally brought in July 1950, but voluntarily and legally withdrawn by their counsel in October 1969. The propriety and finality of counsel's action were subsequently given exhaustive consideration. *Navajo Tribe* v. *United States,* 220 Ct. Cl. 350, 601 F. 2d 536 (1979), *cert. denied,* 444 U.S. 1072 (1980). In the meantime, some claims which might be affected by H.R. 5760 have been settled or litigated, and others have been placed on a detailed trial schedule. Enactment of H.R. 5760 could compel protracted renegotiation, retrial or delay in the trial of these claims, based upon vague and speculative allegations.

Absent a compelling showing that a substantial injustice would result from adherence to procedural norms, the limitations of the Indian Claims Act and the procedures adopted for the adjudication of claims under the Act should not be frustrated by special legislation, such as that contained in title II of H.R. 5760. No such showing has been made here.

Title II would interfere with the fair and orderly adjudication of the claims of the Navajo Tribe and would constitute an affront to established rules, procedures, and principles for the resolution of Indian claims. It could serve to encourage other and future efforts to obtain by legislation that which has been unattainable through adjudication.

For these reasons, I find that bill unacceptable. If Title I were presented as a separate bill, I would have no objection to its enactment.

RONALD REAGAN.

THE WHITE HOUSE, *October 30, 1984.*

H.R. 5479

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 5479, a bill "to amend section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, with respect to awards of expenses of certain agency and court proceedings, and for other purposes."

H.R. 5479 would permanently reauthorize and make a number of significant changes to the Equal Access to Justice Act. The Act allows the award of attorneys' fees to certain parties who successfully litigate against the government unless the government demonstrates that its position is substantially justified or that special circumstances exist that make a fee award unjust. Because the Equal Access to Justice Act expired on September 30, 1984, legislation is needed to reauthorize the Act.

I am firmly committed to the policies underlying the Equal Access to Justice Act and will make the permanent and retroactive reauthorization of the Act a high legislative priority of the Administration in the next Congress. Where the Federal government has taken a position in litigation that is not substantially justified, and thereby has caused a small business or individual to incur unnecessary attorneys' fees and legal costs, I believe it proper for the government to reimburse that small business or individual for those expenses. The Equal Access to Justice Act thus serves an important salutory purpose that should become a permanent part of our government. Unfortunatley, H.R. 5479 makes certain changes to the Equal Access to Justice Act that do not further the Act's basic purposes and that are inconsistent with fundamental principles of good government. The most objectionable of these provisions is the change the bill would make in the definition of "position of the United States." Under this changed definition, the Act would no longer apply only to the government's position taken in the administrative or court litigation, but would extend to the underlying agency action. This would result in needless and wasteful litigation over what is supposed to be a subsidiary issue, the award of attorneys' fees, and would further burden the courts, which would have to hear the claims in each case not once, but twice. In addition, this change could also undermine the free exchange of ideas and positions within each agency that is essential for good government.

For example, this change would require courts in making fee determinations to examine the conduct of an agency even where that conduct is not at issue in the court's review of the merits of the case before it. This would mean that a fee proceeding could result in an entirely new and subsidiary inquiry in the circumstances that gave rise to the original lawsuit. This inquiry only could lead to far lengthier proceedings than required if the court is merely to examine arguments made in court, but also could lead to extensive discovery of how the underlying agency position was formulated, and who advocated what position and for what reasons at what time. In effect, every step of the agency decision-making process, at whatever level, could become the subject of litigation discovery. Such extensive discovery could inhibit free discussion within an agency prior to any final agency policy decision or action for fear that any internal disagreements or reservations would be the subject of discovery and judicial inquiry.

In addition, H.R. 5479 contains a provision that would require the United States to pay interest on any awarded attorneys' fees not paid within 60 days after the date of the award. As noted by the Comptroller General of the United States, this provision would give lawyers who have received awards under this Act more favorable treatment than any other group entitled to interest payments from the United States. I agree with the Comptroller General that to the extent any interest should be paid under the Act, it should be paid on the same basis as other interest payments made by the government on court judgments.

The Department of Justice, the Office of Management and Budget, and other concerned agencies have repeatedly expressed to the Congress their serious reservations about these and other provisions of H.R. 5479. I wholly support the prompt reauthorization of the Equal Access to Justice Act and believe that the reauthorization should be retroactively effective to October 1, 1984. In light of the permanent nature of a reauthorization, such a reauthorization should include modifications and improvements in the Act, which the Administration is willing to explore with the Congress.

Concurrently with this memorandum, I am issuing a memorandum to all agency heads concerning the Equal Access to Justice Act. This memorandum reaffirms my strong commitment to the policies underlying the Act and instructs agency heads to review the procedures of their agencies to ensure that agency positions continue to be substantially justified. Special attention is to be given to those agency positions that affect small businesses. In addition, each agency is to accept and assist in the preparation of fee applications which can be considered once the Act is reauthorized.

I look forward to approving an acceptable reauthorization of the Equal Access to Justice Act early next year. For the reasons indicated, however, I am compelled to withhold my approval of H.R. 5479.

RONALD REAGAN.

THE WHITE HOUSE, *November 8, 1984.*

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Oct. 11, 1984, the following report was filed on Oct. 16, 1984.]

Mr. BROOKS: Committee on Government Operations. Report on investigation of the Department of Education's college construction loan programs (Rept. No. 98-1164). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the special order of the House on Oct. 11, 1984, the following report was filed on Oct. 23, 1984.]

Mr. BROOKS: Committee on Government Operations. Report on FDA's monitoring of pesticide residues in the Nation's food supply: Lessons from the ethylene dibromide [EDB] experience (Rept. No. 98-1165). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on Oct. 11, 1984, the following reports were filed on Nov. 1, 1984.]

Mr. BROOKS: Committee on Government Operations. Report on the Westway project: A study of failure in Federal/State relations (Rept. No. 98-1166). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on diversion of funds from Vietnam veterans readjustment counseling program (Rept. No. 98-1167). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on Oct. 11, 1984, the following report was filed on Nov. 6, 1984.]

Mr. BROOKS: Committee on Government Operations. Report on deficiencies in FDA's regulation of the marketing of unapproved new drugs: The case of Eferol (Rept. No. 98-1168). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on October 15, 1984, the following report was filed on December 4, 1984]

Mr. STOKES: Committee on Standards of Official Conduct. In the matter of Representative Geraldine A. Ferraro (Rept. No. 98-1169). Referred to the House Calendar.

[Pursuant to rule XI, clause 1(d), the following report was filed on December 7, 1984]

Mr. JONES of Oklahoma: Committee on the Budget. Activities and summary report of the Committee on the Budget, U.S. House of Representatives, 98th Congress (Rept. No. 98-1170). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on October 4, 1984, the following report was filed on December 10, 1984]

Mr. MITCHELL: Committee on Small Business. The impact of changes in the telecommunications industry on small business (Rept. No. 98-1171). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to rule XI, clause 1(d), the following report was filed on December 13, 1984]

Mr. DE LA GARZA: Committee on Agriculture. Activities report of the Committee on Agriculture during the 98th Congress (Rep. No. 98-1172). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to rule XI, clause 1(d), the following report was filed on December 18, 1984]

Mr. ANNUNZIO: Committee on House Administration. Report on the activities of the Committee on House Administration during the 98th Congress (Rept. No. 98-1173). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to rule XI, clause 1(d), the following report was filed on December 20, 1984]

Mr. STOKES: Committee on Standards of Official Conduct. Summary of activities of the Committee on Standards of Official Conduct—98th Congress (Rept. No. 98-1174). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the provisions of rule XI, the following report was filed on December 21, 1984]

Mr. ROYBAL: Select Committee on Aging. Report on the activities of the Select Committee on Aging during the 98th Congress (Rept. No. 98-1175). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the provisions of section 6(a) of H. Res. 15, the following report was filed on December 26, 1984]

Mr. LELAND: Select Committee on Hunger. Progress report of the Select Committee on Hunger, the 98th Congress, 2d session. (Rept. No. 98-1176). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to rule XI, clause 1(d), the following reports were filed on December 27, 1984]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. Report on the activities of the Merchant Marine and Fisheries Committee, 98th Congress (Rept. No. 98-1177). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. Report on the activity of the Committee on Energy and Commerce for the 98th Congress (Rept. No. 98-1178). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the provisions of section 6(a) of H. Res. 16, the following reports were filed on December 28, 1984]

Mr. MILLER of California: Select Committee on Children, Youth, and Families. "Children, Youth, and Families: 1983." A year-end report on the activities of the Select Committee on Children, Youth, and Families (Rept. No. 98-1179). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Select Committee on Children, Youth, and Families. Report on "Families and Child Care: Improving the Options" (Rept. No. 98-1180). Referred to the Committee of the Whole House on the State of the Union.

[Filed December 28, 1984]

Mr. FORD of Michigan: Committee on Post Office and Civil Service. Report on legislative review by the Committee on Post Office and Civil Service, House of Representatives, 98th Congress (Rept. No. 98-1181). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee on Foreign Affairs. Report on legislative review activities of the Committee on Foreign Affairs, 98th Congress (Rept. 98-1182). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. Report on activities and summary report of the Committee on the District of Columbia, House of Representatives, 98th Congress (Rept. No. 98-1183). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on activities of the House Committee on Government Operations, 98th Congress, 1st and 2d sessions, 1983-84 (Rept. No. 98-1184). Referred to the Committee of the Whole House on the State of the Union.

Mr. ST GERMAIN: Committee on Banking, Finance, and Urban Affairs. Summary of activities: A report of the Committee on Banking, Finance and Urban Affairs, House of Representatives, 98th Congress (Rept. No. 98-1185). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. Report on legislative review activity during the 98th Congress of the Committee on Ways and Means (Rept. No. 98-1186). Referred to the Committee of the Whole House on the State of the Union.

Mr. MITCHELL: Committee on Small Business. Summary of activities: a report of the Committee on Small Business, House of Representatives, 98th Congress (Rept. No. 98-1187). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. Activities report of the Committee on Veterans' Affairs, House of Representatives, 98th Congress (Rept. No. 98-1188). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. Summary of activities of the Committee on Science and Technology, U.S. House of Representatives, for the 98th Congress (Rept. No. 98-1189). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. Report on the activities of the Committee on Education and Labor during the 98th Congress (Rept. No. 98-1190). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Committee on Armed Services. Report of the activities of the Committee on Armed Services for the 98th Congress (Rept. No. 98-1191 Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. Survey of activities of the House Committee on Rules, 98th Congress (Rept. No. 98-1192). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. Report on the activities of the Committee on the Judiciary of the House of Representatives during the 98th Congress (Rept. No. 98-1193). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. Report of committee activities, Committee on Appropriations, House of Representatives, 98th Congress, January 3, 1983, through January 3, 1985 (Rept. No. 98-1194). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Select Committee on Children, Youth, and Families. Report on the activities in the 98th Congress of the Select Committee on Children, Youth, and Families, U.S. House of Representatives, years 1983 and 1984 (Rept. No. 98-1195). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLAND: Permanent Select Committee on Intelligence. Report on the activities of the Permanent Select Committee on Intelligence of the House of Representatives during the 98th Congress (Rept. No. 98-1196). Referred to the Committee of the Whole House on the State of the Union.

[Filed January 3, 1985]

Mr. UDALL: Committee on Interior and Insular Affairs. Legislative and review activities of the Committee on Interior and Insular Affairs of the House of Representatives during the 98th Congress (Rept. No. 98-1197). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. Summary of activities (Legislative History), Committee on Public Works and Transportation, House of Representatives, 98th Congress (Rept. No. 98-1198). Referred to the Committee of the Whole House on the State of the Union.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the third calendar quarter 1984:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.......... ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report. ◆

AFFIDAVIT

[Omitted in printing]

PAGE 1 ◆

Organization or Individual Filing	Employer/Client
A-K ASSOCIATES, INC., 1225 8TH STREET, #590 SACRAMENTO CA 95814	HEMET VALLEY FLYING SERVICE
Do	INTERNATIONAL FIVE MANAGEMENT
Do	STRATOS TANKER, INC
JOHN J. ADAMS, 2000 PENNSYLVANIA AVE., NW, #900 WASHINGTON DC 20006	WESTVACO
DEBORAH L. AIKEN, 1615 H STREET, NW WASHINGTON DC 20062	U.S. CHAMBER OF COMMERCE
AKIN GUMP STRAUSS HAUER & FELD, SUITE 400 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	CAPITAL MARKETS GROUP
Do	COMMITTEE AGAINST NETWORK DOMINANCE
Do	EMBASSY OF PEOPLE'S REPUBLIC OF CHINA
Do	FRUPAC INTERNATIONAL CORP
Do	RETAIL TRADE ACTION COALITION
Do	WEBER HALL SALE & ASSOCIATES, INC
DONALD C. ALEXANDER, MORGAN LEWIS & BOCKIUS 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036	TUPMAN THURLOW CO, INC
JUANITA ALVAREZ, 218 D STREET, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE
AMERICAN ASSN OF EXPORTERS & IMPORTERS, 11 WEST 42ND STREET, 30TH FL. NEW YORK NY 10036	
AMERICAN HEALTH CARE ASSN, 1200 15TH STREET, NW WASHINGTON DC 20005	
STEPHEN O. ANDERSEN, 2000 L STREET, NW, #320 WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA
ARENT FOX KINTNER PLOTKIN & KAHN, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	BREED CORPORATION
Do	TUBULAR CORP OF AMERICA, INC
ARKANSAS ASSN OF BANK HOLDING COMPANIES, BOYLE BUILDING, SUITE 1020 LITTLE ROCK AR 72201	
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AMERICAN ASSN OF EXPORTERS & IMPORTERS (AAEI)
Do	CITY OF NORFOLK
JOHN MCELROY ATKISSON, 1717 K STREET, NW, #502 WASHINGTON DC 20036	CAROLINA POWER & LIGHT CO
Do	DUKE POWER CO
Do	NEW ENGLAND ELECTRIC SYSTEM
Do	PACIFIC GAS & ELECTRIC CO
Do	SOUTHERN CALIFORNIA EDISON CO
Do	VIRGINIA ELECTRIC & POWER CO
JOHN R. F. BAER, 1856 NORTH KOSTNER AVENUE CHICAGO IL 60639	SCHWINN BICYCLE CO
THOMAS M. BALMER, 888 16TH STREET, NW WASHINGTON DC 20006	MILK INDUSTRY FOUNDATION/INT'L ASSN OF ICE CREAM MFRS
PHILIP A. BANGERT, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC
CHARLES E. BANGERT, P.C., 1825 EYE STREET, NW, #300 WASHINGTON DC 20006	BUSINESS ROUNDTABLE
DONNA R. BARNAKO, 1200 15TH STREET, NW WASHINGTON DC 20005	AMERICAN HEALTH CARE ASSN
BARNES RICHARDSON & COLBURN, SUITE 400 1819 H ST., NW WASHINGTON DC 20006	JOSEPH E. SEAGRAM & SONS, INC, ET AL.
BARNETT & ALAGIA, 1000 THOMAS JEFFERSON STREET, NW, #900 WASHINGTON DC 20007	ASSOCIATION OF FOOD INDUSTRIES, INC
Do	THAI FOOD PROCESSORS ASSN
JAMES E. BARTLEY, 1090 VERMONT AVENUE, NW, #410 WASHINGTON DC 20005	PROCOMPETITIVE RETAIL STEERING COMM
CHARLES F. BASIL, MILLER & CHEVALIER, CHTD 655 15TH STREET, NW WASHINGTON DC 20005	LINCOLN SAVINGS & LOAN ASSN
BARBARA F. BEATTY, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC
HOWARD BEDLIN, 1050 17TH STREET, NW, #770 WASHINGTON DC 20036	AMERICAN ASSN OF HOMES FOR THE AGING
JAMES P. BELLIS, 11 DUPONT CIRCLE, NW, #700 WASHINGTON DC 20036	PALUMBO & CERRELL, INC (FOR: AMERICAN SOC OF COMPOSERS AUTHORS & PUBLISHERS)
Do	PALUMBO & CERRELL, INC (FOR: NATIONAL SCHOOL TRANSPORTATION ASSN)
Do	PALUMBO & CERRELL, INC (FOR: SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT)
ALAN R. BENNETT, 1575 EYE STREET, NW, #1150 WASHINGTON DC 20005	KAYE SCHOLER FIERMAN HAYS & HANDLER (FOR: BRISTOL-MYERS CO;
MAX N. BERRY, 3213 O ST., NW WASHINGTON DC 20007	FEDERATION DES EXPORTATEURS DE VINS & SPIRITUEUX DE FRANCE
CHERYL BEVERSDORF, 1200 15TH STREET, NW WASHINGTON DC 20005	AMERICAN HEALTH CARE ASSN
LEONARD BICKWIT JR., MILLER & CHEVALIER, CHTD. 655 15TH STREET, NW WASHINGTON DC 20005	LINCOLN SAVINGS & LOAN ASSN
KEVIN W. BILLINGS, 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL
BIPARTISAN BUDGET COALITION, P.O. BOX 5203 F.D.R. STATION NEW YORK NY 10150	
BIRCH HORTON BITTNER PESTINGER & ANDERSON, SUITE 1100 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN SOC OF ASSN EXECUTIVES
Do	TURLOCK IRRIGATION DISTRICT
BISHOP LIBERMAN COOK PURCELL & REYNOLDS, 1200 17TH STREET, NW, 7TH FL. WASHINGTON DC 20036	FIVE STATE RICE PRODUCERS LEGISLATIVE GROUP
Do	SOUTH CAROLINA PUBLIC SERVICE AUTHORITY
Do	VOLVO CAR B.V.
BLACK MANAFORT & STONE, INC, 324 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	DOMINICAN REPUBLIC
Do	GOVERNMENT OF BARBADOS
Do	GOVERNMENT OF ST. LUCIA
Do	INTERNATIONAL MEDICAL CENTERS
Do	SQUIBB CORP
SHARON E. BOMER, 727 N. WASHINGTON STREET ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN
DOUG B. BOWLES, 205 SPRING HILL TERRACE ROSWELL GA 30075	GEORGIA POWER CO
BRACEWELL & PATTERSON, SUITE 1200 1825 EYE ST., N.W. WASHINGTON DC 20006	CHEMICAL MANUFACTURERS ASSN
BRACY WILLIAMS & COMPANY, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	DAYLIGHT SAVING TIME COALITION
Do	SINGAPORE AIRLINES, LTD
BRAND LOWELL & DOLE, 923 15TH STREET, NW, FIFTH FL. WASHINGTON DC 20005	GENERAL DYNAMICS
HAROLD E. BRAZIL, 1900 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO
BREED ABBOTT & MORGAN, 1875 EYE ST., NW, #1000 WASHINGTON DC 20006	AEROJET-GENERAL, INC, ET AL.
BROADHURST BROOK MANGHAM HARDY & REED, 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	COLUMBIA GAS SYSTEM SERVICE CORP
Do	LOUISIANA INTRASTATE GAS CORP
Do	PHILLIPS PETROLEUM CO
STEPHEN W. BROADIE, 1629 K STREET, NW WASHINGTON DC 20006	ALLIANCE OF AMERICAN INSURERS
BROWN ROADY BONVILLIAN & GOLD, 1300 19TH STREET, NW, #300 WASHINGTON DC 20036	CITICORP CAPITAL INVESTORS, LTD
Do	SECONDARY LEAD SMELTERS ASSN (SLSA)
BUCHANAN INGERSOLL, P.C., 1667 K STREET, NW, 9TH FL. WASHINGTON DC 20006	FEDERATION OF APPAREL MANUFACTURERS
BARBARA G. BURCHETT, 1201 PENNSYLVANIA AVENUE, NW, #210 WASHINGTON DC 20004	HALLMARK CARDS, INC
SALLY J. BURKE, SCOTT HARRISON & MCLEOD 2501 M STREET, NW WASHINGTON DC 20037	UNITED EGG PRODUCERS
MAHLON A. BURNETTE III, 3812 NORTH 13TH STREET ARLINGTON VA 22201	GROCERY MANUFACTURERS OF AMERICA, INC
BUSBY REHM & LEONARD, 1629 K ST., NW, #1100 WASHINGTON DC 20006	TIMEX CORP
CADES SCHUTTE FLEMING & WRIGHT, 740 WASHINGTON PARK BUILDING 1001 22ND STREET, NW WASHINGTON DC 20037	HAWAII CONSUMER FINANCE ASSN, INC
CADWALADER WICKERSHAM & TAFT, 7TH FLOOR 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ISFA CORPORATION
JOHN D. CAHILL, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY
H. SPOFFORD CANFIELD, 1015 15TH STREET, NW, #900 WASHINGTON DC 20005	NORTHERN NATURAL GAS CO
GARY CAPISTRANT, 1200 15TH STREET, NW WASHINGTON DC 20005	AMERICAN HEALTH CARE ASSN
C. SARGENT CARLETON, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS
BERTRAM W. CARP, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN
MARK A. CASSO, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS
CHAMBERS ASSOCIATES, INC, 1411 K STREET, NW, #500 WASHINGTON DC 20005	STATE OF IDAHO, DEPT. OF EMPLOYMENT
WILLIAM J. CHANDLER, SUITE 1100 1511 K ST., NW WASHINGTON DC 20005	NATURAL RESOURCES DEFENSE COUNCIL, INC
CHLORINE INSTITUTE, INC, 70 WEST 40TH STREET NEW YORK NY 10018	
CHWAT/WEIGEND ASSOCIATES, 400 FIRST STREET, NW, #816 WASHINGTON DC 20001	NATIONAL WEATHER SERVICE EMPLOYEES ORGANIZATION
DAVID A. CLANTON, 1667 K STREET, NW, 9TH FL. WASHINGTON DC 20006	BUCHANAN INGERSOLL, P.C. (FOR: FEDERATION OF APPAREL MANUFACTURERS)
COALITION TO PROMOTE AMERICA'S TRADE, 1875 EYE STREET, NW, #540 WASHINGTON DC 20006	
COLLIER SHANNON RILL & SCOTT, SUITE 308 1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	BICYCLE MFGRS ASSN OF AMER, INC
Do	CADENCE CHEMICAL RESOURCES, INC
Do	FOOTWEAR INDUSTRIES OF AMERICA
Do	LTV CORP
PAUL EDWARD MICHAEL U.S.P.O. BOX 7000 TEXARKANA TX 75501	PAUL EDWARD MICHAEL COLLIN
KENT W. COLTON, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.
LAW OFFICES, JAMES C CORMAN, P.C., 1420 16TH STREET, NW WASHINGTON DC 20036	CONSOLIDATED CAPITAL COMPANIES
COVINGTON & BURLING, 1201 PENNSYLVANIA AVENUE, NW P.O. BOX 7566 WASHINGTON DC 20044	WESLEYAN UNIVERSITY, AMHERST COLLEGE, ET AL.
W. O. CRAFT JR., CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20008	ALLIS-CHALMERS ENERGY & MINERALS SYSTEMS CO
Do	CONSUMERS UNITED FOR RAIL EQUITY (C.U.R.E.)
DALEY & GEORGE, LTD, 111 W. WASHINGTON STREET, #2035 CHICAGO IL 60602	DONREY, INC
Do	DREYFUS INTERNATIONAL
DAMRELL DAMRELL & NELSON, P.C., 911 13TH STREET P.O. BOX 3489 MODESTO CA 95353	TURLOCK IRRIGATION DISTRICT
MICHAEL P. DANIELS, DANIELS HOULIHAN & PALMETER, P.C. 1331 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	AMERICAN ASSN OF EXPORTERS-IMPORTERS-TEXTILE & APPAREL GROUP
CHERYL C. DAVIS, 510 C ST.,N.E. WASHINGTON DC 20002	INTERNATIONAL ASSN OF AMUSEMENT PARKS & ATTRACTIONS
DAVIS POLK & WARDWELL, 1575 EYE ST., NW WASHINGTON DC 20005	ALTER GROUP
TAMARA S. DAVIS, 1001 PRINCE STREET, #100 ALEXANDRIA VA 22314	CONSERVATIVE ALLIANCE
LAW OFFICES OF PAUL 1120 20TH STREET, NW WASHINGTON DC 20036	BOWATER NORTH AMERICA CORP
Do	CONTINENTAL GRAIN CO
DELOITTE HASKINS & SELLS, 655 15TH STREET, NW WASHINGTON DC 20005	HYDRIL CO
THOMAS J. DENNIS SR., 1801 K STREET, NW, #1041 WASHINGTON DC 20006	AMERICAN ELECTRIC POWER SERVICE CORP
MICHAEL DESANTO, ONE DUPONT CIRCLE, NW, #5540 WASHINGTON DC 20036	NATIONAL COALITION OF INDEPENDENT COLLEGE & UNIV. STUDENTS

Organization or Individual Filing	Employer/Client
DEWEY BALLANTINE BUSHBY PALMER & WOOD, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CHASE MANHATTAN CORP
DAVID DICKSON, 323 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	AMERICAN RIVERS CONSERVATION COUNCIL
DICKSTEIN SHAPIRO & MORIN, 2101 L ST., NW WASHINGTON DC 20037	MAREMONT CORP
Do	STANDARD MANUFACTURING CO
MICHAEL F. DINEEN, 600 PENNSYLVANIA AVE., SE, #206 WASHINGTON DC 20003	KEMPER FINANCIAL SERVICES, INC
PAUL M. DONOVAN, LAROE WINN & MOERMAN 1120 G STREET, NW, #800 WASHINGTON DC 20005	CHLORINE INSTITUTE, INC
KARIN A. DOUGAN, MILLER & CHEVALIER, CHTD 655 15TH STREET, NW WASHINGTON DC 20005	LINCOLN SAVINGS & LOAN ASSN
H. STEWART DUNN JR., SUITE 600 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ROCHESTER TAX COUNCIL
DUTKO & ASSOCIATES, SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	ANCHOR INDUSTRIES, INC
Do	BILL'S COAL CO
Do	CALIFORNIA SPACE INST. & SCRIPPS INSTITUTION OF OCEANOGRAPHY
Do	CHEROKEE COAL CO
Do	COSMETICS CENTER, INC
Do	D & B WHOLESALE COSMETICS, INC
Do	PATCH COAL CO
Do	SWEETWATER COAL CO
Do	UNITED TELECOM COMMUNICATIONS, INC
DYNALECTRON CORPORATION, 1313 DOLLEY MADISON BLVD. MCLEAN VA 22101	
E. I. DU PONT DE NEMOURS & CO, INC, 1007 MARKET STREET WILMINGTON DE 19898	
KAREN EHRNMAN, 1522 K STREET, NW, #1120 WASHINGTON DC 20005	AMERICAN COLLEGE OF NURSE-MIDWIVES
MARK ESHERICK, 1346 CONNECTICUT AVENUE, NW, #603 WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC
DONALD C. EVANS JR., 214 MASSACHUSETTS AVENUE, NE, #560 WASHINGTON DC 20002	FEDERATION FOR AMERICAN AFGHAN ACTION
Do	INDUSTRY COUNCIL FOR TANGIBLE ASSETS
DAVID M. FARMER, 1629 K STREET, NW, #1010 WASHINGTON DC 20006	ALLIANCE OF AMERICAN INSURERS
MARCUS G. FAUST, SUITE 880 2121 K ST., NW WASHINGTON DC 20037	GLOBAL ASSOCIATES
Do	STANDARD OIL CO (OHIO)
FEDERATION FOR AMERICAN AFGHAN ACTION, 236 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	
SUSAN V. FERRIS, MILLER & CHEVALIER, CHTD 655 15TH STREET, NW WASHINGTON DC 20005	LINCOLN SAVINGS & LOAN ASSN
FINLEY KUMBLE WAGNER HEINE UNDERBERG MANLEY & CASEY, 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	SAVOY INDUSTRIES
FIRST ARKANSAS BANKSTOCK CORP, WORTHEN BANK BUILDING 200 WEST CAPITOL AVENUE LITTLE ROCK AR 72201	
STACY P. FISCHER, MILLER & CHEVALIER, CHTD 655 15TH STREET, NW WASHINGTON DC 20005	LINCOLN SAVINGS & LOAN ASSN
FLORIDA BUSINESS ASSOCIATES, SUITE 200 2000 L STREET, NW WASHINGTON DC 20036	ETA SYSTEMS, INC
ALLAN FOX, 1575 I STREET, NW, #1150 WASHINGTON DC 20005	KAYE SCHOLER FIERMAN HAYS & HANDLER (FOR: BRISTOL-MYERS CO.)
DONALD FRAHER, 633 E STREET, NW WASHINGTON DC 20004	AMERICAN SYMPHONY ORCHESTRA LEAGUE
DAVID E. FRANASIAK, 1001 22ND STREET, #600 WASHINGTON DC 20037	STANDARD OIL CO (OHIO)
MYRON L. FRANS, MILLER & CHEVALIER, CHTD 655 15TH STREET, NW WASHINGTON DC 20005	LINCOLN SAVINGS & LOAN ASSN
FRIED FRANK HARRIS SHRIVER & KAMPELMAN, SUITE 1000 600 NEW HAMPSHIRE AVE NW WASHINGTON DC 20037	AMERICAN INDIAN NATIONAL BANK
SHELLEY ANN GARDNER, 20 BLACK OAK MEWS NEWTOWN PA 18940	PHILADELPHIA MARITIME EXCHANGE
GARVEY SCHUBERT ADAMS & BARER, 1000 POTOMAC ST., NW WASHINGTON DC 20006	NIKE, INC
GARY R. GLENN, 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	JAFFE SNIDER RAITT & HEUER, P.C.
JAMES W. GODLOVE, 1825 K STREET, NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM CO
HARVEY S. GOLD, 8100 OAK STREET DUNN LORING VA 22027	NATIONAL PEST CONTROL ASSN
STEPHEN V. GOLD, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA
STEPHAN H. GORDON, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES
NEIL A. GRAY, 6811 KENILWORTH AVE. RIVERDALE MD 20737	NATIONAL ASPHALT PAVEMENT ASSN
JAMES J. GROGAN, P.O. BOX 19614 IRVINE CA 92714	LINCOLN SAVINGS & LOAN ASSN
GROOM & NORDBERG, 1775 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20006	DOW CHEMICAL CO
ROBIN W. GROYER, 1333 NEW HAMPSHIRE AVENUE, NW, #1220 WASHINGTON DC 20005	KECK MAHIN & CATE
JOHN T. GRUPENHOFF, SUITE 306 10,000 FALLS ROAD POTOMAC MD 20854	AMERICAN ACADEMY OF OTOLARYNGOLOGY-HEAD & NECK SURGERY
Do	AMERICAN SOC OF CLINICAL ONCOLOGY
Do	AMERICAN UROLOGICAL ASSN/AMER ASSN OF CLINICAL UROLOGISTS
Do	NATIONAL HEMOPHILIA FOUNDATION
H&W DRILLING, INC, 422 NORTH CLIFFWOOD AVENUE LOS ANGELES CA 90049	
HAGEDORN-CANDO, INC, 1704 23RD STREET SOUTH ARLINGTON VA 22202	DAVY MCKEE CORP
PETER H. HAHN, 1100 17TH ST., NW, #1000 WASHINGTON DC 20036	CHROMALLOY AMERICAN CORP
PETER J. HAPWORTH, 1015 15TH STREET, NW, #200 WASHINGTON DC 20005	NATIONAL PORK PRODUCERS COUNCIL
HARRIS BERG & CRESKOFF, 1100 15TH STREET, NW, #1100 WASHINGTON DC 20005	ALMET, INC
HARTKE & HARTKE, 7637 LEESBURG PIKE FALLS CHURCH VA 22043	HUMANE SOCIETY OF THE U.S.
BILL HECHT AND ASSOCIATES, INC, 499 SOUTH CAPITOL STREET, SE, #501 WASHINGTON DC 20003	TRAWEEK INVESTMENT CO, INC
THOMAS M. HELLMAN, 1150 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION
GEORGE B. HERBERT SR., 6601 SOUTHPOINT DRIVE, #245 JACKSONVILLE FL 32216	LISA ENTERPRISES, INC
WILLIAM HERMELIN, 1200 15TH STREET, NW WASHINGTON DC 20005	AMERICAN HEALTH CARE ASSN
TED ALLEN HEYDINGER, 311 FIRST STREET, NW, #500 WASHINGTON DC 20001	COMPUTER & BUSINESS EQUIPMENT MANUFACTURERS ASSN
CAROL A. HIGGINS, 1101 14TH STREET, NW WASHINGTON DC 20005	AMERICAN FINANCIAL SERVICES ASSN
ALLAN D. HILL, 1825 K STREET, NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM CO
HOGAN & HARTSON, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	MAY DEPARTMENT STORES CO
Do	WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
BRIGID A. HOLLERAN, 2550 M STREET, NW, #640 WASHINGTON DC 20037	CF INDUSTRIES, INC
THOMAS L. HOLLOWAY, 1920 N STREET, NW, #720 WASHINGTON DC 20036	UNION ELECTRIC CO, KANSAS CITY POWER & LIGHT CO, ET AL
HOLTZMAN & ASSOCIATES, 214 MASSACHUSETTS AVENUE, NE, #340 WASHINGTON DC 20002	HOLLAND ASSOCIATES
EDWARD F. HOWARD, 1334 G STREET, 3RD FL. WASHINGTON DC 20005	VILLERS ADVOCACY ASSOCIATES
WELDON U. HOWELL JR., 15 WEST CARRILLO STREET SANTA BARBARA CA 93101	SCHRAMM & RADDUE (FOR: H&W DRILLING, INC)
SUSAN HOWLAND-KELLY, 20 BLACK OAK MEWS NEWTOWN PA 18940	PHILADELPHIA MARITIME EXCHANGE
RANDALL K. HULME, 618 A STREET, SE, #25 WASHINGTON DC 20003	PETER FENN & ASSOCIATES, INC
MICHELE HUNT, 8500 BYRON ROAD ZEELAND MI 49464	HERMAN MILLER, INC
GARY HYMEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF KOREA)
INCENTIVE FEDERATION, INC, P.O. BOX 774 NEW YORK NY 10159	
INDUSTRY COUNCIL FOR TANGIBLE ASSETS, 214 MASSACHUSETTS AVENUE, NE, #560 WASHINGTON DC 20002	
JAFFE SNIDER RAITT & HEUER, P.C., 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	
MICHAEL JAMESON, P.O. BOX 5100 SAN DIEGO CA 92105	CONCERNED WOMEN FOR AMERICA
JENNER & BLOCK, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN DENTAL TRADE ASSN
Do	AMERICAN FILM MARKETING ASSN
Do	AMERICAN INTRA-OCULAR IMPLANT SOCIETY
Do	AMERICAN PORTRAIT SOCIETY
Do	AMERICAN SOC OF ASSN EXECUTIVES
Do	ASSOCIATION OF OPERATING ROOM NURSES
Do	AUTO GLASS INDUSTRY COMM
Do	DENTAL GOLD INSTITUTE
DAVID JENNESS, 1200 17TH STREET, NW, #520 WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCES ASSNS
JOHNSON & ASSOCIATES, 3240 N. ALBEMARLE STREET ARLINGTON VA 22207	FOREMOST DAIRIES-HAWAII
Do	MEADOWGOLD DAIRIES-HAWAII
CHARLES N. JOLLY, 1715 W. 38TH STREET CHATTANOOGA TN 37409	CHATTEM, INC
JULIE S. JONES, 1050 17TH STREET, NW, #301 WASHINGTON DC 20036	PRIMARK CORP
JUSTICE FELLOWSHIP, P.O. BOX 17181 WASHINGTON DC 20041	
JAMES A. KAITZ, 1101 16TH STREET, NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN
IRIS S. KANDEL, 1981 GREENBERRY ROAD BALTIMORE MD 21209	NORWEST MORTGAGE, INC
GEORGE J. KARAM, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS
SUELLEN KEINER, 218 D STREET, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE
GREGORY KILGORE, 311 FIRST STREET, NW, #500 WASHINGTON DC 20001	COMPUTER & BUSINESS EQUIPMENT MANUFACTURERS ASSN
KING & SPALDING, 1730 PENNSYLVANIA AVE., NW, #1200 WASHINGTON DC 20006	GENERAL ELECTRIC CREDIT CORP
GARY V. KING, P.O. BOX 12148 ARLINGTON VA 22209	COTTAGE INDUSTRIES
JAMES A. KLEIN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.
C. NEAL KNOX, NEAL KNOX ASSOCIATES BOX 6537 SILVER SPRING MD 20906	
STANLEY E. KOLBE JR., 418 SOUTH CAPITOL STREET, SE WASHINGTON DC 20003	SHEET METAL & AIR CONDITIONING CONTRACTORS' NAT'L ASSN
JOHN C. KOLOJESKI, LAROE WINN & MOERMAN 1120 G STREET, NW, #800 WASHINGTON DC 20005	CHLORINE INSTITUTE, INC
BERNARD KOTEEN, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: TAFT BROADCASTING CO)
JOAN M. KOVALIC, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT STETTINIUS & HOLLISTER (FOR: INMONT CORP)
KROOTH & ALTMAN, 2101 L STREET, NW, #210 WASHINGTON DC 20037	BRISCOE CO
DAVID W. LANDSIDLE, 1710 RHODE ISLAND AVENUE, NW, #300 WASHINGTON DC 20036	ABBOTT LABORATORIES
DEBORAH A. LAWRENCE, P.O. BOX 12148 ARLINGTON VA 22209	COTTAGE INDUSTRIES
LYNETTE LENARD, 1050 CONNECTICUT AVENUE, NW, #300 WASHINGTON DC 20036	NABISCO BRANDS, INC
BURLEIGH C. W. LEONARD, 2550 M STREET, NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC
WILLIAM J. LESSARD JR., 1300 19TH STREET, NW, #310 WASHINGTON DC 20036	NATIONAL COMM TO PRESERVE SOCIAL SECURITY & MEDICARE

Organization or Individual Filing	Employer/Client
F. THOMAS LEWAND, 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	JAFFE SNIDER RAITT & HEUER, P.C.
CLUNET R. LEWIS, 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	JAFFE SNIDER RAITT & HEUER, P.C.
STUART A. LEWIS, SUITE 300 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WESCLAG
TERRY L. LIERMAN, 1156 15TH STREET, NW, #1102 WASHINGTON DC 20005	ALBERT AND DIANE KANEB
LISA ENTERPRISES, INC, P.O. BOX 1160 DEERFIELD BEACH FL 33441	
JUDITH LOGAN-WHITE, 100 MARYLAND AVENUE, NE WASHINGTON DC 20002	RELIGIOUS COALITION FOR ABORTION RIGHTS, INC
KATHLEEN D. LONG, MILLER & CHEVALIER, CHTD 655 15TH STREET, NW WASHINGTON DC 20005	LINCOLN SAVINGS & LOAN ASSN
JOHN MACNAMARA, 503 QUEEN STREET EAST SAULT STE. MARIE ONTARIO CANADA P6A 5P2	ALGOMA STEEL CORP, LTD
JOHN H. MADIGAN JR., 1575 EYE STREET, NW, #1025 WASHINGTON DC 20005	AMERICAN CANCER SOCIETY
A. JOHN MAGUIRE, 1030 15TH STREET, NW WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMERICA
JESSICA MAITZEN, 5755 THUNDER HILL ROAD COLUMBIA MD 21045	NORWEST MORTGAGE, INC
K. WAYNE MALBON, 1250 I STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN, INC
MANCHESTER ASSOCIATES, LTD., SUITE 811 1155 15TH ST., NW WASHINGTON, DC 20005	CORPORACION NACIONAL DEL COBRE DE CHILE (CODELCO)
JENNIFER MARCH, 218 D STREET, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE
THOMAS D. MARTIN, MARTIN ASSOCIATES INTERNATIONAL 1711 CONNECTICUT AVENUE, NW, #202 WASHINGTON DC 20009	GOVERNMENT OF BOLIVIA
Do	GOVERNMENT OF PERU
MARSHALL L. MATZ, SCOTT HARRISON & MCLEOD 2501 M STREET, NW, 4TH FL. WASHINGTON DC 20037	ELECTRONIC DATA SYSTEMS
WILLIAM A. MAXWELL, 311 FIRST STREET, NW, #500 WASHINGTON DC 20001	COMPUTER & BUSINESS EQUIPMENT MANUFACTURERS ASSN
CHARLIE MCBRIDE ASSOCIATES, INC, 1717 K STREET, NW, #502 WASHINGTON DC 20036	CAROLINA POWER & LIGHT CO
Do	DUKE POWER CO
Do	NEW ENGLAND ELECTRIC SYSTEM
Do	PACIFIC GAS & ELECTRIC CO
Do	SOUTHERN CALIFORNIA EDISON CO
Do	TURLOCK IRRIGATION DISTRICT & MODESTO IRRIGATION DISTRICT
Do	TURLOCK IRRIGATION DISTRICT
Do	VIRGINIA ELECTRIC & POWER CO
MCCARTY NOONE & WILLIAMS, SUITE 3306 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	ARIZONA POWER AUTHORITY
MCDERMOTT WILL & EMERY, SUITE 500 1850 K ST., NW WASHINGTON DC 20006	FORT HOWARD PAPER CO
JACK MCDONALD ASSOCIATES, SUITE 610 1120 20TH ST., NW WASHINGTON DC 20036	AMERICAN EXPRESS CORP
JACK MCDONALD, 1120 20TH STREET, NW, #610 WASHINGTON DC 20036	JACK MCDONALD ASSOCIATES (FOR: AMERICAN EXPRESS CORP)
AH QUON MCELRATH, 1334 G STREET, NW, THIRD FL. WASHINGTON DC 20005	VILLERS ADVOCACY ASSOCIATES
MCHENRY & STAFFIER, P.C., SUITE 408 1300 19TH STREET, NW WASHINGTON DC 20036	NOVA, AN ALBERTA CORP
Do	NOVACOR CHEMICALS, LTD
DARINA MCKELVIE, MILLER & CHEVALIER, CHTD 655 15TH STREET, NW WASHINGTON DC 20005	LINCOLN SAVINGS & LOAN ASSN
LARRY MEHLHAFF, 23 N. SCOTT SHERIDAN WY 82801	SIERRA CLUB
KATHLEEN MICHELS, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN
MILLER & CHEVALIER, CHARTERED, METROPOLITAN SQUARE 655 15TH STREET, NW WASHINGTON DC 20005	NATURAL GAS SUPPLY ASSN
NANCY A. MILLER, 1101 14TH STREET, NW WASHINGTON DC 20005	AMERICAN FINANCIAL SERVICES ASSN
RICHARD H. MITMAN, 6520 GOODLAND AVENUE NORTH HOLLYWOOD CA 91606	
EDWARD G. MODELL, BLUM NASH & RAILSBACK 1015 18TH STREET, NW WASHINGTON DC 20036	GETTY NORTHEAST JOBBERS & DISTRIBUTORS ASSN
JOHN V. MOLLER, 1155 15TH ST., NW SUITE 1010 WASHINGTON DC 20005	MANCHESTER ASSOCIATES, LTD
PHILIP D. MORRISON, 1700 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20006	STANDARD CORP
JOE MOSS, P.O. BOX 2159 DALLAS TX 75221	AMERICAN PETROFINA, INC
HENRY K. MUI, 2025 EYE STREET, NW, #926 WASHINGTON DC 20006	ORGANIZATION OF CHINESE AMERICANS
MURRAY & SCHEER, SUITE 695 2550 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSN
JAMES E. MURRAY, ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006	BROWN WOOD IVEY MITCHELL & PETTY (FOR: NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS, ET AL.)
TIMOTHY D. NAEGELE & ASSOCIATES, 1850 K STREET, NW, #1280 WASHINGTON DC 20006	BAYBANKS, INC
NIXON HARGRAVE DEVANS & DOYLE, 1090 VERMONT AVENUE, NW, #1200 WASHINGTON DC 20005	AMERICAN FREE TRADE ASSN, INC
Do	BAUSCH & LOMB
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	AMERICAN INSURANCE ASSN
Do	AMERICAN PETROFINA
Do	ARMCO, INC
Do	JOINT COMM OF KNITWEAR ASSOCIATIONS
LAW OFFICES OF JOHN 600 NEW HAMPSHIRE AVENUE, NW, #626 WASHINGTON DC 20037	NATIONAL RURAL TELECOM ASSN
O'NEILL AND HAASE, P.C., SUITE 1110 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	MARATHON MANUFACTURING CO
Do	SEARS ROEBUCK & CO
RICHARD C. OLSON, 1313 DOLLEY MADISON BLVD. MCLEAN VA 22101	DYNALECTRON CORPORATION
ALLEN SCOTT PACK, 1250 ONE VALLEY SQUARE CHARLESTON WV 25301	ALGOMA STEEL CORP, LTD
EDWIN T. PARIS, 1300 EMBASSY SQUARE OFFICE PARK LOUISVILLE KY 40299	RES-CARE, INC
ALAN A. PARKER, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS
PARRY AND ROMANI ASSOCIATES, INC, 1140 CONNECTICUT AVENUE, NW, #400 WASHINGTON DC 20036	AFFILIATED CAPITAL CORP
Do	JOHNSON & JOHNSON
Do	PFIZER, INC
PATTON BOGGS & BLOW, SUITE 800 2550 M ST., NW WASHINGTON DC 20037	CARTER-WALLACE CO
Do	COALITION FOR NATIONAL AIRPORT
Do	COMMITTEE OF RAILROAD SHIPPERS
Do	IC INDUSTRIES
Do	RORER GROUP, INC
MICHAEL J. PENNINGTON, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA
DON PENNY, 1045 31ST STREET, NW, #506 WASHINGTON DC 20007	AMERICAN EXPRESS
PEPPER & CORAZZINI, 1776 K ST., NW WASHINGTON DC 20006	SATELLITE SYNDICATED SYSTEMS, INC
PAUL J. PHOENIX, 1330 BURLINGTON STREET EAST HAMILTON ONTARIO CANADA L8N 3J5	DOFASCO, INC
PILLSBURY MADISON & SUTRO, SUITE 900 1050 17TH ST., NW WASHINGTON DC 20006	TEMIS RAMIRES DE ARELLANO
POWELL GOLDSTEIN FRAZER & MURPHY, SUITE 1050 1110 VERMONT AVE., NW WASHINGTON DC 20005	DIGITAL EQUIPMENT CORP
PRESTON THORGRIMSON ELLIS & HOLMAN, 1735 NEW YORK AVENUE, NW, #500 WASHINGTON DC 20006	SPOKANE COUNTY
SHARON D. PRINZ, 2121 K STREET, NW, #830 WASHINGTON DC 20037	STEPHENS OVERSEAS SERVICES, INC
JOHN R. PURCELL, 204 E STREET, NE WASHINGTON DC 20002	NATIONAL FROZEN FOOD ASSN
JOHN D. RAFFAELLI, 1317 F STREET, NW, #400 WASHINGTON DC 20004	R. DUFFY WALL & ASSOCIATES, INC (FOR: BABCOCK & BROWN)
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: BANKERS TRUST CO)
Do	NATIONAL COUNCIL FOR HIGHER LOAN PROGRAMS
TANYA A. RAHALL, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS
DAVID H. RAITT, 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	JAFFE SNIDER RAITT & HEUER, P.C.
KATHLEEN MARIE RAMSEY, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC
DONALD A. RANDALL, P.C., 321 D STREET, NE WASHINGTON DC 20002	NATIONAL INDEPENDENT DAIRY-FOODS ASSN
N. CLARK RECHTIN, 6100 LONGVIEW LANE LOUISVILLE KY 40222	RES-CARE, INC
THOMAS K. REILLY, 1750 K STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF FIRE FIGHTERS
FREDERICK W. RHODES, 1800 K STREET, NW, #800 WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO
ABRAHAM A. RIBICOFF, 1575 EYE STREET, NW, #1150 WASHINGTON DC 20005	KAYE SCHOLER FIERMAN HAYS & HANDLER (FOR: BRISTOL-MYERS CO)
RICE PORTER & SEILLER, 2200 MEIDINGER TOWER LOUISVILLE KY 40202	RES-CARE, INC
DON L. RICKETTS, 2550 M STREET, NW, #695 WASHINGTON DC 20037	BEAR STEARNS & CO
Do	GENERAL AMERICAN LIFE INSURANCE CO
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO
Do	NORTHWESTERN MUTUAL LIFE
TED RISENHOOVER, 505 PLAZA DRIVE TAHLEQUAH OK 74464	W. A. REYNOLDS
LIZ ROBBINS ASSOCIATES, 132 D STREET, SE WASHINGTON DC 20003	ASSOCIATION OF LOCAL HOUSING FINANCE AGENICES (ALHFA)
Do	BLYTHE EASTMAN/PAINE WEBBER
Do	GOLDMAN SACHS
Do	KOENIG & CO
Do	SOUTHERN BAPTIST PRESS ASSN
Do	WELK MUSIC GROUP
WILLIAM A. ROBERTS, 444 NORTH CAPITOL STREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)
ROGERS & WELLS, 1737 H STREET, NW WASHINGTON DC 20006	CEMENTOS ANAHUAC DEL GOLFO, S.A.
Do	INTERNATIONAL PETCHEMCO, INC
Do	INTERNOOR TRADE, INC
Do	PAN AMERICAN WORLD SERVICES
Do	PFIZER, INC
ESTELLE H. ROGERS, 1350 NEW YORK AVENUE, NW, #300 WASHINGTON DC 20005	NATURAL RESOURCES DEFENSE COUNCIL, INC
DAVID B. ROSENAUER, 1600 M STREET, NW WASHINGTON DC 20036	INVESTMENT COMPANY INSTITUTE
RICHARD ROSENBAUM, 666 THIRD AVENUE, 4TH FL. NEW YORK NY 10017	INTEGRATED RESOURCES, INC
DEAN SAGAR, 1050 17TH STREET, NW, #770 WASHINGTON DC 20036	AMERICAN ASSN OF HOMES FOR THE AGING
WILLIAM SAMUEL, 1325 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES
SANDERS SCHNABEL & BRANDENBURG, P.C., 1110 VFRMONT AVENUE, NW, #600 WASHINGTON DC 20005	AMERICAN SOC OF ASSN EXECUTIVES

Organization or Individual Filing	Employer/Client
DANIEL SAPHIRE, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS
OMAR SBITANI, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS
STEPHEN G. SCHAFER, 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	JAFFE SNIDER RAITT & HEUER, P.C
RICHARD H. SCHECK, 167 PELHAM RD. NEW ROCHELLE NY 10805	
SCHLOSSBERG-CASSIDY & ASSOCIATES, INC, 955 L'ENFANT PLAZA, S.W. SUITE 1401 WASHINGTON DC 20024	CENTEX COMMUNICATIONS, INC
Do	COMMAND CONTROL & COMMUNICATIONS CORP
Do	SOUTHWEST MARINE, INC
SCHRAMM & RADDUE, 15 WEST CARRILLO STREET SANTA BARBARA CA 93101	H&W DRILLING CO
SCOTT HARRISON & MCLEOD, 2501 M STREET, NW, 4TH FL. WASHINGTON DC 20037	THAI FOOD PROCESSORS ASSN
WALTER J. SCZUDLO, 15 WEST CARRILLO STREET SANTA BARBARA CA 93101	SCHRAMM & RADDUE (FOR: H&W DRILLING, INC)
SEYFARTH SHAW FAIRWEATHER & GERALDSON, 1111 19TH ST., NW WASHINGTON DC 20036	FRIENDS OF THE HOP MARKETING ORDER
DONNA S. SHAFFER, DULLES INTERNATIONAL AIRPORT P.O. BOX 17309 WASHINGTON DC 20041	PRIDE AIR, INC
JAMES V. SIENA, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS
FRANKLIN R. SILBEY ASSOCIATES, 1919 PENNSYLVANIA AVENUE, NW, #200 WASHINGTON DC 20006	WHYTE & HIRSCHBOECK
NEIL A. SIMON, 1025 CONNECTICUT AVENUE, NW, #707 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN
IVAN E. SINCLAIR, 1000 WILSON BOULEVARD, #2700 ARLINGTON VA 22209	TRW, INC
MARCUS W. SISK JR , 2828 PENNSYLVANIA AVENUE, NW, #203 WASHINGTON DC 20037	HEAVY OIL PROCESS. INC (HOPCO)
JAMES H. SKIDMORE, 1140 19TH STREET,NW WASHINGTON DC 20036	NCR CORPORATION
SMC INTERNATIONAL, 1825 EYE STREET, NW, #400 WASHINGTON DC 20006	AIR FLORIDA, INC
Do	CAPITOL AIR, INC
Do	GC SERVICES CORP
Do	PIEDMONT AIRLINES, INC
Do	SAFECARD SERVICES, INC
Do	TOBACCO INSTITUTE
DANIEL T. SMITH, P.O. BOX 660074 DALLAS TX 75266	INTERNATIONAL AIRLINE PASSENGERS ASSN, INC
PETER LEIGH SNELL, DAVID VIENNA & ASSOCIATES 510 C ST., NE WASHINGTON DC 20002	INTERNATIONAL ASSN OF AMUSEMENT PARKS & ATTRACTIONS
CAROLE SONNENFELD, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE
JANIS ST. MARIE, 15 WEST CARRILLO STREET SANTA BARBARA CA 93101	SCHRAMM & RADDUE (FOR: H&W DRILLING, INC)
LINDA STAHELI, 100 MARYLAND AVENUE, NE WASHINGTON DC 20002	COUNCIL FOR A LIVABLE WORLD
JEFFREY STANT, 325 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL TAXPAYERS UNION
J. C. STEEN, 412 FIRST STREET, SE, #301 WASHINGTON DC 20003	SCHWINN BICYCLE CO
STEPHENS, INC, 114 EAST CAPITOL AVENUE LITTLE ROCK AR 72201	
STEPTOE & JOHNSON, CHTD, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	COALITION TO PROMOTE AMERICA'S TRADE
DOROTHY E. STUCKE, 1004 DUKE STREET ALEXANDRIA VA 22314	AMERICAN SUBCONSTRACTORS ASSN
IRIS SUNSHINE, 1710 BROADWAY NEW YORK NY 10019	INTERNATIONAL LADIES GARMENT WORKERS UNION
SUTHERLAND ASBILL & BRENNAN, 1666 K STREET, NW, #800 WASHINGTON DC 20006	ACACIA GROUP
Do	BANKING ISSUES GROUP
DAVID L. SWANSON, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	ALLIS-CHALMERS ENERGY & MINERALS SYSTEMS CO
Do	CONSUMERS UNITED FOR RAIL EQUITY (C.U.R.E.)
SWIDLER BERLIN & STRELOW, CHTD, 1000 THOMAS JEFFERSON ST., NW #500 WASHINGTON DC 20007	BREEDER REACTOR CORP
SYSTEMATICS, INC, 4001 RODNEY PARHAM ROAD LITTLE ROCK AR 72212	
ROBERT TAFT JR., 21 DUPONT CIRCLE, NW, #600 WASHINGTON DC 20036	TAFT STETTINIUS & HOLLISTER (FOR: INMONT CORP)
H. WILLIAM TANAKA, TANAKA WALDERS & RITGER 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	JAPAN AUTOMOBILE TIRE MANUFACTURERS ASSN (JATMA)
THACHER PROFFITT & WOOD, SUITE 512 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMOSKEAG SAVINGS BANK
Do	FAMILY-BACKED MORTGAGE ASSN, INC
Do	MAINE SAVINGS BANK
Do	MUTUAL SAVINGS CENTRAL FUND, INC
Do	NEW HAMPSHIRE SAVINGS BANK
Do	SAVINGS BANKS ASSN OF MASSACHUSETTS
MARGARET P. THAXTON, 418 SOUTH CAPITOL STREET, SE WASHINGTON DC 20003	SHEET METAL & AIR CONDITIONING CONTRACTORS' NAT'L ASSN
THOMPSON & MITCHELL, 1120 VERMONT AVENUE, NW, #1000 WASHINGTON DC 20005	COLD FINISHED STEEL BAR INSTITUTE
THOMPSON GOLD & LIEBENGOOD, 1050 CONNECTICUT AVENUE, NW, #980 WASHINGTON DC 20036	COLLEGE OF AMERICAN PATHOLOGISTS
Do	DESIGN PROFESSIONALS
Do	INVESTMENT COMPANY INSTITUTE
Do	KAISER STEEL CORP
Do	LOWRANCE ELECTRONICS
Do	M-LIFE CORPORATION
Do	NATIONAL COALITION FOR PORT PROGRESS
Do	NATIONAL FOOTBALL LEAGUE
Do	NATURAL GAS SUPPLY ASSN
Do	OUTDOOR ADVERTISING ASSN OF AMERICA
Do	RICHARD SINNOTT & CO
Do	TOBACCO INSTITUTE
Do	WAYNE COUNTY ROAD COMMISSION
TIMMONS & CO, INC, 1850 K ST., NW, #850 WASHINGTON DC 20006	CAPITAL MARKETS GROUP
GARY G. TIMMONS, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN
MAX TURNIPSEED, 1155 15TH STREET, NW, #611 WASHINGTON DC 20005	ETHYL CORP
A. RAY TYRRELL, 700 MADISON BUILDING WASHINGTON DC 20005	ATLAS CORPORATION
KENJI UENO, 919 18TH STREET, NW, #600 WASHINGTON DC 20006	TOYOTA MOTOR SALES, U.S.A., INC
STEVEN W. UNGLESBEE, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC
DANIEL W. VAN NESS, P.O. BOX 17181 WASHINGTON DC 20041	JUSTICE FELLOWSHIP
GEORGE F. VARY, 1747 PENNSYLVANIA AVENUE, NW, #702 WASHINGTON DC 20006	ARMCO, INC
VERNER LIIPFERT BERNHARD & MCPHERSON, CHTD, 1660 L STREET, NW, #1000 WASHINGTON DC 20036	DIGITAL EQUIPMENT CORP
DAVID P. VIENNA JR., 510 C ST., NE WASHINGTON DC 20002	INTERNATIONAL ASSN OF AMUSEMENT PARKS & ATTRACTIONS
DENNIS C. VIERRA, VIERRA ASSOCIATES, INC 923 15TH STREET, NW WASHINGTON DC 20005	EDISON ELECTRIC INSTITUTE
Do	WESTINGHOUSE ELECTRIC CORP
VOLUNTEERS TRUSTEES OF NOT-FOR-PROFIT HOSPITALS, 1825 EYE STREET, NW WASHINGTON DC 20006	
WAGNER & BAROODY, INC, 1100 17TH STREET, NW, #804 WASHINGTON DC 20036	JARTRAN, INC
Do	NATIONAL DEBT REPAYMENT FOUNDATION
Do	UNITED NATIONS EDUCATIONAL SCIENTIFIC & CULTURAL ORGAN.
CHARLS E. WALKER ASSOCIATES, INC, 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	INDEPENDENT REFINERS COALITION
R. DUFFY WALL & ASSOCIATES, INC, 1317 F STREET, NW, #400 WASHINGTON DC 20004	BABCOCK & BROWN
Do	BANKERS TRUST CO
JUSTIN R. WARD, 1350 NEW YORK AVENUE, NW, #300 WASHINGTON DC 20005	NATURAL RESOURCES DEFENSE COUNCIL, INC
STEPHEN E. WARD, 1919 PENNSYLVANIA AVENUE, NW, #503 WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSN
WATERBED MANUFACTURERS ASSN, 1411 WEST OLYMPIC BOULEVARD LOS ANGELES CA 90015	
RONALD D. WATERMAN, 4802 TABARD PLACE ANNANDALE VA 22003	CONNOR FOREST INDUSTRIES, INC
Do	MILWAUKEE COUNTY-INTERGOVERNMENTAL RELATIONS
Do	WISCONSIN COUNTIES ASSN
SUSAN WEBER, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC
WEBSTER CHAMBERLAIN & BEAN, 1747 PENNSYLVANIA AVE., NW, #1000 WASHINGTON DC 20006	COLT INDUSTRIES, INC
Do	WATERBED MANUFACTURERS ASSN
ARTHUR A. WEISS, 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	JAFFE SNIDER RAITT & HEUER, P.C
WEXLER REYNOLDS HARRISON & SCHULE, INC, SUITE 600 1317 F STREET, NW WASHINGTON DC 20004	COMMUNICATIONS SATELLITE CORP
Do	NOVA, AN ALBERTA CORP
Do	NOVACOR CHEMICALS, LTD
Do	PENNZOIL CO
WHITE FINE & VERVILLE, SUITE 1100 1156 15TH ST., NW WASHINGTON DC 20005	BIRCH HORTON BITTNER... (FOR MODESTO IRRIGATION DISTRICT)
RONALD A. WHITE, 1500 CHESTNUT STREET PHILADELPHIA PA 19102	TOBACCO INSTITUTE AND METROPOLITAN HOSPITAL OF PHILADELPHIA
WILEY & REIN, 1776 K STREET, NW WASHINGTON DC 20006	CBS, INC
WILKINSON BARKER KNAUER & QUINN, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN ASSN OF PRESIDENTS OF INDEPENDENT COLL. & UNIVER.
PAUL R. WILLGING, 1200 15TH STREET, NW WASHINGTON DC 20005	AMERICAN HEALTH CARE ASSN
WILLIAMS & JENSEN, P.C., 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	FIRST BANK SYSTEMS, INC
Do	USAA FINANCIAL SERVICE CO
WILMER CUTLER & PICKERING, 1666 K ST., NW WASHINGTON DC 20006	AM INTERNATIONAL, INC
Do	PETER L. BERMONT
Do	CAPITAL CITIES COMMUNICATIONS, INC
PATRICIA M. WILSON, 2910 3RD AVENUE NORTH BILLINGS MT 59103	THERMAL ENERGY CO
WINSTEAD MCGUIRE SECHREST & MINICK, P.C., 1700 MERCANTILE DALLAS BUILDING DALLAS TX 75201	BAYLOR UNIVERSITY MEDICAL CENTER
JAMES W. WISE, DAVID VIENNA & ASSOCIATES 510 C STREET, NE WASHINGTON DC 20002	INTERNATIONAL ASSN OF AMUSEMENT PARKS & ATTRACTIONS
ROBERT V. WITECK, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: PORTALS)
DAVID L. WRIGHT, ANDERSON HILL RD. PURCHASE NY 10577	PEPSICO, INC
JAY L. YOUNG, 1001 PRINCE STREET ALEXANDRIA VA 22314	CONSERVATIVE ALLIANCE

Organization or Individual Filing	Employer/Client
ZIONTZ PIRTLE MORRISSET ERNSTOFF & CHESTNUT, METROPOLITAN PARK, 16TH FLOOR 1100 OLIVE WAY SEATTLE WA 98101	HOOPA VALLEY TRIBE
Do	MILLE LACS BAND OF CHIPPEWA INDIANS

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the second calendar quarter of 1984 were received too late to be included in the published reports for that quarter:

(Note.—The form used for report is reproduced below. In the interest of economy in the Record, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

File One Copy With the Secretary of the Senate and File Two Copies With the Clerk of the House of Representatives:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

Place an "X" Below the Appropriate Letter or Figure in the Box at the Right of the "Report" Heading Below:

"Preliminary" Report ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"Quarterly" Report: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.......... ◆

REPORT

Pursuant to Federal Regulation of Lobbying Act

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Note on Item "A".—(a) In General. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) Separate Reports. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. Organization or Individual Filing:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

Note on Item "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. Employer.—State name, address, and nature of business. If there is no employer, write "None."

Note on Item "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. Legislative Interests, and Publications in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◆

AFFIDAVIT

[Omitted in printing]

PAGE 1◆

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add items "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............“Expense money” and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor*
	(*"Period"* from Jan. 1 through.............................. 19......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K ASSOCIATES, INC., 1225 8TH STREET, #590 SACRAMENTO CA 95814	DIRECTOR OF TIMBER COUNTIES COALITION	11,250.00	13,488.59
Do	GOLDEN GATE BRIDGE, HIGHWAY & TRANSPORTATION DISTRICT	6,200.00	13,538.59
Do	NATIONAL AIR TANKERS ASSN		
Do	PATHOLOGIST PRACTICE ASSOCIATION	18,000.00	19,352.30
Do	HEMET VALLEY FLYING SERVICE		
Do	INTERNATIONAL FIVE MANAGEMENT		
Do	STRATOS TANKER, INC		
ROBERT J. AAGRE, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S	970.00	164.00
PAUL C. ABENANTE, 3RD FLOOR 1111 14TH ST., NW WASHINGTON DC 20005	AMERICAN BAKERS ASSN	137.50	2.00
THOMAS G. ABERNETHY SR , 3973 STUART PLACE JACKSON MS 39211	U.S. CANE SUGAR REFINERS' ASSN.	166.67	202.33
ACTION FOR CHILDREN'S TELEVISION, 46 AUSTIN ST. NEWTONVILLE MA 02160		34,842.00	297.48
ACTION, INC., 2025 EYE STREET, NW, #1022 WASHINGTON DC 20006	AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM	240.00	222.66
JOHN J. ADAMS, 2000 PENNSYLVANIA AVE., NW, #900 WASHINGTON DC 20006	VEPCO		
Do	WESTVACO	4,030.00	
KENNETH R. ADAMS, 1850 K STREET, NW, #210 WASHINGTON DC 20006	CABOT CORPORATION		25.00
ADAMS QUACKENBUSH HERRING & STUART, P.O. BOX 394 COLUMBIA SC 29202	STEVENS & WILKINSON, ARCHITECTS	2,660.00	10.99
Do	U.S. CAPITAL CORP		
HOBSON H. ADCOCK, 700 ANDERSON HILL RD. PURCHASE NY 10577	PEPSICO, INC		
ADDISON, KETCHEY & HORAN P.A., FOUNDERS LIFE BUILDING 100 TWIGGS STREET, #300 TAMPA FL 33602	PHH GROUP, INC	8,876.00	1,511.77
V. J. ADDUCI, 1620 EYE ST., NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	36.75	
ROBERT O. ADERS, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
TERRANCE M. ADLHOCK, 1111 19TH ST., NW, #303 WASHINGTON DC 20036	SOUTHERN CALIFORNIA EDISON CO	2,000.00	1,650.00
JOHN MICHAEL ADRAGNA, SPIEGEL & MCDIARMID 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	CITY OF STARKE, FLORIDA		
AEROSPACE INDUSTRIES ASSN OF AMERICA, INC, 1725 DESALES ST., NW WASHINGTON DC 20036		18,193.40	18,193.40
AFL-CIO MARITIME COMMITTEE, 100 INDIANA AVE., NW WASHINGTON DC 20001		6.245.00	5,318.79
AGENDAS INTERNATIONAL, 820 SECOND AVENUE, #1302 NEW YORK NY 10017	MINISTERIO DEL EXTERIOR, REPUBLIC OF NICARAGUA		
ELIZABETH AGLE, 530 7TH ST., SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION, INC	7 145.32	
ROBERT S. AGMAN, 100 INDIANA AVE., NW WASHINGTON DC 20001	LABOR MANAGEMENT MARITIME COMMITTEE, INC	1 436.00	89.65
DAVID J. AHO, 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN HOSPITAL SUPPLY CORP		
DEBORAH L. AIKEN, 1615 H STREET, NW WASHINGTON DC 20062	U.S. CHAMBER OF COMMERCE	400.00	33.00
HERBERT ALLEN AILSWORTH, SUITE 1101 1050 17TH STREET, NW WASHINGTON DC 20036	SANDOZ, INC		75.00
AIR CONDITIONING & REFRIGERATION INSTITUTE, 1501 WILSON BLVD. ARLINGTON VA 22209		21 000.00	13,000.00
AIR PRODUCTS & CHEMICALS, INC, 1800 K STREET, NW, #1016 WASHINGTON DC 20006			302.24
RANDOLF H. AIRES, 633 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20004	SEARS, ROEBUCK AND CO	2 250.00	25.50
AKIN GUMP STRAUSS HAUER & FELD, SUITE 400 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AIR FREIGHT ASSOCIATION	1 450.00	19.00
Do	AMERADA HESS CORPORATION		
Do	AMERICAN EXPRESS CO	1,000.00	19.00
Do	AMERICAN INTERNATIONAL GROUP, INC		
Do	AMERICAN TELEPHONE & TELEGRAPH CO	6,275.00	114.00
Do	ARCHER DANIELS MIDLAND COMPANY	600.00	
Do	ATCOR, INC	1,750.00	19.00
Do	BENEFICIAL CORPORATION	8,000.00	152.00
Do	CAPITAL MARKETS GROUP	18,200.00	342.00
Do	CELANESE CORPORATION	7,150.00	31.00
Do	COALITION OF SERVICE INDUSTRIES, INC	1,500.00	29.00
Do	COMMITTEE AGAINST NETWORK DOMINANCE	35,316.00	665.00
Do	COMMITTEE FOR PRUDENT DEREGULATION		
Do	CONSOLIDATED FOODS CORP		
Do	CONTINENTAL AIRLINES		
Do	DOMESTIC NITROGEN PRODUCERS AD HOC COMMITTEE		
Do	E & J GALLO WINERY		
Do	EMBASSY OF PEOPLE'S REPUBLIC OF CHINA	2,000.00	38.00
Do	FARM LABOR ALLIANCE	26,300.00	494.00
Do	FRUPAC INTERNATIONAL CORP	4,500.00	76.00
Do	GOLDMAN SACHS & CO	2,800.00	38.00
Do	LEVI STRAUSS & CO		
Do	LONE STAR INDUSTRIES, INC		
Do	LONE STAR STEEL CO	13,850.00	247.00
Do	MARRIOTT CORP		
Do	MESA PETROLEUM CO	1,375.00	19.00
Do	METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY	3,900.00	76.00
Do	MILITARY ACCESSORIES SERVICE ASSN, INC		
Do	LARRY A. MIZEL		
Do	MORGAN STANLEY & CO, INC	6,250.00	114.00
Do	MOTION PICTURE ASSN OF AMERICA, INC	11,575.00	209.00
Do	NATIONAL CABLE TELEVISION ASSN	2,250.00	38.00
Do	NATIONAL FOOTBALL LEAGUE	5,200.00	95.00
Do	NEW YORK AIR		
Do	PIPELINE INDUSTRY ADVANCEMENT FUND		
Do	PUROLATOR, INC	1,100.00	19.00
Do	RAUSCHER PIERCE REFSNES, INC		
Do	RETAIL TRADE ACTION COALITION	7,750.00	133.00
Do	RINGLING BROS. BARNUM AND BAILEY		
Do	SANCHEZ-O'BRIEN OIL & GAS CORP		
Do	SOUTHERN CALIFORNIA EDISON CO.	1,200.00	38.00
Do	TEXACO, INC		
Do	TEXAS AIR CORPORATION		
Do	TIPPERARY CORP	550.00	
Do	WARNER COMMUNICATIONS, INC		
Do	WEBER HALL SALE & ASSOCIATES, INC	4,250.00	76.00
Do	WERTHEIM & CO	500.00	
Do	WESTERN GOVERNORS POLICY OFFICE	900.00	19.00
Do	ZALE CORPORATION		
ALASKA PULP CORP, P.O. BOX 1050 SITKA AK 99835			
JAMES J. ALBERTINE, 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOC OF ASSN EXECUTIVES	300.00	
H. MEADE ALCORN JR., ALCORN, BAKEWELL & SMITH ONE AMERICAN ROW HARTFORD CT 06103	HELEN WODELL HALBACH ESTATE		
FREDERICK K. ALDERSON, 1730 M STREET, NW, #607 WASHINGTON DC 20036	ARIZONA PUBLIC SERVICE COMPANY	550.00	696.87
DONALD C. ALEXANDER, MORGAN LEWIS & BOCKIUS 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036	ALIGNPAC	33.00	
Do	ALLEGHENY INTERNATIONAL		
Do	BALDWIN-UNITED CORPORATION		
Do	BECHTEL POWER CORPORATION		
Do	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT	16.50	
Do	DISABLED AMERICAN VETERANS	44.00	
Do	EASTERN AIR LINES, INC		
Do	FAMILY LIFE INSURANCE COMPANY		
Do	LUCASFILM LTD		
Do	MCI COMMUNICATIONS CORP	100.00	
Do	SCOTT PAPER CO		
Do	SECURITY PACIFIC INT'L. LEASING (EUROPE), INC		
Do	TEXAS INDUSTRIES, INC		
Do	TUPMAN THURLOW CO, INC	55.00	
KAREN D. ALEXANDER, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S	440.00	
NANCY L. ALEXANDER, 245 SECOND STREET, NE WASHINGTON DC 20002	FRIENDS COMM ON NATIONAL LEGISLATION	3,553.77	
WILLIS W. ALEXANDER, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,500.00	51.42
RICHARD F. ALI, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
JOHN D. ALLAN, ROYAL TRUST TOWER TORONTO DOMINION CENTER TORONTO, ONTARIO CANADA M5K 1J4	STELCO, INC	5,750.00	1,968.27
MAXTON ALLCOX, 400 FIRST ST., NW, RM 801 WASHINGTON DC 20001	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES	14,373.81	
ROBERT G. ALLEN, 511 C STREET, NE WASHINGTON DC 20002	C.A.R.E		
ALLIANCE AGAINST HANDGUNS, P.O. BOX 75700 WASHINGTON DC 20013			
ALLIANCE OF AMERICAN INSURERS, 1501 WOODFIELD ROAD, #400 WEST SCHAUMBURG IL 60195			6,156.69
ALLIANCE TO SAVE ENERGY, 1925 K STREET, NW, #507 WASHINGTON DC 20006			45.61
ROBERT F. ALLNUT, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORP	7,250.00	200.92
ALLTEL CORPORATION, 100 EXECUTIVE PARKWAY HUDSON OH 44236			1,495.00

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Organization or Individual Filing	Employer/Client	Rece pts	Expenditures
JOSEPH C. ALLWARDEN, 220 DANIEL WEBSTER HWY SOUTH MERRIMACK NH 03054	KOLLSMAN INSTRUMENT CO.		300.00
HARVEY ALTER, 1615 H STREET, NW WASHINGTON DC 20062	U.S. CHAMBER OF COMMERCE	200.00	
THOMAS H. ALTMEYER, 1575 I STREET, NW, #525 WASHINGTON DC 20005	MINING & RECLAMATION COUNCIL OF AMERICA	3,000.00	60.00
RICARDO R. ALVARADO, 2550 M STREET, NW, #600 WASHINGTON DC 20037	SIGNAL COMPANIES, INC	3,942.00	
SUSAN E. ALVARADO, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	442.45
AMALGAMATED TRANSIT UNION, AFL-CIO, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016			8,000.00
AMALGAMATED TRANSIT UNION, NATL CAP DIV. 689, 100 INDIANA AVE., NW, #403 WASHINGTON DC 20001			
ROBERT P. AMBROSE, 14615 LONE OAK ROAD EDEN PRAIRIE MN 55344	COOPERATIVE POWER ASSOCIATION	2,400.00	72.90
AMERICAN ACADEMY OF FAMILY PHYSICIANS, 1740 WEST 92ND ST. KANSAS CITY MO 64114		6,382.28	6,382.28
AMERICAN ADVERTISING FEDERATION, SUITE 1000 1400 K ST., NW WASHINGTON DC 20005			
AMERICAN ARTS ALLIANCE, 424 C ST., NE WASHINGTON DC 20002		249,335.14	77,597.16
AMERICAN ASSN FOR COUNSELING AND DEVELOPMENT, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304		26,805.57	17,713.90
AMERICAN ASSN OF BLOOD BANKS, SUITE 600 1117 NORTH 19TH STREET ARLINGTON VA 22209			
AMERICAN ASSN OF EQUIPMENT LESSORS, SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209			
AMERICAN ASSN OF MEAT PROCESSORS, P.O. BOX 269 ELIZABETHTOWN PA 17022		60.60	50.00
AMERICAN ASSN OF PORT AUTHORITIES, INC, 1010 DUKE ST. ALEXANDRIA VA 22314		13,000.00	16,021.85
AMERICAN ASSN OF UNIVERSITY WOMEN, 2401 VIRGINIA AVE., NW WASHINGTON DC 20037			85.99
AMERICAN AUTOMOBILE ASSN, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047			
AMERICAN BANKERS ASSN, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		55,985.87	55,985.87
AMERICAN COUNCIL FOR CAPITAL FORMATION, SUITE 520 1850 K ST., NW WASHINGTON DC 20006		2,931.00	5,446.00
AMERICAN COUNCIL OF LIFE INSURANCE, INC, 1850 K ST., NW WASHINGTON DC 20006			19,564.71
AMERICAN FARM BUREAU FED, 225 TOUHY AVE PARK RIDGE IL 60068		89,200.00	89,200.00
AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS, 815 16TH ST., NW WASHINGTON DC 20006			134,573.89
AMERICAN FEED MANUFACTURERS ASSN, 1701 N. FT. MYER DR. ARLINGTON VA 22209		3,240.00	3,240.00
AMERICAN FINANCIAL SERVICES ASSN, 1101 14TH ST., NW WASHINGTON DC 20005			11,965.00
AMERICAN FROZEN FOOD INST, 1700 OLD MEADOW RD., #100 MCLEAN VA 22102			6,000.00
AMERICAN HELLENIC INSTITUTE PUBLIC AFFAIRS COMMITTEE, 1730 K ST., NW WASHINGTON DC 20006			
AMERICAN HERITAGE CENTER, 13924 BRADDOCK ROAD P.O. BOX 881 CENTREVILLE VA 22020			
AMERICAN HONEY PRODUCERS ASSN, P.O. BOX 368 MINCO OK 73059		1,625.00	4,613.02
AMERICAN HOSPITAL ASSN, 840 N. LAKE SHORE DR. CHICAGO IL 60611		34,517.34	34,517.34
AMERICAN HOTEL & MOTEL ASSN, 888 SEVENTH AVE. NEW YORK NY 10019		19,564.44	10,525.70
AMERICAN INST OF MERCHANT SHIPPING, SUITE 1000 1625 K ST, NW WASHINGTON DC 20006			1,050.00
AMERICAN INSURANCE ASSN, 85 JOHN ST. NEW YORK NY 10038		3,118.00	3,118.00
AMERICAN ISRAEL PUBLIC AFFAIRS COMM, #412 444 N. CAPITOL ST., NW WASHINGTON DC 20001		68,155.00	95,004.69
AMERICAN LAND TITLE ASSN, 1828 L ST., NW WASHINGTON DC 20036			5,441.00
AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE, #4400 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024		18,250.00	14,647.11
AMERICAN LIBRARY ASSN, 50 E. HURON ST. CHICAGO IL 60611		1,225.65	7,107.00
AMERICAN MALTING BARLEY ASSN, INC, 735 NORTH WATER STREET, #908 MILWAUKEE WI 53202			
AMERICAN MEAT INSTITUTE, PO BOX 3556 WASHINGTON DC 20007			6,500.00
AMERICAN MEDICAL ASSN, 535 NORTH DEARBORN ST. CHICAGO IL 60610		1,455.00	38,895.97
AMERICAN MEDICAL CARE & REVIEW ASSN, SUITE 210 5410 GROSVENOR LANE BETHESDA MD 20814			10.50
AMERICAN MEDICAL PEER REVIEW ASSN, SUITE 510 440 FIRST ST., NW WASHINGTON DC 20001			
AMERICAN METAL DETECTOR MANUFACTURERS' ASSN, 2814 NATIONAL DR. GARLAND TX 75401			
AMERICAN MOVERS CONFERENCE, 400 ARMY-NAVY DR. ARLINGTON VA 22202			906.00
AMERICAN NEWSPAPER PUBLISHERS ASSN, BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041		2,025.00	2,025.00
AMERICAN NUCLEAR ENERGY COUNCIL, 410 1ST ST., SE WASHINGTON DC 20003		24,044.20	38,563.83
AMERICAN NURSES' ASSN, 2420 PERSHING RD KANSAS CITY MO 64108		22,383.22	22,383.22
AMERICAN OPTOMETRIC ASSN, C/O DR. JOHN D. TUMBLIN SUITE 400E 600 MARYLAND AVE., SW WASHINGTON DC 20024			
AMERICAN ORTHOTIC AND PROSTHETIC ASSN, 717 PENDLETON ST. ALEXANDRIA VA 22314			
AMERICAN PAPER INST, INC, 260 MADISON AVE. NEW YORK NY 10016			7,150.25
AMERICAN PARATRANSIT INSTITUTE, P.O. BOX 340276 CORAL GABLES FL 33134			6,500.00
AMERICAN PETROCHEMICAL CONSUMERS, 1815 H STREET, NW, #1000 WASHINGTON DC 20006			178.88
AMERICAN PETROLEUM INST, 1220 L ST., NW WASHINGTON DC 20037		209,287.24	218,194.85
AMERICAN PHYSICAL THERAPY ASSN, 1111 N. FAIRFAX ST. ALEXANDRIA VA 22314		2,879.70	2,879.70
AMERICAN PODIATRIC MEDICAL ASSN, 20 CHEVY CHASE CIRCLE WASHINGTON DC 20015			18,203.13
AMERICAN POSTAL WORKERS UNION, AFL-CIO, 817 14TH ST., NW WASHINGTON DC 20005		67,805.28	105,760.81
AMERICAN PSYCHOLOGICAL ASSN, 1200 17TH STREET, NW WASHINGTON DC 20036		102,257.10	102,257.10
AMERICAN PUBLIC TRANSIT ASSN, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036		33,764.00	33,764.00
AMERICAN PULPWOOD ASSN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			
AMERICAN RETREADERS' ASSN, P.O. BOX 17203 LOUISVILLE KY 40217		2.000.00	2,000.00
AMERICAN SHORT LINE RAILROAD ASSN, 2000 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			
AMERICAN SOYBEAN ASSOCIATION, 600 MARYLAND AVENUE, SW, #510 WASHINGTON DC 20024		25.200.00	9,132.01
AMERICAN SUBCONTRACTORS ASSN, SUITE 540 8401 CORPORATE DR. LANDOVER MD 20785			1,400.00
AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC, SUITE 300 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036		44 846.90	44,846.90
AMERICAN TRUCKING ASSNS, INC, 1616 P ST., NW WASHINGTON DC 20036		10 290.06	69,267.88
AMERICAN VETERANS OF WORLD WAR II, KOREA & VIETNAM (AMVETS) , 4647 FORBES BOULEVARD LANHAM MD 20706		6 950.47	6,950.47
AMERICAN VETERINARY MEDICAL ASSN, SUITE 828 1522 K ST., NW WASHINGTON DC 20005			140.00
AMERICAN WATERWAYS OPERATORS, INC, SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209		1 785.33	4,539.17
AMERICAN WOOD PRESERVERS INSTITUTE, 1945 GALLOWS ROAD, #405 VIENNA VA 22180			
MORRIS J. AMITAY, P.C., SUITE 712 444 N. CAPITOL ST., NW WASHINGTON DC 20001	ELBE PRODUCTS, INC		
Do	NATIONAL SATELLITE CABLE ASSN	3 000.00	
Do	NORTHROP CORP	3 000.00	
Do	PAN AMERICAN WORLD AIRWAYS, INC	4 500.00	
Do	THOMPSON MEDICAL	6.000.00	
EDWARD ANDERSEN, 1616 H ST., NW WASHINGTON DC 20006	NATIONAL GRANGE	785.00	
STEPHEN O. ANDERSEN, 2000 L STREET, NW, #320 WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA		
BETTE B. ANDERSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO FUBLIC COMMUNICATIONS INT'L, INC (FOR: MUTUAL OF OMAHA)		
Do	GRAY & CO FUBLIC COMMUNICATIONS INT'L, INC (FOR: PORTALS, INC)		
Do	GRAY & CO FUBLIC COMMUNICATIONS INT'L, INC (FOR: U.S. BANKNOTE)		
H. KIM ANDERSON, VIRGINIA PETROLEUM COUNCIL 1809 STAPLES MILL ROAD RICHMOND VA 23230	AMERICAN PETROLEUM INST		
J. LEM ANDERSON, 4111 FRANCONIA RD. ALEXANDRIA VA 22310	TIME INC	1,000.00	
ROBERT L. ANDERSON, JOHN DEERE RD. MOLINE IL 61265	DEERE & COMPANY		
ROMILDA R. ANDERSON, 10 WESTPORT ROAD WILTON CT 06897	RICHARDSON-VICKS	10,500.00	915.02
STEVEN C. ANDERSON, 1700 OLD MEADOW RD. MCLEAN VA 22102	AMERICAN FROZEN FOOD INST	5,000.00	
WAYNE C. ANDERSON, NABISCO BRANDS PLAZA PARSIPPANY NJ 07054	NABISCO BRANDS, INC		
WILLIAM C. ANDERSON, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		72.50
ANDREWS & KURTH, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	SPACE SERVICES INC. OF AMERICA		
ROBERT B. ANDREWS, 1100 CONNECTICUT AVENUE, NW, #620 WASHINGTON DC 20036	MOBIL OIL CORP	500.00	
JACK R. ANGELL, 1101 17TH STREET, NW, #704 WASHINGTON DC 20036	UNITED GAS PIPE LINE CO.	444.00	13.00
JAY ANGOFF, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	5,499.96	
J. DONALD ANNETT, 1050 17TH ST., NW, #500 WASHINGTON DC 20036	TEXACO, INC	500.00	
TOBIAS ANTHONY, 1819 H STREET, NW, #510 WASHINGTON DC 20006	NATIONAL ASH ASSN, INC		
THOMAS ANTONE, CASSON CALLIGARO & MUTRYN 2600 VIRGINIA AVENUE, NW, #900 WASHINGTON DC 20037	SAMARITAN HEALTH SERVICE	800.00	
PATRICK S. ANTRIM, 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	900.16	159.98
APARTMENT & OFFICE BUILDING ASSN OF METROPOLITAN WASH, DC, SUITE 600 1413 K ST., NW WASHINGTON DC 20005			
JOHN D. AQUILINO JR., 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER		
JOHN CHRISTIAN ARCHER, 1730 RHODE ISLAND AVE., NW, #213 WASHINGTON DC 20036	BROWN & ROOT, INC		
JOHN ARCHER, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
ARENT FOX KINTNER PLOTKIN & KAHN, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	BREED CORPORATION		102.70
Do	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS	65,112.60	2,101.31
Do	GUARDIAN LIFE INSURANCE CO. OF AMERICA	57,167.68	160.51
Do	MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION		
Do	PUEBLO INTERNATIONAL		
Do	SITMAR CRUISES, INC	13,225.00	217.48
Do	TOYOTA MOTOR CORPORATION	33,294.47	26.30
Do	TUBULAR CORP OF AMERICA, INC		948.23
R. G. ARMISTEAD, 8613 JANET LANE VIENNA VA 22180			
W. STANLEY ARMSTRONG, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	60.00	9.50
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AMERICAN ASSN OF EXPORTERS & IMPORTERS (AAEI)	1,500.00	100.00
Do	AMERICAN TRADING & PRODUCTION CORP	3,379.93	
Do	BUILDING & CONSTRUCTION TRADES DEPT., AFL-CIO		
Do	CITY OF NORFOLK		
Do	FLUOR CORPORATION	150.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	LONE STAR INDUSTRIES, INC		
Do	NATIONAL COORDINATING COMM FOR MULTIEMPLOYER PLANS	15,312.00	437.00
Do	WERNER FLEISCHMANN		
CARL F. ARNOLD, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN FAMILY CORP	200.00	
Do	AMERICAN IRON & STEEL INSTITUTE	945.00	
Do	CORPORATE PROPERTY INVESTORS	750.00	
Do	MEAD CORPORATION	1,080.00	
Do	NATIONAL REALTY COMMITTEE	1,500.00	
Do	QUINTANA PETROLEUM CORP	1,312.00	
Do	SECURITIES INDUSTRY ASSN	525.00	
SANDY ARNOLD, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
NAN ARON, 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	ALLIANCE FOR JUSTICE	49.05	
ASBILL & JUNKIN, SUITE 603 1302 18TH ST., NW WASHINGTON DC 20036	COALITION ON SMOKING OR HEALTH	23,987.50	15,518.16
LUD ASHLEY, P.C., 1735 NEW YORK AVENUE, NW, 6TH FL. WASHINGTON DC 20006	AMERICAN INTERNATIONAL GROUP, INC	3,485.00	
Do	FEDERAL HOME LOAN MORTGAGE CORP		
Do	IRVING TRUST CO	15,670.00	78.84
Do	ISFA CORPORATION	34 260.00	199.23
Do	MANVILLE CORPORATION	40 975.35	
Do	MERRILL LYNCH & CO, INC	5 100.00	
Do	NATIONAL ASSN OF STATE SAVINGS & LOAN SUPERVISORS	15 000.00	
Do	J.C. PENNEY CO, INC	27 900.00	
Do	SAVINGS BANK OF PUGET SOUND	14 460.00	
JOSEPH ASHOOH, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ASIAN PACIFIC ECONOMIC EDUCATIONAL CULTURAL ORGANIZATION, P.O. BOX 891 MANILA, PHILIPPINE			
ASPHALT ROOFING MANUFACTURERS ASSOCIATION, 6288 MONTROSE ROAD ROCKVILLE MD 20852			
ASSOCIATED BUILDERS & CONTRACTORS, INC, 729 15TH ST., NW WASHINGTON DC 20005		7,500.00	
ASSOCIATED CREDIT BUREAUS, INC, P.O. BOX 218300 16211 PARK 10 PLACE HOUSTON TX 77084			
ASSOCIATED EMPLOYERS, INC, SUITE 315 A 1222 N. MAIN SAN ANTONIO TX 78212			
ASSOCIATED GENERAL CONTRACTORS OF AMERICA, 1957 E ST., NW WASHINGTON DC 20006			
ASSOCIATION FOR BIOMEDICAL RESEARCH, 400-2 TOTTEN POND ROAD, #200 WALTHAM MA 02154		48,200.00	9,972.85
ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER, 10 BROADWAY ST. LOUIS MO 63102			76.10
ASSOCIATION OF AMERICAN LAW SCHOOLS, ONE DUPONT CIRCLE, NW, #370 WASHINGTON DC 20036			
ASSOCIATION OF AMERICAN PUBLISHERS, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		8,175.63	8,175.63
ASSOCIATION OF AMERICAN RAILROADS, AMERICAN RAILROADS BLDG., SUITE 720 1920 L ST., NW WASHINGTON DC 20036.		54,884.75	54,884.75
ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES, SUITE 828 1522 K ST., NW WASHINGTON DC 20005			
ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS, 1300 NORTH 17TH STREET, #300 ARLINGTON VA 22209			
ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC, 1735 DESALES ST., NW WASHINGTON DC 20036			638.50
ASSOCIATION OF TRIAL LAWYERS OF AMERICA, 1050 31ST ST., NW WASHINGTON DC 20007		12,959.00	12,959.00
GEORGE J. ASTE, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	500.00	
JOHN MCELROY ATKISSON, 1717 K STREET, NW, #502 WASHINGTON DC 20036	CAROLINA POWER & LIGHT CO	500.00	
Do	CONSOLIDATED EDISON CO OF NEW YORK, INC	1,000.00	
Do	DUKE POWER CO	500.00	
Do	NEW ENGLAND ELECTRIC SYSTEM		
Do	PACIFIC GAS & ELECTRIC CO	200.00	
Do	SOUTHERN CALIFORNIA EDISON CO	200.00	
Do	VIRGINIA ELECTRIC & POWER CO	500.00	
Do	WESTINGHOUSE	1,210.00	9,916.41
ATLANTIC RICHFIELD CO, 515 SOUTH FLOWER STREET LOS ANGELES CA 90071			1,747.05
FRITZ E. ATTAWAY, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC	65.00	
JOHN J. AUCIELLO, P.O. BOX 269 ELIZABETHTOWN PA 17022	AMERICAN ASSN OF MEAT PROCESSORS		
AUDIO RECORDING RIGHTS COALITION, P.O. BOX 33705 WASHINGTON DC 20033			5,481.82
JOHN D. AUSTIN JR , 1920 N STREET, N.W. WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
RONALD R. AUSTIN, 1201 16TH STREET, NW WASHINGTON DC 20036	OVERSEAS EDUCATION ASSN	264.00	
AUTOMOTIVE PARTS REBUILDERS ASSN, 6849 OLD DOMINION DRIVE MCLEAN VA 22101			
JOHN S. AUTRY, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION	2,500.00	2,200.00
AVENEL ASSOCIATES, INC, P.O. BOX 53131 WASHINGTON DC 20009	FLORIDA DEFENDERS OF THE ENVIRONMENT		
AVON PRODUCTS, INC, 9 WEST 57TH ST. NEW YORK NY 10019		1,515.00	30.00
GEORGE C. AXTELL, 475 L'ENFANT PLAZA, SW, #4400 WASHINGTON DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	3,000.00	
WILLIAM H AXTMAN, RM. 160 950 N. GLEBE RD. ARLINGTON VA 22203	AMERICAN BOILER MANUFACTURERS ASSN, INC		
CRAIG H. BAAB, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	19.75
JED L. BABBIN, 4910 NORTH 27TH STREET ARLINGTON VA 22207	SHIPBUILDERS COUNCIL OF AMERICA	16,000.00	
PATTI JO BABER, SUITE 400 919 18TH ST., NW WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	1,500.00	151.42
DALE R. BABIONE, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	2,028.00	
ROBERT A. BACHA, SUITE 711 444 NORTH CAPITOL ST. WASHINGTON DC 20001	KEEFE COMPANY (FOR: E. F. HUTTON & CO, INC)		
Do	KEEFE COMPANY (FOR: NATIONAL REVENUE CORP)		
Do	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)		
Do	KEEFE COMPANY (FOR: YOUNGS DRUG PRODUCTS CORP)		
L. A. BAFALIS, CORPORATE CONSULTING SERVICES, INC P.O. BOX 2768 KEY LARGO FL 33037	DAVIS & MCLEOD (FOR: FLORIDA SUGAR CANE LEAGUE)		
Do	PROVIDENT LIFE & ACCIDENT INSURANCE CO	1,500.00	4,881.68
Do	AMERICAN GENERAL	1,500.00	366.70
CARL E. BAGGE, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSN	3,040.00	110.60
JOAN N. BAGGETT, 815 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL UNION OF BRICKLAYERS & ALLIED CRAFTSMEN		
GEORGE F. BAILEY JR., P.O. BOX 21 MONTGOMERY AL 36101	ALABAMA RAILROAD ASSN		
PAUL C. BAILEY JR., 108 COLUMBUS ST. ARLINGTON VA 22204	SOUTHERN COMPANY SERVICES, INC	517.00	561.23
WILLIAM W. BAILEY, 1050 17TH ST., NW SUITE 650 WASHINGTON DC 20036	MERCK & CO, INC	1,000.00	454.00
JUDITH L. BAIRD, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	200.00	
JOHN BAIZE, CAPITOL GALLERY BLDG., #510 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN SOYBEAN ASSOCIATION	1,875.00	262.62
EDWARD R. BAJER, 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	450.00	
BAKER & BOTTS, 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	HOUSTON LIGHTING & POWER COMPANY	230.00	
Do	PENNZOIL CO		
BAKER & HOSTETLER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CLEVELAND INSTITUTE OF ELECTRONICS		
Do	FEDERAL CARTRIDGE CORP		
Do	KNIGHT FOUNDATION		
Do	TIMKEN FOUNDATION		
BAKER & MCKENZIE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	CAMBRIDGE RESEARCH & DEVELOPMENT GROUP		
Do	DART & KRAFT		
DAVID BAKER, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	3,327.66	59.05
EMIL F. BAKER, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN		
GERALD E. BAKER, 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AIR LINE PILOTS ASSN	5,250.00	333.39
JAMES JAY BAKER, 1600 RHODE ISLAND AVENUE, N.W. WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	918.75	191.48
KEITH L. BAKER, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE		
WALDON L. BAKER, SUITE 802 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	100.00	
S. EASON BALCH JR., P.O. BOX 306 BIRMINGHAM AL 35201	BALCH BINGHAM BAKER WARD SMITH BOWMAN & THAGARD (FOR: SOUTHERN COMPANY SERVICES, INC).		
S. EASON BALCH, P.O. BOX 306 BIRMINGHAM AL 35201	BALCH BINGHAM BAKER WARD SMITH BOWMAN & THAGARD (FOR: SOUTHERN COMPANY SERVICES, INC).	525.00	150.00
H. R. BALIKOV, 333 THORNALL ST. EDISON NJ 08818	J. M. HUBER CORP	2,450.00	909.50
JACQUELINE BALK-TUSA, 1625 EYE ST., NW, #809 WASHINGTON DC 20006	BOISE CASCADE CORP	14,900.00	
BALLARD SPAHR ANDREWS & INGERSOLL, SUITE 1100 1850 K STREET, NW WASHINGTON DC 20006	ALASKA INDUSTRIAL DEVELOPMENT AUTHORITY		
Do	ATLANTIC ALLIANCE FOR MARITIME HERITAGE CONSERVATION		928.85
Do	DELAWARE ECONOMIC DEVELOPMENT AUTHORITY		
Do	DELAWARE RIVER PORT AUTHORITY		95.00
Do	ENERGY TERMINALS, INC		
Do	PHILADELPHIA PORT CORPORATION		
Do	PORT OF WILMINGTON, DELAWARE		
Do	SOUTH JERSEY PORT CORPORATION		
Do	TEMPLE UNIVERSITY		95.00
Do	TITAN OCEAN SYSTEMS, INC		
Do	TREASURE SALVORS, INC		
Do	U.S. COMMITTEE FOR UNICEF		303.60
MICHAEL BALY III, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	5,000.00	333.13
PHILIP A. BANGERT, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC	200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
CHARLES E. BANGERT, P.C., 1825 EYE STREET, NW, #300 WASHINGTON DC 20006	BUSINESS ROUNDTABLE	800.00	
BANK OF BOSTON CORPORATION, 100 FEDERAL ST. BOSTON MA 02110			
MAURICE A. BARBOZA, 1800 M STREET, NW WASHINGTON DC 20036	AMERICAN BAR ASSN	100.00	50.00
JUDY BARDACKE, 555 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	AMERICAN FED OF TEACHERS		
ROBERT O. BARKER, 801 NORTHLAND TOWERS WEST SOUTHFIELD MI 48075	NATIONAL ASSN OF MANUFACTURERS	1,500.00	
THOMAS H. BARKSDALE JR., 1220 L ST.,NW WASHINGTON DC 20036	AMERICAN PETROLEUM INST	5,500.00	492.28
THOMAS J. BARLOW III, 4717 DRUMMOND AVENUE CHEVY CHASE MD 20815	GEORGE PALMITER RIVER MANAGEMENT CONSULTANT CO		
Do	KANALKU TIMBER MANAGEMENT CO		
DONNA R. BARNAKO, 1200 15TH STREET, NW WASHINGTON DC 20005	NATIONAL COUNCIL OF HEALTH CENTERS	1,100.00	208.73
BARNETT & ALAGIA, 1000 THOMAS JEFFERSON STREET, NW, #900 WASHINGTON DC 20007	ASSOCIATION OF FOOD INDUSTRIES, INC		
Do	CUBAN AMERICAN PUBLIC AFFAIRS COUNCIL		
Do	FARM CREDIT BANKS		351.59
Do	THAI FOOD PROCESSORS ASSN		2,521.00
LARRY P. BARNETT, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	7,000.00	
BARNETT YINGLING & SHAY, SUITE 810 1090 VERMONT AVE., NW WASHINGTON DC 20005	CITIBANK, N.A.	2,280.00	24.00
NEIL D. BARON, BOOTH & BARON 122 EAST 42ND ST. NEW YORK NY 10168	STANDARD & POOR'S CORPORATION		
DAVID M. BARRETT, BARRETT, HANNA, DALY & GASPAR 2555 M STREET, NW, #100 WASHINGTON DC 20037	ALLIED TUBE & CONDUIT CORP	10,181.25	1,390.74
Do	ENERGY CONSUMERS & PRODUCERS ASSN	4,500.00	740.05
Do	NATIONAL MEDICAL ENTERPRISES, INC	4,500.00	1,208.44
ROBERT W. BARRIE, 1331 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	2,000.00	
HARVEY BARRISON, 291 BROADWAY NEW YORK NY 10007	C. A. SHEA & COMPANY, INC		
DAVID S. BARROWS, 1201 S. W. 12TH, #200 PORTLAND OR 97205	ASSOCIATION OF OREGON & CALIFORNIA LAND GRANT COUNTIES	1,200.00	
T. MICHAEL BARRY, 2626 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVE ASSN		
JAMES E. BARTLEY, 1090 VERMONT AVENUE, NW, #410 WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE	6,000.00	210.88
R. WILLIAM BARTON, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE		
RICHARD A. BARTON, 1730 K ST., NW, #905 WASHINGTON DC 20006	DIRECT MARKETING ASSN	1,400.00	
WALTER F. BATCHELOR, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	1,000.00	20.67
DIANE BATEMAN, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	10,000.00	2,732.07
ROBERT E. BATES JR., 1100 CONNECTICUT AVE, NW WASHINGTON DC 20036	MOBIL OIL CORP	1,125.00	
LAURIE C. BATTLE, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	5,425.00	
LYNNE D. BATTLE, 1101 CONNECTICUT AVE., NW, #705 WASHINGTON DC 20036	COLLEGE PLACEMENT COUNCIL, INC		
JOHN F. BATTLES, MASSACHUSETTS PETROLEUM COUNCIL 11 BEACON ST., #515 BOSTON MA 02108	AMERICAN PETROLEUM INST	3,000.00	767.04
JOHN L. BAUER JR., 1747 PENNSYLVANIA AVENUE, NW, #702 WASHINGTON DC 20006	ARMCO	1,200.00	341.11
ROBERT J. BAUGHMAN, 717 PENDLETON ST. ALEXANDRIA VA 22314	AMERICAN ORTHOTIC AND PROSTHETIC ASSN		
BARBARA BAUMAN, 1990 M STREET, NW, #480 WASHINGTON DC 20036	DETROIT EDISON COMPANY	450.00	30.00
BARRY H. BAUMAN, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	98.64
JAMES R. BAXTER, 2033 K ST., NW, #200 WASHINGTON DC 20006	NATIONAL CONSTRUCTION EMPLOYERS COUNCIL		
BAYH TABBERT & CAPEHART, SUITE 1025 1575 I STREET, NW WASHINGTON DC 20005	AMERICAN CANCER SOCIETY	12,000.00	2,350.00
Do	CUMMINS ENGINE CO, INC		
Do	LEXITEL CORPORATION	1,000.00	275.00
Do	NEW ENERGY CORPORATION	1,500.00	115.00
Do	PHARMACEUTICAL MANUFACTURERS ASSN		
Do	SIMON & ASSOCIATES, INC	14,000.00	325.00
Do	SUGAR USERS GROUP	4,500.00	400.00
Do	VIRATEK	5,000.00	275.00
Do	WARNER COMMUNICATIONS, INC		
Do	FRANK W. WINNE & SON, INC	2,500.00	500.00
TINA MARTS BEACH, 1331 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20004	GENERAL ELECTRIC CO	372.00	
BRUCE A. BEAM, SUITE 1041 1801 K ST., NW WASHINGTON DC 20006	AMERICAN ELECTRIC POWER SERVICE CORP	337.92	752.67
JEFFREY L. BEARD, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
DONALD S. BEATTIE, SUITE 1000 1815 H ST., NW WASHINGTON DC 20006	AMERICAN PETROCHEMICAL CONSUMERS		100.00
Do	RAILWAY LABOR EXECUTIVES' ASSN	2,961.04	
BARBARA F. BEATTY, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
CHRISTINE T. BEATTY, SUITE 200 1627 K ST., NW WASHINGTON DC 20006	ST. JOE MINERALS CORP	7,500.00	561.67
HUBERT BEATTY, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
LAURA L. BEATY, 806 N. JEFFERSON ST. ARLINGTON VA 22205	NATIONAL PARKS & CONSERVATION ASSOCIATION	132.30	12.90
ORREN BEATY JR., 700 JEFFERSON BUILDING 1225 19TH STREET, NW WASHINGTON DC 20036	WESTERN FUELS ASSOCIATION, INC	5,076.25	1,291.30
JEAN A. BECHERER, 1800 K STREET, NW, #530 WASHINGTON DC 20006	TESORO PETROLEUM CORP	1,500.00	
EDWARD A. BECK III, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
WILLIAM W. BEDDOW, 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	1,500.00	
JON CHARLES BEDNERIK, 11 EMBARCADERO WEST, #202 OAKLAND CA 94607	WESTERN INDEPENDENT BANKERS	750.00	491.85
LYDIA I. BEEBE, 1700 K STREET, NW, #1204 WASHINGTON DC 20006	CHEVRON USA, INC	175.00	
RONALD L. BEEBER, 1660 L STREET, NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	1,424.21
CHRISTOPHER M. BEERMANN, 240-40 43RD AVE. DOUGLASTON NY 11363	MORALITY IN MEDIA, INC	11.86	
ROBERT M. BEERS, 2101 E STREET, NW WASHINGTON DC 20037	AMERICAN FOREIGN SERVICE ASSN	700.00	754.00
EDWIN L. BEHRENS, 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO		
JAMES BEIZER, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
MARK BELANGER, 805 THIRD AVENUE NEW YORK NY 10022	MAJOR LEAGUE BASEBALL PLAYERS ASSN		
ALEXANDER B. BELL, 9618 COTTRELL TERRACE SILVER SPRING MD 20903	UNITED ASSN OF JNYMEN & APPREN. OF PLMBG & PIPEFTG INDUSTRY	3,750.00	295.11
HOWARD H. BELL, 1400 K ST., NW, #1000 WASHINGTON DC 20036	AMERICAN ADVERTISING FEDERATION		
WINSTON EVERETT BELL, P.O. BOX 26543 LAS VEGAS NV 89126			
MARY K. BELLAMY, 1600 M ST., NW WASHINGTON DC 20036	INVESTMENT CO INSTITUTE		
C. THOMAS BENDORF, 3615 OVERCREEK DR. COLUMBIA SC 29206	ASSOCIATION OF TRIAL LAWYERS OF AMERICA		
BENEFICIAL MANAGEMENT CORPORATION OF AMERICA, 1100 CARR RD. WILMINGTON DE 19899			
BRUCE BENEFIELD, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
KENNETH U. BENJAMIN JR., 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	2,887.00	180.66
DANIEL BENNET, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
ALAN R. BENNETT, 1575 EYE STREET, NW, #1150 WASHINGTON DC 20005	KAYE SCHOLER FIERMAN HAYS & HANDLER (FOR: BRISTOL-MYERS CO)	2,012.50	
BEVERLY L. BENNETT, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		500.00
CATHERINE BENNETT, SUITE 730 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	PFIZER, INC	650.00	267.40
WILLIAM C. BENNETT JR., 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	415.00	
JOHN C. BENNISON, 4400 MACARTHUR BLVD., NW WASHINGTON DC 20007	AMERICAN SOC OF TRAVEL AGENTS	8,000.00	
FREDERICK S. BENSON III, 1625 EYE STREET, NW, #902 WASHINGTON DC 20006	WEYERHAEUSER COMPANY		
TOM BENSON, 501 UNION STREET, #506 NASHVILLE TN 37219	TENNESSEE RAILROAD ASSN		
JAMES E. BENTON, N. J. PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST	28.00	
GEORGE L. BERG JR., 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	5,775.01	114.53
REBECCA J. BERG, 1140 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SEA-LAND CORPORATION	400.00	
O. M. BERGE, 12050 WOODWARD AVE. DETROIT MI 48203	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES		
BOB BERGLAND, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	495.00	
WILLIAM S. BERGMAN, 1001 CONNECTICUT AVENUE, NW, #800 WASHINGTON DC 20036	NATIONAL ASSN OF STATE SAVINGS & LOAN SUPERVISORS	11,250.00	
EDWIN M. BERGSMARK, THREE SEAGATE TOLEDO OH 43603	TOLEDO TRUST COMPANY	59.00	38.82
PAUL C. BERGSON, 2550 M ST., NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	940.00	400.00
JANE W. BERGWIN, 1050 17TH STREET, NW, #490 WASHINGTON DC 20036	CONSUMERS POWER CO	200.00	
FRANK BRETT BERLIN, SUITE 210 655 15TH ST., NW WASHINGTON DC 20005	CRAY RESEARCH, INC		
ELLEN BERMAN, SUITE 320 2000 L ST., NW WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA		
JASON S. BERMAN, SUITE 250 2020 K ST., NW WASHINGTON DC 20006	WARNER COMMUNICATIONS INC.	15 000.00	13,577.29
WILLIAM R. BERMAN, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
MARY E. BERNHARD, 1090 VERMONT AVENUE, NW, #500 WASHINGTON DC 20005	FLEXIBLE PACKAGING ASSOCIATION		
CHARLES BERNHARDT, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
GEORGE K. BERNSTEIN, 1730 K ST., NW WASHINGTON DC 20006	AMERICAN INSURANCE ASSN	10,000.00	
RACHELLE B. BERNSTEIN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	600.00	44.52
MAX N. BERRY, 3213 O ST., NW WASHINGTON DC 20007	AMERICAN IMPORTERS MEAT PRODUCTS GROUP		
Do	CENTRE NATIONAL INTERPROFESSIONNEL DE L'ECONOMIC LAITIERE		
Do	COMMITTEE TO ASSURE THE AVAILABILITY OF CASEIN		
Do	FEDERATION DES EXPORTATEURS DE VINS & SPIRITUEUX DE FRANCE		565.58
FRANK S. BESSON III, 1725 JEFFERSON DAVIS HWY, #900 ARLINGTON VA 22202	AM GENERAL CORPORATION	1,800.00	
ROBERT L. BEVAN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	600.00	12.00
BEVERIDGE & DIAMOND, P.C., 1333 NEW HAMPSHIRE AVENUE, NW, #900, WASHINGTON, DC 20036	J. C. BRADFORD		
Do	LAQUINTA MOTOR INNS, INC		
Do	TEXAS OIL & GAS CORP		
BEVERLY ENTERPRISES, INC, 1901 N. FORT MYER DRIVE, #302 ROSSLYN VA 22209			12,099.97
RALPH A. BIEDERMANN, ONE BRUNSWICK PLAZA SKOKIE IL 60077	BRUNSWICK CORP		
JOAN T. BIER, 1726 M STREET, NW, #701 WASHINGTON DC 20036	INTERNATIONAL MINERALS & CHEMICAL CORP		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JAMES N. BIERMAN, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: VGS CORPORATION)		
MOE BILLER, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	8,337.29	
BILLIG SHER & JONES, 2033 K ST., NW, #300 WASHINGTON DC 20006	'PORT USERS'	9,000.00	130.00
Do	AMERICAN BAKERS ASSN		
Do	HAPAG-LLOYD, A.G.		
Do	PRIVATE TRUCK COUNCIL OF AMER, INC		
Do	SOUTH DAKOTA DEPT. OF TRANSPORTATION, DIV. OF RAILROADS		
Do	STEAMSHIP CONFERENCES	3,500.00	
KEVIN W. BILLINGS, 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	996.88	211.16
LEON G. BILLINGS, INC, SUITE 713 1660 L STREET, NW WASHINGTON DC 20036	STATE OF MONTANA	18,500.00	
SARAH MASSENGALE BILLOCK, 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN HOSPITAL SUPPLY CORP		
ROBERT HENRI BINDER, 1150 CONNECTICUT AVENUE, NW, #800 WASHINGTON DC 20036	INTERNATIONAL AIRFORWARDER & AGENTS ASSOCIATION		1,466.04
BINGHAM DANA & GOULD, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSUMER BANKERS ASSN		
Do	UNICOVER CORP		86.70
Do	VISA U.S.A., INC	1,840.00	7.15
BIPARTISAN BUDGET APPEAL, P.O. BOX 9 BOWLING GREEN STATION NEW YORK NY 10004		6,987.50	4,011.54
BIPARTISAN BUDGET COALITION, P.O. BOX 5203 F.D.R. STATION NEW YORK NY 10150			1,098.55
BIRCH HORTON BITTNER PESTINGER & ANDERSON, SUITE 1100 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALASCOM, INC		
Do	ALASKA BANKERS ASSN		
Do	ALASKA PACIFIC BANCORPORATION		
Do	ALASKA POWER AUTHORITY		
Do	ALASKA RAILROAD LEASEHOLDERS ASSN		
Do	ALASKA TEAMSTERS-EMPLOYER PENSION TRUST		
Do	AMERADA HESS		
Do	AMERICAN BUS ASSN		
Do	CALISTA CORP		
Do	CITY OF ST. GEORGE		
Do	COOK INLET REGION, INC		
Do	FIRST FEDERAL BANK OF ALASKA, S.B.		
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO		
Do	SEALASKA CORP		
Do	SMITHKLINE BECKMAN CORP		
Do	ST. GEORGE TANAQ CORP		
Do	TEAMSTERS LOCAL 959		
Do	WESTINGHOUSE ELECTRIC CORP		
Do	WIEN AIR ALASKA		
Do	YUKON PACIFIC CORP		
WILLIAM J. BIRKHOFER, 1015 15TH STREET, NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	875.00	
CHARLES O. BISHOP, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN PUBLIC TRANSIT ASSN.	6,000.00	117.00
BISHOP LIBERMAN COOK PURCELL & REYNOLDS, 1200 17TH STREET, NW, 7TH FL. WASHINGTON DC 20036	ALEUT CORPORATION	1,250.00	
Do	ALEUTIAN/PRIBILOF ISLANDS ASSN, INC	1,250.00	
Do	AMERICAN ACADEMY OF OPHTHALMOLOGY		
Do	AMERICAN MOTORCYCLIST ASSN		
Do	AMERICAN RICE, INC	22,761.24	1,561.06
Do	ASSOCIATION OF FEDERAL HEALTH ORGANIZATIONS		
Do	AUDIO RECORDING RIGHTS COALITION	850.00	
Do	B.A.T. INDUSTRIES, LTD	71,330.60	
Do	BOARD OF TRADE OF KANSAS CITY, MO., INC	9,515.82	531.24
Do	CNA INSURANCE CO OF CHICAGO, ILLINOIS	250.00	
Do	COALITION FOR COMPETITION		
Do	CONSOLIDATED NATURAL GAS CO		
Do	ENSERCH CORP	9,611.25	744.23
Do	ETHYL CORPORATION		
Do	HARLEY-DAVIDSON MOTOR CO, INC	525.00	
Do	HOME RECORDING RIGHTS COALITION		
Do	IOWA BEEF PROCESSORS, INC	4,000.00	518.63
Do	MISSISSIPPI POWER & LIGHT		
Do	PESTICIDE PRODUCERS ASSN	2,626.75	1,586.51
Do	PIONEER CORP	46,368.75	5,307.27
Do	PLANTERS PEANUTS	3,750.00	80.57
Do	PUBLIC SECURITIES ASSN	227.50	35.50
Do	ROADWAY SERVICES, INC		
Do	SALOMON BROTHERS, INC	75,752.50	4,241.08
Do	SOUTH CAROLINA PUBLIC SERVICE AUTHORITY		
Do	TANADGUSIX CORPORATION	1,500.00	
Do	TEXACO, INC	2,000.00	
Do	TEXAS GAS TRANSMISSION CORP		
Do	TOBACCO INSTITUTE	26,492.31	
Do	VALLEY VIEW HOLDINGS, INC	32,428.75	1,289.45
Do	WESTERN PEANUT GROWERS' ASSN	9,061.25	1,077.22
DENNIS A. BITZ, P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORP		
GERRIE BJORNSON, 1800 K ST., NW, #929 WASHINGTON DC 20006	B.F. GOODRICH CO.	100.00	
NEAL R. BJORNSON, 1840 WILSON BLVD. ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	2,950.00	165.70
BLACK MANAFORT & STONE, INC, 324 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	AMERICAN PETROFINA, INC	15,000.00	615.46
Do	KAMAN AEROSPACE	60,000.00	691.53
Do	NATURAL GAS SUPPLY ASSN	37,500.00	294.71
Do	SALOMON BROTHERS, INC	40,000.00	1,914.79
Do	SOLAR ENERGY INDUSTRY ASSN	14,000.00	42.35
Do	SUBURBAN PROPANE GAS CORP		
Do	TOSCO CORPORATION	24,000.00	1,317.91
SPENCER BLACK, 214 N. HENRY STREET, #203 MADISON WI 53703	SIERRA CLUB	460.40	
TOM G. BLACK, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,109.20	
ROBERT J. BLACKWELL, BOGLE & GATES ONE THOMAS CIRCLE, NW, #900 WASHINGTON DC 20005	COVE MARITIME COMPANIES		
Do	EQUITY CARRIERS I, INC		
Do	EQUITY CARRIERS III, INC		
Do	FALCON TANKERS, INC		
Do	PHOENIX BULKSHIP I, INC		
Do	PHOENIX BULKSHIP II, INC		
BEV D. BLACKWOOD, 1899 L STREET, NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		
BARBARA S. BLAINE, P.C., 910 16TH STREET, NW, #410 WASHINGTON DC 20006	PHARMACEUTICAL MANUFACTURERS ASSN	875.00	17.50
BOWEN BLAIR JR., 519 S.W. THIRD AVE., #810 PORTLAND OR 97204	FRIENDS OF THE COLUMBIA GORGE	31.50	
DAVID A. BLAIR, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORTAION	63.00	
NEAL B. BLAIR, P.O. BOX 881 13924 BRADDOCK RD. CENTERVILLE VA 22020	FREE THE EAGLE & AMERICAN HERITAGE CENTER	18,000.00	
ROSLYNNE BLAKE, 316 PENNSYLVANIA AVENUE, SE, #301 WASHINGTON DC 20003	SAN DIEGO GAS & ELECTRIC	603.72	32.65
GERRY BLANCHARD, GNAU CARTER JACOBSEN & ASSOC, INC 1250 EYE STREET, NW, #600 WASHINGTON DC 20005	BAUMANN, INC		
Do	BEZTAK COMPANY		
Do	BI-COUNTY CONSORTIUM		
Do	DETROIT & MACKINAC RAILWAY COMPANY		
Do	DETROIT DOCTOR'S HOSPITAL		
Do	EDSI		
Do	EMS DEVELOPMENT CORP		
Do	GLOBAL COMMUNICATIONS		
Do	GRAND TRAVERSE DEVELOPMENT, INC		
Do	INTER-TRIBAL COUNCIL OF MICHIGAN, INC		
Do	PRECISION MAGNETICS & CERAMICS		
Do	PRIMARK CORPORATION		
Do	RJK CONSTRUCTION COMPANY		
Do	SAFEKEEPER SYSTEMS, INC		
Do	SAFLOK/COMPUTERIZED SECURITY SYSTEMS, INC		
Do	U.S. MANUFACTURING COMPANY		
Do	URBAN REVITALIZATION, INC		
Do	WEDTECH CORP		
MICHAEL D. BLANCHARD, 501 WEST 6TH STREET FORT WORTH TX 76102	TEXAS-NEW MEXICO POWER CO.	12,000.00	303.90

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
HELEN BLANK, 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND	2 749.55	5.50
SAMUEL A BLEICHER, BLANK, ROME, COMISKY & MCCAULEY 2000 PENNSYLVANIA AVE., NW, #6100 WASHINGTON DC 20006.	A & S TRANSPORTATION COMPANY	1 896.28	40.35
MICHAEL K. BLEVINS, 2001 EYE STREET, NW WASHINGTON DC 20006	ELECTRONIC INDUSTRIES ASSN	250.00	
RICHARD BLISS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	GULF OIL CORP		
Do	ST. JOE MINERALS CORPORATION	2 760.00	48.25
VIRGINIA B. BLISS, 1725 K STREET, NW WASHINGTON DC 20006	COURTNEY MCCAMANT & TURNEY	300.00	
JERALD BLIZIN, 1201 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20004	HILL & KNOWLTON, INC		
L. THOMAS BLOCK, ONE WALL STREET NEW YORK NY 10015	IRVING TRUST CO	2 000.00	1,200.00
PETER L. BLOCKLIN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	3 600.00	
HOLTON E. BLOMGREN, 1015 15TH STREET, NW, #1220 WASHINGTON DC 20005	NATIONAL MANUFACTURED HOUSING FEDERATION	20 000.01	
DOUGLAS M. BLOOMFIELD, 444 N. CAPITOL STREET, NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	16 999.98	577.91
MARK BLOOMFIELD, SUITE 520 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION	656.00	
JOHN B. BLOUNT JR., 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1 250.00	578.09
JARED O. BLUM, 1730 M ST., NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	300.00	128.77
JOANNE BLUM, 2010 MASSACHUSETTS AVENUE, NW, #500 WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC	907.20	42.00
ROBERT A. BLUM, THREE EMBARCADERO CENTER 28TH FLOOR SAN FRANCISCO CA 94111	MCCUTCHEN DOYLE BROWN & ENERSEN (FOR: PERMANENTE MEDICAL GROUP, INC.).	1 632.00	
MILLY S. BLUMEL, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL COMPANY OF CALIFORNIA		1,174.08
CHARLES R. BLUMENFELD, BOGLE & GATES 2100 THE BANK OF CALIFORNIA CENTER SEATTLE WA 98164	PACIFIC SEAFOOD PROCESSORS ASSN		
SAMUEL D. BLUNT, 444 N. CAPITOL STREET, #828 WASHINGTON DC 20001	RADIO OFFICERS UNION	1 624.88	
WILLIAM J. BOARMAN, 4626 WISCONSIN AVENUE, NW WASHINGTON DC 20016	COLUMBIA TYPOGRAPHICAL UNION #101, AFL-CIO		
BOAT OWNERS ASSOCIATION OF THE U.S., 880 S. PICKETT ST. ALEXANDRIA VA 22304		45 000.00	44,125.00
DAVID A. BOCKORNY, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2 500.00	1,055.55
HAROLD BOEL, 444 N. CAPITOL STREET, NW, #718 WASHINGTON DC 20001	PACIFIC TELESIS GROUP	12 000.00	
DONALD P. BOGARD, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP	16.92	
TIMOTHY A. BOGGS, 2020 K STREET, NW, #250 WASHINGTON DC 20006	WARNER COMMUNICATIONS, INC	13 200.00	8,041.44
ROBERT Z. BOHAN, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	129.80	290.81
PATRICIA BOINSKI, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO		
RICHARD O. BOLGER, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC	225.00	
ROBERT J. BOLGER, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	1 500.00	
BERNADETTE BOLTON, 400 FIRST STREET, NW, #800 WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	300.00	
IRVIN E. BOMBERGER, 550 WASHINGTON BUILDING 15TH & NEW YORK AVENUE, NW WASHINGTON DC 20005	NAT'L INTERRELIGIOUS SERV. BOARD FOR CONSCIENTIOUS OBJECTORS	697.00	
A. DEWEY BOND, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	500.00	
JOHN E. BONITT, 1150 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION	2,100.00	145.00
SHARON LEE BONITT, 1025 CONNECTICUT AVE., NW, #200 WASHINGTON DC 20036	SHELL OIL CO	500.00	
BONNEVILLE ASSOCIATES, SUITE 300 200 E. SOUTH TEMPLE SALT LAKE CITY UT 84111	WESTERN REGIONAL COUNCIL	108.50	585.27
GAYLON B. BOOKER, 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER		
W. DAN BOONE, 345 PARK AVE. NEW YORK NY 10154	UNION PACIFIC CORP. AND ALLIANCE FOR CLEAN ENERGY		
JOHN K. BOOTH, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	400.00	
EDWARD T. BORDA, 1625 EYE ST., NW, #1023 WASHINGTON DC 20006	ASSOCIATION OF GENERAL MERCHANDISE CHAINS	4,000.00	
LAURENCE D. BORY, SUITE 802 1015 15TH ST., NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	750.00	
G. STEWART BOSWELL, 1611 NORTH KENT ST., #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC	3,575.00	142.75
CHARLES G. BOTSFORD, SUITE 515 1730 M ST., NW WASHINGTON DC 20036		1,500.00	230.00
JOHN E. BOUCHARD, 1667 K STREET, NW, #350 WASHINGTON DC 20036	MOLLER STEAMSHIP COMPANY, INC		
MARY M. BOURDETTE, 4TH FLOOR 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND OF THE WASHINGTON RESEARCH PROJECT	1,408.00	
ALBERT D. BOURLAND, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S		
FRANK J. BOWDEN JR., ASSOCIATED PETROLEUM INDUSTRIES OF PA P.O. BOX 925 HARRISBURG PA 17108	AMERICAN PETROLEUM INST		
JAMES J. BOWE, 4 WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC		
RODNEY A. BOWER, SUITE 702 818 ROEDER RD. SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
DAVID W. BOWERS, 1801 K ST., NW, #1201 WASHINGTON DC 20006	U.S. TELEPHONE ASSOCIATION	1,000.00	
ROBERT R. BOWERS, WEST VIRGINIA PETROLEUM COUNCIL SUITE 714 ATLAS BLDG. CHARLESTON WV 25301	AMERICAN PETROLEUM INST	460.00	397.00
BOWERY SAVINGS BANK, 110 EAST 42ND STREET NEW YORK NY 10017			
RICHARD P. BOWLING, 1020 PRINCESS STREET ALEXANDRIA VA 22314	TRUCK TRAILER MANUFACTURERS ASSN	1,000.00	6.60
BOWMER COURTNEY BURLESON PEMBERTON & NORMAND, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		1,336.50
JIM D. BOWMER, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		112.50
JOAN COSTAIN BOWYER, 1015 15TH ST., NW WASHINGTON DC 20005	PHELPS DODGE CORP	150.00	
JOHN G. BOYD, 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP	250.00	12.00
ROBERT K. BOYD, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	3,500.00	1,232.72
BRACEWELL & PATTERSON, SUITE 1200 1825 EYE ST., N.W. WASHINGTON DC 20006	AMERICAN ASSN OF DENTAL SCHOOLS		
Do	AMERICAN COUNCIL ON EDUCATION		
Do	AUSTRIAN LANCE & STEWART, P.C		
Do	CHEMICAL MANUFACTURERS ASSN	1,395.00	556.60
Do	DRESSER INDUSTRIES, INC		
Do	HOUSTON NATURAL GAS CORP		
Do	LOUISIANA LAND & EXPLORATION CO	1,550.00	618.45
Do	PENNSYLVANIA NATURAL GAS ASSOCIATES		
Do	RALSTON PURINA CO		
Do	SOUTHDOWN/PELTO OIL COMPANY	465.00	185.53
Do	U.S. TUNA FOUNDATION	465.00	185.53
Do	VALERO ENERGY CORPORATION	930.00	371.07
BRACY WILLIAMS & COMPANY, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	AMERICAN SOUTHWEST FINANCIAL CO	3,500.00	185.00
Do	CALIFORNIA NICKEL CORP	15,000.00	175.00
Do	CITY OF TUCSON	7,000.00	180.00
Do	CSX CORPORATION	11,000.00	395.00
Do	ENERGY ABSORPTION SYSTEMS, INC	8,000.00	110.00
Do	ESTES COMPANY	3,000.00	105.00
Do	PRATT & WHITNEY AIRCRAFT GROUP	10,000.00	105.00
Do	SOUTHERN ARIZONA WATER RESOURCES ASSOCIATION	3,000.00	240.00
JOAN BRADEN, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: GOVERNMENT OF CANADA).		
FRANK W. BRADLEY, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	3,000.00	
WAYNE W. BRADLEY, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	500.00	264.35
DENNIS M. BRADSHAW, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CHARLES N. BRADY, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
HUGH S. BRADY, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	500.00	
CARREN BRAGG, 1901 L STREET, NW, #303 WASHINGTON DC 20036	COLT INDUSTRIES, INC		
CHARLES G. BRAGG, P.O. BOX 12285 MEMPHIS TN 38182	NATIONAL COTTON COUNCIL OF AMER		
RAYMOND F. BRAGG JR., 114 THIRD STREET, SE WASHINGTON DC 20003	AMERICAN INDEPENDENT REFINERS ASSN	300.00	
STUART J. BRAHS, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	344.07	1,413.44
BRAND LOWELL & DOLE, 923 15TH STREET, NW, FIFTH FL. WASHINGTON DC 20005	GENERAL DYNAMICS	350.00	
Do	METROPOLITAN TRANSPORTATION AUTHORITY	658.00	
RICHARD D. BRANNICK, R.D. #2, BOX 108 DEXTER NY 13636	NATIONAL BORDER PATROL COUNCIL	514.00	896.80
GERARD M. BRANNON, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
ROY BRAUNSTEIN, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	9,421.03	1,490.78
PETER ELLIOT BRAVEMAN, SUITE 2200 101000 SANTA MONICA BLVD. LOS ANGELES CA 90067	LOEB AND LOEB (FOR: JOAN IRVINE SMITH)		
DONALD H. BRAZIER, P.O. BOX 12266 SEATTLE WA 98102	DOLLAR SAVINGS BANK, ET AL		
HAROLD E. BRAZIL, 1900 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO		
NOEL BRAZIL, 600 MARYLAND AVENUE, SW, #400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
EDWARD T. BREATHITT, 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	NORFOLK SOUTHERN CORPORATION	1 000.00	
ROY S. BREDDER, 1111 14TH ST. # 1200 WASHINGTON DC 20005	AMERICAN DENTAL ASSN	1 000.00	133.00
BREED ABBOTT & MORGAN, 1875 EYE ST., NW, #1000 WASHINGTON DC 20006	AEROJET-GENERAL, INC, ET AL	10 000.00	
BREGMAN ABELL & KAY, SUITE 1212 1156 15TH ST., NW WASHINGTON DC 20005	AIR TRANSPORT ASSN OF AMERICA	500.00	
Do	AMERICAN CAR RENTAL ASSN	1 250.00	
Do	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS		
Do	AVIS, INC		
Do	BUDGET RENT A CAR CORP		
Do	COMMITTEE FOR EFFECTIVE TAX INCENTIVES		
Do	CONSOLIDATED FREIGHTWAY CORP		
Do	HILTON INTERNATIONAL, INC		
Do	NATIONAL CAR RENTAL SYSTEM, INC		
Do	NORTON SIMON, INC		
Do	ROADWAY EXPRESS, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	RYDER SYSTEMS, INC.		
Do	TRANS WORLD AIRLINES, INC.		
Do	TRANS WORLD CORPORATION		
Do	TRUCK RENTING & LEASING ASSN	1,250.00	
BRENDA I. BREGMAN, 100 MARYLAND AVENUE, NE WASHINGTON DC 20002	RELIGIOUS COALITION FOR ABORTION RIGHTS, INC		
MICHAEL J. BRENNAN, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF BRIDGE, STRUCT. & ORNAMENTAL IRON WKRS	10,800.00	676.43
PETER E. BRERETON, 900 EUCLID AVENUE CLEVELAND OH 44101	AMERITRUST CO, NAT'L ASSN	254.00	374.54
THOMAS M. BRESNAHAN III, 1700 K STREET, NW, #1204 WASHINGTON DC 20006	CHEVRON U.S.A., INC	400.00	
ALBERT E. BREWSTER, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORP		50.00
CHARLES BRIMER, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046	NATIONAL-AMERICAN WHOLESALE GROCERS' ASSN	3,000.00	
ROBERT J. BRINKMANN, 1627 K STREET, NW, #400 WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN	5,000.00	
BELVA B. BRISSETT, 1771 N ST., NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	701.77
ELIZABETH Y. BRITTON, 2550 M STREET, NW WASHINGTON DC 20037	RJR INDUSTRIES, INC	115.60	217.03
MARINA L. BROCKMANN, 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY		
WILLIAM M. BRODHEAD, 900 MARQUETTE BUILDING DETROIT MI 48226	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: COUNCIL OF MICHIGAN FOUNDATIONS).		
Do	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: MICHIGAN CONSOLIDATED GAS CO).	14 275.00	2,718.01
Do	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: CITY OF DETROIT, MICHIGAN).	7 500.00	
DAVID A. BRODY, 1640 RHODE ISLAND AVE., NW WASHINGTON DC 20036	ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH	3 200.00	
PHILLIP J. BROMAN, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC		
MICHAEL D. BROMBERG, 1111 19TH ST., NW, #402 WASHINGTON DC 20036	FEDERATION OF AMERICAN HOSPITALS	4,500.00	
MARY E. BROOKS, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	3,593.89	17.45
DAVID W. BROOME, 1726 M STREET, NW, #401 WASHINGTON DC 20036	BURLINGTON INDUSTRIES, INC		
DANIEL T. BROSS, P.O. BOX 1478 HOUSTON TX 77001	UNITED GAS PIPE LINE CO		
MARIO BROSSI, 1730 M ST., NW WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	300.00	55.61
BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPL 815 16TH ST., NW WASHINGTON DC 20006.		17,000.00	26,510.17
DONALD G. BROTZMAN, 1400 K ST., NW WASHINGTON DC 20005	RUBBER MFGRS ASSN	10,000.00	
BROWN & FINN, SUITE 510 1920 N STREET, NW WASHINGTON DC 20036	SATELLITE TELEVISION INDUSTRY ASSN/S.P.A.C.E.	1,330.00	
Do	SATELLITE TV VIEWING RIGHTS SUPERFUND, INC	27,342.50	16,483.80
BROWN & SEYMOUR, 100 PARK AVENUE, #2606 NEW YORK NY 10017	GRAY PANTHERS	5,000.00	
BEN JARRATT BROWN, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007	CORPORATION FOR GOVERNMENT ACTION, INC	16,243.10	42.80
CHARLES T. BROWN, P.O. BOX 100 MIAMI AZ 85539	PINTO VALLEY COPPER CORPORATION		
DAVID S. J. BROWN, 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO CO	600.00	711.97
DIANE R. BROWN, 1515 WILSON BOULEVARD ARLINGTON VA 22209	AMERICAN GAS ASSN	3,000.00	608.94
ELLEN B. BROWN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,400.00	296.09
JAMES P. BROWN, BROWN & ASSOCIATES 301 SOVEREIGN COURT, #102 ST. LOUIS MO 63011	CITY OF ST. LOUIS - CITY HALL		
JESSE P. BROWN JR., 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER		
RALPH BROWN, SUITE 107 701 S. 22ND STREET OMAHA NB 68102	M.O.A.A.I.O.A. & SUBS, INC		
BROWN ROADY BONVILLIAN & GOLD, 1300 19TH STREET, NW, #300 WASHINGTON DC 20036	CITICORP CAPITAL INVESTORS, LTD	68,649.37	24,068.29
Do	DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION		
Do	KANSAS CITY SOUTHERN RAILWAY	3,800.00	539.67
Do	METROPOLITAN TRANSIT AUTHORITY	6,656.43	165.82
Do	NORTHEASTERN INTERNATIONAL AIRWAYS, INC		2,329.06
Do	SECONDARY LEAD SMELTERS ASSN (SLSA)	5,000.00	713.96
Do	SMITH DAWSON ASSOCS (FOR SAN FRAN. PUBLIC UTIL. COMMISSION)	11,588.47	2,171.14
Do	WESTERN RIVER GUIDES ASSN		
BROWN TODD & HEYBURN, 1600 CITIZENS PLAZA LOUISVILLE KY 40202	BROWN & WILLIAMSON TOBACCO CORP		18.75
VINCENT D. BROWN, NEBRASKA PETROLEUM COUNCIL P.O. BOX 95063 LINCOLN NB 68509	AMERICAN PETROLEUM INST	1,000.00	
WILLIAM E. BROWN, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	112.00	279.86
WILLIAM R. BROWN, SUITE 200 122 C ST., NW WASHINGTON DC 20001	COUNCIL OF STATE CHAMBERS OF COMMERCE	250.00	
DONALD T. BROWNE, 205 EAST 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
STANLEY R. BROWNE, SUITE 1120 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
THOMAS N. BROWNELL, 1700 NORTH MOORE STREET, 20TH FL. ROSSLYN VA 22209	BOEING COMPANY		
BROWNSTEIN ZEIDMAN & SCHOMER, SUITE 900 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	CANADIAN FINANCIAL CORPORATION		
Do	MERRILL LYNCH HUBBARD, INC		
Do	MORTGAGE GUARANTY INSURANCE CORP		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
Do	NATIONAL HOUSING REHABILITATION ASSOCIATION		
Do	NEW YORK CITY HOUSING DEVELOPMENT CORP	441.45	
Do	NEW YORK STATE MORTGAGE LOAN ENFORCEMENT & ADMIN. CORP		
Do	NEW YORK STATE URBAN DEVELOPMENT CORP		
Do	NORWEST MORTGAGE, INC		
Do	ROOSEVELT RACEWAY ASSOCIATES LIMITED PARTNERSHIP		
Do	SCHOCHET ASSOCIATES		
DAVID BRUBAKER, P.O. BOX 329 B-110 EPHRATA PA 17522	PENNAG INDUSTRIES ASSOCIATION		
GARY W. BRUNER, P.O. BOX 2159 DALLAS TX 75221	AMERICAN PETROFINA, INC	928.00	1,246.00
JAMES W. BRUNER JR., 520 CAPITOL MALL SACRAMENTO CA 95814	ORRICK HERRINGTON & SUTCLIFFE		
KATHRYNE M. BRUNER, 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GA TECHNOLOGIES, INC	750.00	155.24
J. CHARLES BRUSE, SUITE 600 633 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ALLSTATE INSURANCE GROUP	800.00	367.30
BRYAN CAVE MCPHEETERS & MCROBERTS, 1015 15TH STREET, NW, #1000 WASHINGTON DC 20005	MICROELECTRONICS & COMPUTER TECHNOLOGY CORP		
DAWN M. BRYDON, 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
BUCHANAN INGERSOLL, P.C., 1667 K STREET, NW, 9TH FL. WASHINGTON DC 20006	CITY & REGIONAL MAGAZINE ASSN		
Do	CLOROX CO		
Do	EXPRESS FOODS CO, INC		
Do	GENERAL INSTRUMENT CORP		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	WHEY PRODUCTS INSTITUTE		
LANA BUCK, 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	90.00	
SUSAN BUCK, 115 D ST., NE WASHINGTON DC 20003	UNITED TELECOM COMMUNICATIONS, INC		
ROBERT D. BUEHLER, 1800 K ST., NW, #929 WASHINGTON DC 20006	BF GOODRICH CO	400.00	
SUSAN M. BUFFONE, 3604 34TH STREET, NW WASHINGTON DC 20009	NATIONAL PARKS & CONSERVATION ASSOCIATION		
BUILDING OWNERS & MANAGERS ASSN INTL, SUITE 200 1250 EYE ST., NW WASHINGTON DC 20005			
DOUGLAS W. BULCAO, 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC	2,500.00	52.50
DARREL D. BUNGE, MINNESOTA PETROLEUM COUNCIL 1025 NORTHERN FEDERAL BUILDING ST. PAUL MN 55102	AMERICAN PETROLEUM INST	100.00	100.00
J. THOMAS BURCH JR., 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	BURCH, WILHELM & MCDONALD, P.C. (FOR: M.A.N. TRUCK & BUS CORP)		
LAWRENCE E. BURCH, 1711 KING ST. ALEXANDRIA VA 22314	POTATO CHIP/SNACK FOOD ASSOCIATION		
NORMAN D. BURCH, SUITE 401 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	COLLEGE OF AMER PATHOLOGISTS	5,220.00	41.15
BURCH WILHELM & MCDONALD, P.C., 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP	954.50	
DAVID S. BURCKMAN, P.O. BOX 7610 BEN FRANKLIN STATION WASHINGTON DC 20044	SENIOR EXECUTIVES ASSN		
DAVID G. BURDEN, 200 E. RANDOLPH DR. CHICAGO IL 60601	STANDARD OIL (INDIANA)		
PAUL F. BURDETT, SUITE 700 SOUTH 1800 M STREET, NW WASHINGTON DC 20036	MERRELL DOW PHARMACEUTICALS, INC		64.00
CLAIR W. BURGENER, P.O. BOX 8186 RANCH SANTA FE CA 92067	G A TECHNOLOGIES, INC	8,000.00	2,212.18
WILLIAM J. BURHOP, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	10,200.00	
GERARD P. BURKE, SUITE 400 1707 H STREET, NW WASHINGTON DC 20006	INTERNATIONAL AIR LEASES, INC		
J. J. BURKE JR., 40 E. BROADWAY BUTTE MT 59701	MONTANA POWER CO		11.54
KEVIN BURKE, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	800.50
SALLY J. BURKE, SCOTT HARRISON & MCLEOD 2501 M STREET, NW WASHINGTON DC 20037	AMERICAN ASSN OF CROP INSURERS		
Do	UNITED EGG PRODUCERS	90.00	
FRANCIS X. BURKHARDT, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES		
BURLEY & DARK LEAF TOBACCO EXPORT ASSN, 1100 17TH ST., NW WASHINGTON DC 20036		31,620.61	1,103.02
BILL D. BURLISON, 499 SOUTH CAPITOL STREET, SE, #103 WASHINGTON DC 20003	EMERSON ELECTRIC CO	3,750.00	574.65
Do	MCDONNELL DOUGLAS CORPORATION	4,400.00	1,492.10
Do	PLANNING RESEARCH CORPORATION	250.00	47.18
MAHLON A. BURNETTE III, 3812 NORTH 13TH STREET ARLINGTON VA 22201	GROCERY MANUFACTURERS OF AMERICA, INC	4,027.50	191.50
CHARLES S. BURNS, 1015 15TH ST., NW WASHINGTON DC 20005	PHELPS DODGE CORP	1,200.00	
EDWARD M. BURNS, 14 BEACON STREET, #610 BOSTON MA 02108			
MICHAEL BURNS, 21 DUPONT CIRCLE, NW, #401 WASHINGTON DC 20036	BUSINESS EXECUTIVES FOR NATIONAL SECURITY	7,500.00	126.92
TIMOTHY F. BURNS, 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
BURR PEASE & KURTZ, INC, 810 N ST. ANCHORAGE AK 99501	EKLUTNA, INC		
FRANK BURTNETT, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING & DEVELOPMENT	1 041.87	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
BUSBY REHM & LEONARD, 1629 K ST., NW, #1100 WASHINGTON DC 20006	UNIVERSAL LEAF TOBACCO CO., INC		
BARBARA L. BUSH, 1220 L ST., NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	200.00	
RICHARD R. BUTA, 6535 OLD CHESTERBROOK ROAD MCLEAN VA 22101	BECHTEL NATIONAL, INC		
JAMES J. BUTERA, 4TH FLOOR 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS	10,000.00	51.65
M. CALDWELL BUTLER, P.O. BOX 720 ROANOKE VA 24004	NATIONAL CONFERENCE OF BANKRUPTCY JUDGES	7,580.75	781.69
MICHAEL F. BUTLER, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ANDREWS & KURTH (FOR: TRANSCO EXPLORATION PARTNERS, LTD & TRANSCO ENERGY CO).		
C.A.R.E., 511 C STREET, NE WASHINGTON DC 20002			
CADES SCHUTTE FLEMING & WRIGHT, 740 WASHINGTON PARK BUILDING 1001 22ND STREET, NW WASHINGTON DC 20037	HAWAIIAN ELECTRIC CO, INC	12,943.75	272.22
Do	U.S. WINDPOWER, INC		
CADWALADER WICKERSHAM & TAFT, 7TH FLOOR 1333 NEW HAMPSHIRE AVE. NW WASHINGTON DC 20036	AD HOC COMM OF FLOOR BROKERS		
Do	ASPHALT ROOFING MANUFACTURERS ASSOCIATION		
Do	KWAJALEIN ATOLL CORP		
ANDREW A. CAFFEY, 1025 CONNECTICUT AVENUE, NW, #707 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN		
JOHN D. CAHILL, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY	3,000.00	
Do	MASSACHUSETTS PORT AUTHORITY	8,625.00	
ROY C. CAHOON, 6100 KNOLLWOOD DR. FALLS CHURCH VA 22041	NATIONAL AUTOMATIC MERCHANDISING ASSN		
CAIN & SMITH, P.O. BOX 2286 AUSTIN TX 78768	STATE BAR OF TEXAS, JUDICIAL SECTION		
MORRISON G. CAIN, 1625 I ST., NW, #1023 WASHINGTON DC 20006	ASSOCIATION OF GENERAL MERCHANDISE CHAINS	6,250.00	
ALAN CALDWELL, SUITE 770 2550 M STREET, NW WASHINGTON DC 20037	RJR INDUSTRIES, INC	1,200.00	18.00
CAROL V. CALHOUN, MORGAN LEWIS & BOCKIUS 1800 M STREET, NW WASHINGTON DC 20036	ALIGNPAC		
Do	FAMILY LIFE INSURANCE CO		
CHARLES D. CALHOUN, 30 MONTGOMERY STREET JERSEY CITY NJ 07302	RADIO OFFICERS UNION	2,091.78	
FRANK W. CALHOUN, 3400 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		914.25
CALIFORNIA HOUSING COUNCIL, 1225 8TH STREET, #325 SACRAMENTO CA 95814			
PETER E. CALLANAN, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	HONEYWELL, INC	225.00	525.00
JOHN C. CALLIHAN, 299 PARK AVENUE NEW YORK NY 10171	WESTVACO CORP	3,150.00	322.00
CALORIE CONTROL COUNCIL, #500-D 5775 PEACHTREE-DUNWOODY RD. ATLANTA GA 30342			230.00
GORDON L. CALVERT, BOX 34-531 BETHESDA MD 20817	COMMERICIAL LAW LEAGUE OF AMER, COMM COLL. AGENCY SECTION	3,000.00	
DONALD L. CALVIN, 11 WALL ST. NEW YORK NY 10005	NEW YORK STOCK EXCHANGE, INC		
ARTHUR E. CAMERON, SUITE 110 499 S. CAPITOL ST., SW WASHINGTON DC 20003	AMERACE CORPORATION, ET AL	5,250.00	
Do	AMERICAN GREYHOUND TRACK OPERATORS ASSN	2,250.00	
Do	SAFETRAN SYSTEMS CORPORATION	3,825.00	
Do	SIGNAL COMMUNICATIONS		
NANCY CAMM, 1800 K STREET, NW, #900 WASHINGTON DC 20006	BANKAMERICA CORP	58.63	215.35
CAMP CARMOUCHE BARSH HUNTER GRAY HOFFMAN & GILL, P.C., 2550 M ST., NW, #275 WASHINGTON DC 20037	CHAMPLIN PETROLEUM COMPANY		
Do	CHEMCRETE INTERNATIONAL CORP		
Do	EASTERN CENTRAL MOTOR CARRIERS ASSN		
Do	HOLLYWOOD MARINE SERVICES, INC	150.00	
Do	INTERMEDICS		
Do	MOBIL OIL CORP	6,250.00	
Do	NATURAL GAS SUPPLY ASSN	2,560.00	
Do	OCCIDENTAL PETROLEUM CORP	1,250.00	
Do	PAKHOED		
Do	PENNZOIL CO	250.00	
Do	PPG INDUSTRIES, INC		
Do	SIGNAL COMPANIES, INC		
Do	TEXACO, INC		
Do	U.S. LEAGUE OF SAVINGS ASSOCIATIONS		
CAMPAIGN FOR U.N. REFORM - POLITICAL EDUCATION COMMITTEE, 600 VALLEY ROAD WAYNE NJ 07470		982.46	1,746.64
C. R. CAMPBELL JR., SUITE 900 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	GTE CORP	3,000.00	
CARL C. CAMPBELL, 1030 15TH ST., NW, SUITE 700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	200.00	
CHARLES ARGYLL CAMPBELL, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
CHARLES O. CAMPBELL, 1745 JEFFERSON DAVIS HIGHWAY, #511 ARLINGTON VA 22202	MANUFACTURED HOUSING INST	900.00	100.00
JEANNE CAMPBELL, 1800 MASSACHUSETTS AVENUE, NW, #510 WASHINGTON DC 20036	NEW ENGLAND COUNCIL, INC		
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO		
JERRY L. CAMPBELL, 831 CHESTNUT ST. CHATTANOOGA TN 37402	TENNESSEE VALLEY PUBLIC POWER ASSN		
KEVIN B. CAMPBELL, 101 CONSTITUTION AVENUE, N.W. WASHINGTON DC 20001	UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA	9,100.00	2,719.08
THOMAS D. CAMPBELL, SUITE 500 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,500.00	426.99
CHARLES J. CAMPISI, 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	50.00	
CANADIAN COALITION ON ACID RAIN, 112 ST. CLAIR AVENUE, #504 TORONTO, ONTARIO M4V 2Y3			6,327.54
ROBERT P. CANAVAN, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,535.00	120.00
SHARON M. CANAVAN, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	6,000.00	182.00
CANDLELIGHTERS, 123 C ST., SE WASHINGTON DC 20003		20.00	
PAUL W. CANE, 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
H. SPOFFORD CANFIELD, 1015 15TH STREET, NW, #900 WASHINGTON DC 20005	NORTHERN NATURAL GAS CO		
WILLIAM F. CANIS, 1850 K STREET, NW, #925 WASHINGTON DC 20006	CATERPILLAR TRACTOR CO	2,500.00	629.89
DAVE CANNARD, 113 W. 1ST VANCOUVER WA 98660	FRIENDS OF THE COLUMBIA GORGE		
W. DEAN CANNON JR., 9800 S. SEPULVEDA BLVD. SUITE 500 LOS ANGELES CA 90045	CALIFORNIA LEAGUE OF SAVINGS INSTITUTIONS	3,000.00	941.00
DAVID L. CANTOR, 1133 15TH STREET, NW, #1200 WASHINGTON DC 20005	PORTER WRIGHT MORRIS & ARTHUR (FOR: COALITION FOR ENVIRONMENTAL ENERGY BALANCE (CEEB)).	120.50	
RICHARD A. CANTOR, P.O. BOX 8293 WASHINGTON DC 20024	OIL INVESTMENT INST		
CAPLIN AND DRYSDALE, CHARTERED, 1101 17TH ST., NW WASHINGTON DC 20036	COUNCIL ON FOUNDATIONS, INC		
CONSTANTINE G. CARAS, 2828 PENNSYLVANIA AVENUE, NW, #205 WASHINGTON DC 20007	OGDEN CORPORATION		
CARBONTECK TRADING COMPANY, LTD., SUITE 1409 SO. 1201 JEFFERSON DAVIS HWY. ARLINGTON VA 22202			
NORVAL E. CAREY, 1025 CONNECTICUT AVE., NW #704 WASHINGTON DC 20036	GULF OIL CORP (FOR GA TECHNOLOGIES, INC)	3,460.00	467.24
ROBERT B. CARLESON, 1050 17TH STREET, NW WASHINGTON DC 20036	MAIN HURDMAN, CPA'S		
CAROLE R. CARLIN, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S		
CHARLES R. CARLISLE, 1150 17TH STREET, NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSN, INC	400.00	200.00
EDWARD J. CARLOUGH, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTERNATIONAL ASSN	23,625.00	
J. PHILIP CARLSON, SUITE 935, WASHINGTON BUILDING 1435 G STREET, NW WASHINGTON DC 20005	EUGENE L. STEWART AND ROSES, INC	6,000.00	59.82
LISA CARLSON, 3735 KANAWHA STREET, NW WASHINGTON DC 20015	PROFESSIONAL MANAGERS' ASSN	2,812.50	400.00
ROBERT E. CARLSTROM JR., SUITE 200 1627 K ST., NW WASHINGTON DC 20006	ST. JOE MINERALS CORPORATION	6,000.00	113.96
CHAPIN CARPENTER JR., 1211 CONNECTICUT AVENUE, NW, #406 WASHINGTON DC 20036	MAGAZINE PUBLISHERS ASSN, INC	1,500.00	
CY CARPENTER, 12025 E 45TH AVE. DENVER CO 80251	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	8,750.00	24.48
GEORGE D. CARPENTER, 7162 READING ROAD CINCINNATI OH 45222	PROCTER & GAMBLE MANUFACTURING CO	68.00	
JACK CARPENTER, 1920 N ST. NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	20.00	12.00
JOHN R. CARSON, 20 CHEVY CHASE CIRCLE WASHINGTON DC 20015	AMERICAN PODIATRY ASSN	16,000.00	
WESLEY E. CARSON, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
HANS L CARSTENSEN, 1625 EYE STREET N.W. #902 WASHINGTON DC 20006	WEYERHAEUSER CO	425.00	27.70
DAVID C. CARTER, 1156 15TH ST., NW SUITE 1019 WASHINGTON DC 20005	U.S. BEET SUGAR ASSN		
HARLON B. CARTER, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	2,187.50	
JOSEPH L. CARTER JR., 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	664.94	283.44
TERRIE M. CARTER, 910 17TH STREET, NW, #808 WASHINGTON DC 20006	DEERE & CO	50.00	
JAMES P. CARTY, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	500.00	
SUSAN B. CARVER, 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSN	500.00	1,446.77
ALLEN R. CASKIE, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	2,375.00	693.05
EUGENE I. CASRAISS JR., 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	10,296.04	140.10
WILLIAM E. CASSELMAN II, SUITE 675 NORTH 1800 M STREET, NW WASHINGTON DC 20036	DORSEY & WHITNEY (FOR: APCOA, INC)	4,187.50	127.43
Do	DORSEY & WHITNEY (FOR: NORTHROP UNIVERSITY)	6,408.75	115.85
J. WARREN CASSIDY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	1,937.50	
LAWRENCE J. CASSIDY, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTERNATIONAL ASSN	12,663.00	
JOHN J. CASTELLANI, 27TH FLOOR 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,200.00	
RITA L. CASTLE, 100 NE ADAMS PEORIA IL 61629	CATERPILLAR TRACTOR CO		
G. THOMAS CATOR, 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE, CATOR & ASSOCIATES, INC (FOR: ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS).		
Do	NEECE CATOR & ASSOCIATES, INC (FOR: LATIN AMERICAN MANUFACTURERS ASSN (LAMA)).		
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: NATIONAL ASSN OF BUSINESS DEVELOPMENT CORPS).		
Do	NATIONAL ASSN OF DEVELOPMENT COMPANIES (NADCO)	250.00	
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SOUTHEASTERN LUMBER MANUFACTURERS ASSN).	1,800.00	1,800.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JOSEPH E. CAVANAGH, 1125 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO-CLC	9,800.00	181.75
RED CAVANEY, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	280.00	
NICHOLAS G. CAVAROCCHI, 6TH FLOOR 2010 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036			
DOROTHY D. CECELSKI, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	5,319.16	37.52
CEDERBERG & ASSOCIATES, 7100 SUSSEX PLACE ALEXANDRIA VA 22307	GRUMMAN CORPORATION	200.00	
Do	MARTIN MARIETTA CORP.	200.00	
CF INDUSTRIES, INC., SALEM LAKE DR. LONG GROVE IL 60047			500.00
CHADBOURNE PARKE WHITESIDE & WOLFF, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005			
Do	MANUFACTURERS LIFE INSURANCE CO & MAINE FIDELITY LIC	34,984.00	470.58
Do	NEWMONT MINING CORP		48.78
Do	WASHINGTON PSYCHIATRIC SOCIETY	5,250.00	247.18
CHARLES M. CHAFER, 600 WATER ST. WASHINGTON DC 20024	SPACE SERVICES INC OF AMERICA		
DEBORAH M. CHALFIE, 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	INSTITUTE FOR PUBLIC REPRESENTATION	850.00	
DURWOOD CHALKER, P.O. BOX 660164 DALLAS TX 75266	CENTRAL AND SOUTH WEST CORP		
CHARLES E. CHAMBERLAIN, 1747 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20006	COMMITTEE FOR 806.30 AND 807, INC.	750.00	
CHAMBERS ASSOCIATES, INC, 1411 K STREET, NW, #500 WASHINGTON DC 20005	AMERICAN HOSPITAL ASSN		
Do	AMERICAN POSTAL WORKERS UNION, AFL-CIO	2,850.00	
Do	APACHE CORPORATION		
Do	COALITION OF PUBLICLY TRADED LIMITED PARTNERSHIPS	5,383.39	
Do	COMMISSIONED OFFICERS ASSN OF THE PUBLIC HEALTH SERVICE		
Do	FACET, CORP		
Do	MANVILLE CORPORATION	4,350.00	
Do	NATIONAL AUDUBON SOCIETY	4,000.00	
Do	U S WEST	1,250.00	
ED CHANDLER, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	8,580.00	500.00
J. W. CHANDLER, 1575 I ST., NW WASHINGTON DC 20005	YORK DIV., BORG-WARNER CORP		14.00
JOHN M. CHAPMAN, 1000 WILSON BOULEVARD ARLINGTON VA 22209	BENDIX AEROSPACE SECTOR		
WILLIAM C. CHAPMAN, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	5,336.28
CHARLES KARALEKAS MCCAHILL & WILSON, 1250 CONNECTICUT AVENUE, NW, #318 WASHINGTON DC 20036	INDEPENDENT INSURANCE AGENTS OF AMERICA		
RICHARD M. CHARLTON, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	320.00	208.00
PEGGY CHARREN, 33 HANCOCK AVENUE NEWTON CENTRE MA 02159	ACTION FOR CHILDREN'S TELEVISION	250.00	
WILLIAM CHASEY ORGANIZATION, 1800 K STREET, NW, #600 WASHINGTON DC 20006	ALLAN RONSON CO.	9,000.00	3,000.00
Do	CAMPUS CRUSADE FOR CHRIST, INC	9,000.00	3,000.00
Do	LIFE INSURANCE COALITION OF AMERICA	2,500.00	3,000.00
Do	NATIONAL UNIVERSITY	6,000.00	3,000.00
Do	REAL PROPERTY SERVICES CORP	15,000.00	4,920.00
LESLIE CHEEK III, SUITE 414 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	CRUM & FOSTER CORP	16,250.00	561.82
JANE CHEEVER, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON		
CHEMICAL MANUFACTURERS ASSOCIATION, INC., 2501 M ST.,NW WASHINGTON DC 20037		5,000.00	3,000.00
CHEMICAL SPECIALTIES MFGRS ASSN, SUITE 1120 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036			449.61
WILLIAM B. CHERKASKY, 1025 CONNECTICUT AVENUE, NW, #707 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN		
B. H. CHERRY, 100 INTERPACE PARKWAY PARSIPPANY NJ 07054	GPU SERVICE CORPORATION		
STEPHAN E. CHERTOFF, 1709 NEW YORK AVENUE, NW, #303 WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD		
BLAIR G. CHILDS, P.O. BOX 7610, BF STATION WASHINGTON DC 20044	SENIOR EXECUTIVES ASSN		
MICHAEL W. CHINWORTH, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA		
CHLORINE INSTITUTE, INC, 70 WEST 40TH STREET NEW YORK NY 10018		41,111.32	41,111.32
HAL M. CHRISTENSEN, 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	3,000.00	437.68
WILLIAM T. CHRISTIAN, 1333 NEW HAMPSHIRE AVENUE,N.W. WASHINGTON, DC 20036	ATLANTIC RICHFIELD CO	250.00	
CHUGACH ELECTRIC ASSN, INC, POUCH 6300 ANCHORAGE AK 99502			1,249.84
DONALD T. CHUNN, ROUTE 2, BOX 89 COLUMBIA TN 38401	TITLE ASSOCIATES, INC.		
CHWAT/WEIGEND ASSOCIATES, 400 FIRST STREET, NW, #816 WASHINGTON DC 20001	AMERICAN HOME SEWING ASSN, INC	500.00	500.00
Do	ASSOCIATED LOCKSMITHS OF AMERICA	975.00	975.00
Do	NATIONAL ASSN OF COMPANION SITTER AGENCIES & REFERRAL SERV.	375.00	375.00
Do	NATIONAL ASSN. OF TOBACCO DISTRIBUTORS	2,000.00	2,000.00
CIGAR ASSN OF AMERICA, INC, SUITE 1201 1100 17TH STREET, NW WASHINGTON DC 20036			491.88
CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS, LIBERTY PARK, 12500 NE TENTH PLACE 1601 114TH SE BELLEVUE WA 98005.		467,333.91	97,980.98
CITIZENS FOR SENSIBLE CONTROL OF ACID RAIN (CSCAR), P.O. BOX 33729 WASHINGTON DC 20033			
CITIZENS POLITICAL ACTION COMMITTEE, P.O. BOX 645 228 SOUTH A STREET, #2 OXNARD CA 93032			
NANCY CLACK, GNAU CARTER JACOBSEN & ASSOCIATES, INC 1250 EYE STREET, NW, #600 WASHINGTON DC 20005	EMS DEVELOPMENT CORP		
Do	WEDTECH CORP		
CLADOUHOS & BRASHARES, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	SMITH, BARNEY, HARRIS, UPHAM & CO.	1,000.00	
JOHN W. CLAGGETT, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006	FUTURES INDUSTRY ASSN, INC.		
PATRICIA T. CLAREY, 1025 CONNECTICUT AVENUE, NW #507 WASHINGTON DC 20036	ASHLAND OIL, INC.	2,000.00	
BOB CLARK, SUITE 1908 400 MADISON ST. ALEXANDRIA VA 22314	RYDER SYSTEMS, INC.		
GILBERT CLARK, SUITE 600 1117 N. 19TH ST. ARLINGTON VA 22209	AMERICAN ASSN OF BLOOD BANKS		
JAMES F. CLARK, ROBERTSON, MONAGLE, EASTAUGH & BRADLEY 210 FERRRY WAY JUNEAU AK 99801	ALASKA PULP CORP.	9,000.00	
JAMES W. CLARK JR , 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
JOSEPH J. F. CLARK, 1750 K ST., NW, #260 WASHINGTON DC 20006	EATON ASSOCIATES, INC.		
JULIE CLARK, 1625 K ST., NW EIGHTH FLOOR WASHINGTON DC 20006	NATIONAL LEGAL AID & DEFENDERS ASSN.	9,347.00	54.00
PHILLIP A. CLARK, SUITE 700 1050 17TH STREET, NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSN.	3,750.00	
ROBERT A. CLARK, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
RUDY I. CLARK, 5342 WOODBURY WOODS LANE FAIRFAX VA 22032	AIR FORCE SERGEANTS ASSN, INC		
VERNON A. CLARK, 1899 L ST., NW, #403 WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC.	2,438.00	472.00
WADE P. CLARKE JR , JOHN DEERE RD MOLINE IL 61265	DEERE & COMPANY		
SCOTT CHARLES CLARKSON, SUITE 607 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WASTE MANAGEMENT, INC	2,000.00	558.20
CECIL D. CLAY, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	SHEET METAL WORKERS' INT'L ASSN	21,735.00	
JOAN CLAYBROOK, SUITE 605 2000 P ST., NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC.	666.66	
CLAYMARK CORPORATION, INC, C/O MILBANK TWEED HADLEY & MCCLOY 30 ROCKEFELLER PLAZA, RM. 5600 NEW YORK NY 10112.			
CLEAR CHANNEL BROADCASTING SERVICE (CCBS), 1776 K STREET, NW, #1100 WASHINGTON DC 20006			
CLEARY GOTTLIEB STEEN & HAMILTON, 1752 N STREET, NW WASHINGTON DC 20036	PPG INDUSTRIES, INC		
Do	PUBLIC SECURITIES ASSN	900.00	8.00
Do	SALOMON BROTHERS	3,300.00	
Do	SYNTHETIC ORGANIC CHEMICAL MANUFACTURERS ASSN, INC	200.00	
JACQUELINE W. CLEMENTS, SUITE 900 1015 15TH STREET, NW WASHINGTON DC 20005	INTERNORTH	1,500.00	
RONALD D. CLEMENTS, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	4,800.00	475.00
CLEVELAND ELECTRIC ILLUMINATING CO., 55 PUBLIC SQUARE P.O. BOX 5000 CLEVELAND OH 44113			
W. M. CLICK, BOX 719 DALLAS TX 75221	SOUTHLAND CORPORATION		
CLIFFORD & WARNKE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	AMERICAN HOME PRODUCTS CORP	1,000.00	400.00
Do	AUSTRALIAN MEAT & LIVE-STOCK CORP		
Do	JOINT CORPORATE COMM ON CUBAN CLAIMS	600.00	180.00
Do	NATIONAL TOUR ASSOCIATION, INC.		
DEXANNE CLOHAN, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	3,769.00	
CHRISTOPHER E. CLOUSER, 25TH & MCGEE KANSAS CITY MO 64108	HALLMARK CARDS, INC		
STANLEY A. CMICH, 1700 GATEWAY BOULEVARD CANTON OH 44707	FISCAL ASSOCIATES, INC		
Do	GIBBONS & GRABLE CO		
Do	TIMKEN CO.		
Do	WHITE ENGINES, INC		
COALITION FOR UNIFORM PRODUCT LIABILITY LAW, SUITE 303 1901 L STREET, NW WASHINGTON DC 20036		732.19	732.19
COAN COUTURE LYONS & MOORHEAD, SUITE 1015 1625 EYE ST., NW WASHINGTON DC 20006	A - C VALLEY CORPORATION		
Do	VIETNAM VETERANS OF AMERICA		
Do	WESTINGHOUSE ELECTRIC CORPORATION		
COASTAL PROPERTIES INSTITUTE, INC., 66 SURFWATCH DRIVE JOHNS ISLAND SC 29455			
RICHARD B. COBB, PETROLEUM COUNCIL OF GA 230 PEACHTREE ST., NW, #1500 ATLANTA GA 30303	AMERICAN PETROLEUM INST	730.00	559.38
COFFEE SUGAR & COCOA EXCHANGE, INC, 4 WORLD TRADE CENTER, 8TH FL. NEW YORK NY 10048			
JOHN J. COFFEY, SUITE 1204 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	650.00	
DON V. COGMAN, 1100 CONNECTICUT AVE., NW SUITE 820 WASHINGTON DC 20036	MAPCO INC.	4,750.00	219.55
DANIEL L. COHEN, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	2,000.00	100.00
RHEA L. COHEN, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC.		
HERBERT B. COHN, MORGAN, LEWIS, & BOCKIUS 1800 M ST., NW WASHINGTON DC 20036	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT		
COLE & CORETTE, P.C., 1100 VERMONT AVENUE, NW, #900 WASHINGTON DC 20005	CHASE MANHATTAN BANK, N.A.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MILLIPORE CORPORATION		
E. WILLIAM COLE, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	700.00	80.00
KEN W. COLE, 1150 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION		
RANDALL I. COLE, 1050 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	EL PASO NATURAL GAS CO	1,000.00	476.80
ROBERT E. COLE, 900 17TH ST., NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORP		
STACEY W. COLE, NEW HAMPSHIRE PETROLEUM COUNCIL 23 SCHOOL ST. CONCORD NH 03301	AMERICAN PETROLEUM INST		
JOHN M. COLLIER, 4436 PERRIER ST. NEW ORLEANS LA 70115	SOUTHERN FOREST PRODUCTS ASSN	11,174.00	
COLLIER SHANNON RILL & SCOTT, SUITE 308 1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN FROZEN FOOD INST		
Do	AMERICAN TEXTILE MACHINERY ASSN		
Do	BICYCLE MFGRS ASSN OF AMER, INC	750.00	750.00
Do	CADENCE CHEMICAL RESOURCES, INC	5,250.00	5,250.00
Do	CROP INSURANCE RESEARCH BUREAU		
Do	CSX CORPORATION		
Do	CYLINDER MANUFACTURERS ASSOCIATION	500.00	500.00
Do	FOOD MARKETING INSTITUTE		
Do	FOOTWEAR INDUSTRIES OF AMERICA	3,000.00	
Do	INDEPENDENT LUBRICANT MANUFACTURERS ASSN		
Do	LTV CORP	5,250.00	5,250.00
Do	LUKENS, INC		
Do	NATIONAL BROILER COUNCIL	90.00	90.00
Do	NATIONAL HAIRDRESSERS & COSMETOLOGISTS ASSN		
Do	NORRIS INDUSTRIES	900.00	
Do	OUTDOOR POWER EQUIPMENT INSTITUTE		
Do	PITTSBURGH CORNING CORPORATION		
Do	SOCIETY OF INDEPENDENT GASOLINE MARKETERS OF AMERICA	6,750.00	6,750.00
Do	SPECIALTY STEEL INDUSTRY OF THE UNITED STATES	500.00	500.00
Do	WEST TEXAS LAND & ROYALTY OWNERS ASSN		
PAUL EDWARD MICHAEL U.S.P.O. BOX 7000 TEXARKANA TX 75501	PAUL EDWARD MICHAEL COLLIN		
TERESE COLLING, COLLING ASSOCIATES 2062 14TH STREET, NORTH ARLINGTON VA 22201	MEDIA GENERAL, INC	900.00	25.45
GEORGE COLLINS, 1126 16TH ST., NW WASHINGTON DC 20036	IUE-AFL-CIO	600.00	300.00
MARY M. COLLINS, 1120 20TH STREET, NW, #600 SOUTH WASHINGTON DC 20036	UNION PACIFIC CORP	1,500.00	
STEPHEN J. COLLINS, SUITE 1000 1620 EYE ST., NW WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	115.00	32.00
COLORADO SKI COUNTRY USA, INC., SUITE A-201 1410 GRANT STREET DENVER CO 80203			
CAROL A. COLZA, ROGER B. SCHAGRIN, P.C. 923 15TH STREET, NW WASHINGTON DC 20005	COMMITTEE ON PIPE & TUBE IMPORTS	32,700.00	
COMMERCIAL UNION INSURANCE COMPANIES, ONE BEACON STREET BOSTON MA 02108			
COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT, C/O HERBERT COHN 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036.		33.00	33.00
COMMITTEE FOR CONSTITUTIONAL INTEGRITY, 1900 L STREET, NW, #610 WASHINGTON DC 20036			
COMMITTEE FOR EFFECTIVE CAPITAL RECOVERY, SUITE 303 1901 L ST., NW WASHINGTON DC 20036		300.00	300.00
COMMITTEE FOR EFFECTIVE TAX INCENTIVES, 1275 K ST., NW 8TH FLOOR WASHINGTON DC 20005			
COMMITTEE FOR EQUALITY OF CITIZENS BEFORE THE COURTS, 2762 N. CLAYBOURN AVENUE CHICAGO IL 60614			
COMMITTEE FOR HUMANE LEGISLATION, INC, 11 WEST 60TH ST. NEW YORK NY 10023		12,351.54	13,226.50
COMMITTEE FOR PRIVATE EDUCATION, 1025 MICHIGAN AVENUE, NE WASHINGTON DC 20036			
COMMITTEE FOR PROPOSITION THIRTY, P.O. BOX 915 HARTSELLE AL 35640			13.00
COMMITTEE TO ASSURE THE AVAILABILITY OF CASEIN, 3213 O ST., NW WASHINGTON DC 20007		13,000.00	
COMMON CAUSE, 2030 M ST., NW WASHINGTON DC 20036		2,155,2[illegible]2.00	553,399.31
COMMUNICATIONS MANAGEMENT, INC, 1925 NORTH LYNN STREET, #1140 ARLINGTON VA 22209	CITIZENS FOR SENSIBLE CONTROL OF ACID RAIN (CSCAR)		
Do	NATURAL GAS SUPPLY ASSN		
LANCE COMPA, 1411 K ST., NW, #410 WASHINGTON DC 20005	UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMER	5,833.62	
COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION, 1500 WILSON BLVD SUITE 512 ARLINGTON VA 22209		6,898.00	6,630.00
STEPHEN R. CONAFAY, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	PFIZER, INC	3,000.00	1,168.87
BERT M. CONCKLIN, 1500 PLANNING RESEARCH DRIVE MCLEAN VA 22102	PLANNING RESEARCH CORPORATION		1,391.10
EDWARD C. CONE P.O. BOX 1788 FOREST PARK GA 30051	SOUTHEASTERN LUMBER MANUFACTURERS ASSN		
CAROLE K. CONES, SUITE 301 1515 N. COURTHOUSE RD. ARLINGTON VA 22201	DCM GROUP (FOR: AD HOC COMM FOR AMERICAN SILVER)	4,775.00	91.35
CONGRESS WATCH, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003		69,920.29	49,173.23
RAYMOND F. CONKLING, 1050 17TH ST., NW WASHINGTON DC 20036	TEXACO, INC		
JOHN B. CONNALLY, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: NORTHVILLE INDUSTRIES CORP)		
Do	VINSON & ELKINS (FOR: TRAVELERS INSURANCE COMPANY)		
ROBERT J. CONNER JR., 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHRYSLER CORPORATION	500.00	1,430.09
STEPHEN N. CONNER, ROUTE 1, BOX 506 EASTON MD 21601	FOREIGN MINISTRY OF KINGDOM OF SAUDI ARABIA	40,000.00	1,356.42
JERRY C. CONNORS, SUITE 511 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INST	1,000.00	100.00
GREGORY E. CONRAD, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
MARK R. CONRAD, 1200 PEAVEY BUILDING MINNEAPOLIS MN 55479	NORWEST CORPORATION	10,800.00	2,637.50
CONSEJO NACIONAL DE COMERCIO EXTERIOR DEL NORESTE A.C., APARTADO 2674 MONTERREY, MEXICO			
CONSERVATIVE ALLIANCE, 1001 PRINCE ST., #100 ALEXANDRIA VA 22314			
CONSOLIDATED EDISON CO OF NEW YORK, INC, 4 IRVING PLACE NEW YORK NY 10003			545.75
CONSOLIDATED RAIL CORPORATION, PO BOX 23451 WASHINGTON DC 20024			13,479.00
CONSORTIUM OF SOCIAL SCIENCE ASSNS., SUITE 520 1200 17TH ST., NW WASHINGTON DC 20036		34,700.00	1,410.77
CONSUMER ENERGY COUNCIL OF AMERICA, SUITE 320 2000 L ST., NW WASHINGTON DC 20036			
CONSUMERS UNION OF U.S., INC., 256 WASHINGTON ST. MOUNT VERNON NY 10550			11,135.00
CONTACT SYSTEMS CORP, 200 MADISON AVENUE, #1207 NEW YORK NY 10016			
JOHN J. CONTNEY, 1250 E. HOLLANDALE BEACH BLVD. HOLLANDALE FL 33009	TEXTILE RENTAL SERVICES ASSN OF AMERICA		
JOHN A. CONWAY, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
EMERY S. CONYERS, P.O. BOX 1706 MIDLAND MI 48640	DOW CHEMICAL CO		
ALEXANDRA W. COOK, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	448.00	166.00
FREDERCK N. COOK, VERMONT PETROLEUM ASSOCIATION P.O. BOX 566 MONTPELIER VT 05602	AMERICAN PETROLEUM INST	600.00	
HARRY N. COOK, 1130 17TH ST., NW WASHINGTON DC 20036	NATIONAL WATERWAYS CONFERENCE, INC		
K. RICHARD COOK, 1331 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	400.00	
THOMAS M. COOK, SUITE 1032 425 13TH ST., NW WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
EILEEN D. COOKE, 110 MARYLAND AVE., NE, SUITE 101, BOX 54 WASHINGTON DC 20002	AMERICAN LIBRARY ASSN	1,332.00	
PAUL E. COONEY, 1775 PENNSYLVANIA AVE., NW, #1000 WASHINGTON DC 20006	SOUTH DAKOTA STUDENT LOAN ASSISTANCE CORP, ET AL		
C. WILLIAM COOPER, 603 BROAD ST. SEWICKLEY PA 15143	UNITED DISTRIBUTION COMPANIES	1,313.00	247.00
JESSE D. COOPER, SUITE 314 1155 15TH ST., NW WASHINGTON DC 20005	ROCKY MOUNTAIN OIL & GAS ASSN	2,600.00	1,228.66
JOSHUA W. COOPER, 400 MADISON STREET, APT. 808 ALEXANDRIA VA 22314	PORTSMOUTH-KITTERY ARMED SERVICES COMM, INC	2,400.00	977.21
KATHY J. COOPER, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC	175.00	
MITCHELL J. COOPER, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	COUNCIL OF FOREST INDUSTRIES	3,000.00	
Do	FOOTWEAR DIV., RUBBER MFGRS ASSN	13,900.00	
COOPERATIVE LEAGUE OF THE USA, SUITE 1100 1828 L ST., NW WASHINGTON DC 20036		4,256.56	6,066.93
DARRELL COOVER, 499 SOUTH CAPITOL ST., SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	2,000.00	869.00
JOHN F. CORCORAN, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORPORATION	1,000.00	
PATRICK H. CORCORAN, SUITE 1205 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF OIL PIPELINES		
ALFRED C. CORDON, GORDON & JACOBS 2000 L ST., NW, #616 WASHINGTON DC 20036	BUFFALO BROADCASTING CO., INC		
LAW OFFICES, JAMES C CORMAN, P.C., 1420 16TH STREET, NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	3,450.00	
Do	BANK AMERILEASE GROUP	211.11	
Do	CALIFORNIA VISION SERVICE PLAN		
Do	CARGILL LEASING CORP	211.11	
Do	CONNELL FINANCE CO, INC	211.11	
Do	EDS FINANCIAL CORPORATION	211.11	
Do	FIRST CHICAGO LEASING CORP	211.11	
Do	FIRST NATIONAL BANK OF BOSTON	211.11	
Do	FIRST NATIONAL BANK OF MINNEAPOLIS	211.11	
Do	GATX LEASING CORP		
Do	GENERAL AMERICAN LIFE INSURANCE CO		
Do	GENERAL ELECTRIC CREDIT CORP	211.11	
Do	HOME LIFE INSURANCE CO		
Do	INTERNATIONAL TAXICAB ASSN		
Do	MANUFACTURERS HANOVER LEASING CORP	211.11	
Do	MUSIC CORP OF AMERICA, INC	9,500.00	
Do	NATIONAL COMM TO PRESERVE SOCIAL SECURITY AND MEDICARE	5,000.00	
Do	NATIONAL RAILWAY LABOR CONFERENCE	3,450.00	
Do	PACIFIC MUTUAL LIFE INSURANCE CO		
Do	PROVIDENT MUTUAL LIFE INSURANCE COMPANY OF PHILADELPHIA		
Do	STATE MUTUAL LIFE ASSURANCE CO OF AMERICA		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	STATE OF MICHIGAN	4,700.00	
Do	SUPERIOR ENGINEERING & ELECTRONICS	1,000.00	
Do	SYSTEMS AND APPLIED SCIENCES		
Do	TEXAS AIR CORP		
Do	UNITED ENERGY CORP	2,550.00	
BENNETT J. CORN, FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC		
CORN REFINERS ASSOCIATION, INC., 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036		4,647.00	2,181.00
CORPORATION FOR GOVERNMENT ACTION, INC, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007		45,386.89	36,698.41
ERNEST J. CORRADO, SUITE 1000 1625 K STREET, NW WASHINGTON DC 20006	AMERICAN INST OF MERCHANT SHIPPING	1,050.00	
MARY MARCOTTE CORRIGAN, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER		
RICHARD L. CORRIGAN, 1201 PENNSYLVANIA AVENUE, NW, #250 WASHINGTON DC 20004	CH2M HILL, INC	1,875.00	
ALLAN D. CORS, 1800 K ST., NW, SUITE 1104 WASHINGTON DC 20006	CORNING GLASS WORKS	500.00	
WILLIAM R. CORSON, 1707 H ST., NW WASHINGTON DC 20006	PENTHOUSE INTL LTD		
R. H. CORY, 1005 CONGRESS AVENUE, #795 AUSTIN TX 78701	CENTRAL AND SOUTH WEST SERVICES, INC	666.00	736.56
COSMETIC TOILETRY & FRAGRANCE ASSN, INC, SUITE 800 1110 VERMONT AVE., NW WASHINGTON DC 20005			
CLARK R. COSSE III, 2900 INDIANA AVE. KENNER LA 70062	SOUTHERN FOREST PRODUCTS ASSN		
REGINA A. COSTA, 600 MARYLAND AVENUE, SW, #510 WASHINGTON DC 20024	AMERICAN SOYBEAN ASSOCIATION	800.00	
JAMES R. COSTELLO JR , 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC	500.00	19.40
MICHAEL E. COSTELLO, SUITE 600 1090 VERMONT AVE., NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP		827.16
DIANE COSTENOBLE, 815 16TH ST., NW WASHINGTON DC 20006	FOOD & ALLIED SERVICE TRADES DEPARTMENT, AFL-CIO	259.15	
PETER J. COTCH, WALTER H. WHEELER JR. DRIVE STAMFORD CT 06926	PITNEY BOWES, INC		
MARY ALICE COTTER, 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	475.00	
J. BARRY COUGHLIN, 815 CONNECTICUT AVE.,N.W. WASHINGTON DC 20006	FORD MOTOR CO	845.00	759.40
COUNCIL FOR A LIVABLE WORLD, 11 BEACON ST. BOSTON MA 02108			19,605.33
COUNCIL FOR LANGUAGES AND OTHER INT'L. STUDIES, 3520 PROSPECT ST., NW WASHINGTON DC 20007		7,505.00	11,312.71
COUNCIL FOR RURAL HOUSING AND DEVELOPMENT, 2300 M ST., NW WASHINGTON DC 20036		4,000.00	4,000.00
COUNCIL OF STATE CHAMBERS OF COMMERCE, SUITE 200 122 C ST., NW WASHINGTON DC 20001		986.24	608.15
COUNCIL ON MULTIEMPLOYER PENSION SECURITY, INC, 1000 POTOMAC STREET, NW, #103 WASHINGTON DC 20007		32,500.00	34,881.97
WILLIAM R. COURTNEY, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		
JAMES COUSINS, 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS		
JOHN F. COVE, SUITE 702 918 16TH ST., NW WASHINGTON DC 20006	COVE ASSOCIATES INC. (FOR: ASSOCIATION OF U.S. NIGHT VISION MANUFACTURERS).		
COVINGTON & BURLING, 1201 PENNSYLVANIA AVENUE, NW P.O. BOX 7566 WASHINGTON DC 20044	AMERICAN ASSN OF ORAL & MAXILLOFACIAL SURGEONS		3.50
Do	AMERICAN SECURITY CORP	2,000.00	8.50
Do	AMERICAN WATCH ASSN	7,.00.00	98.00
Do	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC		
Do	COALITION TO PRESERVE THE INTEGRITY OF AMERICAN TRADEMARKS	2,000.00	20.00
Do	EATON VANCE CORP	5,500.00	14.00
Do	GEORGE ROWE, JR. (FOR: ESTATE OF EDMUND G. MONELL)		
Do	HOUDAILLE INDUSTRIES, INC		
Do	INVESTMENT COMPANY INSTITUTE	8,500.00	
Do	MIDWEST TELEVISION, INC		
Do	MORGAN STANLEY & CO	17,700.00	
Do	NATIONAL FOOTBALL LEAGUE		12.10
Do	PACIFIC STOCK EXCHANGE, INC	11,250.00	
Do	POST-NEWSWEEK STATIONS, INC		
Do	SUN LIFE ASSURANCE CO OF CANADA (U.S.)	2,201.00	
Do	WESLEYAN UNIVERSITY, AMHERST COLLEGE, ET AL		
EUGENE S. COWEN, 2759 UNICORN LN., NW WASHINGTON DC 20015	AMERICAN BROADCASTING CO, INC	88.70	
C. DEMING COWLES, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	BERING SEA FISHERMEN'S ASSN	1,000.00	780.17
Do	MUNICIPALITY OF ANCHORAGE	6,096.78	971.99
Do	UNITED FISHERMEN OF ALASKA		381.80
ARCHIBALD COX, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	5,095.02	4.50
C. BRYAN COX, PO BOX 139 KANSAS CITY MO 64141	KANSAS CITY LIFE INSURANCE CO		
JEFFREY T. COX, 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,250.00	
W. O. CRAFT JR., CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20008	ALLIS-CHALMERS ENERGY & MINERALS SYSTEMS CO	1,886.00	13.39
DONALD FORSYTH CRAIB III, SUITE 600 633 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	SEARS, ROEBUCK & CO	500.00	
CRAMER HABER & LUKIS, P.C., 818 CONNECTICUT AVE., NW WASHINGTON DC 20036	AGRICULTURISTS FOR RESPONSIBLE LEGISLATION	4,000.00	
Do	BROWARD COUNTY	5,000.00	
Do	CANAVERAL PORT AUTHORITY	13,500.00	208.02
Do	CITY OF MIAMI	2,750.00	
Do	DADE COUNTY	9,000.00	
Do	PENNSYLVANIA ENGINEERING CORP		
Do	REPUBLIC OF GABON		
WILLIAM C. CRAMER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CRAMER HABER & LUKIS, P.C. (FOR: AGRICULTURISTS FOR RESPONSIBLE LEGISLATION).		
Do	CRAMER HABER & LUKIS, P.C. (FOR: BROWARD COUNTY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: CANAVERAL PORT AUTHORITY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: CITY OF MIAMI)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: DADE COUNTY)		
Do	CRAMER HABER & LUKIS, P.C. (FOR: PENNSYLVANIA ENGINEERING CORP)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: REPUBLIC OF GABON)		
JOHN R. CRANE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	1,200.00	
JOSEPH S. CRANE, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS		
WILLIAM D. CRAWFORD, 400 FIRST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF RAILWAY CARMEN OF THE U.S. & CANADA	2,032.53	
JOHN P. CREGAN, 1000 CONNECTICUT AVENUE, NW, #1200 WASHINGTON DC 20036	U.S. BUSINESS & INDUSTRIAL COUNCIL	6,600.00	
RICHARD C. CREIGHTON, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	5,000.00	500.00
KEN A. CRERAR, 1611 NO. KENT STREET, #900 ARLINGTON VA 22209	FOOTWEAR INDUSTRIES OF AMERICA	2,700.00	3,914.70
DOUGLAS P. CREW, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO		
JOSEPH M. CRIBBEN, 6900 VALLEY BROOK DR. FALLS CHURCH VA 22042	UNITED ASSN OF JNYMEN & APPREN. OF PLMBG & PIPEFTG INDUSTRY	1,750.00	30.00
MICHAEL F. CRIM, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
P. H. CROFT, 2000 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN SHORT LINE RAILROAD ASSN		
ROBERT W. CROMARTIE, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	225.00	
CHARLES H. CROMWELL, INC., 6709 GEORGIA ST. CHEVY CHASE MD 20815	GENERAL ELECTRIC CO		
Do	HUGHES HELICOPTERS		
Do	NORTHROP CORP		
DONALD J. CRONIN, 1511 K STREET, NW, #820 WASHINGTON DC 20005	FRANK G. KINGSLEY	5,000.00	175.00
RAE E. CRONMILLER, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	175.00	
THOMAS R. CROSBY JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
DONALD A. CROSIER, NEBRASKA PETROLEUM COUNCIL 334 S. 13TH ST., PO BOX 95063 LINCOLN NB 68509	AMERICAN PETROLEUM INST		
COLLEEN CROSSLAND, 444 N. CAPITOL STREET, NW, #718 WASHINGTON DC 20001	PACIFIC TELESIS GROUP	15,450.00	
BOBBY E. CROW, PO BOX 683 HOUSTON TX 77001	COLUMBIA GULF TRANSMISSION CO		
CROWELL & MORING, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASARCO INC		
Do	ASSOCIATED GAS DISTRIBUTORS		
Do	AVON PRODUCTS, INC	1,515.00	30.00
Do	BROOKLYN UNION GAS CO	300.00	10.00
Do	BURLINGTON NORTHERN	581.25	14.00
Do	COMMUNICATIONS SATELLITE CORP	350.00	20.00
Do	CONTROL DATA CORPORATION		
Do	COOK INLET REGION, INC		
Do	ELI LILLY AND COMPANY	1,500.00	10.00
Do	NATIONAL ASSN OF MANUFACTURERS	1,093.75	15.00
Do	NATIONAL ASSN OF WHOLESALER-DISTRIBUTORS	11,190.00	10.00
Do	PAN AMERICAN WORLD AIRWAYS, INC	612.50	67.20
Do	REGIONAL AIRLINE ASSOCIATION		
Do	TRUST FOR PUBLIC LANDS	1,976.25	28.50
CUBA CLAIMS ASSOCIATION, PO BOX 014004 MIAMI FL 33101			
CUBAN AMERICAN PUBLIC AFFAIRS COUNCIL, 1000 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007			
WILLIAM E. CUMBERLAND, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA		
SCOTT S. CUNNINGHAM, 1100 15TH STREET, NW WASHINGTON DC 20005	UNION CARBIDE CORP		
RICHARD C. CURRY, 6819 ELM STREET, #3 MCLEAN VA 22101	FIRE ISLAND ASSOCIATES, INC	8,420.00	537.41
EDWARD P. CURTIS JR., GENESEE PUBLIC AFFAIRS, INC 36 W. MAIN STREET ROCHESTER NY 14614	LAKE ONTARIO CEMENT LIMITED	7,200.00	1,610.30
Do	MINISTRY OF THE ENVIRONMENT PROVINCE OF ONTARIO, CANADA	3,200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
CURTIS MALLET-PREVOST COLT & MOSLE, 101 PARK AVENUE NEW YORK NY 10178	U.S. TRUST COMPANY	17,988.00	
MICHAEL C. CUSHING, 8283 GREENSBORO DRIVE MCLEAN VA 22102	SATELLITE BUSINESS SYSTEMS	500.00	
M. RUPERT CUTLER, SUITE 103 1325 G ST., NW WASHINGTON DC 20005	ENVIRONMENTAL FUND	316.00	4.00
EVERETT E. CUTTER, 620 SW FIFTH AVENUE BLDG., SUITE 912 PORTLAND OR 97204	OREGON RAILROAD ASSN		
D L ASSOCIATES, 1730 RHODE ISLAND AVENUE, NW, #210 WASHINGTON DC 20036	BRIGGS & STRATTON	250.00	
Do	BRISTOL-MYERS CO.	500.00	
Do	METROPOLITAN LIFE INSURANCE CO		
Do	SCIENCE APPLICATIONS, INC		
Do	TERWILLIGER WAKEEN PIEHLER CONWAY & KLINGBERG, S.C	500.00	
D'AMICO LUEDTKE DEMAREST & GOLDEN, 1920 N STREET, NW, #400 WASHINGTON DC 20036	CENERGY EXPLORATION CO	7,550.00	6,229.13
Do	ENHANCED ENERGY RESOURCES, INC		
Do	MITCHELL ENERGY & DEVELOPMENT CORP	6,668.85	6,229.13
Do	PITTS ENERGY GROUP	7,550.00	6,229.13
Do	SOUTHLAND CORPORATION	388.09	
Do	TEXAS OIL & GAS CORP	6,668.85	6,229.13
Do	U.S. TELEPHONE, INC	4,880.29	
Do	WESSELY ENERGY CORP	6,668.85	6,229.13
WILLIAM D. D'ONOFRIO, 1800 W. 8TH ST. WILMINGTON DE 19805	NATIONAL ASSN FOR NEIGHBORHOOD SCHOOLS, INC		
WILLIAM K. DABAGHI, REYNOLDS ALLEN & COOK 1667 K STREET, NW, #300 WASHINGTON DC 20006	COALITION FOR REGIONAL BANKING & ECONOMIC DEVELOPMENT	7,568.95	4,076.11
DAEDALUS ENTERPRISES, INC, P.O. BOX 1869 ANN ARBOR MI 48106			
WILLIAM KAY DAINES, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	950.00	91.00
LEWIS I. DALE, SUITE 1016 1800 K STREET, NW WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC	302.24	
DONALD W. DALRYMPLE, 1575 I ST., NW WASHINGTON DC 20005	AMERICAN CYNAMID COMPANY (FOR: LEDERLE LABORATORIES)	2,737.50	836.45
JAMES G. DALTON, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	2,500.00	
JOHN M. DAMGARD, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006	FUTURES INDUSTRY ASSN, INC		
DAMRELL DAMRELL & NELSON, P.C., 911 13TH STREET P.O. BOX 3489 MODESTO CA 95353	CENTRAL SAN JOAQUIN RIVER ASSN		
Do	CLAVEY-WARDS FERRY PROJECT, ET AL.	3,047.63	1,268.34
Do	TURLOCK IRRIGATION DISTRICT	5,872.50	1,583.73
JOHN E. DANIEL, 1133 15TH STREET, NW, #1200 WASHINGTON DC 20005	OHIO EDISON CO		
DANIELS HOULIHAN & PALMETER, P.C., 1331 PENNSYLVANIA AVE. NW, #515 WASHINGTON DC 20004	JAPAN LUMBER IMPORTERS ASSN		
Do	KOREAN TRADERS ASSOCIATION		
MICHAEL P. DANIELS, DANIELS HOULIHAN & PALMETER, P.C. 1331 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	AMERICAN ASSN OF EXPORTERS-IMPORTERS-TEXTILE & APPAREL GROUP	46,562.50	717.99
DAVID S. DANIELSON, SUITE 400 E 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
WILLIAM H. DARDEN, SUITE 200 412 FIRST STREET, SE WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	510.00	60.00
ONEIDA L. DARLEY, SUITE 203 1840 WILSON BLVD. ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	730.00	
COLLEEN A. DARLING, 1730 RHODE ISLAND AVENUE, NW, #204 WASHINGTON DC 20036	JAPANESE AMERICAN CITIZENS LEAGUE	4,800.00	156.11
THOMAS ROGER DART, ALABAMA PETROLEUM COUNCIL P.O. BOX 4220 MONTGOMERY AL 36195	AMERICAN PETROLEUM INST	280.00	
JOHN C. DATT, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	5,031.26	
M. DENNIS DAUGHERTY, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP	166.68	13.35
JOHN B. DAVENPORT JR., 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	115.00	
EARL F. DAVID, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	1,000.00	
DANIEL I. DAVIDSON, 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	SPIEGEL & MCDIARMID (FOR: NORTHERN CALIFORNIA POWER AGENCY)	3,536.25	
CHERYL C. DAVIS, 510 C ST.,N.E. WASHINGTON DC 20002	INTERNATIONAL ASSN OF AMUSEMENT PARKS & ATTRACTIONS	450.00	
DAVID R. DAVIS, INDIANA PETROLEUM COUNCIL 714 HARRISON BLDG. INDIANAPOLIS IN 46204	AMERICAN PETROLEUM INST	945.00	853.46
DREW M DAVIS, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	281.19	313.29
EDWARD M. DAVIS, 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	4,250.00	501.30
EDWIN I. DAVIS, 1510 FIRST CITY EAST BUILDING HOUSTON TX 77002	COASTAL CORP		
FRED G. DAVIS, 1111 19TH STREET, N.W. WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,515.00	277.25
DAVIS GRAHAM & STUBBS, SUITE 500 1001 22ND ST., NW WASHINGTON DC 20037	MUNICIPAL SUBDISTRICT, NO. COLORADO WATER CONSERVANCY DIST.	9,213.30	9,380.35
Do	NORTHERN COLORADO WATER CONSERVANCY DISTRICT	8,273.25	8,440.30
Do	SNYDER OIL COMPANY	683.10	683.10
DAVIS HOCKENBERG WINE BROWN & KOEHN, 2300 FINANCIAL CENTER DES MOINES IA 50309	NORTHWESTERN BELL (IOWA DIV.)	4,365.00	132.46
KENNETH E. DAVIS, SUITE 743 1434 NEW YORK AVE., NW WASHINGTON DC 20005	ROHM & HAAS CO	500.00	42.98
OVID R. DAVIS, P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY		
DAVIS POLK & WARDWELL, 1575 EYE ST., NW WASHINGTON DC 20005	ALTER GROUP	562.50	
Do	NORWEST CORP	100.00	4.00
Do	U.S. TRUST	100.00	8.00
ROBERT DAVIS, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	800.00	262.00
W. KENNETH DAVIS, P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL GROUP, INC		
WILLIAM LEE DAVIS, 299 PARK AVE. NEW YORK NY 10171	WESTVACO CORP		
DONALD S. DAWSON, 723 WASHINGTON BLDG. WASHINGTON DC 20005	OPTICIANS ASSN OF AMER	3,000.00	
Do	VIRGIN ISLANDS GIFT & FASHION SHOP ASSN		
Do	VIRGIN ISLANDS MERCHANTS ASSOCIATION		
HARRY F. DAY, 1800 K STREET, NW, #1100 WASHINGTON DC 20006	NEW YORK STOCK EXCHANGE, INC		
J. EDWARD DAY, 5TH FL. 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ELECTRONIC INDUSTRIES ASSN		
Do	THIRD CLASS MAIL ASSOCIATION		
DCM GROUP, SUITE 301 1515 N. COURTHOUSE ROAD ARLINGTON VA 22201	AD HOC COMM FOR AMERICAN SILVER	7,475.00	7,749.70
RALPH DE LA CRUZ, 1225 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN PUBLIC TRANSIT ASSN	2,525.00	232.00
O. MARK DE MICHELE, 411 NORTH CENTRAL AVENUE P.O. BOX 21666 PHOENIX AZ 85014	ARIZONA PUBLIC SERVICE COMPANY		
DEALER BANK ASSN, SUITE 1014 1800 K ST., NW WASHINGTON DC 20006			
JOHN RUSSELL DEANE III, 1607 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20009	AUTO INTERNACIONAL ASSN		
Do	COALITION OF AUTOMOTIVE ASSNS		
Do	SPECIALTY EQUIPMENT MARKET ASSN		
DEBEVOISE & PLIMPTON, 1777 F STREET, NW, #700 WASHINGTON DC 20006	SONY CORP OF AMERICA	486.50	
ROBERT L. DEBO, MISSOURI OIL COUNCIL 428 E. CAPITOL, #203 JEFFERSON CIY MO 65101	AMERICAN PETROLEUM INST		
EDWARD S. DEBOLT, SUITE 301 1515 N. COURTHOUSE RD. ARLINGTON VA 22201	DCM GROUP (FOR: AD HOC COMM FOR AMERICAN SILVER)	2,925.00	
MARK O. DECKER, SUITE 1100 1707 H STREET, NW WASHINGTON DC 20006	PETROLEUM MARKETERS ASSN OF AMERICA	688.00	
WINSTON M. DECKER, SUITE 828 1522 K ST., NW WASHINGTON DC 20005	AMERICAN VETERINARY MEDICAL ASSN	90.00	
BRIAN DEERY, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
DONALD H. DEFOE, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO	230.14	703.03
GEORGE K. DEGNON ASSOCIATES, INC., SUITE 3A 1311-A DOLLEY MADISON BLDG. MCLEAN VA 22101	ASSOCIATION OF STATE & TERRITORIAL HEALTH OFFICIALS		1,000.00
MARY ELISE DEGONIA, 600 MARYLAND AVENUE, SW WEST WING, SUITE 300 WASHINGTON DC 20024	70001 LTD	500.00	20.00
GENE A. DEL POLITO, 1133 15TH STREET, NW, #1037 WASHINGTON DC 20005	THIRD CLASS MAIL ASSN	600.00	
STEPHEN T. DELAMATER, 2600 SOUTHLAND CENTER 400 N. OLIVE ST. DALLAS TX 75201	HALLIBURTON CO		
JOHN W. DELANEY, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON		
DELANEY MIGDAIL & YOUNG, CHTD, 1629 K STREET, NW, #1000 WASHINGTON DC 20006	GOVERNMENT EMPLOYEES INSURANCE CO	25,820.00	308.66
Do	MARYLAND SAVINGS SHARE INSURANCE CORP	13,133.75	275.73
THOMAS J. DELANEY, 1111 NORTH 19TH STREET, #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	1,500.00	242.83
JOHN L. DELANO, 7 EDWARDS - BOX 1172 HELENA MT 59624	MONTANA RAILROAD ASSN		1,718.18
ROBERT B. DELANO, 225 TOUHY AVE. PARK RIDGE IL 60068	AMERICAN FARM BUREAU FED	2,925.00	
CARTHA D. DELOACH, 700 ANDERSON HILL ROAD PURCHASE NY 10577	PEPSICO, INC		
GEORGIA L. DELYANNIS, 1730 K STREET, NW, #903 WASHINGTON DC 20006	AMERICAN HELLENIC INSTITUTE PUBLIC AFFAIRS COMMITTEE		
SUSAN C. DEMARR, 1615 H ST., N.W. WASHINGTON DC 20061	CHAMBER OF COMMERCE OF THE U.S.	2,500.00	
TANIA DEMCHUK, 499 SOUTH CAPITOL ST., SW SUITE 401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	100.00	
BRADFORD T. DEMPSEY, 512 W. MAPLE AVE. SUITE 210 VIENNA VA 22180			
GEORGE H. DENISON, SUITE 400 4801 MASSACHUSETTS AVE., NW WASHINGTON DC 20016	CRUISE AMERICA LINE, INC	1,650.00	
Do	NATIONAL OFFICE PRODUCTS ASSN	550.00	
Do	WESTINGHOUSE ELECTRIC CORP	1,050.00	
RAY DENISON, 815 16TH ST., NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	15,769.00	548.19
JOHN H. DENMAN, MISSOURI OIL COUNCIL 428 E. CAPITAL ST., #203 JEFFERSON CITY MO 65101	AMERICAN PETROLEUM INST		
THOMAS J. DENNIS SR., 1801 K STREET, NW, #1041 WASHINGTON DC 20006	AMERICAN ELECTRIC POWER SERVICE CORP		
WELLS DENYES, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EASTMAN CHEMICAL PRODUCTS, INC	1,000.00	128.53
DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		10,245.00	10,245.00
GREGORY L. DEPRIEST, 1735 DESALES STREET, NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC		
ALPHONSE DEROSSO, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION	250.00	107.79
LLOYD J. DERRICKSON, SUITE 906 1828 L STREET, NW WASHINGTON DC 20036	MERRILL LYNCH & CO., INC	6,500.00	
MICHAEL DESANTO, ONE DUPONT CIRCLE, NW, #5540 WASHINGTON DC 20036	NATIONAL TIRE DEALERS & RETREADERS ASSN		
JAMES T. DEVINE, LAW OFFICES OF DERRIS LEONARD, P.C. 900 17TH ST., NW, #1020 WASHINGTON DC 20006	BOWLING PROPRIETORS ASSN OF AMER		
SAMUEL L. DEVINE, BRICKER & ECKLER 888 SEVENTEENTH STREET, NW WASHINGTON DC 20006	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
Do	GROCERY MANUFACTURERS OF AMERICA, INC	1,031.25	
Do	OCCIDENTAL PETROLEUM CORP	19,999.98	
Do	PAYCO AMERICAN CORPORATION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	PEPSICO, INC	10,000.00	
R. DANIEL DEVLIN, 1825 EYE STREET, NW, #350 WASHINGTON DC 20006	TRANS WORLD AIRLINES, INC	350.00	
DEWEY BALLANTINE BUSHBY PALMER & WOOD, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMAX, INC		
Do	AMERICAN CAN CO		
Do	AMERICAN STOCK EXCHANGE, INC	270.00	
Do	BENEFICIAL CORPORATION		
Do	BROWNING-FERRIS INDUSTRIES, INC		
Do	CHASE MANHATTAN BANK, N.A.		
Do	CHASE MANHATTAN CORP		
Do	DAMSON OIL CORP		
Do	FEDERAL NATIONAL MORTGAGE ASSN		
Do	GENERAL ELECTRIC PENSION TRUST		
Do	INTERSTATE NATURAL GAS ASSN OF AMERICA		
Do	PANHANDLE EASTERN PIPE LINE CO		
Do	PHIBRO-SALOMON, INC		
Do	SHEARSON/AMERICAN EXPRESS, INC	42.50	
Do	TEACHERS INSURANCE AND ANNUITY ASSN OF AMERICA		
DORIS J. DEWTON, 1025 CONNECTICUT AVENUE, NW SUITE 507 WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
KENDALL P. DEXTER, 9 COUNTRY CLUB ROAD MOBILE AL 36608	MACMILLAN BLOEDEL INC		
DGA INTERNATIONAL INC, 1225 19TH ST., NW WASHINGTON DC 20036	DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS		
Do	SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION		505.63
Do	SOFREAVIA		471.39
Do	THOMSON-CSF DIVISION SYSTEMS ELECTRONIQUE OF FRANCE		52.00
DIAMOND SHAMROCK CORPORATION, 717 N. HARWOOD STREET DALLAS TX 75201			1,482.26
CHARLES J. DIBONA, 1220 L ST., NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	1,875.00	
JOHN M. DICKERMAN, SUITE 700 1015 15TH ST., NW WASHINGTON DC 20005	NATIONAL LUMBER & BUILDING MATERIAL DEALERS ASSN		
CHESTER T. DICKERSON JR., 1101 17TH STREET , N.W. SUITE 604 WASHINGTON DC 20036	MONSANTO CO		130.56
DICKEY KNORR & MOORE, 1825 EYE STREET, NW, #400 WASHINGTON DC 20006	CTI-CONTAINER TRANSPORT INT'L, INC, ET AL	150.00	
Do	REDEVELOPMENT AGENCY OF THE CITY OF BURBANK, CA	150.00	
WILLIAM E. DICKINSON, SUITE 300 206 N. WASHINGTON STREET ALEXANDRIA VA 22314	SALT INSTITUTE	250.00	250.00
DICKSTEIN SHAPIRO & MORIN, 2101 L ST., NW WASHINGTON DC 20037	BEAR, STEARNS & CO		
Do	BOUNDARY GAS, INC		
Do	CUSTOM AUTOMOTIVE SOUND ASSN, INC	250.00	
Do	FEDERATED CASH MANAGEMENT SYSTEMS	11,000.00	
Do	GILBANE BUILDING CO		
Do	GUAM ECONOMIC DEVELOPMENT AUTHORITY	3,000.00	
Do	HUGHES AIRCRAFT CO	400.00	
Do	LTV AEROSPACE & DEFENSE CO	1,120.00	
Do	MAREMONT CORP	160.00	
Do	MARINE ENGINEERS' BENEFICIAL ASSN		
Do	MARINETTE MARINE CORP	1,500.00	
Do	MCDONNELL DOUGLAS CORP	40.00	
Do	METROPOLITAN TRANSPORTATION AUTHORITY		
Do	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	750.00	
Do	NATIONAL FEDERATION OF SOCIETIES FOR CLINICAL SOCIAL WORK	600.00	
Do	NATURAL GAS SUPPLY ASSN	3,000.00	
Do	OPTIONS POLICY ASSN	2,250.00	
Do	PAULUCCI ENTERPRISES	500.00	
Do	STATE OF DELAWARE, STATE OF IOWA, STATE OF LOUISIANA, ET AL		
Do	UNITED BRANDS CO		
RICK DIEGEL, 1125 15TH STREET, NW WASHINGTON DC 20005	INTERNATIONAL BROTHERHOD OF ELECTRICAL WORKERS, ALF-CIO-CLC	2,281.25	250.00
GEORGE DILLARD, 5128 SAUER, SUITE A HOUSTON TX 77004	KALEIDOSCOPE RESEARCH & MARKETING GROUP		
TIMOTHY V. A. DILLON, SUITE 905 1331 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	SACRAMENTO MUNICIPAL UTILITY DISTRICT	3,600.00	147.65
Do	WESTLANDS WATER DISTRICT	3,000.00	58.63
THOMAS A. DINE, 444 NORTH CAPITOL ST, NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	12,999.99	3,787.20
MICHAEL F. DINEEN, 600 PENNSYLVANIA AVE., SE, #206 WASHINGTON DC 20003	FEDERAL KEMPER LIFE ASSURANCE COMPANY	88.58	2.83
Do	KEMPER FINANCIAL SERVICES, INC	88.58	2.83
Do	KEMPER INVESTORS LIFE INSURANCE CO	29.53	1.33
Do	LUMBERMENS MUTUAL CASUALTY COMPANY	1,800.00	243.35
CHARLES VERN DINGES IV , 1302 18TH STREET, NW, #403 WASHINGTON DC 20036	ENVIRONMENTAL FUND	348.00	42.00
DIRECT SELLING ASSOCIATION, 1730 M ST., NW WASHINGTON DC 20036			1,140.40
HARLEY M. DIRKS, 400 FIRST STREET, NW, #712 WASHINGTON DC 20002	HEALTH & MEDICINE COUNSEL OF WASHINGTON		
Do	PROFESSIONAL SERVICES COUNCIL		
DISABLED AMERICAN VETERANS, 3725 ALEXANDRIA PIKE COLD SPRING KY 41076		118,607.50	118,607.50
DENNIS C. DIX, 1901 L ST., N.W. WASHINGTON DC 20036	OUTDOOR POWER EQUIPMENT INSTITUTE		
PATSY B. DIX, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,021.00	80.00
STEVEN P. DOEHLER, SUITE 1405 1725 K ST., NW WASHINGTON DC 20006	MORTGAGE INSURANCE COMPANIES OF AMERICA	2,500.00	147.65
JAMES F. DOHERTY, 624 9TH ST., NW 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC		
JOHN D. DOHERTY JR., 900 17TH STREET, NW, #706 WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.	182.00	25.71
GREGORY S. DOLE, BRAND LOWELL & DOLE 923 15TH STREET, NW WASHINGTON DC 20005	EDISON ELECTRIC INSTITUTE	7,500.00	33.21
ROBIN C. DOLE, SUITE 350 1825 EYE ST., NW WASHINGTON DC 20006	CENTURY 21 REAL ESTATE CORP	1,325.00	
JULIE DOMENICK, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	284.92	414.42
DOMESTIC WILDCATTERS ASSN, P.O. BOX 4394 HOUSTON TX 77210		14,000.00	270.00
BRIAN J. DONADIO, SUITE 875 122 C ST., NW WASHINGTON DC 20001	AMERICAN OSTEOPATHIC ASSN	2,625.00	
JOHN F. DONELAN, DONELAN CLEARY WOOD & MASER, P.C. 914 WASHINGTON BUILDING WASHINGTON DC 20005	PROCOMPETITIVE RAIL STEERING COMMITTEE		
ANDREW J. DONELSON, 1101 15TH STREET, NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO (3M)	2,500.00	
THOMAS E. DONLEY, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S		
SALLY S. DONNER, 4TH FL. 1710 RHODE ISLAND AVE., NW WASHINGTON DC 20036	GENERAL FOODS CORPORATION	1,332.00	60.70
MARY K. DONNY, 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEAGUE OF THE U.S.A	57.55	8.00
PAUL M. DONOVAN, LAROE WINN & MOERMAN 1120 G STREET, NW, #800 WASHINGTON DC 20005	CHLORINE INSTITUTE, INC	39,201.25	1,910.07
WILLIAM DONOVAN, 1111 N. 19TH ST, #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	2,500.00	367.04
FRANCIS X. DOOLEY, 525 SCHOOL ST., SW WASHINGTON DC 20024	AMERICAN ROAD & TRANSPORTATION BLDRS ASSN	7,500.00	430.00
IRA DORFMAN, 3RD FLOOR 1111 14TH ST., NW WASHINGTON DC 20005	AMERICAN BAKERS ASSN	556.24	4.00
KENNETH W. DORSCH, 725 15TH STREET, NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN		
DEAN R. DORT II , SUITE 808 910 17TH ST., NW WASHINGTON DC 20006	DEERE & COMPANY	1,090.00	
CHARLENE DOUGHERTY, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	8,000.00	3,300.00
DOW LOHNES & ALBERTSON, 1255 23RD ST., NW WASHINGTON DC 20037	ADVANCE PUBLICATIONS, INC; PALMER COMMUNICATIONS, INC		
CHARLES P. DOWNER, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	1,000.00	250.00
JANE LIND DOWNEY, P.O. OC 2303 400 ARMY-NAVY DR. ARLINGTON VA 22002	AMERICAN MOVERS CONFERENCE	180.00	
RICHARD MORGAN DOWNEY, 10801 ROCKVILLE PIKE ROCKVILLE MD 20852	AMERICAN SPEECH-LANGUAGE-HEARING ASSN		
CONNIE M. DOWNS, 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORP		
JOHN H. DOWNS JR., 1101 16TH STREET, NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		86.35
JOHN P. DOYLE, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	BELL HELICOPTER TEXTRON	4,223.37	2,264.43
ROBERT H. DOYLE, 1130 17TH STREET, NW, #200 WASHINGTON DC 20036	WATER SYSTEMS COUNCIL		
WILLIAM A. DOYLE, 2346 S. ROLFE STREET ARLINGTON VA 22202	HARRIS CORP	2,700.00	2,225.40
NANCY DRABBLE, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	7,500.00	
RONALD W. DRACH, 807 MAINE AVENUE, SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	14,799.20	64.78
JAMES E. DRAKE, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	5,272.00	
JOAN ALBERT DREUX, 600 PENNSYLVANIA AVENUE, SE, #211 WASHINGTON DC 20003	NATIONAL ASSN OF CASUALTY & SURETY AGENTS	2,400.00	1,006.23
JEROME L. DREYER, 1300 N. 17TH ST. SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
JOHN P. DRING, SUITE 565 1331 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	TEXAS GAS TRANSMISSION CORP	1,500.00	53.64
KEVIN J. DRISCOLL, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
EDWIN JASON DRYER, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: VGS CORPORATION)		
FRAN DU MELLE, 1101 VERMONT AVENUE, NW, #402 WASHINGTON DC 20005	AMERICAN LUNG ASSN	2,890.00	913.00
ERNEST DUBESTER, 815 16TH STREET, NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	13,694.20	390.59
MORGAN D. DUBROW, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	165.00	
JANE MCPIKE DUDLEY, 1101 15TH STREET, N.W. WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	1,050.00	
MARY JANE C. DUE, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
ANN ANDERSON DUFF, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS	1,200.00	
MICHAEL J. DUFF, 1101 16TH STREET, NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN	1,100.00	85.51
MICHAEL F. DUFFY, 1920 N ST. NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
SARAH WELLS DUFFY, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	4,987.50	20.67
C. R. DUGGAN, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,000.00	3,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
FRANCIS J. DUGGAN, 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	511.57	306.69
EVELYN DUKOVIC, 475 RIVERSIDE DRIVE, #239 NEW YORK NY 10115	MORALITY IN MEDIA, INC	21.42	
MERVIN E. DULLUM, 1629 K ST., NW, #204 WASHINGTON DC 20006	DELTA AIR LINES, INC	200.00	59.45
DON R. DUNCAN, 1825 K ST.,NW SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	4,500.00	716.00
DUNCAN WEINBERG & MILLER, P.C., SUITE 1200 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	MID WEST ELECTRIC CONSUMERS' ASSN, INC		
Do	STATE OF NEVADA		
Do	STATE OF NORTH DAKOTA		
Do	WESTERN FUELS ASSOCIATION, INC		
JAMES W. DUNLOP, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
H. STEWART DUNN JR., SUITE 600 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ESTATE OF VIRGINIA S. DU PONT	2,250.00	
Do	SIR JAMES GOLDSMITH		
Do	ROCHESTER TAX COUNCIL		
Do	XEROX CORP		
MARI LEE DUNN, SUITE 520 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION		
JOHN H. DUNNE, 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
DUNNELLS DUVALL BENNETT & PORTER, 1220 19TH STREET, NW, #400 WASHINGTON DC 20036	MULTIFAMILY HOUSING ASSOCIATION		
JAMES A. DUPREE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	4,100.00	1,030.00
JOSEPH L. DURAN, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
JUDY C. DURAND, 1120 20TH STREET, NW, #600S WASHINGTON DC 20036	UNION PACIFIC CORPORATION	666.00	711.04
MICHAEL V. DURANDO, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,150.00	81.70
MARGARET A. DURBIN, 1025 CONNECTICUT AVENUE, NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN	255.00	11.75
B. J. DURHAM, P.O. BOX 2121 CORPUS CHRISTI TX 78403	CENTRAL POWER AND LIGHT COMPANY	173.20	461.44
DUTKO & ASSOCIATES, SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	A.R.M., INC		
Do	ANCHOR INDUSTRIES, INC		
Do	ASSOCIATES OF NORTH AMERICA	12,000.00	
Do	BILL'S COAL CO		
Do	CENERGY EXPLORATION CO	9,642.25	
Do	CHEROKEE COAL CO		
Do	COSMETICS CENTER, INC	4,252.08	
Do	D & B WHOLESALE COSMETICS, INC	4,252.08	
Do	MITCHELL ENERGY & DEVELOPMENT CORP	3,542.25	
Do	PATCH COAL CO		
Do	PITTS ENERGY GROUP	3,642.25	
Do	SCHLENSKER DRILLING CO	4,000.00	
Do	SWEETWATER COAL CO		
Do	TEXAS OIL & GAS CORP (TXO)	3,642.25	
Do	TRADE MAX, INC	38,584.58	
Do	U.S. TELEPHONE, INC	3,000.00	
Do	UNITED TELECOM COMMUNICATIONS, INC		
Do	WESSELY ENERGY CORP	3,642.25	
L. L. DUXBURY, 210 7TH STREET, SE, #517 WASHINGTON DC 20003	RAILROAD RETIREMENT ASSN		247.50
DENIS J. DWYER, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST	437.50	
RODERICK T. DWYER, 1920 N STREET,N.W. WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
MICHAEL J. DYER, 1331 PENNSYLVANIA AVENUE, NW, #905 WASHINGTON DC 20004	NATIONAL COALITION FOR EMERGENCY MEDICAL SERVICES		
DYKEMA GOSSETT SPENCER GOODNOW & TRIGG, 1752 N ST., NW, 6TH FL. WASHINGTON DC 20036	DAEDALUS ENTERPRISES, INC		
Do	TOTAL PETROLEUM, INC		
DYNALECTRON CORPORATION, 1313 DOLLEY MADISON BLVD. MCLEAN VA 22101			2,800.00
TALIS DZENITIS, 633 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20004	SEARS ROEBUCK & CO	500.00	108.01
DENNIS J. EARHART, 1753 EUCLID AVE., NW WASHINGTON DC 20009	BONNEVILLE ASSOCIATES, INC. (FOR: WESTERN REGIONAL COUNCIL)	379.75	
CATHERINE EAST, 1411 K STREET, NW, #1110 WASHINGTON DC 20005	NATIONAL WOMEN'S POLITICAL CAUCUS	1,875.00	
GEORGE H. EATMAN, 1800 CONNECTICUT AVE., NW WASHINGTON DC 20009	SLURRY TRANSPORT ASSN		
EATON ASSOCIATES, INC, 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006			
CHARLES H. EATON, SUITE 260 1750 K STREET, NW WASHINGTON DC 20006	EATON ASSOCIATES, INC		
ROBERT E. L. EATON, 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006	EATON ASSOCIATES, INC		
DONALD R. EBE, 1800 K ST., NW, #800 WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO	3,750.00	
ROBERT E. EBEL, 1025 CONNECTICUT AVE., NW, #1014 WASHINGTON DC 20036	ENSERCH CORPORATION	1,450.00	933.00
N. BOYD ECKER, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,500.00	27.25
ROBERT C. ECKHARDT, SUITE 1105 1750 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CERTAIN TEXAS CLAIMANTS LAWYERS	5,750.00	
Do	CONSOLIDATED NATURAL GAS CO	3,333.34	
Do	INVESTMENT COMPANY INSTITUTE	5,000.01	
Do	STATE BAR OF TEXAS	10,000.00	
Do	WALTON & SON, STEVEDORING COMPANY		
Do	WESTERN FUELS ASSOCIATION, INC	9,999.99	
PATRICIA K. ECONOMOS, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
MITCHELL H. EDELSTEIN, 1411 K ST., NW, #850 WASHINGTON DC 20005	AMERICANS FOR DEMOCRATIC ACTION	3,531.84	45.20
WILLIAM R. EDGAR, SUITE 501 1620 EYE ST., NW WASHINGTON DC 20006	GATES LEARJET CORPORATION		
HELEN H. EDGE, 700 N. FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST	430.37	
ARTHUR B. EDGEWORTH JR , 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	1,484.00	
EDISON ELECTRIC INSTITUTE, 9TH FLOOR 1111 19TH ST., NW WASHINGTON DC 20036		21,852.50	66,760.61
V. ANNE EDLUND, 1620 EYE ST., NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
STEPHEN L. EDMISTON, 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	13,228.80	1,693.00
ED EDMONDSON, BOX 11 MUSKOGEE OK 74401	AMERICAN INLAND WATERWAYS COMMITTEE		
Do	CHEROKEE NATION		
Do	DOSS AVIATION, INC		
Do	IU INTERNATIONAL MANAGEMENT CORP		
Do	OKLAHOMA ASSN OF ELECTRIC COOPS		
Do	U.S. MARITIME COMMITTEE, INC		
EDS CORPORATION, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003			2,396.00
JOHN M. EDSALL, 1120 20TH STREET, NW, #600S WASHINGTON DC 20036	UNION PACIFIC CORPORATION	218.00	318.23
EDWARDS ASSOCIATES, 507 SECOND ST., NE WASHINGTON DC 20002	CONFEDERATED TRIBES OF WARM SPRINGS		
CHRISTINE A. EDWARDS, SUITE 600 633 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	SEARS, ROEBUCK AND CO	453.60	59.50
J. RODNEY EDWARDS, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
MACON T. EDWARDS, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	833.33	35.05
MAX N. EDWARDS, 1511 K STREET, NW, #1100 WASHINGTON DC 20005	FRANK G. KINGSLEY	6,000.00	65.00
MICHAEL D. EDWARDS, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	1,323.25	45.00
WILLIAM A. EDWARDS, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	2,500.00	143.42
PAUL S. EGAN, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	8,397.00	330.08
EGGERS & GREENE, 1999 BRYON ST., #3220 DALLAS TX 75201	LTV CORPORATION	3,000.00	283.66
EUGENE EIDENBERG, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	5,000.00	
YVONNE B. EIDER, 400 FIRST STREET, NW, #800 WASHINGTON DC 20001	FRIENDS OF ANIMALS, INC	5,317.62	629.28
JILL W. EILAND, 507 SECOND STREET, NE WASHINGTON DC 20002	PORTLAND GENERAL ELECTRIC CO		
ALBERT C. EISENBERG, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	9,000.00	
H. J. ELAM III, 1201 MAPLE ST. GREENSBORO NC 27405	CONE MILLS CORPORATION		
JANE ELDER, SUITE 203 214 N. HENRY ST. MADISON WI 53703	SIERRA CLUB	2,716.62	1,826.31
GEORGE K. ELIADES, 7297 LEE HIGHWAY FALLS CHURCH VA 22042	SOCIETY OF AMERICAN WOOD PRESERVERS, INC	500.00	530.00
C. M. ELKINS ASSOCIATES, SUITE 310 1100 17TH ST., NW WASHINGTON DC 20036	DELAWARE & HUDSON RAILWAY CO		
Do	MISSOURI KANSAS TEXAS RAILROAD		
Do	PITTSBURGH & LAKE ERIE RAILROAD		
J. BURTON ELLER JR , 425 13TH ST., NW, #1032 WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
CHARLES W. ELLIOTT, WISCONSIN PETROLEUM COUNCIL 25 W. MAIN ST., #703 MADISON WI 53703	AMERICAN PETROLEUM INST	948.33	720.62
JOHN DOYLE ELLIOTT, 5500 QUINCY ST. HYATTSVILLE MD 20784			
DOROTHY A. ELLSWORTH, 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS	13,495.86	131.75
ELY RITTS BRICKFIELD & BETTS, SUITE 915 WATERGATE 600 BLDG. WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN		
Do	OCEAN MINING ASSOCS		
EMERGENCY COMMITTEE FOR AMERICAN TRADE, 1211 CONNECTICUT AVE. WASHINGTON DC 20036		67,345.99	71,628.90
EMERSON ELECTRIC CO, 8000 FLORISSANT ST. LOUIS MO 63136			504.50
CAROL R. EMERY, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	MASSACHUSETTS MUTUAL LIFE INSURANCE CO		
EMPLOYEE RELOCATION COUNCIL, SUITE 600 1627 K ST., NW WASHINGTON DC 20006			10,052.03
IRENE R. EMSELLEM, 1800 M STREET, NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
LOWELL J. ENDAHL, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	115.00	
ENERGY CONSUMERS & PRODUCERS ASSN, BOX 1726 PETROLEUM PLAZA SEMINOLE OK 74868		27,505.00	7,197.35
SAMUEL E. ENFIELD, SUITE 510 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	SOLAR LOBBY		
RALPH ENGEL, 1001 CONNECTICUT AVE., NW, #1120 WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
STEVEN L. ENGELBERG, 2033 M ST., NW, #404 WASHINGTON DC 20036	AMERICAN ASSN FOR MARRIAGE & FAMILY THERAPY	5,020.00	
Do	BURING ESTATE	5,020.00	
Do	DONREY, INC	218.36	
LEWIS A. ENGMAN, 1100 15TH ST., NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	1,666.00	
CHRISTOPHER ENGQUIST, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
M. DALE ENSIGN, 2600 VIRGINIA AVENUE, NW, #901 WASHINGTON DC 20037	SINCLAIR OIL CORPORATION	500.00	105.72
ENVIRONMENTAL FUND, 1302 18TH STREET, NW, #403 WASHINGTON DC 20036			966.00
EPSTEIN BECKER BORSODY & GREEN, SUITE 900 1140 19TH ST., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC		13,068.45
JOHN M. ERSKINE JR , 1122 COLORADO, SUITE 208 AUSTIN TX 78701	STANDARD OIL CO (INDIANA)		
INGOLF G. ESDERS, 815 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	4,796.58	
MARK ESHERICK, 1346 CONNECTICUT AVENUE, NW, #603 WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC	59.00	12.00
JOHN T. ESTES, 2550 M ST., NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	500.00	92.00
STEPHEN E. EURE, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	2,000.00	
DONALD C. EVANS JR., 214 MASSACHUSETTS AVENUE, NE, #560 WASHINGTON DC 20002	CONSOLIDATED FOODS CORP		
Do	FREIGHT FORWARDERS INSTITUTE		
Do	INDUSTRY COUNCIL FOR TANGIBLE ASSETS		
Do	OLYMPIA & YORK DEVELOPMENTS LTD		
Do	OLYMPIA & YORK EQUITY CORP		
JOSEPH O. EVANS, APARTMENT 21 4401 LEE HWY. ARLINGTON VA 22207			
RAE FORKER EVANS, SUITE 210 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	HALLMARK CARDS, INC		
ROBERT B. EVANS, 1101 14TH STREET, NW WASHINGTON DC 20005	AMERICAN FINANCIAL SERVICES ASSN	1,375.00	
ROBERT D. EVANS, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
FAWN K. EVENSON, 1611 NORTH KENT ST. SUITE 900 ARLINGTON VA 22209	FOOTWEAR INDUSTRIES OF AMERICA	4,000.00	480.25
J. BALLARD EVERETT, 1125 15TH STREET, NW, #700 WASHINGTON DC 20001	MORTGAGE BANKERS ASSN OF AMERICA	948.00	
ELLEN E. EVES, NEW MURPHY RD. AND CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		288.49
KY P. EWING JR., 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: ARCHIE BENNETT)		59.16
Do	VINSON & ELKINS (FOR: ALFRED C. GLASSELL JR.)	26,052.33	238.85
Do	VINSON & ELKINS (FOR: NORTHVILLE INDUSTRIES CORP)		28.50
Do	VINSON & ELKINS (FOR: PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, TX)	18,949.47	10.93
Do	VINSON & ELKINS (FOR: TRAVELERS INSURANCE CO)	302,327.68	2,577.09
WAYNE S. EWING, ASSOCIATED PETROLEUM INDUSTRIES OF PA P.O. BOX 925 HARRISBURG PA 17108	AMERICAN PETROLEUM INST		
ROBBIE G. EXLEY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
F/P RESEARCH ASSOCIATES, SUITE 303 1700 K STREET, NW WASHINGTON DC 20006	NATIONAL CABLE TELEVISION ASSN, INC	2,500.00	
Do	WESTERN UNION TELEGRAPH COMPANY		
ROBERT R. FAHS, SUITE 205 1101 15TH ST., NW WASHINGTON DC 20005	CARGILL INC	2,500.00	5.00
DALE W. FALLAT, P.O. BOX 119 MAUMEE OH 43537	ANDERSONS		
F. S. FALLON JR., P.O. BOX 888-F-9 ASHLAND KY 41101			
GEORGE W. FALLTRICK, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
PETER M. FANNON, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	600.00	150.00
THOMAS B. FARLEY II, 1220 L ST., NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	8,215.00	144.55
WILLIAM T. FARLEY, 1126 16TH STREET, NW WASHINGTON DC 20036	IUE-AFL-CIO	600.00	300.00
FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA, P.O. BOX 2251 DENVER CO 80251		100,546.00	59,863.07
JOHN W. FARQUHAR, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	300.00	
ROBERT M. FARQUHAR, P.O. BOX 130 LEVIS, QUEBEC, CANADA G6V 6N7	DAVIE SHIPBUILDING LIMITED		
DAGMAR T. FARR, 1750 K STREET, N.W. WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
CHRISTOPHER G. FARRAND, 1120 20TH STREET, NW, #720 WASHINGTON DC 20036	PEABODY HOLDING COMPANY, INC		20.70
MICHAEL FARRAR, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	200.00	
JOSEPH A. FARRELL, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
MARCUS G. FAUST, SUITE 880 2121 K ST., NW WASHINGTON DC 20037	KENNECOTT CORPORATION	9,750.00	
CLINTON B. FAWCETT, NINE GREENWAY PLAZA HOUSTON TX 77046	COASTAL CORPORATION		
JANE FAWCETT-HOOVER, 801 18TH ST., NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	104.18	
FEDERAL JUDGES ASSOCIATION, 1355 MARKET STREET, #155 SAN FRANCISCO CA 94103		11,700.00	11,775.79
FEDERATION EMPLOYMENT & GUIDANCE SERVICE, 114 FIFTH AVENUE NEW YORK NY 10011			
FEDERATION FOR AMERICAN AFGHAN ACTION, 236 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002		28,500.00	12,520.44
FEDERATION OF AMERICAN CONTROLLED SHIPPING, 50 BROADWAY NEW YORK NY 10004		1,407.60	1,407.60
FEDERATION OF AMERICAN HOSPITALS, SUITE 402 1111 19TH ST., NW WASHINGTON DC 20036		11,500.00	11,500.00
FEDERATION OF AMERICAN SCIENTISTS, 307 MASSACHUSETTS AVE., NE WASHINGTON DC 20002			2,573.55
DONALD M. FEHR, 805 THIRD AVE. NEW YORK NY 10022	MAJOR LEAGUE BASEBALL PLAYERS ASSN		
JOEL F. FELDMAN, LAW OFFICES OF SHELDON I. LONDON 1725 DESALES STREET, NW, #401 WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSN	1,000.00	
MARK B. FELDMAN, DONOVAN, LEISURE, NEWTON & IRVINE 1850 K STREET, NW WASHINGTON DC 20006	MOTION PICTURE EXPORT ASSN OF AMERICA, INC		
JUDITH W. FENSTERER, 242 E. 80TH STREET NEW YORK NY 10021	GENERIC PHARMACEUTICAL INDUSTRY ASSN		
FENSTERWALD & FENSTERWALD, P.C., 1000 WILSON BLVD SUITE 900 ARLINGTON VA 22209	NATIONAL NUTRITIONAL FOODS ASSOCIATION	5,001.00	1,243.43
EDWARD T. FERGUS, 100 GOLD ST. NEW YORK NY 10292	PRUDENTIAL-BACHE SECURITIES INC	750.00	
BETSY FERGUSON, 1875 EYE STREET,N.W. SUITE 1110 WASHINGTON DC 20006	TIMES MIRROR COMPANY		
JOHN T. FERGUSON II , 1875 EYE STREET, NW, SUITE 400 WASHINGTON DC 20006	GEORGIA-PACIFIC CORP		
JOHN L. FESTA, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
FRED C. FIELDING, 1725 JEFFERSON DAVIS HWY, #900 ARLINGTON VA 22202	AM GENERAL CORPORATION	2,750.00	170.00
C. H. FIELDS, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,999.99	19.00
GARY W. FIELDS, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,000.00	
MANUEL D. FIERRO, 1555 WILSON BOULEVARD, #600 ROSSLYN VA 22209	FOND DU LAC RESERVATION		
Do	GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION		
HERBERT A. FIERST, 610 RING BLDG. 1200 18TH ST., NW WASHINGTON DC 20036	COUNCIL OF FOREST INDUSTRIES OF B.C.	31,251.00	1,070.00
MATTHEW P. FINK, 1600 M ST., NW WASHINGTON DC 20036	INVESTMENT COMPANY INSTITUTE	40.40	3.00
FINLEY KUMBLE WAGNER HEINE UNDERBERG MANLEY & CASEY, 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036.	ARBUTUS CORPORATION		
Do	DIRECT BROADCAST SATELLITE CORP		
Do	GENERAL DYNAMICS CORP		
Do	GOLDEN NUGGET, INC	5,817.50	
Do	GOVERNMENT OF ANTIGUA & BARBUDA		
Do	GROUP HOSPITALIZATION, INC	4,500.00	
Do	J.L. INTERNATIONAL, LTD		
Do	NATIONAL CORP FOR HOUSING PARTNERSHIPS	4,640.00	
Do	POPULATION CRISIS COMMITTEE	3,400.00	
Do	RCA	411.00	
Do	STROMBERG-CARLSON CORPORATION		
Do	TDI WINSTON NETWORK, INC		
Do	TELOCATOR NETWORK OF AMERICA		
Do	TRANSIT ADVERTISING ASSN, INC		
Do	TRT TELECOMMUNICATIONS CORP		
Do	TURNER BROADCASTING SYSTEM, INC	10,285.00	
Do	UNITED SATELLITE ACTION	7,087.50	
STEPHEN A. FINN, P.O. BOX 520783 - GENERAL MAIL FACILITY MIAMI FL 33152	BURGER KING CORP		
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, 1775 K STREET, NW WASHINGTON DC 20006	INTERNATIONAL COMMUNICATIONS ASSN	2,000.00	325.00
THOMAS D. FINNIGAN, OLD RIDGEBURY ROAD SECTION D228 DANBURY CT 06817	UNION CARBIDE CORP		
M. J. FIOCCO, 1090 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE	4,625.00	26.50
RICHARD J. FIORINI, P.O. BOX 15278 DENVER CO 80215	NORANDA MINING INC		
FIRST NATIONAL BANK OF BOSTON, 100 FEDERAL ST. BOSTON MA 02110			15,906.24
RICHARD L. FISCHER, 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,050.00	
DONALD W. FISHER, 3814 IVANHOE LANE ALEXANDRIA VA 22310	AMERICAN GROUP PRACTICE ASSN, INC	46.00	
JANET S. FISHER, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	250.00	
JOHN FISHER, 1140 OKLAHOMA ROAD COOK WA 98605	COLUMBIA GORGE UNITED		
WILLIAM L. FISHER, BOX 719 DALLAS TX 75221	SOUTHLAND CORPORATION		
WILLIAM P. FISHER, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
LAURI J. FITZ, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: GOVERNMENT OF CANADA).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF HAITI)	45.00	
MARK FITZGERALD, 15TH & M ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
MARY CLARE FITZGERALD, SUITE 900-N 1800 M STREET, NW WASHINGTON DC 20036	GOLEMBE ASSOCIATES, INC		
THOMAS H. FITZPATRICK, 410 ASYLUM STREET HARTFORD CT 06103	AMERICAN PETROLEUM INST	300.00	
ALAN M. FITZWATER, 176 E. FIFTH STREET ST. PAUL MN 55101	BURLINGTON NORTHERN RAILROAD	20,000.00	1,600.00
HILLIARD J. FJORD, 602 MAIN ST., #600 CINCINNATI OH 45202	OHIO RIVER CO	3,000.00	894.48
DANIEL V. FLANAGAN JR., 1730 RHODE ISLAND AVENUE, NW, #206 WASHINGTON DC 20036	VEPCO	7,000.00	2,545.19
JAMES J. FLANAGAN, 25 RESEARCH DR. WESTBOROUGH MA 01581	NEW ENGLAND POWER SERVICE CO	662.50	115.15

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MICHAEL FLEMING, SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209	AMERICAN ASSN OF EQUIPMENT LESSORS		
FLORIDA BUSINESS ASSOCIATES, SUITE 200 2000 L STREET, NW WASHINGTON DC 20036	ETA SYSTEMS, INC	8,332.00	
Do	FLORIDA STATE UNIVERSITY	8,330.00	
Do	JACKSONVILLE TRANSPORTATION AUTHORITY	2,332.00	
Do	WESTINGHOUSE ELECTRIC CORP	12,615.00	
RUTH FLOWER, 245 SECOND ST., NE. WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,715.14	
VERONICA M. FLOYD, 2001 S. JEFF DAVIS HIGHWAY, #1107 ARLINGTON VA 22202	BRUNSWICK CORP	5,700.00	424.51
RICHARD A. FLYE, MCKENNA CONNER & CUNEO 1575 EYE STREET, NW WASHINGTON DC 20005	FERTILIZER INSTITUTE	19,108.00	
DAVID H. FOERSTER, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
WILLIAM J. FOGARTY, 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	2,000.00	
FOLEY & LARDNER, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	INVESTORS MORTGAGE INSURANCE CO		7.99
Do	SOUTH DAKOTA STUDENT LOAN ASSISTANCE CORP, ET AL	1,810.00	120.17
Do	VGS CORPORATION		4.00
R. D. FOLSOM, 1317 F STREET, NW, #400 WASHINGTON DC 20004	R. DUFFY WALL & ASSOCIATES, INC (FOR: FREEPORT MCMORAN, INC)	250.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: LIFE OF VIRGINIA, ET AL)	250.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: SCHULMAN MANAGEMENT CO)		
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: VOLUME FOOTWEAR RETAILERS OF AMERICA).	250.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: WINE & SPIRITS WHOLESALERS OF AMERICA).		
FOOD & ALLIED SERVICE TRADES DEPT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		15,880.10	15,880.10
FOOD MARKETING INSTITUTE, 1750 K ST., NW WASHINGTON DC 20006			5,100.00
FOODSERVICE & LODGING INST, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006			
GORDON FORBES, 303 HANOVER BLDG., 480 CEDAR ST. ST. PAUL MN 55101	MINNESOTA RAILROADS		
LAURENCE S. FORDHAM, FOLEY, HOAG & ELIOT ONE POST OFFICE SQUARE BOSTON MA 02109	C & S WHOLESALE GROCERS, INC		
JOHN H. FOREHAND III, 12216 FLEMING LN. BOWIE MD 20715	COMPUTERVISION		
Do	OMNI-TECH OF AMERICA, INC		
DONALD D. FOREMAN, SUITE 880 5001 W. 80TH ST. MINNEAPOLIS MN 55437	STANDARD OIL CO (INDIANA)	1,050.00	
FORESIGHT SCIENCE & TECHNOLOGY, INC, SUITE 305 2000 P ST., NW WASHINGTON DC 20036	RADAR DEVICES, INC	1,500.00	700.00
Do	SOCIETY FOR AMERICAN ARCHAEOLOGY	5,160.00	2,321.26
FOREST FARMERS ASSOCIATION, P.O. BOX 95385 ATLANTA GA 30347			352.50
FOREST INDUSTRIES COMMITTEE ON TIMBER VALUATION & TAXATION, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036.		335.56	335.56
MARK A. FORMAN, SUITE 600 S 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORP	625.00	54.00
MARTI FORMAN, 3471 N. FEDERAL HIGHWAY, #511 FT. LAUDERDALE FL 33306	AMERISERV, INC		
SALLIE H. FORMAN, 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	937.00	47.70
LUISE FORSETH, 3055 OLD HIGHWAY 8 P.O. BOX 1453 MINNEAPOLIS MN 55440	MEDTRONIC, INC	320.00	567.11
RICHARD C. FORTUNA, 2916 STEPHENSON PL., NW WASHINGTON DC 20015	HAZARDOUS WASTE TREATMENT COUNCIL	8,050.00	8,050.00
EBERT E. FOURNACE, 3706 EATON RD., NW CANTON OH 44708	AMERICAN ELECTRIC POWER SERVICE CORP		
ALBERT A. FOX JR , 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION	182.00	31.00
ALLAN FOX, 1575 I STREET, NW, #1150 WASHINGTON DC 20005	KAYE SCHOLER FIERMAN HAYS & HANDLER (FOR: BRISTOL-MYERS CO.)	2,660.00	
ERIC R. FOX, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	APPLE COMPUTER CORP		
DONALD FRAHER, 633 E STREET, NW WASHINGTON DC 20004	AMERICAN SYMPHONY ORCHESTRA LEAGUE	5,833.32	42.60
DAVID E. FRANASIAK, 1001 22ND STREET, #600 WASHINGTON DC 20037	CHAMBER OF COMMERCE OF THE U.S.	2,238.40	335.76
FRANCES E. FRANCIS, SPIEGEL & MCDIARMID 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY, ET AL.	230.00	
DOUGLAS L. FRANCISCO, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		112.50
ALFRED S. FRANK JR., 700 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	NCR CORP		
PETER M. FRANK, SUITE 906 1625 K STREET, NW WASHINGTON DC 20006	KERR-MCGEE CORP	2,500.00	1,548.80
DAVID C. FRANKIL, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
WALTER L. FRANKLAND JR , 1717 K ST., NW WASHINGTON DC 20006	SILVER USERS ASSN, INC	1,458.30	52.84
THOMAS C. FRANKS, 604 SOLAR BUILDING 1000 16TH STREET, NW WASHINGTON DC 20036	AMERICAN LAND DEVELOPMENT ASSN		
CHARLES W. FRANZ, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	10,375.00	430.81
MARIAN C. FRANZ, 2121 DECATUR PLACE, NW WASHINGTON DC 20008	NATIONAL CAMPAIGN FOR A WORLD PEACE TAX FUND	450.00	138.00
CHARLES L. FRAZIER, 475 L'ENFANT PLAZA, SW #2250 WASHINGTON DC 20024	NATIONAL FARMERS ORGANIZATION	5,125.00	3,943.91
ROBERT M. FREDERICK, 1616 H ST., NW WASHINGTON DC 20006	NATIONAL GRANGE	4,887.50	
FREDERICK SERVICE GROUP, 102 W. CHURCH STREET FREDERICK MD 21701			
ANN TODD FREE, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	400.00	
FREE THE EAGLE NATIONAL CITIZEN'S LOBBY, P.O. BOX 881 CENTERVILLE VA 22020		662,386.89	188,164.15
D. MICHAL FREEDMAN, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	7,258.99	
JOEL FREEDMAN, 1600 M ST., NW, 5TH FLOOR WASHINGTON DC 20036	HARTFORD FIRE INSURANCE CO	5,000.00	
JAMES O. FREEMAN, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	1,913.00	22.00
LEWIS R. FREEMAN JR., 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY		
MARY ANN FREEMAN, 1331 PENNSYLVANIA AVE, NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	5.00	
PAULA A. FREER, 1800 M ST., NW, #975 WASHINGTON DC 20036	MARATHON OIL CO		
RONNA FREIBERG, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN IRON & STEEL INSTITUTE).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: ASARCO INC)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: BROWNING-FERRIS INDUSTRIES, INC.).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: BUDD COMPANY)		
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: COMMONWEALTH OF PUERTO RICO).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: JOINT MARITIME CONGRESS).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL BRAODCASTING COMPANY).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SALOMON BROTHERS, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SANTA FE CORP)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SHAKLEE CORPORATION)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: STROH BREWERY CO)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: TOBACCO INSTITUTE)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: WARNER COMMUNICATIONS).		
VERRICK O. FRENCH, 1000 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	650.00	40.00
SARA HAMRIC FREUND, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
GEORGE L. FRICK, P.O. BOX 1429 20 E.DIVISION ST. DOVER DE 19903	AMERICAN PETROLEUM INST		
FRIED FRANK HARRIS SHRIVER & KAMPELMAN, SUITE 1000 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	AMERICAN INDIAN NATIONAL BANK	582.30	25.21
Do	ASSINIBOINE TRIBE		
Do	CHEYENNE RIVER SIOUX TRIBE		28.30
Do	DOYON, LIMITED		
Do	GENERAL ELECTRIC CO	1,193.50	9.88
Do	MICCOSUKEE TRIBE OF INDIANS OF FLORIDA		31.28
Do	NEZ PERCE TRIBE	1,086.00	25.20
Do	PUEBLO OF LAGUNA	1,697.00	35.81
Do	SCHENLEY INDUSTRIES, INC	13,832.00	8.40
Do	SENECA NATION OF INDIANS	7,304.50	34.30
MAX L. FRIEDERSDORF, 700 ANDERSON HILL ROAD PURCHASE NY 10577	PEPSICO, INC		
PHILIP P. FRIEDLANDER JR., 1250 EYE STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN		
FRIEDMAN & MANN, P.C., 3315 QUESADA STREET, NW WASHINGTON DC 20015	COUSHATTA TRIBE OF LOUISIANA		
JAMES M. FRIEDMAN, 1100 CITIZENS BLDG. CLEVELAND OH 44114	CLEVELAND ELECTRIC ILLUMINATING CO	8,365.00	
Do	COALITION FOR ENVIRONMENTAL-ENERGY BALANCE	21,198.00	1,469.04
GAY H. FRIEDMANN, 1150 CONNECTICUT AVE., NW, #717 WASHINGTON DC 20036	SOUTHERN CALIFORNIA GAS CO	8,140.00	148.56
FRIENDS COMMITTEE ON NATIONAL LEGISLATION, 245 2ND ST., NE WASHINGTON DC 20002			23,316.23
FRIENDS OF ANIMALS, INC, 400 FIRST STREET, NW, #800 WASHINGTON DC 20001		7,300.00	8,419.42
FRIENDS OF THE COLUMBIA GORGE, 519 SW THIRD, #810 PORTLAND OR 97204		4.36	31.93
OWEN V. FRISBY, 900 17TH ST., NW WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A	530.00	75.93
SUSAN T. FRITSCHLER, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	270.00	124.93
ALLYN M. FRITTS, 1298 WOODSIDE DRIVE MCLEAN VA 22102	NEW BEDFORD SEAFOOD COUNCIL, INC	5,301.00	458.60
CHARLES H. FRITTS, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSN	5,700.00	121.00
CHARLES H. FRITZEL, 499 S. CAPITOL ST., SE, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	350.00	290.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JEFFREY FRITZLEN, 1120 20TH STREET, NW, #600-S WASHINGTON DC 20036	UNION PACIFIC CORP	2,000.00	
FULBRIGHT & JAWORSKI, 1150 CONNECTICUT AVE., NW, #400 WASHINGTON DC 20036	CONSOLIDATED CAPITAL EQUITIES CORP		.30
Do	CRYSTAL OIL COMPANY		
Do	HOTEL INVESTORS TRUST		2.14
Do	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC		5.26
Do	SAMUEL GARY OIL PRODUCER, INC	1,230.00	
Do	SANTA ANITA REALTY ENTERPRISES, INC		
DAVID C. FULLARTON, 2626 PENNSYLVANIA AVE., NW WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVE ASSN	200.00	
CLAUDIA R. FUQUAY, 1401 NEW YORK AVE., NW, #400 WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSN	500.00	85.09
JOSEPH F. FURLONG, 284 SOUTH AVENUE POUGHKEEPSIE NY 12601	CENTRAL HUDSON GAS & ELECTRIC CORP		
NANCY H. FUSSELL, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	3,672.00	276.95
FUTURES INDUSTRY ASSN, INC, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006			
DAVID H. FYOCK, SUITE 520 600 MARYLAND AVE., SW WASHINGTON DC 20024	GPU SERVICE CORPORATION	2,850.00	444.73
G-4 CHILDREN'S COALITION, ROOM 1100 1666 K STREET, NW WASHINGTON DC 20006		688.02	3,803.91
TERRY GABRIELSON, 490 L'ENFANT PLAZA, SW, #3202 WASHINGTON DC 20024	TRANSCO ENERGY CO	1,200.00	
JAMES E. GAFFIGAN, SUITE 607 1899 L STREET, NW WASHINGTON DC 20036	TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL	1,750.00	
FRANK W. GAINES JR., OLWINE CONNELLY CHASE O'DONNELL & WEYHER 1850 K STREET, NW, #890 WASHINGTON DC 20006.	PROGRESS TRADING CO		
NORMAN S. GAINES, 2550 M ST., NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	2,200.00	2,640.00
JOE H. GALIS, P.O. BOX 221 RAIFORD FL 32083			
KARL GALLANT, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM	3,000.00	
WILLIAM R. GANSER JR , 4804 FOLSE DR. METAIRIE LA 70002	SOUTHERN FOREST PRODUCTS ASSN	2,500.00	
NICOLE GARA, 1117 NORTH 19TH STREET, NW, #300 ARLINGTON VA 22209	AMERICAN ACADEMY OF PHYSICIAN ASSISTANTS	6,244.62	1,562.07
GARDNER CARTON & DOUGLAS, 1875 I ST., NW WASHINGTON DC 20006	EDWARD HINES LUMBER CO	125.00	5.00
Do	MIDCON CORP		
SHELLEY ANN GARDNER, 20 BLACK OAK MEWS NEWTOWN PA 18940	ELECTRICAL ALLIANCE		
EDWARD A. GARMATZ, 2210 LAKE AVE. BALTIMORE MD 21213	BALTIMORE GAS & ELECTRIC CO	2,400.00	
NICHOLAS P. GARNETT, SUITE 410 1025 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INSULATION CONTRACTORS ASSN		
JOHN C. GARTLAND, 7575 EAST FULTON ROAD ADA MI 49355	AMWAY CORP	8,250.00	
GARVEY SCHUBERT ADAMS & BARER, 1000 POTOMAC ST., NW WASHINGTON DC 20006	COMINCO AMERICAN, INC	3,677.50	
Do	GTE SERVICE CORP		
Do	JAPAN FISHERIES ASSOCIATION	2,572.50	
Do	NIKE, INC	700.00	
Do	NORANDA MINING INC		
Do	NORTHWEST MARINE IRON WORKS	940.00	
Do	PACCAR, INC	87.50	
Do	PACIFIC RIM TRADE ASSN		
Do	SONATRACH	7,237.50	
Do	TOTEM OCEAN TRAILER EXPRESS, INC	1,102.50	
Do	WASHINGTON CITIZENS FOR WORLD TRADE	3,140.00	
E. JUNE GARVIN, OHIO PETROLEUM COUNCIL 88 E. BROAD SUITE 1960 COLUMBUS OH 43215	AMERICAN PETROLEUM INST	1,500.00	244.29
MARY A. GARZA, P.O. BOX 152777, 5B-7 IRVING TX 75015	ZALE CORP	1,000.00	3,002.19
GAS APPLIANCE MANUFACTURERS ASSOCIATION, INC., 1901 NORTH FORT MYER DR. ARLINGTON VA 22209			
LILLIAN B. GASKIN, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
PHILIP GASTEYER, 1709 NEW YORK AVE., NW SUITE 801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	7,214.00	
GEARY, STAHL & SPENCER, 2800 ONE MAIN PLACE DALLAS TX 75250	CITIES FOR RESPONSIBLE CABLE POLICY		44.21
MARGARET L. GEHRES, 1828 L STREET, NW, #402 WASHINGTON DC 20036	BUSINESS ROUNDTABLE	700.00	12.00
RUTHANN GEIB, 1156 15TH STREET, NW, #1020 WASHINGTON DC 20005	AMERICAN SUGARBEET GROWERS ASSN		
RONALD L. GEIGLE, 1030 15TH STREET, NW, #1100 WASHINGTON DC 20005	HEALTH INDUSTRY MANUFACTURERS ASSOCIATION		
ROBERT C. GELARDI, 5775 PEACHTREE-DUNWOODY RD. #500-D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	90.00	
MORTON A. GELLER, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
GENERAL AVIATION MANUFACTURERS ASSOCIATION, 1400 K STREET, NW, #801 WASHINGTON DC 20005			3,140.03
GENERAL INSTRUMENT CORPORATION, 767 5TH AVE. NEW YORK NY 10153		600.00	96.44
GENERIC PHARMACEUTICAL INDUSTRY ASSN., SUITE 2404 200 MADISON AVENUE NEW YORK NY 10016		42,235.00	42,325.00
FRED J. GENTILE, 195 MONTAGUE STREET BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
JOHN GENTILLE, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
NANCY WHORTON GEORGE, 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	CELERON		
Do	TRANSCO, INC		
GEORGE WASHINGTON UNIVERSITY STUDENT ASSN, 800 21ST STREET, NW, RM. 424 #424 MARVIN CENTER WASHINGTON DC 20052.			
GEORGIA ASSN OF PETROLEUM RETAILERS, INC, 900 N. HAIRSTON ROAD, SUITE D STONE MOUNTAIN GA 30083			
GEORGE W. GEPHART, P.O. BOX 1475 BALTIMORE MD 21203	BALTIMORE GAS & ELECTRIC CO		
JOSEPH G. GERARD, 918 16TH ST., N.W. # 402 WASHINGTON DC 20006	AMERICAN FURNITURE MANUFACTURERS ASSN	1,500.00	1,537.96
LOUIS GERBER, 1925 K ST., NW WASHINGTON DC 20006	COMMUNICATIONS WORKERS OF AMERICA	5,467.38	51.75
DANIEL R. GERKIN, 1575 I STREET, NW, #525 WASHINGTON DC 20005	MINING & RECLAMATION COUNCIL OF AMERICA	500.00	
LLEWELLYN H. GERSON, 1250 I ST., NW, #900 WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE US, INC	2,000.00	300.00
PHYLLIS H. GERSTELL, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
CHRIS GERSTEN, 444 NORTH CAPITOL STREET, NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	1,263.00	
ALVIN J. GESKE, SUITE 1109 1801 K ST., NW WASHINGTON DC 20006	NATIONAL CATTLEMEN'S ASSN		2.50
DAVID TROY SAXTON GETTY, P.O. BOX 7000-A TEXARKANA TX 75501			
DOROTHY F. GEVINSON, 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	11.65	
ROBERT N. GIAIMO, 499 SOUTH CAPITOL ST., S.W. SUITE 110 WASHINGTON DC 20003	AETNA LIFE & CASUALTY	9,375.00	
Do	INSURANCE ASSOCIATION OF CONNECTICUT	10,000.00	
WAYNE GIBBENS, 1919 PENNSYLVANIA AVE., NW, #503 WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSN	9,500.00	66.00
ANNE MARIE GIBBONS, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
GIBSON DUNN & CRUTCHER, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	BATEMAN EICHLER, HILL RICHARDS, INC	9,090.87	1,412.84
Do	FEDERATION OF APPAREL MANUFACTURERS		
Do	HUNTINGTON MEMORIAL HOSPITAL	675.00	181.06
Do	INSURANCE ASSN OF CONNECTICUT		
Do	MECHANICAL CONTRACTORS ASSN OF AMERICA, INC		
THERESA GIBSON, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	1,489.98
MATTHEW J. GICHTIN, 1627 K STREET, NW, #400 WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN	2,000.00	
WILLIAM G. GIERY, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOODSERVICE & LODGING INST		
WILLIAM L. GIFFORD, 600 MARYLAND AVENUE, SW, #520 WASHINGTON DC 20024	GPU NUCLEAR CORP		
RICHARD GILBERT, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	1 222.00	
MICHAEL GILDEA, 815 16TH ST., NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	14 151.80	
JOHN E. GILES, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC	675.00	137.70
FLOYD H. GILKEY, 2111 HARBOR DRIVE ANNAPOLIS MD 21401	CHESAPEAKE INDUSTRIES, INC		
NEAL P. GILLEN, 1725 K STREET, NW, #1210 WASHINGTON DC 20006	AMERICAN COTTON SHIPPERS ASSN	24 999.99	918.75
WILLIAM GILMARTIN, SUITE 500 2010 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC	477.00	8.00
GINN & EDINGTON, INC, 121 SOUTH COLUMBUS STREET ALEXANDRIA VA 22314	GULFSTREAM AEROSPACE CORP	500.00	5.67
Do	HERCULES INC		
Do	LOCKHEED-GEORGIA COMPANY	10 000.00	110.64
Do	MECHANICAL TECHNOLOGY, INC	2 083.33	22.70
Do	PROFESSIONAL INSURANCE AGENTS	6 000.00	65.25
Do	TEXAS INSTRUMENTS, INC	6 000.00	65.25
Do	TURNER BROADCASTING SYSTEM, INC	500.00	5.67
Do	U.S. CANE SUGAR REFINERS' ASSN		
GERARD GIOVANIELLO, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2 500.00	407.63
MICHAEL K. GIRE, BRICKER & ECKLER 100 E. BROAD ST. COLUMBUS OH 43215	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
BRENDA M. GIRTON, 633 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20004	SEARS, ROEBUCK AND CO	235.00	50.00
JONAH GITLITZ, SUITE 905 1730 K ST., NW WASHINGTON DC 20006	DIRECT MARKETING ASSOCIATION		
MICHAEL J. GIUFFRIDA, 204 E STREET, NE WASHINGTON DC 20002	NATIONAL FROZEN FOOD ASSOCIATION	1,000.00	
SOL GLASNER, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION		
CLAUDE R. GLAZE, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,000.00	1,000.00
GEORGE L. GLEASON, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	3,956.25	124.34
JOHN P. GLEASON, 11490 COMMERCE PARK DR. RESTON VA 22041	BRICK INSTITUTE OF AMERICA		
LAW OFFICES OF THOS GLEASON, 90 BROAD STREET, #600 NEW YORK NY 10004	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO		
ROBERT GLEASON, 815 SIXTEENTH STREET, N.W. WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	7,815.60	164.94
DONALD R. GLENN, 1627 K STREET, NW, #200 WASHINGTON DC 20006	ENERGY RESEARCH CORP		
GARY R. GLENN, 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	JAFFE SNIDER RAITT & HEUER, P.C		
GLOBAL USA, INC, GLOBAL HOUSE 1823 JEFFERSON PLACE, NW WASHINGTON DC 20036	FANUC, LTD		
Do	KOMATSU LTD		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	KYOCERA CORPORATION	1,000.00	
Do	MAZAK CORPORATION		
JERE W. GLOVER, 1725 K STREET, NW, #308 WASHINGTON DC 20006	NATIONAL COUNCIL FOR INDUSTRIAL INNOVATION		
Do	SERVICE STATION DEALERS OF AMERICA		
GNAU CARTER JACOBSEN & ASSOC, INC, 1250 EYE STREET, NW, #600 WASHINGTON DC 20005	BAUMANN, INC		
Do	BEZTAK COMPANY		
Do	BI-COUNTY CONSORTIUM		
Do	DETROIT & MACKINAC RAILWAY COMPANY		
Do	DETROIT DOCTOR'S HOSPITAL		
Do	EDSI		
Do	EMS DEVELOPMENT CORP		
Do	GLOBAL COMMUNICATIONS		
Do	GRAND TRAVERSE DEVELOPMENT, INC		
Do	INTER-TRIBAL COUNCIL OF MICHIGAN, INC		
Do	JOHN COOLEY CONSTRUCTION CO		
Do	PRECISION MAGNETICS & CERAMICS		
Do	PRIMARK CORPORATION		
Do	RJK CONSTRUCTION COMPANY		
Do	SAFEKEEPER SYSTEMS, INC		
Do	SAFLOK		
Do	U.S. MANUFACTURING COMPANY		
Do	URBAN REVITALIZATION, INC		
Do	WEDTECH CORP		
RICHARD P. GODWIN, P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL CIVIL & MINERALS, INC		
A. JAMES GOLATO, 1701 K STREET, NW WASHINGTON DC 20006	H&R BLOCK, INC	173.00	84.00
DONNA GOLD, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,141.00	75.45
STEPHEN V. GOLD, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA	224.00	
HOWARD S. GOLDBERG, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION).		
Do	DGA INTL, INC. (FOR: SOFREAVIA)		190.43
SHARON GOLDENER, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS		
PATRICIA R. GOLDMAN, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	1,988.83	310.54
JACK GOLODNER, 815 16TH ST., N.W. WASHINGTON DC 20006	DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO	4,004.75	
RUTH M. GOLTZER, 1785 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL TRUST FOR HISTORIC PRESERVATION	3,970.59	126.96
JOHN GONELLA, SUITE 200 412 FIRST STREET, SE WASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	1,450.21	102.50
ALFONSO J. GONZALEZ, 6105 32ND ST., NW WASHINGTON DC 20015	NATIONAL ASSN OF SOCIAL WORKERS		
RUTH GONZE, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
CHARLES E. GOODELL, KING & SPALDING 1730 PENNSYLVANIA AVENUE, NW, #1200 WASHINGTON DC 20006	DGA INTL INC (FOR SOFREAVIA)		
Do	DGA INTL, INC (FOR SNECMA)		
GOODWIN PROCTER & HOAR, 28 STATE STREET BOSTON MA 02109	POLAROID CORPORATION	12,311.54	249.87
ROBERT F. GOODWIN, 1850 K ST., NW, SUITE 275 WASHINGTON DC 20006	MEREDITH CORP	40.00	18.00
DOUGLAS GORDON, SUITE 400 1401 NEW YORK AVE., NW WASHINGTON DC 20005	NATIONAL FOOD PROCESSORS ASSN	375.00	19.80
GORDON FEINBLATT ROTHMAN HOFFBERGER & HOLLANDER, 233 EAST REDWOOD STREET BALTIMORE MD 21202	MERCHANTS TERMINAL CORP		
IRMGARD GORDOS, FERNWOOD APT. L4 FERNWOOD-GLENDALE SPARTANBURG SC 29302	AMERICAN SECURITY COUNCIL		
BRENDA J. GORE, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
DAVID W. GORMAN, 807 MAINE AVENUE, SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	11,965.20	1,429.62
JAMES D. GORMLEY, 1400 K STREET, NW, #801 WASHINGTON DC 20005	GENERAL AVIATION MANUFACTURERS ASSOCIATION	1,696.15	
JOHN T. GOULD JR., SUITE 805 1625 EYE STREET, NW WASHINGTON DC 20006	ST. REGIS PAPER CO	400.00	900.00
HUGH J. GOWNLEY, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL INC (FOR: SNECMA)		
EDMUND GRABER, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	1,000.00	500.00
JOHN R. GRAFF, SUITE 330 1025 VERMONT AVE., NW WASHINGTON DC 20005	INTERNATIONAL ASSN OF AMUSEMENT PARKS AND ATTRACTIONS	475.00	699.00
GRAHAM & JAMES, SUITE 1200 1050 17TH STREET, NW WASHINGTON DC 20036	NEPTUNE ORIENT LINES, LTD		
LAWRENCE T. GRAHAM, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	1,333.39	
WILLIAM W. GRANT, SUITE 710 1150 CONNECTICUT AVE., NW WASHINGTON DC 20036	UTAH INTL, INC		345.93
JAMES L. GRANUM, 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	NORFOLK SOUTHERN CORPORATION	1,000.00	
GRAPHIC COMMUNICATIONS INTERNATIONAL UNION, AFL-CIO, CLC, 1900 L STREET, NW WASHINGTON DC 20036		28,997.00	38,623.00
KARLA L. GRAUE, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	784.62	
RUTH P. GRAVES, SUITE 500 600 MARYLAND AVE., SW WASHINGTON DC 20024	READING IS FUNDAMENTAL, INC		
THOMAS P. GRAVES, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
JAMES A. GRAY, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	805.00	25.00
NEIL A. GRAY, 6811 KENILWORTH AVE. RIVERDALE MD 20737	NATIONAL ASPHALT PAVEMENT ASSN	5,977.80	58.91
ROBERT K. GRAY, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN IRON & STEEL INSTITUTE).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN MARITIME ASSN).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN TRUCKING ASSNS, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: ASARCO INC)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: BROWNING-FERRIS INDUSTRIES, INC.).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: BUDD COMPANY)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: CANADIAN ASBESTOS INFORMATION CENTRE).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: COLLEGE OF AMER PATHOLOGISTS).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: COMMONWEALTH OF PUERTO RICO).	350.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: EL PASO NATURAL GAS CO).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: GRUMMAN CORPORATION)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: HEALTH INSURANCE ASSN OF AMERICA).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: HRH PRINCE TALAL BIN ABDUL AZIZ AL SAUD).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: HTB CORPORATION)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: JOINT MARITIME CONGRESS).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: MARTIN BAKER AIRCRAFT COMPANY LTD.).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: MOTOROLA, INC)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL BROADCASTING CO, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: QUIXOTE CORPORATION)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF TURKEY)	350.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SALEN DRY CARGO, INC)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SHAKLEE CORPORATION)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: STROH BREWERY CO)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: TOBACCO INSTITUTE)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: U.S. BANKNOTE)		
MARK E. GRAYSON, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL & KNOWLTON, INC		
SAMUEL A. GRAYSON, P.O. BOX 1745 BOISE ID 83701	UNION PACIFIC RAILROAD		
MARY R. GREALY, 1111 19TH STREET, NW, #402 WASHINGTON DC 20036	FEDERATION OF AMERICAN HOSPITALS	1,500.00	
GREAT AMERICAN RESERVE INSURANCE CO, 2020 LIVE OAK P.O. BOX 388 DALLAS TX 75221			
GREATER WASHINGTON BOARD OF TRADE, 1129 20TH ST., NW WASHINGTON DC 20036			
JAMES R. GRECO, P.O. BOX 3151 HOUSTON TX 77001	BROWNING-FERRIS INDUSTRIES, INC		
DONALD R. GREELEY, 1101 17TH ST., NW, #307 WASHINGTON DC 20036	CELANESE CORP	1,500.00	351.24

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
EDWARD M. GREEN, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
GEORGE R. GREEN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
JAMES W. GREEN, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	3,000.00	1,230.65
JOHN K. GREEN, 800 AMERICAN CHARTER CENTER 1623 FARNAM ST. OMAHA NB 68102	PAPILLION-LAVISTA NEBRASK SCHOOL DISTRICT		
KAYLENE H. GREEN, SUITE 225 2550 M STREET, NW WASHINGTON DC 20037	CONGOLEUM CORPORATION	250.00	358.89
LAURA MARIE GREEN, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMMITTEE	800.00	359.00
LEON GREEN JR., 2101 CONNECTICUT AVENUE, NW WASHINGTON DC 20005	CLEAN COAL COALITION, INC		
ROY G. GREEN, 1709 NEW YORK AVENUE, NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS INSTITUTIONS	1,127.00	
ALLEN GREENBERG, SUITE 708 2000 P STREET, NW WASHINGTON DC 20036	HEALTH RESEARCH GROUP		
ELLEN F. GREENBERG, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	1,781.25	283.85
LOUISE S. GREENFIELD, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	3,750.00	
MARCI E. GREENSTEIN, 2626 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVE ASSN		
ROBERT GREENSTEIN, 236 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CENTER ON BUDGET & POLICY PRIORITIES	588.58	278.08
DALE W. GREENWOOD, 612 HOGE BLDG. SEATTLE WA 98104	WASHINGTON RAILROAD ASSN		
JOHN M. GREER, 1900 L STREET, NW WASHINGTON DC 20036	GRAPHIC COMMUNICATIONS INTERNATIONAL UNION, AFL-CIO, CLC	28,997.00	38,623.00
SAUNDERS GREGG, PO BOX 2628 HOUSTON TX 77001	ENTEX, INC	627.00	2,373.96
CHELLIS O. GREGORY, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL AND KNOWLTON, INC (FOR: T. RAMIREZ AND COMPANY, INC)	4,800.00	116.00
JOHN D. GREGORY, AUSTIN & LEWIS 1529 LAUREL STREET, P.O. BOX 11208 COLUMBIA SC 29211	NATIONAL MULTIFAMILY HOUSING FINANCE ASSN		
WILLIAM G. GREIF, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	45,000.00	
RANDALL GRIFFIN, 1515 WILSON BOULEVARD ARLINGTON VA 22209	AMERICAN GAS ASSN	3,000.00	206.03
MARK N. GRIFFITHS, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
JACK GRIMES, 8100 OAK STREET DUNN LORING VA 22027	NATIONAL PEST CONTROL ASSN		
NORMAN E. GRIMM JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
OLGA GRKAVAC, 1300 NORTH 17TH STREET SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
GROCERY MANUFACTURERS OF AMERICA, INC., SUITE 800 1010 WISCONSIN AVE., NW WASHINGTON DC 20007			6,108.52
GROOM & NORDBERG, 1775 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20006	AD HOC GROUP ON LIFE INSURANCE CO. TAXATION OF PENSION FUNDS		
Do	AETNA LIFE & CASUALTY		
Do	ALUMINUM CO OF AMERICA		
Do	BANKERS LIFE COMPANY		
Do	BAXTER TRAVENOL LABORATORIES, INC		
Do	COLORADO-UTE	200.00	8.00
Do	CONNECTICUT GENERAL INSURANCE CO.		
Do	DOW CHEMICAL CO	300.00	8.00
Do	ELI LILLY AND COMPANY		
Do	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.		
Do	GLOBAL MARINE, INC		
Do	GOLDMAN SACHS & CO		
Do	GUARDIAN LIFE INSURANCE CO OF AMERICA		
Do	GULF OIL CORP	300.00	8.00
Do	JOHN HANCOCK MUTUAL LIFE INSURANCE CO		
Do	MINNESOTA MUTUAL LIFE INSURANCE COMPANY		
Do	NEW YORK CITY TEACHERS RETIREMENT SYSTEM		
Do	NEW YORK LIFE INSURANCE COMPANY		
Do	OCEAN DRILLING & EXPLORATION CO		
Do	PHILLIPS PETROLEUM COMPANY		
Do	PHOENIX MUTUAL LIFE INSURANCE COMPANY		
Do	PROVIDENT MUTUAL LIFE INSURANCE CO OF PHILADELPHIA		
Do	PRUDENTIAL INSURANCE COMPANY OF AMERICA	400.00	8.00
Do	READING & BATES CORPORATION		
Do	SOUTHERN CALIFORNIA EDISON COMPANY	200.00	8.00
Do	TRAVELERS		
Do	UNION TEXAS PETROLEUM		
Do	WESTERN CONFERENCE OF TEAMSTERS PENSION TRUST FUND		
Do	WESTINGHOUSE ELECTRIC CORP		
DAVID B. GROSS, 1000 PEOPLE BANK BLDG. JACKSON MS 39205			
NINA G. GROSS, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,500.00	
STANLEY C. GROSS, 249 MAITLAND AVENUE ALTAMONE SPRINGS FL 32701	INSTITUTE OF INTERNAL AUDITORS, INC		
JEROME GROSSMAN, 11 BEACON ST. BOSTON MA 02108	COUNCIL FOR A LIVABLE WORLD	3,669.72	
JOHN R. GROUNDWATER JR., 1840 WILSON BOULEVARD, #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	2,090.00	
WALTER B. GRUBBS, P.O. BOX 841 ABILENE TX 79604	WEST TEXAS UTILITIES CO	402.18	728.21
JOHN T. GRUPENHOFF, SUITE 306 10,000 FALLS ROAD POTOMAC MD 20854	AMERICAN ACADEMY OF DERMATOLOGY	1,600.00	253.75
Do	AMERICAN ACADEMY OF OTOLARYNGOLOGY-HEAD & NECK SURGERY		
Do	AMERICAN GASTROENTEROLOGICAL ASSN	2,820.00	201.90
Do	AMERICAN SOC FOR GASTROINTESTINAL ENDOSCOPY	2,820.00	201.90
Do	AMERICAN SOC OF CLINICAL ONCOLOGY	600.00	163.16
Do	AMERICAN UROLOGICAL ASSN/AMER ASSN OF CLINICAL UROLOGISTS	860.00	201.60
Do	ASSOCIATION OF AMERICAN CANCER INSTITUTES	780.00	194.10
Do	COOLEY'S ANEMIA FOUNDATION	200.00	139.90
Do	NATIONAL HEMOPHILIA FOUNDATION	300.00	164.75
CLARK J. GUILD JR., GUILD, HAGEN & CLARK, LTD. 102 ROFF WAY RENO NV 89505	MOTION PICTURE ASSN OF AMERICA, INC		
JAMES E. GUIRARD JR., 1730 RHODE ISLAND AVENUE, NW, #419 WASHINGTON DC 20036	BASF WYANDOTTE CORP		380.00
Do	BELL AEROSPACE TEXTRON		
Do	KMS FUSION, INC	2,000.00	606.45
Do	TANO CORPORATION		
JEROME R. GULAN, 1604 K ST., NW WASHINGTON DC 20006	NATIONAL SMALL BUSINESS ASSN	4,500.00	
Do	SMALL BUSINESS LEGISLATIVE COUNCIL	2,500.00	
GUN OWNERS OF AMERICA, INC., 5881 LEESBURG PIKE, #204 FALLS CHURCH VA 22041		484,267.00	479,937.35
JOHN E. GUNTHER, 1725 K STREET, NW, #1405 WASHINGTON DC 20006	MORTGAGE INSURANCE COS OF AMERICA	2,250.00	59.28
DAVID GUSKY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	10,597.98	
SUSAN L. GUSTAFSON, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
NED H. GUTHRIE, 209 HAYES AVENUE CHARLESTON WV 25314	AMERICAN FED OF MUSICIANS	2,922.50	6,247.50
ROBERT F. GUTHRIE, #608 815 16TH ST., NW WASHINGTON DC 20006	DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO	4,901.00	
RICHARD E. GUTTING JR., SUITE 580 2000 M ST., NW WASHINGTON DC 20036	NATIONAL FISHERIES INST	6,000.00	509.82
DANA W. HAAS, SUITE 720 1920 N ST., NW WASHINGTON DC 20036	KANSAS CITY POWER & LIGHT CO, ET AL	2,625.00	4,724.78
GLENN M. HACKBARTH, 444 N. CAPITOL STREET, #204 WASHINGTON DC 20001	BONNEVILLE ASSOCIATES, INC (FOR: INTERMOUNTAIN HEALTH CARE, INC)	12,500.00	7,067.06
CRAIG HACKLER, 412 FIRST ST., SE SUITE 214 WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA	1,500.00	
Do	INTERNATIONAL CHIROPRACTIC ASSN		
LOYD HACKLER, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	2,000.00	110.05
CHARLES W. HACKNEY JR., 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
WILLIAM F. HADDAD, 924 WEST END AVE., #91 NEW YORK NY 10025	GENERIC PHARMACEUTICAL INDUSTRY ASSN	7,200.00	2,194.00
THOMAS M. HAGAN, SUITE 795 1005 CONGRESS AVE. AUSTIN TX 78701	CENTRAL AND SOUTH WEST SERVICES, INC	1,123.60	1,642.19
HAGEDORN-CANDO, INC. 1704 23RD STREET SOUTH ARLINGTON VA 22202	DAKOTA LAY'D EGG CO		
Do	DAVY MCKEE CORP		
ANN HAGEMANN, 1735 DESALES STREET, NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC		
RICHARD C. HAHN, BOX 1002 STERLING VA 22170	YOUNG AMERICAN'S FOR FREEDOM		
THOMAS F. HAIRSTON, SUITE 760 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	6,000.00	1,453.44
HALE AND DORR, SUITE 807 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	INDIAN LAND CLAIM COMMITTEE		
Do	TOWN OF MASHPEE		
RANDOLPH M. HALE, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
HALEY BADER & POTTS, SUITE 600 2000 M STREET, NW WASHINGTON DC 20036	PILOTS RIGHTS ASSOCIATION	51.24	18.05
CHERYL A. HALEY, 444 NORTH CAPITOL ST., NW, #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	1,820.78	139.12
REBECCA L. HALKIAS, 1850 K STREET, NW, #1100 WASHINGTON DC 20006	BALLARD, SPAHR, ANDREWS & INGERSOLL		
DEBI HALL, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
JOHN F. HALL, 1619 MASSACHUSETTS AVE., N.W. WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	500.00	
RICHARD F. HALL, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	2,000.00	896.85
WILLIAM F. HALL, P.O. BOX 7658 CHICAGO IL 60680	PUBLIC AFFAIRS RESEARCH ASSOCIATES, INC		
MARIAN HALL-CRAWFORD, 316 PENNSYLVANIA AVENUE, SE, #301 WASHINGTON DC 20003	SAN DIEGO GAS & ELECTRIC	1,186.00	2,690.51
PAUL HALLISAY, 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AIR LINE PILOTS ASSN, INT'L	3,551.60	277.83
JOSEPH HALOW, SUITE 610-N 1800 M ST., NW WASHINGTON DC 20036	NORTH AMERICAN EXPORT GRAIN ASSN., INC		
SEYMOUR HALPERN, 540 MADISON AVENUE, 23RD FL. NEW YORK NY 10022	BARON/CANNING & CO., INC. (FOR: AMERICAN CAN CO)		
Do	BARON/CANNING AND COMPANY, INC (FOR: REPUBLIC OF KOREA)		
MAURICE E. HALSEY, 1001 CONNECTICUT AVENUE, NW, #501 WASHINGTON DC 20036	NORTHERN ILLINOIS GAS COMPANY	5,000.00	
PAUL T. HALUZA, SUITE 333 1120 19TH STREET, NW WASHINGTON DC 20036	MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION	3,000.00	232.80

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JERALD V. HALVORSEN, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSN	8,300.00	2,369.96
HAMEL & PARK, 888 16TH STREET, NW WASHINGTON DC 20006	BENEFICIAL FOUNDATION		
Do	COMMONWEALTH OF PUERTO RICO	80.00	
Do	ESTATE OF HELEN WODELL HALBACH		
Do	GRAEPER-VAN NOY-WAGNER, INC		
Do	SKYLINK CORPORATION, INC		
Do	TANDY CORPORATION		
JAMES L. HAMILTON III, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	805.00	447.13
J. LEE HAMILTON, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	190.00	
PHILIP W. HAMILTON, 2029 K STREET, NW, #603 WASHINGTON DC 20006	AMERICAN SOC OF MECHANICAL ENGINEERS		
STANLEY HAMILTON, 1616 P ST., NW, #204 WASHINGTON DC 20036	INTERSTATE CARRIERS CONFERENCE	500.00	50.00
WILLIAM W. HAMILTON JR., SUITE 500 2010 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.	614.25	16.00
SUSAN WOODWARD HAMLIN, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
AMY R. HAMMER, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION	400.00	219.15
ROBERT E. HAMPTON, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
TIMOTHY A. HANAN, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MOBIL CORPORATION	1,500.00	
TED HANDEL, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	4,000.00	
GEORGE J. HANKS JR., 12TH FL. 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
JAMES M. HANLEY, JAMES M. HANLEY AND ASSOCIATES 1301 PENNSYLVANIA AVENUE, NW, #1150 WASHINGTON DC 20004.	ALLIANCE OF THIRD-CLASS NON-PROFIT MAILERS	12,501.00	250.00
ELIZABETH HANLIN, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION		
HANNAFORD CO., INC., SUITE 200 655 15TH ST., NW WASHINGTON DC 20005	BHC, INC		
Do	CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL		
Do	COMMITTEE FOR FAIR INSURANCE RATES		
Do	FIREMAN'S FUND INSURANCE COS		
Do	ROCKWELL INTERNATIONAL CORP		
Do	TRANS WORLD AIRLINES, INC		
HANSELL & POST, 1915 EYE STREET, NW, #500 WASHINGTON DC 20006	AMERICAN SECURITY INSURANCE COMPANY	4,312.00	27.28
Do	AMEV HOLDINGS, INC	4,340.00	18.49
Do	INDEPENDENT TANKER OWNERS COMMITTEE	3,900.00	10.89
Do	RISK & INSURANCE MANAGEMENT SOCIETY, INC	1,007.50	26.01
Do	ROCKWELL INTERNATIONAL CORP	9,240.00	63.34
ERLING HANSEN, 624 9TH ST., NW, 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC		
J. E. HANSEN, 400 1ST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	350.00	
HANSON BRIDGETT MARCUS VLAHOS & STROMBERG, 333 MARKET STREET, #2300 SAN FRANCISCO CA 94105	ITEL RAILROAD CORP	15,882.50	1,500.10
PETER J. HAPWORTH, 1015 15TH STREET, NW, #200 WASHINGTON DC 20005	NATIONAL PORK PRODUCERS COUNCIL	2,000.00	9.00
Do	SUGAR ASSOCIATION, INC		
ROBERT N. HARBOR, 1050 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	EL PASO NATURAL GAS CO		
RALPH HARDING, SUITE 717 WATERGATE 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	PHILIPPINE SUGAR COMMISSION	60,000.00	34,384.00
WILLIAM E. HARDMAN, 9300 LIVINGSTON ROAD FT. WASHINGTON MD 20744	NATIONAL TOOLING & MACHINING ASSN	20,319.54	
EUGENE J. HARDY, SUITE 1000 1100 17TH ST., NW WASHINGTON DC 20036	GERBER PRODUCTS COMPANY	500.00	12.00
JON HARKAVY, 205 EAST 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
CHARLES N. HARKEY, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
DAN R. HARLOW, 717 N. HARWOOD STREET DALLAS TX 75201	DIAMOND SHAMROCK CORPORATION	1,000.00	
WILEY C. HARRELL JR., 1211 CONNECTICUT AVE., NW, #502 WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES, INC		
MICHAEL T. HARRIGAN, 421 KING STREET, #214 ALEXANDRIA VA 22314	U.S. OLYMPIC COMMITTEE		
MARCIA L. HARRINGTON, 110 MARYLAND AVENUE, NE, #409 WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	2,400.00	
TONI HARRINGTON, 955 L'ENFANT PLAZA NORTH, SW, #905 WASHINGTON DC 20024	AMERICAN HONDA MOTOR CO, INC	200.00	8,895.39
HARRIS BERG & CRESKOFF, 1100 15TH STREET, NW, #1100 WASHINGTON DC 20005	ALMET, INC		48.00
Do	ASSOCIATION OF FOOD INDUSTRIES, INC	1,977.00	84.59
Do	COMMITTEE OF DOMESTIC STEEL WIRE ROPE & SPECIALTY CABLE MFRS	5,584.50	944.29
Do	P. L. THOMAS & COMPANY, INC, ET AL		
GARY K. HARRIS, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	ROGOVIN, HUGE & LENZNER (FOR: CKLW RADIO BROADCASTING, LTD)		
MARILYN A. HARRIS, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	803.00	67.18
ROBERT L. HARRIS, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	ALUMINUM ASSN	500.00	100.00
WILLIAM H. HARSHA, 1102 DELF DRIVE MCLEAN VA 22101	WILLIAM H. HARSHA & ASSOCIATES, INC. (FOR: AMERICAN TRUCKING ASSNS, INC)	7,500.00	460.88
Do	WILLIAM H. HARSHA & ASSOCIATES, INC (FOR: CECOS INTERNATIONAL)	6,000.00	
LYNN S. HART, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	701.50	331.67
HARTFORD FIRE INSURANCE CO, HARTFORD PLAZA HARTFORD CT 06115			13,635.00
ROBERT MICHAEL HARTMAN, 1025 CONNECTICUT AVENUE, NW, #1014 WASHINGTON DC 20036	EBASCO SERVICES, INC	1,000.00	40.00
ARTHUR W. HARTMANN, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN		
HARTZ/MEEK INTERNATIONAL, 806 15TH STREET, NW, #210 WASHINGTON DC 20005	MAYOR'S COMMITTEE (BALTIMORE) TO RESTORE NFL FOOTBALL	17,800.00	993.12
EDWIN HAROLD HARVEY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
JAY HARVEY, 815 16TH STREET, NW, #408 WASHINGTON DC 20006	FOOD & ALLIED SERVICE TRADES DEPT, AFL-CIO	1,442.31	27.31
LINDA CAROL HASLETT, 10 N. CENTER ROAD P.O. BOX 97 PERRY OH 44081	CLEVELAND ELECTRIC ILLUMINATING CO		
HOLLY HASSETT, 2000 L STREET, NW, #200 WASHINGTON DC 20036	HERSHEY FOODS CORP		
LEWIS B. HASTINGS, 1776 K ST., NW, #200 WASHINGTON DC 20006	MOTOROLA, INC	3,000.00	
WALTER A. HASTY JR., 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	105.35	
JANET HATHAWAY, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	4,666.64	
GARY R. HATTAL, 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
HOWARD M. HAUG, 100 EAST 42ND ST. NEW YORK NY 10017	NATIONAL FOREIGN TRADE COUNCIL, INC		
BARBARA S. HAUGEN, 311 FIRST STREET, NW, #700 WASHINGTON DC 20003	NATIONAL ASSN OF INSURANCE BROKERS	322.00	
MARILYN BETH HAUGEN, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
BARBARA J. HAUGH, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		1,527.45
MARY W. HAUGHT, 1800 K ST., NW, #820 WASHINGTON DC 20006	SUN CO, INC	700.00	
CHARLES W. HAVENS III, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE		
SIDNEY G. HAWKES, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	MEAD CORPORATION	500.00	50.00
CHARLES E. HAWKINS III, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
DAVID G. HAWKINS, 1725 I ST., NW WASHINGTON DC 20006	NATURAL RESOURCES DEFENSE COUNCIL, INC	2,921.54	
JOHN H. HAWKINS JR., 600 N. 18TH ST. BIRMINGHAM AL 35291	ALABAMA POWER CO	14,394.00	
BRUCE R. HAWLEY, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED		
WESLEY F. HAYDEN, 5224 CHEROKEE AVE. ALEXANDRIA VA 22312	INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES	8,205.00	
ROBERT A. HAYNOS, 4711 HUNT CIRCLE HARRISBURG PA 17112	HARSCO CORPORATION	15,000.00	504.82
HEALTH INSURANCE ASSOCIATION OF AMERICA, INC., 1750 K ST., NW WASHINGTON DC 20006		23.10	23.10
HEALTH RESEARCH GROUP, SUITE 708 2000 P ST., NW WASHINGTON DC 20036		61.85	61.85
PATRICK B. HEALY, 1840 WILSON BOULEVARD ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	543.75	
ROBERT L. HEALY, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	300.00	
CHARLES L. HEBNER, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
JAY HEDLUND, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	9,448.80	101.20
JOAN A. HEFFERNAN, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	1,140.00	20.67
JOHN HEFFNER, 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBERT E. HEGGESTAD, CASEY, SCOTT & CANFIELD 1435 G ST., NW WASHINGTON DC 20005	MANUFACTURED HOUSING INST		
ELIZABETH W. HEILIG, 1660 L STREET, NW, #215 WASHINGTON DC 20036	CROWN ZELLERBACH CORPORATION		
JOHN F. HEILMAN, 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	16,348.80	553.01
ROBERT M. HEINE, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CONOCO, INC	1,000.00	
RICHARD L. HELLWEGE, 1911 JEFFERSON DAVIS HIGHWAY, #1002 ARLINGTON VA 22202	LEAR SIEGLER, INC		
THOMAS M. HELSCHER, 1101 17TH STREET, NW, #604 WASHINGTON DC 20036	MONSANTO CO	450.00	279.87
ALBERTA L. HENDERSON, 1100 15TH STREET, NW, #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	2,000.00	
CAROL C. HENDERSON, 110 MARYLAND AVE., NE, #101, BOX 54 WASHINGTON DC 20002	AMERICAN LIBRARY ASSN	859.00	
DONALD E. HENDERSON, 130 E. WASHINGTON STREET P.O. BOX 1290 INDIANAPOLIS IN 46204	INDIANA FARM BUREAU, INC	9,650.00	1,340.00
KATHLEEN M. HENDERSON, 1025 VERMONT AVENUE, NW, #500 WASHINGTON DC 20005	MILES LABORATORIES, INC		
DENNIS A. HENIGAN, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: VGS CORPORATION)		
C. DAYLE HENINGTON, 1101 CONNECTICUT AVE., NW, #801 WASHINGTON DC 20036	CHICAGO MERCANTILE EXCHANGE		
EDMUND P. HENNELLY, 150 E. 42ND ST. NEW YORK NY 10017	MOBIL OIL CORP	1,500.00	
GEORGE F. HENNRIKUS JR., 201 N. WASHINGTON ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	5,416.00	
LEANN HENSCHE, 2550 M STREET, NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	263.74	69.81
DAVID A. HENSON, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO	375.00	684.31
BRUCE HEPPEN, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
GEORGE B. HERBERT SR., 6601 SOUTHPOINT DRIVE, #245 JACKSONVILLE FL 32216	LISA ENTERPRISES, INC	12,500.00	3,776.57
STEPHEN HERM, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
LAWRENCE R. HERMAN, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	10,939.40	
HERON BURCHETTE RUCKERT & ROTHWELL, 1200 NEW HAMPSHIRE AVENUE, NW, #420 WASHINGTON DC 20036	AGRI-ENERGY, INC		
Do	ASSOCIATION OF FLORAL IMPORTERS OF FLORIDA		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	BAY AREA RAPID TRANSIT DISTRICT	14,000.00	4,371.97
Do	CHICAGO MERCANTILE EXCHANGE	25,725.00	
Do	CONFEDERATED SALISH & KOOTENAI TRIBES OF THE FLATHEAD RESERV		
Do	IMPERIAL VALLEY ASPARAGUS GROWERS ASSN		
Do	INDEPENDENT CEMENT CORP		
CATHERINE L. HERON, 1600 M ST., NW WASHINGTON DC 20036	INVESTMENT COMPANY INSTITUTE		
WILLIAM G. HERROLD, SUITE 608 1111 19TH ST., NW WASHINGTON DC 20036	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS		
FRED HERVEY, P.O. BOX 29021 2645 E. WASHINGTON PHOENIX AZ 85038	REDUCE OUR DEBT FOUNDATION		
G. BROCKWEL HEYLIN, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
PAUL T. HICKS, RHODE ISLAND PETROLEUM ASSN 154 FRANCIS ST. PROVIDENCE RI 02903	AMERICAN PETROLEUM INST		
J. THOMAS HIGGINBOTHAM, ONE MELLON BANK CENTER, #2002 PITTSBURGH PA 15258	MELLON BANK N.A. AND MELLON NATIONAL CORP	2,000.00	3,155.13
CAROL A. HIGGINS, 1101 14TH STREET, NW WASHINGTON DC 20005	AMERICAN FINANCIAL SERVICES ASSN	9,000.00	24.00
LAWRENCE P. HIGGINS, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
SHARON L. HILDEBRANDT, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN		
CLIFTON T. HILDERLEY JR., SUITE 507 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
ALLAN D. HILL, 1825 K STREET, NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM CO	340.00	62.26
HILL BETTS & NASH, 1220 19TH STREET, NW, #302 WASHINGTON DC 20036	LYKES BROS. STEAMSHIP CO, INC	11,343.00	182.10
GERALD 'JERRY' HILL, 6 EXECUTIVE PARK DRIVE ATLANTA GA 30329	STANDARD OIL CO (INDIANA)		
J. ELDRED HILL JR , SUITE 603 600 MARYLAND AVE., SW WASHINGTON DC 20024	UBA, INC	2,000.00	
MORTON A. HILL, 475 RIVERSIDE DRIVE, #239 NEW YORK NY 10115	MORALITY IN MEDIA, INC.		
PATRICIA HILL, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	2,406.25	192.00
ROBERT B. HILL, 2501 M STREET, N.W. WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
E. JOSEPH HILLINGS, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	15,000.00	1,490.78
JOHN M. HIMMELBERG, SCOTT HARRISON & MCLEOD 2501 M STREET, NW, #400 WASHINGTON DC 20037	FLORIDA FRUIT & VEGETABLE ASSN	3,000.00	
Do	FLORIDA TOMATO EXCHANGE	1,500.00	
STEPHEN HITCHNER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	12,760.02	14.75
J. D. HITTLE, 3137 S. 14TH ST. ARLINGTON VA	LTV AERO-SPACE & DEFENSE CO	2,500.00	174.50
SHEILA K. HIXSON, 1111 14TH STREET, NW WASHINGTON DC 20005	AMERICAN DENTAL ASSN	1,000.00	2,284.11
LAWRENCE S. HOBART, 2301 M ST., NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
CLAUDE E. HOBBS, 1801 K ST., NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	1,250.00	
HOBBS STRAUS DEAN & WILDER, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	BRISTOL BAY AREA HEALTH CORP		
Do	MENOMINEE INDIAN TRIBE		
Do	METLAKATLA INDIAN COMMUNITY	330.00	13.50
Do	MICCOSUKEE TRIBE OF INDIANS OF FLORIDA	150.00	13.50
Do	NATIONAL CONGRESS OF AMERICAN INDIANS, INC		
Do	OGLALA SIOUX TRIBE	330.00	
Do	PUEBLO DE COCHITI		
Do	STATE OF UTAH	5,000.00	
Do	TANANA CHIEFS CONFERENCE, INC	30.00	
Do	THREE AFFILIATES TRIBES OF THE FORT BERTHOLD RESERVATION	20,000.00	40.50
Do	UTE MOUNTAIN UTE TRIBE	3,820.00	81.00
SCOTT HODES, 180 NORTH LA SALLE STREET CHICAGO IL 60610	INVESTMENT COMPANY INSTITUTE	3,500.00	
HOWARD E. HOELTER, ILLINOIS PETROLEUM COUNCIL P.O. BOX 5034 SPRINGFIELD IL 62705	AMERICAN PETROLEUM INST		
IRVIN A. HOFF, 20 N. LIVE OAK RD. HILTON HEAD ISLAND SC 29928	U.S. CANE SUGAR REFINERS' ASSN		
ADONIS E. HOFFMAN, 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: GOVERNMENT OF TURKEY)	235.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF HAITI)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF KOREA)	150.00	
ELMO R. HOFFMAN, PARKER, JOHNSON, OWEN & MCGUIRE 108 EAST HILLCREST STREET P.O. BOX 2867 ORLANDO FL 32801	GLOBAL EXPLORATION & DEVELOPMENT CORP		
THOMAS F. HOFFMAN, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONSOLIDATION COAL CO	14.00	2.00
WILLIAM L. HOFFMAN, 516 FIRST ST., S.E. WASHINGTON DC 20003	AMERICAN UNIVERSITY OF BEIRUT	11,445.00	1,159.21
F. NORDY HOFFMANN AND ASSOC., INC, SUITE 327 400 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	ARCHER DANIELS MIDLAND COMPANY		
Do	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION		
Do	MARINE ENGINEERS BENEFICIAL ASSN	1,000.00	
Do	O'CONNOR & HANNAN		
Do	PAGE AIRWAYS		
Do	WESTINGHOUSE ELECTRIC		
HOGAN & HARTSON, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	CLEVELAND CLINIC FOUNDATION		
Do	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN		
Do	HOME HEALTH SERVICES & STAFFING ASSN		64.11
Do	MEDTRONIC, INC		
Do	METHODIST HOSPITAL		
Do	MUTUAL LIFE INSURANCE CO OF NEW YORK		
Do	NATIONAL HOSPICE EDUCATION PROJECT		
Do	NATIONAL HOSPICE ORGANIZATION	275.00	252.82
Do	NATIONAL SOFT DRINK ASSN		
Do	PILLSBURY COMPANY	1,225.00	
Do	TOYOTA MOTOR SALES, U.S.A., INC	3,477.50	16.00
JAMES F. HOGG, P.O. BOX 0 810 34TH AVE. SOUTH MINNEAPOLIS MN 55440	CONTROL DATA CORPORATION		
RICHARD F. HOHLT, 1709 NEW YORK AVE., NW SUITE 801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS INSTITUTIONS	8,226.00	57.00
WALTER HOLAN, 20 NORTH WACKER DRIVE CHICAGO IL 60606	PROFIT SHARING COUNCIL OF AMER		
WILLIAM J. HOLAYTER, 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS	7,297.68	
BRUCE E. HOLBEIN, 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	12,500.00	
MICHELE O'DONNELL HOLBROOK, 10 LAFAYETTE SQUARE ROOM 900 BUFFALO NY 14203	NATIONAL FUEL GAS DISTRIBUTION CORP., ET AL	1,271.16	3,395.70
NIELS C. HOLCH, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN IRON & STEEL INSTITUTE).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN MARITIME ASSN).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: ANEUTRONIX, INC)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: BROWNING-FERRIS INDUSTRIES, INC.).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: COMMONWEALTH OF PUERTO RICO).	1,650.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL MULTI-HOUSING COUNCIL).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: QUIXOTE CORPORATION)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SHAKLEE CORPORATION)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: TOBACCO INSTITUTE)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: U.S. BANKNOTE)		
HOLIDAY INNS, INC, 3742 LAMAR AVE. MEMPHIS TN 38195			2,000.00
PHILIP C. HOLLADAY, 1025 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
KENNETH L. HOLLAND, P.O. DRAWER 940 GAFFNEY SC 29342	AMERICAN PETROCHEMICAL CONSUMERS		2,345.67
Do	NATURAL GAS SUPPLY	15,000.00	1,810.07
WENDELL M. HOLLOWAY, 815 CONNECTICUT AVE., NW, #900 WASHINGTON DC 20006	FORD MOTOR CO	2,450.00	1,431.29
MOSES D. HOLMES JR , 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,535.00	32.00
PETER E. HOLMES, 1331 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	200.00	
E.Y. HOLT JR , 1111 NORTH 19TH ST., #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS		
A. LINWOOD HOLTON JR , 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	300.00	
PAUL R. HOLTZ, 1101 17TH STREET, NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	3,000.00	717.69
HOLTZMAN & ASSOCIATES, 214 MASSACHUSETTS AVENUE, NE, #340 WASHINGTON DC 20002	HOLLAND ASSOCIATES		34.66
Do	NATIONAL COALITION FOR LOWER PRICES	6,000.00	11.82
HOME RECORDING RIGHTS COALITION, P.O. BOX 33576 1015 15TH STREET, NW WASHINGTON DC 20033		120,410.32	161,593.84
GARY C. HONG, 2600 VIRGINIA AVENUE, NW, #1100 WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CENTERS		
KAREN C. HONTZ, SUITE 940 1875 EYE STREET, NW WASHINGTON DC 20006	GULF & WESTERN MANAGEMENT COMPANY	1,500.00	122.01
EDWIN M. HOOD, 1725 K STREET, NW, #1102 WASHINGTON DC 20006	NATIONAL STEEL & SHIPBUILDING CO	1,995.00	180.95
HOOG & ASSOCIATES, 17000 E. OHIO PL. AURORA CO 80017	DENELCOR, INC		
CANDICE SHY HOOPER, 1025 CONNECTICUT AVE., NW, #1014 WASHINGTON DC 20036	ENSERCH CORPORATION	5,313.00	1,388.17
VIRGINIA E. HOPKINS, 21 DUPONT CIRCLE, NW, #600 WASHINGTON DC 20036	TAFT STETTINIUS & HOLLISTER (FOR: KINGS ENTERTAINMENT CO)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)		

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TAFT BROADCASTING COMPANY)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TELEPHONE AND DATA SYSTEMS, INC.)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)		
ROBERT JACK HORN, SUITE 480 1990 M ST., NW WASHINGTON DC 20036	DETROIT EDISON COMPANY	750.00	35.00
HARRY J. HORROCKS II , 40 IVY STREET, SE WASHINGTON DC 20003	NATIONAL LUMBER & BUILDING MATERIAL DEALERS ASSN	8,334.00	18.00
HOSPITAL CORP OF AMERICA, 2000 L STREET, NW, #200 WASHINGTON DC 20035			
WILLIAM J. HOTES, 919 18TH ST., NW, #400 WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	1,000.00	220.32
HOUDAILLE INDUSTRIES, INC, ONE FINANCIAL PLAZA FORT LAUDERDALE FL 33394			
MARGARET A. HOULIHAN, 1620 I ST., NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
THOMAS B. HOUSE, 1700 OLD MEADOW RD. MCLEAN VA 22102	AMERICAN FROZEN FOOD INST	1,000.00	
HOUSLEY GOLDBERG & KANTARIAN, P.C., SUITE 500 2301 M ST., NW WASHINGTON DC 20037			
JACK W. HOUSTON, 900 N. HAIRSTON ROAD, SUITE D STONE MOUNTAIN GA 30083	GEORGIA ASSOCIATION OF PETROLEUM RETAILERS, INC		
HOUSTON NATURAL GAS CORP, P.O. BOX 1188 HOUSTON TX 77001			163.45
HOVING GROUP, 2550 M STREET, NW, #695 WASHINGTON DC 20037	EAGLE-PICHER INDUSTRIES	250.00	
Do	WESTERN SOUTHERN	500.00	
EDWARD F. HOWARD, 1334 G STREET, 3RD FL. WASHINGTON DC 20005	VILLERS ADVOCACY ASSOCIATES	902.98	90.70
ROBERT M. HOWARD, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	FORD MOTOR CO	1,537.20	836.21
HOWELL CORP, 1010 LAMAR SUITE 1800 HOUSTON TX 77002			
GARY HOWELL, 1745 JEFFERSON DAVIS HIGHWAY, #1006 ARLINGTON VA 22202	TEXAS INSTRUMENTS, INC	600.00	
J. WILLIAM HOWELL, 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP	366.00	25.47
MARY J. LYNCH HOWELL, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	TEXTRON, INC	1,500.00	280.00
STEVEN K. HOWELL, SUITE 1800 1010 LAMAR HOUSTON TX 77002	HOWELL CORP		
JOHN B. HOWERTON, 1730 RHODE ISLAND AVE., NW, #209 WASHINGTON DC 20036	ASARCO INC	2,000.00	
JOHN A. HOWES, 1050 17TH ST., NW, #490 WASHINGTON DC 20036	CONSUMERS POWER CO	600.00	
MICHAEL R. HOWLAND, 1111 14TH STREET, NW, 3RD FL. WASHINGTON DC 20005	AMERICAN BAKERS ASSN		
SUSAN HOWLAND-KELLY, 20 BLACK OAK MEWS NEWTOWN PA 18940	ELECTRICAL ALLIANCE		
CLIFFORD T. HOWLETT JR , SUITE 400 1875 EYE ST., NW WASHINGTON DC 20006	GEORGIA-PACIFIC CORP	1,500.00	1,500.00
HOWREY & SIMON, 1730 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	MEAD CORPORATION		
PAUL R. HUARD, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	2,000.00	
BETTY HUDSON, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	10,000.00	50.55
HUDSON LEFTWICH & DAVENPORT, SUITE 806 1101 15TH ST., NW WASHINGTON DC 20005	CITY OF DETROIT		
MARGARET RENKEN HUDSON, 600 MARYLAND AVENUE, SW, #695 WASHINGTON DC 20024	NATIONAL FED OF INDEPENDENT BUSINESS	2,250.00	200.00
STEVEN D. HUFF, 111 EAST WISCONSIN AVENUE, #1800 MILWAUKEE WI 53202	NATIONAL EMPLOYEE BENEFITS INST		307.30
HARRY HUGE, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	ROGOVIN, HUGE & LENZNER (FOR: CKLW RADIO BROADCASTING, LTD)		
DAVID EMERY HUGHES, 2211 CONGRESS ST. PORTLAND ME 04122	UNION MUTUAL LIFE INSURANCE CO		
DEBORAH HUGHES, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,750.02	144.40
GARY E. HUGHES, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
HUGHES HUBBARD & REED, SUITE 300 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	CONTINENTAL AIR LINES, INC		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	TEXAS AIR CORP		
Do	47TH STREET PHOTO		
WILLIAM HUGHES, 1522 K ST., NW, #836 WASHINGTON DC 20005	NATIONAL ASSN OF FEDERAL VETERINARIANS	17.90	
EDWARD L. HUIE, WHEATON PLAZA NORTH, #415 WHEATON MD 20902	NATIONAL ASSN OF AIR TRAFFIC SPECIALISTS	5,852.16	680.51
CORDELL W. HULL, 50 BEALE ST., P O BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
DAVID C. HULL, 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER		
GREGORY A. HUMPHREY, 555 NEW JERSEY AVE., NW WASHINGTON DC 20001	AMERICAN FED OF TEACHERS	15,523.34	260.00
MARGOT SMILEY HUMPHREY, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)		
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)		
JEAN E. HUNGIVILLE, 1612 K STREET, NW, #1100 WASHINGTON DC 20006	AMERICAN ELECTRONICS ASSN		
K. ADRIAN HUNNINGS, 1030 15TH STREET, NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMERICA	450.00	5.19
FRANCIS M. HUNT, 1800 M STREET, NW, #700S WASHINGTON DC 20036	DOW CHEMICAL CO	500.00	269.00
JAMES W. HUNT, 10210 N. CENTRAL EXPRESSWAY, #500 DALLAS TX 75231	CENERGY EXPLORATION CO		13,797.69
MICHELE HUNT, 8500 BYRON ROAD, ZEELAND, MI 49464	HERMAN MILLER, INC		1,415.00
PETER C. HUNT, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
RICHARD M. HUNT, 1150 CONNECTICUT AVE., NW, #1009 WASHINGTON DC 20036	NL INDUSTRIES, INC	4,775.00	
JAMES C. HUNTER, 1747 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	629.00	343.32
MICHAEL M. HUNTER, 1600 M ST., NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	3,500.00	140.00
ROBERT BRUCE HUNTER, 1801 N. MOORE STREET ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
MILTON F. HUNTINGTON, MAINE PETROLEUM ASSN 283 WATER ST. AUGUSTA ME 04330	AMERICAN PETROLEUM INST		
HUNTON & WILLIAMS, P.O. BOX 1535 RICHMOND VA 23212	EDISON ELECTRIC INSTITUTE	2,388.75	250.00
ADELE M. HURLEY, 112 ST. CLAIR AVE., WEST SUITE 504 TORONTO,ONTARIO, CANADA M4V 2Y	CANADIAN COALITION ON ACID RAIN		
ROBERT R. HURT, SUITE 650 1050 17TH STREET, NW WASHINGTON DC 20036	MERCK & CO., INC		
BENJAMIN MELVIN HURWITZ, SUITE 200 1925 K ST., NW WASHINGTON DC 20006	MITCHELL ENERGY & DEVELOPMENT CORP		100.00
GEOFFREY B. HURWITZ, SUITE 743 1434 NEW YORK AVE., NW WASHINGTON DC 20005	ROHM AND HAAS COMPANY	500.00	
RAYMOND W. HUSSEY, 29400 LAKELAND BLVD. WICKLIFFE OH 44092	LUBRIZOL CORPORATION	700.00	968.19
DEWEY M. HUTCHINS, 1919 PENNSYLVANIA AVE., NW, # 705 WASHINGTON DC 20006	EASTMAN KODAK CO	500.00	310.00
PHILIP A. HUTCHINSON, 490 L'ENFANT PLAZA, #3210 WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	250.00	
ROBERT E. HUTCHINSON, P.O. BOX 20230 4500 SOUTH 40TH STREET PHOENIX AZ 85036	CIRCLE K CORPORATION		
Do	REDUCE OUR DEBT FOUNDATION		
JAMES L. HUTCHISON, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INST, INC		
HELENA C. HUTTON, 1101 15TH STREET, NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO (3M)	2,500.00	
RANDY HUWA, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	9,853.80	806.33
B. F. HYDE, TENNESSEE PETROLEUM COUNCIL 211 7TH AVENUE, NORTH, 4TH FL. NASHVILLE TN 37219	AMERICAN PETROLEUM INST	1,250.00	1,446.50
ISABEL E. HYDE, 1800 K STREET, NW WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO	2,275.00	
GARY HYMEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: AMERICAN IRON & STEEL INSTITUTE).	67.50	
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: AMERICAN MARITIME ASSN).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: ASARCO INC)		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: BROWNING-FERRIS INDUSTRIES, INC.).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: BUDD COMPANY).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: CANADIAN ASBESTOS INFORMATION CENTRE).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: COMMONWEALTH OF PUERTO RICO).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: HEALTH INSURANCE ASSN OF AMERICA).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: HTB CORPORATION).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: JOINT MARITIME CONGRESS).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: MARTIN BAKER AIRCRAFT COMPANY LTD.).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: MOTOROLA, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL ASSN OF IMMIGRATION JUDGES).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: NATIONAL BROADCASTING CO, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: NATIONAL MULTI HOUSING COUNCIL).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: QUIXOTE CORPORATION).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: REPUBLIC OF TURKEY).	1,687.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SALEN DRY CARGO, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SALOMON BROTHERS, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SANTA FE INTERNATIONAL).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SHAKLEE CORPORATION).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: TOBACCO INSTITUTE).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: U.S. BANK-NOTE).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: WARNER COMMUNICATIONS, INC).		
ROBERT D. HYNES JR., SUITE 807 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	500.00	87.80
ICE MILLER DONADIO & RYAN, BOX 82001 ONE AMERICAN SQUARE INDIANAPOLIS IN 46282	MARION GENERAL HOSPITAL, ET AL	4,259.52	
RICHARD H. ICHORD, 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	AAI CORPORATION	850.00	333.76
Do	EMERSON ELECTRIC CO	600.00	458.54
Do	WASHINGTON INDUSTRIAL TEAM, INC	600.00	
BERNARD J IMMING, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN		
INDEPENDENT DATA COMMUNICATIONS MANUFACTURERS ASSOCIATION, C/O SQUIRE SANDERS & DEMPSEY 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004.			
INDEPENDENT INSURANCE AGENTS OF AMERICA, INC., 100 CHURCH ST. NEW YORK NY 10007		25,192.44	25,192.44
INDEPENDENT LUBRICANT MANUFACTURERS ASSN, 1055 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007			
INDEPENDENT PRODUCERS GROUP, 240 PAGE COURT 220 W. DOUGLAS WICHITA KS 67202		12,411.70	15,367.22
INDIANA RAILROAD ASSN, 143 W. MARKET STREET, #201 INDIANAPOLIS IN 46204			
INDUSTRIAL UNION DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		21,394.49	21,394.49
INDUSTRY COUNCIL FOR TANGIBLE ASSETS, 214 MASSACHUSETTS AVENUE, NE, #560 WASHINGTON DC 20002			
NANCY J. INGALSBEE, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	U.S. RECREATIONAL SKI ASSOCIATION		
ANDREA L. INNES, 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSN	5,125.00	147.00
INSTITUTE OF FOREIGN BANKERS, SUITE 303 EAST, RM. 23 200 PARK AVE. NEW YORK NY 10017			
INSTITUTE OF MAKERS OF EXPLOSIVES, 1575 EYE STREET, NW, #550 WASHINGTON DC 20005			
INSURANCE ECONOMICS SOCIETY OF AMERICA, SUITE 590 1700 PENNSYLVANIA AVE., NW WASHINGTON, DC 20006		3,619.50	5,512.21
INTERLAKE, INC, 2015 SPRING RD. OAK BROOK IL 60521			15,627.35
INTERNATIONAL ASSN OF BRIDGE, STRUCT. & ORNAMENTAL IRON WKRS, 1750 NEW YORK AVE., NW WASHINGTON DC 20006.			10,800.00
INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS, 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036			27,320.08
INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES, 1750 NEW YORK AVE., NW WASHINGTON DC 20006			
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, 25 LOUISIANA AVE., NW WASHINGTON DC 20001			64,106.34
INTERNATIONAL BUSINESS & ECONOMIC RESEARCH CORPORATION, 1331 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	TRADE, INDUSTRY & CUSTOMS DEPT, GOV'T OF HONG KONG		
INTERNATIONAL GOLD CORPORATION LIMITED, 900 THIRD AVENUE NEW YORK NY 10022			
INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO, 17 BATTERY PLACE SUITE 1500 NEW YORK NY 10004			50,778.99
INTERNATIONAL TECHNICAL EXPERTISE, LTD, 7297 J LEE HIGHWAY FALLS CHURCH VA 22042			
INTERNATIONAL UNION OF BRICKLAYERS & ALLIED CRAFTSMEN, 815 15TH ST., NW WASHINGTON DC 20005			
INVESTMENT COMPANY INSTITUTE, 1775 K ST., NW WASHINGTON DC 20006			22,854.16
CHARLES C. IRIONS, 400 ARMY-NAVY DR. ARLINGTON VA 22202	AMERICAN MOVERS CONFERENCE	698.00	
THOMAS L. IRMEN, P.O. BOX 119 MAUMEE OH 43537	ANDERSONS		
IRON ORE LESSORS ASSN, INC, 1500 FIRST NATL BANK BLDG. SAINT PAUL MN 55101		12,301.20	13,653.30
ITEL CONTAINER CORP, 55 FRANCISCO STREET, 6TH FL SAN FRANCISCO CA 94133			
ITEL CONTAINERS INTERNATIONAL CORP, TWO EMBARCADERO CENTER SAN FRANCISCO CA 94111			
IVINS PHILLPS & BARKER, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION		
ROBERT A. JABLON, SPIEGEL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	FT. PIERCE UTILITIES AUTH OF THE CITY OF FT. PIERCE, ET AL	431.25	
CARLTON JACKSON, FLORIDA PETROLEUM COUNCIL 325 JOHN KNOX RD., #F-210 TALLAHASSEE FL 32303	AMERICAN PETROLEUM INST	1,120.00	1,448.80
CHARLES L. JACKSON, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: ROGERS U.S. CABLESYSTEMS, INC)		
GLENN JACKSON, 1660 L STREET, NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSN OF AMERICA	300.00	
MERCER L. JACKSON, 1101 17TH ST., NW SUITE 700 WASHINGTON DC 20036	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC	1,200.00	
ROBERT S. JACKSON, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	12,375.00	
WILLIAM P. JACKSON JR., JACKSON & JESSUP, P.C. 3426 N. WASHINGTON BOULEVARD ARLINGTON VA 22201	OSBORNE TRUCK LINE, INC, ET AL	3,799.24	5,978.90
STEPHEN JACOBS, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	439.68
ROY T. JACOBSEN, SUITE 600 1250 EYE ST., NW WASHINGTON DC 20005	BAUMANN, INC		
Do	BEZTAK COMPANY		
Do	DETROIT & MACKINAC RAILWAY COMPANY		
Do	DETROIT DOCTOR'S HOSPITAL		
Do	EDSI		
Do	EMS DEVELOPMENT CORP		
Do	GLOBAL COMMUNICATIONS		
Do	GRAND TRAVERSE DEVELOPMENT, INC		
Do	PRECISION MAGNETICS & CERAMICS		
Do	PRIMARK CORPORATION		
Do	RJK CONSTRUCTION COMPANY		
Do	SAFEKEEPER SYSTEMS, INC		
Do	SAFLOK/COMPUTORIZED SECURITY SYSTEMS, INC		
Do	U.S. MANUFACTURING COMPANY		
Do	URBAN REVITALIZATION, INC		
Do	WEDTECH CORP		
E. A. JAENKE & ASSOCIATES, INC, 1575 EYE ST., NW, SUITE 230 WASHINGTON DC 20005	FARMLAND INDUSTRIES	500.00	
Do	UNIVERSITY OF KANSAS	250.00	
JAFFE SNIDER RAITT & HEUER, P.C., 1800 FIRST NATIONAL BUILDING DETROIT MI 48226			
EDWARD L. JAFFEE, 1730 RHODE ISLAND AVENUE, NW, #713 WASHINGTON DC 20036	PPG INDUSTRIES, INC		
CLARENCE L. JAMES JR., 444 N. CAPITOL ST., #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: E. F. HUTTON & CO, INC)		
Do	KEEFE COMPANY (FOR: NATIONAL REVENUE CORP)		
JAPAN ECONOMIC INSTITUTE OF AMERICA, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036		1,494.24	1,494.24
JAPANESE AMERICAN CITIZENS LEAGUE, 1765 SUTTER STREET SAN FRANCISCO CA 94118			
JOSEPH J. JAQUAY, 5025 WISCONSIN AVE., NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
EVELYN JARVIS-FERRIS, 444 MARKET STREET SAN FRANCISCO CA 94111	SHAKLEE CORPORATION		
JERRY J. JASINOWSKI, 1776 F STREET, N.W. WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	2,000.00	
PHILIP F. JEHLE, 1150 CONNECTICUT AVE., NW, #310 WASHINGTON DC 20036	SMITHKLINE BECKMAN CORP	1,500.00	
JOSEPH S. JENCKES, SUITE 300 1710 RHODE ISLAND AVE., NW WASHINGTON DC 20036	ABBOTT LABORATORIES	5,000.00	
LINDA JENCKES, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC		
DAVID M. JENKINS II, 1025 VERMONT AVENUE, NW, #500 WASHINGTON DC 20005	MILES LABORATORIES, INC		
KEMPTON B. JENKINS, SUITE 702 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ARMCO, INC	300.00	230.00
JENNER & BLOCK, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	ADHESIVE & SEALANT COUNCIL, INC		
Do	AMERICAN ASSN OF NURSE ANESTHETISTS		
Do	AMERICAN DENTAL ASSISTANTS ASSN		
Do	AMUSEMENT & MUSIC OPERATORS ASSN	16,775.00	1,001.75
Do	INTRAOCULAR LENS MFRS ASSN		
Do	NATIONAL GLASS ASSN		
DAVID JENNESS, 1200 17TH STREET, NW, #520 WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCES ASSNS		
JAMES C. JENNINGS, 3255 GRACE ST., NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC		
CHRIS L. JENSEN, FLORIDA PETROLEUM COUNCIL 325 JOHN KNOX RD, #F-210 TALLAHASSEE FL 32303	AMERICAN PETROLEUM INST		
NANCY H. JESSICK, 425 13TH STREET, NW WASHINGTON DC 20004	HIRAM WALKER & SONS, INC		
GUY E. JESTER, 2150 KIENLEN AVE. ST. LOUIS MO 63121	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER		
JOBS WITH PEACE, INC, 129 E STREET, NW WASHINGTON DC 20001			
CHARLES E. JOECKEL JR., 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	17,591.00	163.81
JOHNSON & ASSOCIATES, 3240 N. ALBEMARLE STREET ARLINGTON VA 22207	FOREMOST DAIRIES-HAWAII	225.00	33.00
Do	MEADOWGOLD DAIRIES-HAWAII	225.00	33.00
CARL T. JOHNSON, SUITE 1104 1800 K STREET, NW WASHINGTON DC 20006	CORNING GLASS WORKS	400.00	
CLIFFORD T. JOHNSON, 1700 NORTH MOORE STREET ROSSLYN VA 22209	BOEING MILITARY AIRPLANE COMPANY		
DAVID E. JOHNSON, 1100 15TH STREET, NW, #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	17.50
DAVID H. JOHNSON, MISSISSIPPI PETROLEUM COUNCIL 215 LAMAR LIFE BLDG., P.O. BOX 42 JACKSON MS 39205	AMERICAN PETROLEUM INST		
H. BRADLEY JOHNSON, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
JESS JOHNSON JR., SUITE 200 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	SHELL OIL CO	500.00	
JOEL L. JOHNSON, 475 L'ENFANT PLAZA, SW, #4400 WASHINGTON DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	5,000.00	164.11

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JOHN B. JOHNSON, ALABAMA PETROLEUM COUNCIL P.O. BOX 4220 MONTGOMERY AL 36195	AMERICAN PETROLEUM INST	269.59	
JUSTIN W. JOHNSON, P.O. BOX 970 FT. WORTH TX 76101	TEXAS ELECTRIC SERVICE CO	160.80	136.00
KENNETH A. JOHNSON, PILLSBURY CENTER MINNEAPOLIS MN 55402	PILLSBURY COMPANY		1,225.00
LARRY W. JOHNSON, P.O. BOX 3000 LEESBURG VA 22075	VOCATIONAL INDUSTRIAL CLUBS OF AMERICA, INC		
MARK R. JOHNSON, 1667 K STREET, NW, #350 WASHINGTON DC 20036	MOLLER STEAMSHIP CO, INC		
NANCIE S. JOHNSON, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONOCO, INC	1,800.00	
RADY A. JOHNSON, 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,800.00	22.00
RICHARD W. JOHNSON JR., 219 N. WASHINGTON STREET ALEXANDRIA VA 22314	NON COMMISSIONED OFFICERS ASSN OF THE USA	5,417.04	122.03
SPENCER A. JOHNSON, SUITE 411 1101 VERMONT AVE., NW WASHINGTON DC 20005	PAPERBOARD PACKAGING COUNCIL		
STANLEY L. JOHNSON, 1050 17TH ST., NW WASHINGTON DC 20036	TEXACO, INC	75.00	
STEPHEN M. JOHNSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: COMMONWEALTH OF PUERTO RICO).	115.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: MUTUAL INSURANCE COALITION).		
THOMAS G. JOHNSON, ONE SHELL PLAZA, #4868 P.O. BOX 2463 HOUSTON TX 77001	SHELL OIL COMPANY	500.00	
WILLIAM L. JOHNSON, SUITE 301 1050 17TH STREET, NW WASHINGTON DC 20036	PRIMARK CORPORATION	2,200.00	
BARBARA W. JOHNSTON, 1150 CONNECTICUT AVE. NW #710 WASHINGTON DC 20036	UTAH INTERNATIONAL INC		
DAVID JOHNSTON, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ERNEST JOHNSTON, 1825 K STREET, NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM CO	1,030.00	74.50
JAMES D. JOHNSTON, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,600.00	11,290.25
JOINT CORPORATE COMM ON CUBAN CLAIMS, C/O LONE STAR INDUSTRIES, INC PO BOX 5050 GREENWICH CT 06830			180.00
JOINT TASK FORCE ON FED FINANCIAL ASSIST. FOR LAW STUDENTS, C/O LAW SCHOOL ADMISSION COUNCIL 11 DUPONT CIRCLE, NW WASHINGTON DC 20036.			
CHARLES N. JOLLY, 1715 W. 38TH STREET CHATTANOOGA TN 37409	CHATTEM, INC	1,923.00	5,419.52
MARY KAAREN JOLLY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	828.00	166.15
HERBERT A. JOLOVITZ, 900 17TH STREET, NW WASHINGTON DC 20006	OWENS-CORNING FIBERGLAS CORPORATION	1,250.00	
ALLAN R. JONES, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	722.25
BEVERLY E. JONES, WICKWIRE GAVIN & GIBBS, P.C. 1819 L STREET, NW, #700 WASHINGTON DC 20036	NATIONAL HYDROPOWER ASSN, ET AL		
CHERYL L. JONES, 1875 I STREET, NW, #525 WASHINGTON DC 20006	TEXAS GAS TRANSMISSION CORP	375.00	60.00
JONES DAY REAVIS & POGUE, 655 15TH ST., NW WASHINGTON DC 20005	FRENCH & POLYCLINIC MED. SCHOOL & HEALTH CENTER (TRUSTEES)		
ERNEST W. JONES, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
GERALD R. JONES, SUITE 810 2000 L STREET, NW WASHINGTON DC 20036	SPERRY CORPORATION		
JAMES E. JONES JR , 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	275.00	145.50
JAMES E. JONES, 40 FRANKLIN RD., SW P.O. BOX 2021 ROANOKE VA 24022	APPALACHIAN POWER COMPANY		
NORVILL JONES, 1620 EYE ST., NW WASHINGTON DC 20006	REYNOLDS METALS CO	250.00	
ROY C. JONES, SUITE 300 717 2ND ST., NW WASHINGTON DC 20002	MORAL MAJORITY, INC	6,500.00	
WILEY N. JONES, SUITE 525 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	SOUTHERN PACIFIC CO. & AFFILIATES	1,000.00	500.00
DE SOTO JORDAN, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	176.00	
JAMES V. JORDAN III, PO BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO		
JEFFREY H. JOSEPH, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,365.00	10.00
ARDON B. JUDD JR , 1100 CONNECTICUT AVE., NW, #310 WASHINGTON DC 20036	DRESSER INDUSTRIES, INC		
ROBERT E. JULIANO, 1875 I ST., NW, #450 WASHINGTON DC 20006	HOTEL & RESTAURANT EMPLOYEES & BARTENDERS INTL UNION	16,238.64	1,579.95
JUSTICE FELLOWSHIP, P.O. BOX 17181 WASHINGTON DC 20041		100.00	100.00
GEZA KADAR, 1750 K STREET, N.W. WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC.		
SUZANNE KALFUS, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
LINDA HELLER KAMM, 1775 PENNSYLVANIA AVE., NW SUITE 1000 WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: INVESTORS MORTGAGE INSURANCE CO).		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: VGS CORPORATION)		
JAMES L. KANE JR., 1312 VINCENT PLACE MCLEAN VA 22101			
KAPLAN RUSSIN & VECCHI, 1218 16TH STREET, NW WASHINGTON DC 20036	AMERICAN CHAMBER OF COMMERCE OF THE DOMINICAN REPUBLIC		
Do	TADIRAN ISRAEL ELECTRONICS INDUSTRIES, LTD		
HOWARD C. KATZ, 4 WORLD TRADE CENTER NEW YORK NY 10048	J. ARON & CO. (FOR: COFFEE, SUGAR & COCOA EXCHANGE, INC.)		
RICHARD S. KAUFMAN, 3471 N. FEDERAL HIGHWAY, #511 FT. LAUDERDALE FL 33306	AMERISERV, INC		
EVERETT E. KAVANAUGH, SUITE 800 1110 VERMONT AVE., NW WASHINGTON DC 20005	COSMETIC, TOILETRY & FRAGRANCE ASSN, INC		
KAYE SCHOLER FIERMAN HAYS & HANDLER, 1575 I ST., NW SUITE 1150 WASHINGTON DC 20005	AMERICAN MEAT INSTITUTE		
Do	AMERICAN PSYCHOANALYTIC ASSOCIATION		
Do	AMERICAN SOCIAL HEALTH ASSN		
Do	CHRIS CRAFT INDUSTRIES, INC		
Do	DRUMMOND COMPANY	52.50	
Do	ELSEVIER SCIENTIFIC PUBLISHERS		
Do	HARTFORD FIRE INSURANCE CO		
Do	RAYMARK CORPORATION	210.00	2,100.00
Do	UNITED TELEVISION, INC		520.00
RICHARD F. KEATING, SUITE 502 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES, INC		
ROBERT J. KEEFE, 444 N. CAPITOL STREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: AMERICAN FAMILY LIFE ASSURANCE CO)		
Do	THE KEEFE CO. (FOR: CORDAGE INSTITUTE)	2,000.00	
Do	KEEFE COMPANY (FOR: E. F. HUTTON & CO, INC)		
Do	KEEFE COMPANY (FOR: NATIONAL REVENUE CORP)		
Do	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)	11,500.00	
JOSEPH D. KEEFER, SUITE 1050 1825 EYE STREET, NW WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION	3,300.00	
DAVID A. KEENE, 919 PRINCE ST. ALEXANDRIA VA 22314	NATIONAL TAX LIMITATION COMMITTEE	200.00	10.00
KEITH KEENEY, SUITE 500-D 5775 PEACHTREE-DUNWOODY RD. ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	50.00	
ROBIN E. KEENEY, 1156 15TH STREET, NW, #1101 WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	2,000.00	
ROBERT H. KELLEN, 5775 PEACHTREE-DUNWOODY RD., #500-D ATLANTA GA 20342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	90.00	
KELLER & HECKMAN, 1150 17TH STREET, NW, #1000 WASHINGTON DC 20036	AMERICAN INST OF MERCHANT SHIPPING		
Do	LAND MOBILE COMMUNICATIONS COUNCIL		
Do	SPECIALTY ADVERTISING ASSN. INT'L		
Do	UTILITIES TELECOMMUNICATIONS COUNCIL		
CANDACE KELLER, 624 9TH ST., NW 7TH FLOOR WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC	3,498.00	
DONALD W. KELLER, P.O. BOX 3331 HOUSTON TX 77253	QUINTANA PETROLEUM CORP		
JAY KELLER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	5,167.50	
JOHN J. KELLER, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
JOHN B. KELLEY, 1400 K STREET, NW, #1100 WASHINGTON DC 20005	AVCO CORP	2,500.00	
TY KELLEY, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	1,500.00	
STEPHEN S. KELLNER, 1001 CONNECTICUT AVE., NW, #1120 WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN		
ERNEST B. KELLY III, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORPORATION	1,250.00	347.84
HAROLD V. KELLY, 1101 15TH ST., NW WASHINGTON DC 20005	LTV CORP		
JOHN F. KELLY, 1828 L STREET, NW # 906 WASHINGTON DC 20036	MERRILL LYNCH & CO, INC	2,000.00	
MARK L. KEMMER, 1660 L STREET, N.W. WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	3,863.29
KENDALL & ASSOCIATES, 50 E ST., SE WASHINGTON DC 20003	ANDERSON HIBEY NAUHEIM & BLAIR (FOR MARRIOTT CORP)		
Do	CLADOUHOS & BRASHARES (FOR SMITH BARNEY HARRIS UPHAM & CO)		
Do	CARL M. FREEMAN ASSOCIATES, INC		
Do	HELLER, EHRMAN, WHITE & MCAULIFFE		
Do	MANVILLE CORPORATION		
Do	TOYOTA MOTOR SALES, U.S.A	500.00	
Do	WASHINGTON PSYCHIATRIC SOCIETY		
Do	WORLDWIDE INFORMATION RESOURCES, INC		
WILLIAM T. KENDALL, 50 E ST., SE WASHINGTON DC 20003	ALLIANCE FOR FREE ENTERPRISE		
JOSEPH W. KENNEBECK, 490 L'ENFANT PLAZA, SW, #3210 WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	300.00	
ART KENNEDY, P.O. BOX 3576 ECB ANCHORAGE AK 99501	ALASKA RESOURCE ANALYSTS, INC		
MICHAEL E. KENNEDY, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
EDWARD E. KENNEY & ASSOCIATES, INC., SUITE 1610 1700 NORTH MOORE STREET ARLINGTON VA 22209	LOCKHEED-GEORGIA CORPORATION		
JEREMIAH J. KENNEY JR , 12TH FL. 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
BRENDAN KENNY, 1709 NEW YORK AVE., N.W. WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	5,500.00	
J. H. KENT, KENT & O'CONNOR 1919 PENNSYLVANIA AVENUE, NW SUITE 300 WASHINGTON DC 20006	AMERICAN DENTAL HYGIENISTS ASSN	5,183.39	2,188.61
Do	AMERICAN SUPPLY ASSOCIATION	6,334.28	2,687.28
Do	AMERICAN WAREHOUSEMEN'S ASSOCIATION		
Do	CFS CONTINENTAL		
Do	GOULD, INC		
Do	NATIONAL CUSTOMS BROKERS & FORWARDERS ASSN OF AMERICA	5,801.57	3,058.35
Do	TRANSPORTATION LAWYERS ASSN		
VYTAUTAS KERBELIS, 69 COTTAGE ST. BAR HARBOR ME 04609	ARAS		
MICHAEL L. KERLEY, 1922 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF LIFE UNDERWRITERS	8,160.00	120.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ROBERT M. KETCHEL, SUITE 895 1331 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	GENERAL ELECTRIC CO		
GILBERT W. KEYES, P.O. BOX 3999 (MAIL STOP 8K-36) SEATTLE WA 98124	BOEING AEROSPACE CO	210.00	252.50
KIAWAH ISLAND COMPANY, P.O. BOX 12910 CHARLESTON SC 29142			
RICHARD F. KIBBEN, 200 PARK AVE. NEW YORK NY 10166	BUSINESS ROUNDTABLE		
BRIAN D. KIDNEY, 444 N. CAPITOL STREET, NW, #718 WASHINGTON DC 20001	PACIFIC TELESIS GROUP	15,450.00	
ROBERT W. KIERNAN, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
WILLIAM S. KIES, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
INGOLF N. KILAND JR., 1660 L STREET, NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	4,651.61
DANIEL L. KILEY, P.O. BOX 3609 NORFOLK VA 23514	NORFOLK SOUTHERN CORPORATION		
MARY K. KILLORIN, 1101 15TH STREET, NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO (3M)	1,500.00	
ROBERTA D. KIMBALL, 1015 15TH STREET, NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	200.00	
RICHARD H. KIMBERLY, 1201 PENNSYLVANIA AVENUE, NW, #730 WASHINGTON DC 20004	KIMBERLY-CLARK CORP	4,700.80	58.70
KIMBERLY-CLARK CORP, 401 NORTH LAKE STREET NEENAH WI 54956			6,359.50
JAMES L. KIMBLE, 1025 CONNECTICUT AVE., NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN	600.00	64.00
LISA KIMBRO, 1101 16TH STREET, NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSN OF AMERICA		19.80
KING & SPALDING, 1730 PENNSYLVANIA AVE., NW, #1200 WASHINGTON DC 20006	BELLSOUTH CORP		
Do	BETHLEHEM STEEL CORP		
Do	DAMSON OIL CORP		25.25
Do	FRAZIER LANIER CO (ALABAMA STATE DOCKS DEPT)		106.97
Do			211.18
Do	LIFE OF GEORGIA	19,930.00	7.24
Do	LINCOLN PROPERTY CO		
Do	MILLER BREWING CO	390.00	4.00
Do	NATIONAL ASSN OF CHILDREN'S HOSPITALS & RELATED INSTITUTIONS		
AUBREY C. KING, 1625 EYE STREET, NW, #609 WASHINGTON DC 20006	NATIONAL CLUB ASSOCIATION		
CHARLES L. KING, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	430.00	
EDWARD H. KING, 200 WILMOT RD. DEERFIELD IL 60015	WALGREEN CO		
G. JACK KING, WASHINGTON NATIONAL AIRPORT WASHINGTON DC 20001	U.S. AIR, INC	1,000.00	
GARY V. KING, P.O. BOX 12148 ARLINGTON VA 22209	COTTAGE INDUSTRIES		
W. RUSSELL KING, SUITE 400 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	FREEPORT MCMORAN, INC	300.00	63.00
WILLIAM P. KING, 8475 CORAL WAY MIAMI FL 33155			
DANIEL T. KINGSLEY, 1655 N. FT. MYER DR., #700 ARLINGTON VA 22209	NATIONAL VENTURE CAPITAL ASSOCIATION	18,000.00	4,714.67
ROGER P. KINGSLEY, 10801 ROCKVILLE PIKE ROCKVILLE MD 20852	AMERICAN SPEECH-LANGUAGE-HEARING ASSN		
MARCIA Y. KINTER, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
CECILIA ANNE KIRBY, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	1,066.71	
KIRBY GILLICK SCHWARTZ & TUOHEY, P.C., SUITE 303 EAST 600 MARYLAND AVENUE, S.W. WASHINGTON DC 20024	LAKE ONTARIO CEMENT LIMITED	3,906.25	59.23
ALAN G. KIRK II , 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO		
JOHN R. KIRK, BINGHAM, DANA & GOULD 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
PAUL G. KIRK JR., SULLIVAN & WORCESTER 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL FOOTBALL LEAGUE		
KIRKPATRICK LOCKHART HILL CHRISTOPHER & PHILLIPS, 1900 M ST., NW WASHINGTON DC 20036	AMERICAN COUNCIL OF LIFE INSURANCE	1,640.00	
Do	CALVERT GROUP, LTD		
Do	COUNCIL OF STATE HOUSING AGENCIES		
Do	COUNTY OF SUFFOLK, NEW YORK		
Do	INTERNATIONAL GOLD CORPORATION LIMITED	1,230.00	
Do	INVESTORS FIDUCIARY TRUST CO	3,380.00	
Do	PAINE WEBBER JACKSON & CURTIS, INC		
Do	REPUBLIC NATIONAL BANK OF NEW YORK		
Do	WHITNEY NATIONAL BANK OF NEW ORLEANS		
SALLY ANN KIRKPATRICK, 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	588.00	334.89
KIRLIN CAMPBELL & KEATING, SUITE 800 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN	16,800.00	761.55
ROBERT A. KIRSHNER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	100.00	
SAUL B. KLAMAN, 1101 15TH STREET, NW WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS	10,000.00	
RICHARD L. KLASS, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL. INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS)		
Do	DGA INTERNATIONAL, INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION).		52.00
Do	DGA INTERNATIONAL, INC (FOR: THOMSON-CSF DIVISION SYSTEMS ELECTRONIQUE OF FRANCE).		52.00
ROBERT A. KLAYMAN, 1101 17TH STREET, NW WASHINGTON DC 20036	CAPLIN & DRYSDALE, CHTD. (FOR: B.D.I. INVESTMENT CORP)	30,000.00	134.94
RICHARD P. KLEEMAN, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS		
KLINE KNOPF & WOJDAK, INC, 355 N. 21ST STREET #105 CAMP HILL PA 17011	GENERAL PUBLIC UTILITIES CORPORATION		
RICHARD A. KLINE, 650 INDEPENDENCE AVE., SE WASHINGTON DC 20003	COUNCIL OF ACTIVE INDEPENDENT OIL & GAS PRODUCERS	7,629.00	
WILLIAM J. KLINEFELTER, 815 16TH ST., NW SUITE 706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,192.84	
MICHAEL R. KLIPPER, 1600 I ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA	713.88	51.50
DAVID M. KLUCSIK, 1415 WYCKOFF ROAD, P.O. BOX 1464 WALL NJ 07719	NEW JERSEY NATURAL GAS CO		65.58
GLENN KNAPP, 773 DARTMOUTH AVE. SAN CARLOS CA 94070			
JEFFREY W. KNIGHT, 1045 SANSOME ST. SAN FRANCISCO CA 94111	FRIENDS OF THE EARTH		
PETER E. KNIGHT, 1101 15TH STREET, NW, #400 WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS	8,000.00	
KEITH R. KNOBLOCK, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
ROBERT L. KNOUS JR., SUITE A-201 1410 GRANT STREET DENVER CO 80203	COLORADO SKI COUNTRY USA		
C. NEAL KNOX, NEAL KNOX ASSOCIATES BOX 6537 SILVER SPRING MD 20906		3,000.00	200.00
RUTH E. KOBELL, SUITE 202 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	2,928.24	18.30
THOMAS G. KOBUS, SUITE 350 2000 K ST., NW WASHINGTON DC 20006	NATIONAL PARKING ASSOCIATION	29,831.72	
BRADLEY R. KOCH, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	142.80	
GEORGE W. KOCH, 1010 WISCONSIN AVE., NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC	94.00	
PATRICK C. KOCH, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	800.00	
MICHAEL S. KOLEDA, SUITE 1050 1825 EYE ST., NW WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION	2,200.00	
JOHN C. KOLOJESKI, LAROE WINN & MOERMAN 1120 G STREET, NW, #800 WASHINGTON DC 20005	CHLORINE INSTITUTE, INC	39,201.25	1,910.07
KOMINERS FORT SCHLEFER & BOYER, 1776 F ST., NW WASHINGTON DC 20006	APEX MARINE CORP	74,100.00	3,508.88
Do	CROWLEY MARITIME CORP AND SUBSIDIARIES	7,825.00	634.17
NICHOLAS KOMINUS, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	U.S. CANE SUGAR REFINERS' ASSN	742.50	37.72
STEPHEN KOPLAN, 815 16TH ST., NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	15,019.03	743.22
EUGENE P. KOPP, SUITE 600 SOUTH 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORP	1,250.00	
STEVEN KOPPERUD, 1701 N. FT. MYER DRIVE ARLINGTON VA 22209	AMERICAN FEED MANUFACTURERS ASSN	3,240.00	
HORACE R. KORNEGAY, 1875 I ST., NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	500.00	5.00
BERNARD KOTEEN, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: TAFT BROADCASTING CO)		12.00
KENNETH S. KOVACK, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,192.84	
JOAN M. KOVALIC, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT STETTINIUS & HOLLISTER (FOR: INMONT CORP)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: PARSONS CORPORATION)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS COMPANY)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)		
JEANNE P. KOWALSKI, SUITE 500 1828 L ST., NW WASHINGTON DC 20036	GTE SPRINT COMMUNICATIONS CORP	7,000.00	203.26
CHRIS KOYANAGI, 1702 WOODMAN DRIVE MCLEAN VA 22101	WASHINGTON ALTERNATIVES, INC	3,000.00	30.00
PATRICIA S. KOZIOL, 1719 ROUTE 10 PARSIPPANY NJ 07054	NATIONAL ASSN OF MANUFACTURERS	600.00	
MYLIO S. KRAJA, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	3,088.02	348.20
AMOS KRAMER, KANSAS PETROLEUM COUNCIL SUITE 1414 MERCHANTS BANK BLDG. 8TH & JACKSON STS. TOPEKA KS 66612.	AMERICAN PETROLEUM INST		
JOSEPH H. KRAMER III, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: HTB CORPORATION).		
STEPHEN W. KRAUS, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
RAYMOND ROGER KRAUSE, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
JEFFREY KRAUSS, 1350 PICCARD DRIVE, #304 ROCKVILLE MD 20850	M/A-COM, INC	2,500.00	100.00
ALAN G. KRAUT, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	2,412.67	92.67
KROGER COMPANY, 1014 VINE ST. CINCINNATI OH 45201			4,474.35
JAMES C. KRONE, 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840	ROSES, INC	500.00	
KATHLEEN BONNER KRONMILLER, 600 WATER STREET, SW, #207 WASHINGTON DC 20024	SPACE AMERICA, INC		
KROOTH & ALTMAN, 2101 L STREET, NW, #210 WASHINGTON DC 20037	BRISCOE CO	3,587.97	4,068.63
K. H. KRUKE, 1776 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	HIGHWAY USERS FEDERATION FOR SAFETY & MOBILITY	518.75	49.00
PAUL R. KRUSE, 1155 15TH ST., NW WASHINGTON DC 20005	PENNZOIL CO	625.00	
THOMAS A. KUBE, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
PHILIP KUGLER, 555 NEW JERSEY AVE., NW WASHINGTON DC 20001	AMERICAN FED OF TEACHERS		
LLOYD R. KUHN, 1725 DESALES ST., NW WASHINGTON DC 20036	AEROSPACE INDUSTRIES ASSN OF AMERICA, INC	17,094.00	
THOMAS R. KUHN, 410 FIRST ST., SE WASHINGTON DC	AMERICAN NUCLEAR ENERGY COUNCIL	4,500.00	860.14
JUDITH KUNOFSKY, 530 BUSH STREET SAN FRANCISCO CA 94108	SIERRA CLUB	2,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ESTER KURZ, SUITE 412 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	12,499.98	854.50
JEFFREY KURZWEIL, HILL BETTS & NASH 1220 19TH ST., NW, SUITE 302 WASHINGTON DC 20036	MARRIOTT CORPORATION	51,622.50	1,862.45
GARY JAY KUSHNER, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	1,000.00	
KUTAK ROCK & CAMPBELL, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	FIRST NATIONAL BANK OF OMAHA		
Do	HAYES, INC	6,101.25	106.25
Do	METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY	2,352.50	1,469.66
Do	RONALD E. ROBINSON		
KWAJALEIN ATOLL CORP, P.O. BOX 5220 KWAJALEIN EBEYE MARSHALL ISLAN			
LABOR BUREAU, INC., SUITE 501 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			
LABOR MANAGEMENT MARITIME COMMITTEE, INC, 100 INDIANA AVENUE, NW WASHINGTON DC 20001		9,040.00	8,062.00
JOSEPH L. LACH, 1025 CONNECTICUT AVENUE, NW, #214 WASHINGTON DC 20036	MANVILLE CORPORATION	625.00	
JOHN D. LACOPO, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	EDS CORPORATION	160.00	47.00
BRUCE C. LADD JR., 1776 K STREET, NW WASHINGTON DC 20006	MOTOROLA, INC	16,500.00	43.00
ROBERT A. LADIG, SCOTT PLAZA PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	2,250.00	759.71
SANDRA L. LAFEVRE, 2500 RIVA ROAD, SE ANNAPOLIS MD 21401	NATIONWIDE INSURANCE CO & AFFILIATES	1,500.00	
JACK L. LAHR, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: VGS CORPORATION)		
ROBERT LAMB, 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	5,000.00	144.35
DAVID F. LAMBERT III, 311 FIRST STREET, NW, #700 WASHINGTON DC 20001	NATIONAL ASSN OF INSURANCE BROKERS	1,000.00	
DAVID M. F. LAMBERT, 1000 POTOMAC STREET, NW, #302 SUITE 900 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE		
DAVID P. LAMBERT, 1800 K ST., NW WASHINGTON DC 20006	NEW YORK STOCK EXCHANGE, INC		
LAMON ELROD & HARKLEROAD, P.C., 2500 PEACHTREE CENTER - CAIN TOWER 229 PEACHTREE STREET, NE ATLANTA GA 30043.	NATIONAL ASSN OF PENSION CONSULTANTS & ADMINISTRATORS, INC		7.18
VIRGINIA A. LAMPLEY, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS)		
Do	DGA INTERNATIONAL, INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION).		213.67
Do	DGA INTERNATIONAL, INC (FOR: SOFREAVIA)		
Do	DGA INTERNATIONAL, INC (FOR: THOMSON-CSF DIVISION SYSTEMS ELECTRONIQUE OF FRANCE).		
RAY H. LANCASTER, SUITE 565 1331 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	TEXAS GAS TRANSMISSION CORP	3,000.00	137.83
L. CHARLES LANDGRAF, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE		
THOMAS M. LANDIN, ONE FRANKLIN PLAZA PHILADELPHIA PA 19101	SMITH KLINE BECKMAN CORP.		
LANDIS COHEN SINGMAN & RAUH, 1019 19TH STREET, N.W. # 500 WASHINGTON DC 20036	AMERICAN SOC OF COMPOSERS AUTHORS & PUBLISHERS	4,000.00	
Do	COUNCIL OF CREATIVE ARTISTS, LIBRARIES & MUSEUMS		
Do	NFL PLAYERS ASSOCIATION	2,000.00	
BRUCE ALAN LANDY, 2700 VIRGINIA AVE., NW WASHINGTON DC 20037			
Do	B.A.I. CO.		
Do	CRYOGENIC VACUUM TECHNOLOGY CO.		
LANE & EDSON, P.C., 2300 M STREET, NW WASHINGTON DC 20036	CITY OF BALTIMORE	600.00	
Do	COUNCIL FOR RURAL HOUSING AND DEVELOPMENT	4,000.00	
Do	NATIONAL LEASED HOUSING ASSN	600.00	
ALBERT E. LANE, SUITE 537 1377 K STREET, NW WASHINGTON DC 20005	MEDCOM-MIC		
Do	PEOPLE OPPOSED TO ENERGY LOBBY - POTEL		
RICHARD F. LANE, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBIN W. LANIER, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	160.00	20.00
WAYNE R. LAPIERRE JR., 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	1,170.00	1,000.00
CLIFFORD LAPLANTE, 1331 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	1,165.00	
WILLIAM L. LARSEN, 1025 CONNECTICUT AVENUE, NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		
REED E. LARSON, 8001 BRADDOCK ROAD, #600 SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM		
JAMES LASALA, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
MICHAEL LASHBROOK, 1600 RHODE ISLAND AVENUE,NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	1,095.00	
JOHN LASTER, 1503 21ST ST., NW WASHINGTON DC 20036	SAVE OUR CHILDREN'S SECURITY		
LATHAM WATKINS & HILLS, SUITE 1200 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	SEARS, ROEBUCK & CO		
Do	WILSHIRE TERRACE COOPERATIVE HOUSING CORP	110.00	123.17
LOUIS F. LAUN, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
ROBERT LAUTERBERG, 1707 H STREET, NW WASHINGTON DC 20006	PETROLEUM MARKETERS ASSN OF AMERICA	5,000.00	152.48
DENNIS LAVALLEE, 1016 20TH ST., NW WASHINGTON DC 20036	NATIONAL ASSN OF PLUMBING-HEATING-COOLING CONTRACTORS	500.00	203.20
CHARLES B. LAVIN JR., 1016 20TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF PLUMBING-HEATING-COOLING CONTRACTORS		
JOAN H. LAVOR, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
DEBORAH A. LAWRENCE, P.O. BOX 12148 ARLINGTON VA 22209	COTTAGE INDUSTRIES		
GEORGE H. LAWRENCE, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	800.00	
ELIZABETH LAWSON, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	3,586.29	47.80
JANIE L. LAWSON, 1025 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
LAXALT CORPORATION, 214 MASSACHUSETTS AVE., NE, #380 WASHINGTON DC 20002	BARNESS ORGANIZATION	2,000.00	
Do	CITIZENS FOR AMERICA	9,000.00	
Do	MORGAN STANLEY & COMPANY	25,000.00	
Do	MOTION PICTURE ASSN OF AMERICA, INC	2,000.00	
ERNEST M. LE SUEUR, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
LEAD-ZINC PRODUCERS COMMITTEE, 180 MADISON AVE. NEW YORK NY 10038		483.79	12,519.22
LEAGUE OF AMERICAN INVESTORS, 32123 LINDERO CANYON ROAD WESTLAKE VILLAGE CA 91361			
LEAGUE OF WOMEN VOTERS OF THE U.S., 1730 M ST., NW WASHINGTON DC 20036		27,003.84	27,003.84
LEAGUE TO SAVE LAKE TAHOE, 2197 LAKE TAHOE BLVD. P.O. BOX 10110 SOUTH LAKE TAHOE CA 95731			7,000.02
THOMAS B. LEARY, HOGAN & HARTSON 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE	8,882.78	
RICHARD J. LEASE, 2145 BOISE DRIVE LAS CRUCES NM 88001			
A. MICHAEL LEBECK, P.O. BOX 925 ALBUQUERQUE NM 87103			
LEBOEUF LAMB LEIBY & MACRAE, 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	BRITISH INSURANCE ASSN AND LLOYD'S OF LONDON		
Do	SHIPPING CORP. OF INDIA, LTD.		
Do	UNDERWRITERS AT LLOYD'S LONDON		
THOMAS J. LEE JR., P.O. BOX 2628 HOUSTON TX 77001	ENTEX, INC		
LEFEVERE LEFLER KENNEDY O'BRIEN & DRAWZ, 2000 FIRST BANK PLACE WEST 120 SOUTH 6TH STREET MINNEAPOLIS MN 55402.	CITY OF NEW BRIGHTON		
LEIGHTON LEMOV JACOBS & BUCKLEY, SUITE 800 2033 M ST., NW WASHINGTON DC 20036	FAMILY-BACKED MORTGAGE ASSN, INC	5,000.00	100.00
Do	FEDERATION OF APPAREL MANUFACTURERS		
Do	GA TECHNOLOGIES, INC		
Do	MUTUAL SAVINGS CENTRAL FUND, INC	5,000.00	400.00
Do	SALOMON BROTHERS	25,000.00	400.00
Do	SAVINGS BANKS ASSN. OF MASSACHUSETTS	7,500.00	400.00
TERRY L. LEITZELL, ONE THOMAS CIRCLE, NW, #900 WASHINGTON DC 20005	AMERICAN SHRIMPBOAT ASSOCIATION	2,000.00	
Do	MARINE CONSTRUCTION & DESIGN CO.	750.00	
Do	BOGLE & GATES (FOR: PACIFIC SEAFOOD PROCESSORS ASSN)	6,000.00	
Do	PORT OF SEATTLE	3,000.00	
JOSEPH L. LEITZINGER, 900 4TH AVE. SEATTLE WA 98164	SIMPSON TIMBER CO	480.00	174.00
THOMAS J. LENGYEL, 1625 K STREET, NW, #1000 WASHINGTON DC 20006	AMERICAN INST OF MERCHANT SHIPPING		
BETTY JANE LEONARD, P.O. BOX 19109 GREENSBORO NC 27419	UNIFI, INC		
EARL T. LEONARD JR., P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY	1,945.00	2,678.07
LAW OFFICE OF JERRIS LEONARD, 900 17TH STREET, NW, #1020 WASHINGTON DC 20006	KANSAS CORPORATION COMMISSION		
LLOYD LEONARD, 1730 M ST., NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	4,846.17	54.29
CHARLES LEPPERT JR., 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	46.69	
DONALD G. LERCH & CO., 1030 15TH STREET, NW, #840 WASHINGTON DC 20005	NATURAL GAS SUPPLY ASSN		
RICHARD L. LESHER, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
WILLIAM J. LESSARD JR., 1300 19TH STREET, NW, #310 WASHINGTON DC 20036	NATIONAL COMM TO PRESERVE SOCIAL SECURITY & MEDICARE	3,000.00	
DALE LESTINA, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,535.00	301.05
LEVA HAWES SYMINGTON & MARTIN, SUITE 1001 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	COOPERATIVE FOR AMERICAN RELIEF EVERYWHERE, INC. (CARE)		
Do	DON LANGENEGGER, ET AL.		
Do	FINNIGAN CORPORATION	377.10	20.15
Do	SCIENTIFIC APPARATUS MAKERS ASSN	981.07	107.35
ROBERT JOHN LEVERING, 1730 M ST., NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	300.00	56.02
S.R. LEVERING, 100 MARYLAND AVENUE, N.E. WASHINGTON DC 20002	U.S. COMMITTEE FOR THE OCEANS		
MORRIS J. LEVIN, 1050 17TH ST., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	2,500.00	
BARBARA W. LEVINE, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	634.50	
BERTRAM J. LEVINE, 1667 K STREET, NW, #410 WASHINGTON DC 20006	JOHNSON & JOHNSON	1,000.00	25.00
HARRY LEVINE JR., 1331 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	115.00	
JAMES F. LEVY, 5301 TRENHOLM ROAD COLUMBIA SC 29260	DENTAL MANAGEMENT SERVICES, INC		
LESLIE LEVY, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	7,439.22	442.97

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ROGER N. LEVY, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	16,230.72	
F. THOMAS LEWAND, 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	JAFFE SNIDER RAITT & HEUER, P.C		
CLUNET R. LEWIS, 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	JAFFE SNIDER RAITT & HEUER, P.C		
E. DAVID LEWIS, UNIT P 7297 LEE HIGHWAY FALLS CHURCH VA 22042	SOCIETY OF AMERICAN WOOD PRESERVERS, INC	350.00	525.00
MICHAEL R. LEWIS, 1133 15TH ST., NW SUITE 640 WASHINGTON DC 20005	INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION	9,242.00	1,831.11
RICHARD LEWIS, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PULPWOOD ASSN		
JOHN F. LEYDEN, 815 16TH STREET, NW, #308 WASHINGTON DC 20006	PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO	3,478.76	
WILLIAM J. LHOTA, 215 N. FRONT STREET COLUMBUS OH 43215	COLUMBUS AND SOUTHERN OHIO ELECTRIC CO		
HERBERT LIEBENSON, 1604 K ST., NW WASHINGTON DC 20006	NATIONAL SMALL BUSINESS ASSN	5,625.00	
Do	SMALL BUSINESS LEGISLATIVE COUNCIL		
WILLIAM C. LIENESCH, 238 10TH ST., SE WASHINGTON DC 20003	NATIONAL PARKS & CONSERVATION ASSOCIATION	540.00	24.75
DUKE R. LIGON, 1575 EYE STREET, NW, #510 WASHINGTON DC 20005	CORCORAN HARDESTY WHYTE HEMPHILL & LIGON, P.C. (FOR: NOVA SCOTIA RESOURCES, LTD).		
Do	CORCORAN HARDESTY WHYTE HEMPHILL & LIGON (FOR: PROVINCE OF NOVA SCOTIA).		
RICHARD A. LILLQUIST, SUITE 500 1090 VERMONT AVE., NW WASHINGTON DC 20005	FLEXIBLE PACKAGING ASSOCIATION		
DIANE PALMER LILLY, 1200 PEAVEY BUILDING MINNEAPOLIS MN 55479	NORWEST CORPORATION		
STEPHEN R. LINDAUER, 1957 E STREET, NW WASHINGTON DC 20515	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
KATHLEEN M. LINEHAN, 1025 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	GULF OIL CORP	800.00	209.00
ELENA LINTHICUM, 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION		
HERSHEL LIPOW, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	3,625.00	55.52
LINDA A. LIPSEN, 2001 S STREET, NW, #520 WASHINGTON DC 20009	CONSUMERS UNION OF U.S., INC	4,500.00	
LISA ENTERPRISES, INC, P.O. BOX 1160 DEERFIELD BEACH FL 33441			16,276.57
LISBOA ASSOCIATES, INC, 3600 M STREET, NW WASHINGTON DC 20007		7,500.00	137.65
CRAIG LISKE, P.O. BOX 2120 HOUSTON TX 77252	UNION TEXAS PETROLEUM CORP		
JOHN M. LISON, 16100 SOUTH LATHROP AVENUE HARVEY IL 60426	ATCOR, INC	6,000.00	352.22
SARA E. LISTER, PATTERSON, BELKNAP, WEBB & TYLER 1730 PENNSYLVANIA AVENUE, NW, #1060 WASHINGTON DC 20006.	F M S CORPORATION		
CHARLES B. LITTLE, SUITE 603 600 MARYLAND AVE., SW WASHINGTON DC 20024	UBA, INC	1,000.00	
WILLIAM F. LITTLE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	437.00	262.15
ROY LITTLEFIELD, 15900 PINECROFT LANE BOWIE MD 20716	AMERICAN RETREADERS ASSN	2,000.00	
Do	NATIONAL COALITION OF INDEPENDENT COLLEGE & UNIV. STUDENTS		
E. GEOFFREY LITTLEHALE, 1101 14TH STREET, NW WASHINGTON DC 20005	AMERICAN FINANCIAL SERVICES ASSN	1,250.00	316.00
THEODORE M. LITTMAN, 2230 E. IMPERIAL AVE. EL SEGUNDO CA 90245	ROCKWELL INTL		
ROBERT W. LIVELY, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	75.00	
LIVESTOCK MARKETING ASSOCIATION, 301 E. ARMOUR BLVD. KANSAS CITY MO 64111			5,194.34
NEIL C. LIVINGSTONE, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: RAMZI A. DALLOUL)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: GOVERNMENT OF HAITI)	700.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF KOREA)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF TURKEY)	200.00	
LOBEL NOVINS & LAMONT, 1523 L STREET, NW, #200 WASHINGTON DC 20005	GENERIC PHARMACEUTICAL INDUSTRY ASSN	23,018.93	1,636.60
PAUL LOCIGNO, 25 LOUISIANA AVENUE, NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	15,953.05	
ROBERT F. LOCKHART JR., 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO, INC		
KAREN LOCKWOOD, 444 NORTH CAPITOL ST., NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	3,239.61	432.04
NILS LOFGREN, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
LAW OFCS OF SHELDON LONDON, SUITE 401 1725 DESALES ST., NW WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSN	1,500.00	
ROBERT S. LONG, 919 18TH STREET, NW, #400 WASHINGTON DC 20006	DIAMOND SHAMROCK CORP	3,000.00	123.46
WILLIAM E. LONG, ONE NATIONWIDE PLAZA COLUMBUS OH 43216	NATIONWIDE INSURANCE COMPANY	4,680.00	
JOHN H. LONNQUIST, 1025 CONNECTICUT AVE., NW SUITE 214 WASHINGTON DC 20036	MANVILLE CORPORATION	1,500.00	
LAURA LOOMIS, 419 N. NELSON STREET ARLINGTON VA 22203	NATIONAL PARKS & CONSERVATION ASSOCIATION	426.98	4.80
LOOMIS OWEN FELLMAN & HOWE, 2020 K ST., NW WASHINGTON DC 20006	INDUSTRIAL DIAMOND ASSN		
SUSAN J. LOOMIS, 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	2,000.00	500.00
LORD DAY & LORD, 1120 20TH ST., NW WASHINGTON DC 20036	CONTINENTAL GRAIN COMPANY		
PHILIP J. LOREE, 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING	200.00	.20
ROBERT E. LOSCH, P.C., 1716 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20009	AMERICAN DREDGING CO, ET AL	17,500.00	3,263.94
CLAUDIA J. LOUIS, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		
JAMES F. LOVETT, 1801 K ST., NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	500.00	200.00
RODNEY W. LOWMAN, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORP	800.00	53.00
GERALD M. LOWRIE, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	12,000.00	
MRS. FREDDIE H. LUCAS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	1,597.13
LUKENS, INC, 50 SOUTH FIRST AVENUE COATESVILLE PA 19320			
SYLVESTER LUKIS, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CRAMER HABER & LUKIS, P.C. (FOR: AGRICULTURISTS FOR RESPONSIBLE LEGISLATION).		
Do	CRAMER HABER & LUKIS, P.C. (FOR: BROWARD COUNTY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: CANAVERAL PORT AUTHORITY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: CITY OF MIAMI)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: DADE COUNTY)		
Do	CRAMER HABER & LUKIS, P.C. (FOR: PENNSYLVANIA ENGINEERING CORP)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: REPUBLIC OF GABON)		
LUMAN & SCHOOR, 1030 15TH ST., NW, #720 WASHINGTON DC 20005	NATIONAL ASSN OF PERSONNEL CONSULTANTS		
LUMBERMENS MUTUAL CASUALTY COMPANY, LONG GROVE IL 60049			3,467.95
MILTON F. LUNCH, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,000.00	
LUND & O'BRIEN, 1625 EYE ST., NW WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING	600.00	5.38
Do	PENNSYLVANIA POWER & LIGHT CO	2,357.30	141.54
CHRISTIAN J. LUND, 1825 I STREET, NW, #700 WASHINGTON DC 20006	UNITED TECHNOLOGIES CORPORATION	15,750.00	
FRANCIS M. LUNNIE JR., 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		100.00
JOHN C. LYNCH, 1615 H STREET, NW WASHINGTON DC 20062	CITIZEN'S CHOICE, INC	7,125.00	
TIMOTHY P. LYNCH, 1501 WILSON BOULEVARD, #910 ARLINGTON VA 22209	ROADWAY EXPRESS, INC	425.00	200.00
M.O.A./AIOA & SUBS, INC, SUITE 107 701 S. 22ND OMAHA NB 68102			
M/A-COM, INC, 1350 PICCARD DRIVE, #304 ROCKVILLE MD 20850			10,362.00
TIMOTHY MACCARTHY, 1620 I STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	840.00	
ANTHONY R. MACCHIA, 127 JOHN STREET NEW YORK NY 10038	COFFEE, SUGAR & COCOA EXCHANGE, INC		
RUSSELL MACCLEERY, 1250 I STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN	1,500.00	50.00
JACK A. MACDONALD, 1901 N. FORT MEYER DRIVE, #302 ROSSLYN VA 22209	BEVERLY ENTERPRISES, INC	6,250.00	416.80
MIRIAM A. MACDONALD, 1025 CONNECTICUT AVENUE, NW, #1010 WASHINGTON DC 20036	METROPOLITAN INSURANCE COS	1,000.00	
JAMES E. MACK, 9005 CONGRESSIONAL COURT POTOMAC MD 20854	NATIONAL ASSN OF MIRROR MFGRS		
Do	PEANUT BUTTER & NUT PROCESSORS ASSN		
JAMES H. MACK, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	14,025.00	500.00
THOMAS L. MACK, P.O. BOX 49 PALO VERDE AZ 85343	BECHTEL POWER CORPORATION		
J. LYNN MADDOX, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC	325.00	
CLIFF MADISON, P.O. BOX 3482 GRANADA HILLS CA 91344	CLIFF MADISON GOVERNMENT RELATIONS, INC (FOR: MARK AIR, INC)		
Do	CLIFF MADISON GOVERNMENT RELATIONS, INC (FOR: SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT).		
Do	CLIFF MADISON GOVERNMENT RELATIONS, INC (FOR: WESTERN AIRLINES)		
CLIFF MADISON GOVERNMENT RELATIONS, INC, P.O. BOX 3482 GRANADA HILLS CA 91344	MARK AIR, INC	1,200.00	
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	1,200.00	
Do	WESTERN AIRLINES	900.00	
MARCIA G. MADSEN, MORGAN LEWIS & BOCKIUS 1800 M STREET, NW WASHINGTON DC 20036	TEXAS INDUSTRIES, INC		
SUSAN MAGAW, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	2,000.00	
CHARLES MAGUIRE, 3315 P STREET, NW, #906 WASHINGTON DC 20036	MERRILL LYNCH & CO, INC	1,200.00	
W. TERRY MAGUIRE, BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041	AMERICAN NEWSPAPER PUBLISHERS ASSN	1,125.00	
DAVID L. MAHAN, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
JOAN A. MAHER, 1117 NORTH 19TH STREET, #600 ARLINGTON VA 22209	AMERICAN ASSN OF BLOOD BANKS		
LINDA J. MAHER, SUITE 1006 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	TURNER BROADCASTING SYSTEM, INC	4,600.00	1,079.65
THOMAS D. MAHER, 1600 M ST., NW WASHINGTON DC 20036	INVESTMENT COMPANY INSTITUTE		
JOHN F. MAHONEY, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	5,378.00	74.68
TERENCE P. MAHONY, 1825 K STREET, NW, #807 WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	500.00	248.06
ROBERT L. MAIER, SUITE 1000 900 17TH ST., NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORP	280.00	20.00
STEVEN R. MAIMON, P.O. BOX 7579 WASHINGTON DC 20044			
MICHAL W. MAINWARING, 1730 RHODE ISLAND AVENUE, NW, #713 WASHINGTON DC 20036	PPG INDUSTRIES, INC		
MAJOR LEAGUE BASEBALL PLAYERS ASSN, 805 THIRD AVENUE NEW YORK NY 10022			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DAVID MALLINO, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPT, AFL-CIO	6,838.00	279.84
J. WILSON MALLOY JR , 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EASTMAN CHEMICALS DIVISION	800.00	90.00
KURT L. MALMGREN, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	724.00	
MALMGREN, INC, 1120 20TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BEVERAGE IMPORTERS, INC	2,342.00	2,342.00
MARY JO MALONE, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	1,900.00	1,643.40
ROBERT H. MALONEY, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO, INC		
WILLIAM R. MALONI, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	19,250.00	1,563.12
MAN-MADE FIBER PRODUCERS ASSN, INC, SUITE 310 1150 17TH ST., NW WASHINGTON DC 20036			700.00
CARTER MANASCO, 5932 CHESTERBROOK RD. MCLEAN VA 22101	NATIONAL COAL ASSN	7,812.51	100.65
MANATT PHELPS ROTHENBERG & TUNNEY, SUITE 200 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ALLIED TUBE & CONDUIT CORP		
Do	BANKERS TRUST CO		
Do	BKK CORPORATION	2,000.00	
Do	BOEING CO		
Do	COMWORLD PRODUCTIONS		
Do	KAUFMAN & BROAD, INC		
Do	MANUFACTURERS HANOVER LEASING CORPORATION		
Do	NATIONAL INVESTMENT DEVELOPMENT CORPORATION		
Do	NORTHROP CORP	1,400.00	
Do	NORTHWEST ALASKAN PIPELINE CO		
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	5,400.00	
Do	NEIL YOUNG		
FRANK MANKIEWICZ, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN EXPRESS CO)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN IRON & STEEL INSTITUTE).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: JOINT MARITIME CONGRESS).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: MUTUAL INSURANCE COALITION).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL BROADCASTING CO).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF TURKEY)	205.00	
RICHARD J. MANNIX, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
CLAUDIA MANSFIELD, 1801 N. MOORE STREET ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		587.99
CYNTHIA MANSFIELD, SUITE 520 600 MARYLAND AVE., SW WASHINGTON DC 20024	GPU SERVICE CORPORATION	4,230.60	1,148.69
ARMAND G MANSON, 1090 VERMONT AVE. N.W. STE 1100 WASHINGTON DC 20006	BELL AEROSPACE TEXTRON	2,750.00	
MANUFACTURED HOUSING INST, 1745 JEFFERSON DAVIS HIGHWAY, #511 ARLINGTON VA 22202			4,900.00
JOHN V. MARANEY, 324 EAST CAPITOL ST., NE WASHINGTON DC 20003	NATIONAL STAR ROUTE MAIL CARRIERS' ASSN		
LOUIS T. MARCH ASSOCIATES, INC, 1400 EYE STREET, NW, #300 WASHINGTON DC 20005			
MARCH FOR LIFE, INC, PO BOX 2950 WASHINGTON DC 20013		1,879.00	911.52
CHARLES T. MARCK, 1800 M ST., NW, SUITE 700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL CO		
R. V. MARIANI, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,000.00	1,000.00
MARITIME INSTITUTE FOR RESEARCH & INDUSTRIAL DEVELOPMENT, SUITE 600 1133 15TH STREET, NW WASHINGTON DC 20005.			12,625.00
RICHARD P. MARKEY, 729 15TH ST., NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC		
LAWRENCE D. MARKLEY, PO BOX 3518 ANCHORAGE AK 99501	CHUGACH ELECTRIC ASSN, INC	855.00	394.84
NATHAN FRED MARKS, 685 N.W. 8TH STREET GRESHAM OR 97030			
RONALD ANTHONY MARKS, 1121 N. ARLINGTON BLVD., #710 ARLINGTON VA 22209			
LUTHER A. MARKWART, SUITE 1019 1156 15TH STREET, NW WASHINGTON DC 20005	AMERICAN SUGARBEET GROWERS ASSN		
CHALMERS H. MARQUIS, 3430 BLAIR RD. FALLS CHURCH VA 22041	NATIONAL ASSN FOR PUBLIC TELEVISION STATIONS	600.00	150.00
DEBORAH J. MARQUIS, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	4,200.00	27.67
JOHN MARSH, 100 OAKVIEW DRIVE TRUMBULL CT 06611	RAYMARK CORPORATION		
C. TRAVIS MARSHALL, 1776 K ST., NW WASHINGTON DC 20006	MOTOROLA, INC	1,500.00	2,024.42
THOMAS A. MARTENS, P.O. BOX 10110 SO. LAKE TAHOE CA 95731	LEAGUE TO SAVE LAKE TAHOE	7,000.02	
DANEA KEHOE MARTIN, 1922 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF LIFE UNDERWRITERS	2,223.00	42.00
DAVID F. MARTIN, 2020 14TH STREET, NORTH ARLINGTON VA 22201	TRANE COMPANY	1,500.00	
DAVID O. MARTIN, NORTH LAKE ST. NEENAH WI 54956	KIMBERLY-CLARK CORP		
FRED J. MARTIN JR., 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	136.23	117.47
JAMES D. MARTIN, 4600 72ND AVENUE LANDOVER HILLS MD 20784	COMMUNICATIONS SATELLITE CORPORATION	2,000.00	300.48
JOHN M. MARTIN JR., 6909 FORT HUNT ROAD ALEXANDRIA VA 22307	FOOD MARKETING INSTITUTE	100.00	
Do	JEWELRY INDUSTRY COORDINATING COMMITTEE	100.00	
KATHERINE E. MARTIN, 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	449.01	294.27
LARRY K. MARTIN, 1611 NORTH KENT STREET, #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC	3,750.00	145.00
STEPHEN I. MARTIN, HARTFORD PLAZA HARTFORD CT 06115	HARTFORD FIRE INSURANCE CO		
JAMES C. MARTINELLI, 1025 CONNECTICUT AVENUE, NW, #300 WASHINGTON DC 20036	ENVIRONMENTAL MANAGEMENT CONSULTANTS, INC		
VILMA S. MARTINEZ, 612 S. FLOWER STREET, 5TH FLOOR LOS ANGELES CA 90017	MUNGER, TOLLES & RICKERSHAUSER (FOR: SPANISH INTERNATIONAL COMMUNICATION CORP).	7,800.00	1,842.04
ERNEST MARTY, 85 RIDGE ST. NORTH SIDNEY, NSW 2060 AUSTRALIA			
JUDITH MARTY, 85 RIDGE ST. NORTH SYDNEY, NSW 2060 AUSTRALIA			
JOSEPH J. MARTYAK, 12TH FL. 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
MARYLAND SAVINGS-SHARE INSURANCE CORP., 901 NORTH HOWARD STREET BALTIMORE MD 21201			
MIKE M. MASAOKA, SUITE 520, THE FARRAGUT BLDG. 900 17TH ST., NW WASHINGTON DC 20006	AMERICAN JAPANESE TRADE COMM		
Do	JAPAN TELESCOPES MANUFACTURERS ASSN	200.00	
Do	NISEI LOBBY		
Do	TOYOTA MOTOR SALES, U.S.A., INC	750.00	
Do	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	500.00	
W. A. MASON, P.O. BOX 21106 SHREVEPORT LA 71156	SOUTHWESTERN ELECTRIC POWER CO	279.20	
JON G. MASSEY, 610 POYDRAS STREET, #318 NEW ORLEAN LA 70130	APACHE CORPORATION		
JAMES D. MASSIE, 1015 - 18TH STREET, N.W. WASHINGTON DC 20036	FERTILIZER INSTITUTE	5,000.00	4,557.34
RICHARD D. MATHIAS, SUITE 901 1660 L STREET, NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC		
CHARLES D. MATTHEWS, SUITE 700 1050 17TH ST., NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSN	2,719.20	471.69
ROBERT A. MATTHEWS, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST	984.38	
JOANNE E. MATTIACE, 633 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20004	SEARS, ROEBUCK AND CO	75.00	9.00
MARSHALL L. MATZ, SCOTT HARRISON & MCLEOD 2501 M STREET, NW, 4TH FL. WASHINGTON DC 20037	AFFILIATED FOOD PROCESSORS, INC		
Do	AMERICAN SCHOOL FOOD SERVICE ASSN	9,000.00	586.19
Do	ELECTRONIC DATA SYSTEMS	7,045.00	276.83
Do	PLASTICS MANUFACTURING CO	12,607.50	1,021.57
C.V. & R.V. MAUDLIN, 1511 K STREET, NW, #535 WASHINGTON DC 20005	BRASS AND BRONZE INGOT INSTITUTE		
MAUN GREEN HAYES SIMON JOHANNESON & BREHL, 332 HAMM BUILDING ST. PAUL MN 55102	MURPHY MOTOR FREIGHT LINES, INC		
ANTHONY F. MAURIELLO, NEW YORK STATE PETROLEUM COUNCIL 150 STATE STREET ALBANY NY 12207	AMERICAN PETROLEUM INST		
THOMAS H. MAXEDON, KENTUCKY PETROLEUM COUNCIL 612-A SHELBY STREET FRANKFORT KY 40601	AMERICAN PETROLEUM INST		
WALTER R. MAY, 7004 PARK TERRACE DRIVE ALEXANDRIA VA 22307	YELLOW FREIGHT SYSTEM, INC	11,250.00	1,111.00
MAYER BROWN & PLATT, 2000 PENNSYLVANIA AVENUE, NW, #6500 WASHINGTON DC 20006	AEROSPACE INDUSTRIES ASSN OF AMERICA, INC		
Do	COMDISCO, INC		
Do	GATX CORP		
Do	JMB REALTY CORP		
Do	SEARS ROEBUCK & CO		
Do	TRANSCANADA PIPELINES LTD		
DOUGLAS E. MCALLISTER, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	60.00	8.00
ANN MCBRIDE, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	12,760.02	70.00
JOHN A. MCCAHILL, 1250 CONNECTICUT AVE, NW WASHINGTON DC 20036	U.S. OLYMPIC COMMITTEE		
JULIE P. MCCAHILL, SUITE 715 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	MEAD CORPORATION	275.00	
A. R. MCCAMMON, 501 UNION ST., #506 NASHVILLE TN 37219	TENNESSEE RAILROAD ASSOCIATION		
LAW OFFICES OF R. C. MCCANDLESS, 1707 H ST., NW WASHINGTON DC 20006	MILLER & SCHROEDER MUNICIPALS, INC	4,000.00	2,000.00
Do	SANTA ANITA REALTY ENTERPRISES, INC	1,000.00	3,000.00
Do	TRANSAMERICA CORPORATION		
Do	TRANSAMERICA INTERWAY CORP	6,000.00	1,500.00
KATHERINE S. MCCARTER, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	2,566.00	
CAROLYN KIM MCCARTHY, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	1,500.00	500.00
JAMES R. MCCARTHY, 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	200.00	
JAMES W MCCARTHY, 1515 WILSON BLVD ARLINGTON VA 22209	AMERICAN GAS ASSN	3,000.00	1,582.68
MCCARTY NOONE & WILLIAMS, SUITE 3306 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	AMERICAN MEDICAL TECHNOLOGISTS	855.00	76.71
Do	ARIZONA POWER AUTHORITY	2,726.88	861.36
CATHY MCCHAREN, 1000 THOMAS JEFFERSON STREET, NW, #600 WASHINGTON DC 20007	UNITED EGG PRODUCERS		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MICHAEL A. MCCLELLAND, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)		
MCCLURE & TROTTER, SUITE 600 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	COCA-COLA COMPANY		473.92
Do	ESTATE OF CHARLES G. BLUHDORN		
Do	GULF & WESTERN INDUSTRIES, INC		703.04
Do	MOBIL OIL CORP	7,634.62	296.27
Do	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS		5.68
Do	PROVIDENCE CAPITOL CORP		53.62
ROBERT S. MCCONNAUGHEY, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
JOHN L. MCCONNELL, SUITE 1100 1800 K ST., NW WASHINGTON DC 20006	NEW YORK STOCK EXCHANGE, INC		
SALLY MCCONNELL, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	9,010.02	261.00
MOLLY MCCORMICK, 2301 MARKET STREET, S24-4 PHILADELPHIA PA 19101	PHILADELPHIA ELECTRIC COMPANY	2,232.30	306.19
ALVIN MCCOY, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
DENNIS R. MCCOY, 1101 17TH STREET, NW WASHINGTON DC 20036	UNITED GAS PIPE LINE CO	332.50	25.00
THOMAS W.J.C. MCCRYSTAL, P.O. BOX 5768 CHARLOTTESVILLE VA 22905	HIGH FRONTIER GROUP		
E. L. MCCULLOCH, 819 RAILWAY LABOR BLDG., 400 1ST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF LOCOMOTIVE ENGINEERS	234.60	309.44
ALBERT L. MCDERMOTT, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	2,032.69	
MARIANNE MCDERMOTT, 600 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20003	GREETING CARD ASSN		
MARK T. MCDERMOTT, JOSEPH, POWELL, MCDERMOTT & REINER, P.C. 1300 19TH STREET, NW, #400 WASHINGTON DC 20036.	CIVIL PILOTS FOR REGULATORY REFORM		
MCDERMOTT WILL & EMERY, SUITE 500 1850 K ST., NW WASHINGTON DC 20006	CATERPILLAR TRACTOR CO	510.00	
Do	FEDERAL KEMPER LIFE ASSURANCE COMPANY	631.20	
Do	FEDERATION OF JAPAN SALMON FISHERIES COOPERATIVE ASSN		
Do	FORT HOWARD PAPER CO	1,360.00	12.50
Do	GUARDIAN AD LITEM, AIR CRASH DISASTER NEAR SAIGON		
Do	KEMPER INVESTORS LIFE INSURANCE CO	303.80	
Do	LUMBERMAN MUTUAL CASUALTY CO		
Do	TUNA RESEARCH FOUNDATION, INC		
JACK MCDONALD ASSOCIATES, SUITE 610 1120 20TH ST., NW WASHINGTON DC 20036	MUTUAL BENEFIT LIFE INSURANCE CO	10,000.00	
E. T. MCDONALD, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,000.00	3,000.00
JACK MCDONALD, 1120 20TH STREET, NW, #610 WASHINGTON DC 20036	JACK MCDONALD ASSOCIATES, INC (FOR: MUTUAL BENEFIT LIFE INSURANCE CO)		
MICHAEL D. MCDONALD, MARYLAND PETROLEUM ASSN 60 WEST ST. ANNAPOLIS MD 21401	AMERICAN PETROLEUM INST	80.00	
MCDONOUGH HOLLAND & ALLEN, SUITE 1275 1875 EYE ST., NW WASHINGTON DC 20006	CARMA-SANDLING GROUP		
Do	COUNTY OF ORANGE	10,000.00	
Do	FRANKLIN REINFORCING STEEL CO, INC		
Do	ORANGE COUNTY TRANSPORTATION COMMISSION	12,000.00	
Do	ORANGE COUNTY WATER DISTRICT	300.00	
Do	SANTA ANA RIVER FLOOD PROTECTION AGENCY	600.00	
PATRICK J. MCDONOUGH, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING AND DEVELOPMENT		
DINAH D. MCELFRESH, SUITE 1030N 1800 M ST., NW WASHINGTON DC 20036	HAUCK & ASSOCIATES (FOR: NATIONAL ASSN OF CHILD CARE MANAGEMENT)		
AH QUON MCELRATH, 1334 G STREET, NW, THIRD FL. WASHINGTON DC 20005	VILLERS ADVOCACY ASSOCIATES	440.41	16.85
ROBERT H. MCFADDEN, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
PAUL J. MCGEADY, 475 RIVERSIDE DRIVE, #239 NEW YORK NY 10115	MORALITY IN MEDIA, INC	18.19	
DONNA LEE MCGEE, 1800 M STREET,N.W. #870-S WASHINGTON DC 20036	BURLINGTON INDUSTRIES, INC		
P. ANNE MCGHEE, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
ROBERT M. MCGLOTTEN, 815 16TH ST., NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	15,269.02	1,243.46
PHYLLIS M. MCGOVERN, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE		
JEANNE H. MCGOWAN, 1025 CONNECTICUT AVENUE, NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		
JEROME J. MCGRATH, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	500.00	
JOSEPH M. MCGUIRE, 1501 WILSON BLVD. ARLINGTON VA 22209	AIR CONDITIONING & REFRIGERATION INSTITUTE	7,000.00	
PETER E. MCGUIRE, 1875 I STREET, NW, #450 WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED & VETERAN RAILWAY EMPLOYEES	4,999.98	151.70
MCGUIRE WOODS & BATTLE, 1400 ROSS BUILDING RICHMOND VA 23219	UNITED COAL CO		
MCHALE COOK & WELCH, P.C., 1122 CHAMBER OF COMMERCE BUILDING INDIANAPOLIS IN 46204	ESTATE OF MABEL R. LADD		50.00
MCHENRY & STAFFIER, P.C., SUITE 408 1300 19TH STREET, NW WASHINGTON DC 20036	FOOTHILLS PIPE LINES (YUKON) LTD		
Do	HUSKY OIL LTD		
Do	NOVA, AN ALBERTA CORP		
Do	NOVACOR CHEMICALS, LTD		
Do	PAN-ALBERTA GAS LTD		
CLARENCE M. MCINTOSH JR , 400 FIRST ST., NW WASHINGTON DC 20001	RAILWAY LABOR EXECUTIVES' ASSN	1,307.57	
DENNIS MCINTOSH, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	311.00
ROBERT MCINTYRE, ROOM 200 2020 K ST., NW WASHINGTON DC 20006	CITIZENS FOR TAX JUSTICE	7,700.28	27.38
WILLIAM F. MCKENNA, SUITE 500 2301 M ST., NW WASHINGTON DC 20037	HOUSLEY, GOLDBERG & KANTARIAN, P.C		
JAN E. MCKENZIE, 1111 19TH ST., NW SUITE 702 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,958.00	567.00
ROBERT T. MCKERNAN, 1619 MASSACHUSETTS AVENUE, N.W. WASHINGTON DC 20036	AMERICAN PAPER INST, INC	500.00	
WILLIAM COLM MCKEVENY, 30 ROCKEFELLER PLAZA NEW YORK NY 10012	AMERICAN PULPWOOD ASSN		
C. A. 'MACK' MCKINNEY, 219 NORTH WASHINGTON STREET ALEXANDRIA VA 22314	NON COMMISSIONED OFFICERS ASSN OF THE USA	7,762.50	13,191.43
THOMAS I. MCKNEW JR., 1100 CONNECTICUT AVENUE, NW, #840 WASHINGTON DC 20036	SANTA FE SOUTHERN PACIFIC CORP	1,500.00	
JAMES D. MCLAUGHLIN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,850.00	
WILLIAM F. MCMANUS, 1331 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	530.00	
JAMES D. MCMILLAN, 1899 L ST., NW, #1100 WASHINGTON DC	EXXON CORPORATION	600.00	370.16
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 1155 15TH ST., NW WASHINGTON DC 20005	AIR LINE PILOTS ASSN	430.00	
Do	AIR TRANSPORT ASSN OF AMERICA	1,624.00	
Do	AIRCO, INC		
Do	ALASKA AIRLINES, INC	404.00	
Do	AMERICAN PETROLEUM INST		
Do	BANKERS TRUST OF SOUTH CAROLINA		
Do	BRISTOL-MYERS CO		
Do	BUSINESS ROUNDTABLE	652.00	
Do	CBS, INC	8,775.00	283.04
Do	CHARLESTON CENTER #3, LTD		
Do	COLT INDUSTRIES, INC	340.00	
Do	DAVIS POLK & WARDWELL	2,832.00	254.47
Do	FOOD MARKETING INSTITUTE	3,618.00	262.16
Do	GENERAL MILLS	1,432.00	
Do	GENERAL TELEPHONE & ELECTRONICS	2,124.00	213.61
Do	GEORGIA PACIFIC CORP	1,924.00	124.76
Do	GTE SPRINT COMMUNICATIONS	6,424.00	
Do	HARRIS CORPORATION	18,456.63	1,124.43
Do	HOUSHOLD INTERNATIONAL		
Do	MESA PETROLEUM CO	14,529.00	107.08
Do	METROPOLITAN INSURANCE	6,756.00	269.05
Do	MILLIKEN MILLS	768.00	150.67
Do	NATIONAL ASSN OF REALTORS	2,000.00	
Do	NATIONAL CABLE TELEVISION ASSN	14,641.00	233.94
Do	NATIONAL FOOTBALL LEAGUE	4,628.00	795.13
Do	NORFOLK SOUTHERN CORP	5,929.00	372.89
Do	PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY		
Do	PHARMACEUTICAL MANUFACTURERS ASSN	13,898.50	
Do	RKO		
Do	SONY CORP OF AMERICA	9,911.00	128.81
Do	WASTE MANAGEMENT, INC		
Do	WESTINGHOUSE ELECTRIC CORP	1,632.00	130.11
KATHRYN M. MCNAMARA, 633 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20004	SEARS ROEBUCK & CO	156.30	22.00
LARAMIE FAITH MCNAMARA, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
PATRICK H. MCNAMARA, 1800 M STREET, NW, #700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL, U.S.A		257.69
PETER F. MCNEISH, 1156 15TH STREET, NW, #1101 WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	3,000.00	
MICHAEL J. MCSHANE, 1200 NEW HAMPSHIRE AVENUE, NW, #320 WASHINGTON DC 20036	TECHNOLOGY FOR ENERGY CORP		
ROBERT MCVICKER, 2421 CAVENDISH DR. ALEXANDRIA VA 22309	KOLLSMAN INSTRUMENT CO		
GEORGE G. MEAD, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC		
JOSEPH F. MEADOW, 7100 BALTIMORE AVENUE COLLEGE PARK MD 20740	UNITED ACTION FOR ANIMALS, INC	1,400.00	
JOHN K. MEAGHER, 1155 15TH ST.,N.W. SUITE 1004 WASHINGTON DC 20005	LTV CORPORATION	2,500.00	670.00
JOSEPH J. MEDER, SUITE 1100 1050 17TH ST., NW WASHINGTON DC 20036	INTERLAKE, INC	9,000.00	334.10
MEDTRONIC, INC, 3055 OLD HIGHWAY 8 P.O. BOX 1453 MINNEAPOLIS MN 55440			1,997.11
MEEHAN & STOELKER, 2200 TWO GIRARD PLAZA PHILADELPHIA PA 19102	MILLIKEN RESEARCH CORP		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
WILLIAM H. MEGONNELL, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	87.40	
RICHARD A. MEHLER, 1742 N ST., NW WASHINGTON DC 20036	AUTOMOTIVE PARTS REBUILDERS ASSN		
LARRY MEHLHAFF, 23 N. SCOTT SHERIDAN WY 82801	SIERRA CLUB	6,500.00	4,206.37
MICHELLE MEIER, 2001 S STREET, NW, #520 WASHINGTON DC 20009	CONSUMERS UNION OF U.S., INC	2,400.00	
HOWARD H. MENAKER, 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
MENDELSOHN ASSOCIATES, INC., 1826 JEFFERSON PLACE, NW, #101 WASHINGTON DC 20036	AMERICAN PRESIDENT LINES		
Do	WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS		
HOWARD A. MENELL, 1700 K STREET, NW, #702 WASHINGTON DC 20006	AMERICAN EXPRESS CO.		
EDWARD L. MENNING, 1522 K STREET N.W. SUITE 836 WASHINGTON DC 20005	NATIONAL ASSN OF FEDERAL VETERINARIANS		
CHARLES L. MERIN, 1875 I STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	3,000.00	1,464.05
EDWARD A. MERLIS, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN	2,307.69	
ORREN MERREN, 701 WASHINGTON BUILDING 15TH STREET AND NEW YORK AVENUE, NW WASHINGTON DC 20005	PORTFOLIO OF AGRICULTURE AND CAYMAN TURTLE FARM LTD		
EDWARD L. MERRIGAN, 6000 CONNECTICUT AVE., NW WASHINGTON DC 20815	CENTRAL GULF LINES, INC	4,000.00	
Do	GOVERNMENT OF PUERTO RICO		
Do	NATIONAL ASSN OF RECYCLING INDUSTRIES, INC	10,000.00	702.23
MERRILL LYNCH & CO., INC., SUITE 906 1828 L STREET, NW WASHINGTON DC 20036			8,500.00
NANCY JO MERRILL, SUITE 600 1707 H ST., NW WASHINGTON DC 20006	MARCH OF DIMES BIRTH DEFECTS FOUNDATION		
THOMAS L. MESKAN, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	789.17
JEAN L. MESTRES, 1747 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	573.50	102.83
WILLIAM M. METHENITIS, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)	455.00	229.77
METZGER SHADYAC & SHCWARZ, 1275 K ST., NW WASHINGTON DC 20005	MELEX USA, INC		
CHRISTOPHER L. MEYER, P.O. BOX 888 ASHLAND KY 41101			
M. BARRY MEYER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	ALUMINUM ASSN	350.00	100.00
LARRY D. MEYERS, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	25,000.00	7,874.81
JAMES G. MICHAUX, 1200 NEW HAMPSHIRE AVENUE, NW, #430 WASHINGTON DC 20036	FEDERATED DEPT STORES, INC	500.00	
ANN A. MICHEL, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
THOMAS A. MICHELETTI, 1111 19TH STREET, NW, #303 WASHINGTON DC 20036	SOUTHERN CALIFORNIA EDISON CO	3,750.00	1,500.00
RONALD A. MICHIELI, SUITE 1032 425 13TH ST., NW WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
MID CONTINENT WILDCATTERS ASSN., 200 DOUGLAS BLDG. WICHITA KS 67202		37,500.00	7,729.00
MID-CONTINENT OIL & GAS ASSN, 711 ADAMS OFFICE BLDG. TULSA OK 74103		6,468.37	15,533.67
PAUL J. MIGNINI SR., 815 16TH STREET, NW, #310 WASHINGTON DC 20006	AMALGAMATED CLOTHING & TEXTILE WORKERS UNION	2,895.00	9.55
MIGRANT LEGAL ACTION PROGRAM, INC., SUITE 310 2001 S ST., NW WASHINGTON DC 20009			
MILBANK TWEED HADLEY & MCCLOY, 1825 EYE STREET, NW, #900 WASHINGTON DC 20006	CLAYMARK CORPORATION		
Do	JOINT TASK FORCE ON FEDERAL FINAN. ASSIST. FOR LAW STUDENTS		
MILES & STOCKBRIDGE, SUITE 500 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BLACK AND DECKER MANUFACTURING COMPANY		120.00
Do	PEPSICO, INC		
Do	PIZZA HUT, INC		195.00
ROY H. MILLENSON, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	750.00	99.33
MILLER & CHEVALIER, CHARTERED, METROPOLITAN SQUARE 655 15TH STREET, NW WASHINGTON DC 20005	HALLMARK CARDS, INC	3,975.00	74.74
Do	NATIONAL ASSN OF TEMPORARY SERVICES, INC	2,836.61	
MILLER ASSOCIATES, INC., 2500 QUE ST.,NW WASHINGTON DC 20007	TOSCO CORPORATION	1,500.00	43.50
MILLER CASSIDY LARROCA & LEWIN, SUITE 500 2555 M ST., NW WASHINGTON DC 20037	47TH STREET PHOTO		1,225.00
DALE MILLER, 4000 RENO ROAD, NW WASHINGTON DC 20008	GULF INTRACOASTAL CANAL ASSN		
Do	TEXASGULF, INC	450.00	128.33
DAVID H. MILLER, 900 17TH STREET, NW WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.	153.75	13.54
DEBORAH IMLE MILLER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
GRANT MILLER, 1725 JEFFERSON DAVIS HIGHWAY, #900 ARLINGTON VA 22202	LTV AEROSPACE & DEFENSE CO	2,500.00	125.00
HARRIS C. MILLER, 1747 PENNSYLVANIA AVENUE, #300 WASHINGTON DC 20006	OCCIDENTAL CHEMICAL CORP	322.00	31.00
JAMES C. MILLER, 1616 H ST, NW WASHINGTON DC 20006	NATIONAL GRANGE	3,462.50	
JOSEPH E. MILLER JR., 1608 K STREET, NW WASHINGTON DC 20006	AMERICAN LEGION	6,507.00	79.65
NANCY A. MILLER, 1101 14TH STREET, NW WASHINGTON DC 20005	AMERICAN FINANCIAL SERVICES ASSN		
PAUL J. MILLER, 8000 SEARS TOWER CHICAGO IL 60606	INVESTMENT COUNSEL ASSN OF AMERICA, INC		
RICHARD G. MILLER, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN	3,835.64	491.66
ROBERT H. MILLER, 490 L'ENFANT PLAZA EAST, SW, #2202 WASHINGTON DC 20024	TENNECO INC		
ROBIN MILLER, 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	31.65	
STEVEN T. MILLER, 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	AMERICAN METAL DETECTORS MANUFACTURERS, INC		
Do	AUTO INTERNACIONAL ASSN		
Do	COALITION OF AUTOMOTIVE ASSNS		
Do	SPECIALTY EQUIPMENT MARKET ASSN		
W. KIRK MILLER, 735 NORTH WATER STREET, #908 MILWAUKEE WI 53202	AMERICAN MALTING BARLEY ASSN, INC		
JOHN C. MILLINER P.O. BOX 1788 FOREST PARK GA 30051	SOUTHEASTERN LUMBER MANUFACTURERS ASSN		
JOHN F. MILLS, 1875 I ST., NW WASHINGTON DC 20006	TOBACCO INSTITUTE		
ROBERT G. MILLS, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	600.00	
RICHARD V. MINCK, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	500.00	
MINERAL EXPLORATION COALITION, INC, P.O. BOX 15638 LAKEWOOD CO 80215			489.10
MINING & RECLAMATION COUNCIL OF AMERICA, 1575 I STREET, NW, #525 WASHINGTON DC 20005			
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO, P.C., 1825 I STREET, NW, #1025 WASHINGTON DC 20006	CABLEVISION SYSTEMS DEVELOPMENT CO	9,980.00	
Do	GENERAL TELEPHONE & ELECTRONICS	1,900.00	
Do	HOME RECORDING RIGHTS COALITION	12,900.00	
Do	HOUGHTON MIFFLIN COMPANY	3,650.00	
Do	TURNER BROADCASTING SYSTEM, INC	5,630.00	
THOMAS B. MIRANDA, 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	2,025.00	106.44
EDWARD F. MITCHELL, 1900 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO	269.86	
JOANNE MITCHELL, 2020 K STREET, NW, #435 WASHINGTON DC 20006	COMMODITY EXCHANGE, INC	500.00	630.00
THOMAS F. MITCHELL, 1875 EYE ST., NW, #400 WASHINGTON DC 20006	GEORGIA-PACIFIC CORP		
DAVID T. MODI, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
ROBERT M. MOLITER, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO		
MICHAEL J. MOLONY, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	60.00	
C. MANLY MOLPUS, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	1,000.00	
HERMAN J. MOLZAHN, 1600 WILSON BLVD., #1101 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
CHRISTOPHER MONEK, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JOHN M. MONLEY, SUITE 600 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP		
ELIZABETH R. MONRO, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	5,000.00	
MICHAEL MONRONEY, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
JOHN C. MONSUL, 923 RIVA RIDGE DRIVE GREAT FALLS VA 22066			
STEVEN M. MOODIE, 910 16TH STREET ROOM 302 WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING	200.00	
D. MOODY & CO, INC, P.O. BOX 55389 TULSA OK 74155			
JAMES P. MOONEY, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	3,665.67	
ALAN J. MOORE, SUITE 840, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,000.00	
FRANCIS B. MOORE, 3003 BUTTERFIELD ROAD OAK BROOK IL 60521	WASTE MANAGEMENT, INC	5,000.00	892.07
JANIS E. MOORE, 1776 F ST., NW WASHINGTON, DC 20006	NATIONAL ASSN OF MANUFACTURERS	250.00	
WILLIAM D. MOORE, 10 DORRANCE STREET PROVIDENCE RI 02903	GREATER PROVIDENCE CHAMBER OF COMMERCE		
MORALITY IN MEDIA, INC., 475 RIVERSIDE DRIVE SUITE 239 NEW YORK NY 10115		973.18	973.18
VINCENT L. MORELLI, SUITE 880 555 NEW JERSEY AVE., NW WASHINGTON DC 20001	CONGOLEUM CORPORATION	1,000.00	182.24
DUDLEY DIGGES MORGAN III, P.O. BOX 52468 NEW ORLEANS LA 70152	SOUTHERN FOREST PRODUCTS ASSN	10,000.02	
E. JOYCE MORGAN, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
MORGAN LEWIS & BOCKIUS, SUITE 800 NORTH 1800 M ST., NW WASHINGTON DC 20036	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT	33.00	16.50
Do	CONSOLIDATED NATURAL GAS CO		
Do	KNOLL FINE CHEMICALS, INC	88.00	
JEANNE MORIN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	3,750.00	355.74
ROBERT E. MORIN, 600 NEW HAMPSHIRE AVENUE, NW, #354 WASHINGTON DC 20037	SOCIETY OF REAL ESTATE APPRAISERS		
JAMES A. MORRILL, SCOTT PLAZA I PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	2,250.00	446.00
GERALD D. MORRIS, 555 NEW JERSEY AVE., NW WASHINGTON DC 20001	AMERICAN FED OF TEACHERS	11,349.06	260.00
MARTIN S. MORRIS, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
TESSA MORRIS, 1819 L STREET, NW, #800 WASHINGTON DC 20036	SECURITY PACIFIC NATIONAL BANK	400.00	135.00
W. PATRICK MORRIS, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA		
MORRISON & FOERSTER, 1920 N STREET, NW, #800 WASHINGTON DC 20036	CONSOLIDATED FREIGHTWAYS	612.00	
Do	CROCKER NATIONAL BANK	3,179.40	159.46
Do	EASTDIL EQUITY	568.75	
Do	LOCKHEED AIR TERMINALS, INC		
Do	MASTERCARD INTERNATIONAL, INC	6,550.00	638.72
Do	ROSENBERG REAL ESTATE EQUITY FUND, INC	2,343.75	85.53
JAMES MORRISON, 21 DUPONT CIRCLE, NW, #401 WASHINGTON DC 20036	BUSINESS EXECUTIVES FOR NATIONAL SECURITY	2,000.00	183.62

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JULIAN K. MORRISON III, 1015 15TH STREET, NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	750.00	
PHILIP D. MORRISON, 1700 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20006	AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC		
Do	AMF, INC		
Do	BERKELEY BIO-MEDICAL, INC		
Do	BLOUNT, INC		
Do	BLUE BELL, INC		
Do	BORG-WARNER CORP	108.75	
Do	CONSOLIDATED NATURAL GAS CO		
Do	DIGITAL EQUIPMENT CORP	145.00	
Do	EASTMAN KODAK CO		
Do	EATON CORP		
Do	EMPLOYEE RELOCATION COUNCIL	4,335.00	16.73
Do	ESTATE OF VIRGINIA S. DU PONT	2,537.50	16.73
Do	GENERAL SHALE PRODUCTS CORP	1,522.50	
Do	MERCANTILE STORES, INC		
Do	RHINECHEM CORP		
Do	ROCHESTER TAX COUNCIL		16.74
Do	SIR JAMES GOLDSMITH		
Do	STANDARD CORP		
Do	TASTY BAKING CO		
Do	XEROX CORP	145.00	
WILLIAM C. MORRISON, 2001 NORTH ADAMS ST. ARLINGTON VA 22201	MEAT IMPORTERS COUNCIL OF AMERICA, INC	875.00	
VALERIE T. MORSE, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
FRANK D. MORUZZI, SUITE 500 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC		
JOHN H. MOSEMAN, 11224 LEATHERWOOD DR. RESTON VA 22091	COALITION OF HIGHER EDUCATION ASSISTANCE ORGANIZATIONS		
GEORGE R. MOSES, 1341 G STREET, NW, #202 WASHINGTON DC 20005	M/A-COM, INC	1,800.00	
RUSSELL N. MOSHER, SUITE 160 950 N. GLEBE RD. ARLINGTON VA 22203	AMERICAN BOILER MANUFACTURERS ASSN, INC		
MOSS ASSOCIATES, INC, 2440 VIRGINIA AVENUE, NW WASHINGTON DC 20037	ASSOCIATION OF BANK HOLDING COS	900.00	
JOE MOSS, P.O. BOX 2159 DALLAS TX 75221	AMERICAN PETROFINA, INC	1,358.70	1,318.81
LYNN E. MOTE, 1015 15TH ST., NW, #900 WASHINGTON DC 20005	INTERNORTH	2,000.00	
MOTION PICTURE ASSN OF AMERICA, INC, 1600 EYE STREET, NW WASHINGTON DC 20006		20,839.78	20,889.78
JOHN J. MOTLEY, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION, 1120 19TH ST., NW SUITE 333 WASHINGTON DC 20036		3,000.00	3,232.80
MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC., 300 NEW CENTER BLDG. DETROIT MI 48202		3,387.55	3,387.55
MOUNTAIN WEST ASSOCIATES, SUITE 880 2121 K ST., NW WASHINGTON DC 20037	PUBLIC SERVICE COMPANY OF NEW MEXICO	9,300.00	16.48
Do	UTAH POWER & LIGHT CO	18,873.00	4,341.00
MUDGE ROSE GUTHRIE ALEXANDER & FERNDON, 2121 K STREET, NW WASHINGTON DC 20037	BIG RIVERS ELECTRIC CORP, ET AL		
Do	MERCEDES BENZ OF NORTH AMERICA	6,850.00	
Do	BASIN ELECTRIC POWER COOPERATIVE		
JAMES MULAR, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
ALBERT E. MULLIN JR., 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	6,000.00	
TRACY MULLIN, 1000 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	160.00	20.00
ROBERT J. MULLINS, SUITE 202-W 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	8,960.00	
MULTIFAMILY HOUSING ASSOCIATION, C/O LIZ ARCURI 1220 19TH ST., NW, #400 WASHINGTON DC 20036		34,400.31	
DANIEL J. MUNDY, 815 16TH ST., NW, #603 WASHINGTON DC 20006	BUILDING & CONSTRUSTION TRADES DEPT., AFL-CIO	9,999.99	7,296.88
MURPHY & DAVENPORT, 711 CAPITOL WAY OLYMPIA WA 98501	DEXTER DEVELOPMENT CO	3,474.63	507.26
Do	STATE OF NEVADA, NUCLEAR WASTE PROJECT OFFICE		
C. LEON MURPHY, P.O. BOX 12910 CHARLESTON SC 29412	KIAWAH ISLAND CO, LTD	300.00	
JOHN P. MURPHY, 1828 L STREET, NW, #710 WASHINGTON DC 20036	STAUFFER CHEMICAL CO	2,800.00	687.04
MURPHY MOTOR FREIGHT LINES, INC, P.O. BOX 43640 ST. PAUL MN 55164			
PAUL T. MURPHY, SUITE 514 900 17TH ST., NW WASHINGTON DC 20006	NATIONAL FOREIGN TRADE COUNCIL, INC	5,000.00	400.00
RICHARD E. MURPHY, 2020 K ST., NW, #200 WASHINGTON DC 20006	SERVICE EMPLOYEES INTL UNION, AFL-CIO	1,000.00	163.55
RICHARD W. MURPHY, 1401 NEW YORK AVENUE, NW, #400 WASHINGTON DC 20005	NATIONAL FOOD PROCESSORS ASSN	500.00	129.53
MURRAY & SCHEER, SUITE 695 2550 M ST., NW WASHINGTON DC 20037	CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROADS	400.00	
Do	CLEVELAND CLIFFS IRON CO	250.00	
Do	CONNECTICUT MUTUAL LIFE INSURANCE CO	500.00	
Do	IRON ORE LESSORS ASSN, INC	250.00	
Do	LTV CORPORATION	450.00	
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	500.00	
Do	MUTUAL BENEFIT LIFE	500.00	
Do	NATIONAL BUSINESS AIRCRAFT ASSN	500.00	
Do	NATIONAL COUNCIL OF COAL LESSORS	300.00	
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO	500.00	
Do	PENN MUTUAL LIFE INSURANCE CO	500.00	
Do	SWAZILAND SUGAR ASSN	500.00	
DANIEL H. MURRAY, 1828 L STREET, NW WASHINGTON DC 20036	GTE SPRINT	16,250.00	1,475.00
GORDON L. MURRAY, SUITE 1002 1911 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	LEAR SIEGLER, INC./ENERGY PRODUCTS DIV	1[illegible]2.88	112.88
ROSEMARY GRIFFIN MURRAY, SUITE 901 1660 L ST., NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC		
WILLIAM E. MURRAY, 1800 MASS. AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	179.50	
ROBERT J. MUTH, 180 MAIDEN LANE NEW YORK NY 10038	ASARCO INC	600.00	
LAWRENCE P. MUTTER, 6849 OLD DOMINION DR. MCLEAN VA 22102	AUTOMOTIVE PARTS REBUILDERS ASSN		
FRED J. MUTZ, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	3,000.00	
GARY D. MYERS, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	4,500.00	
ALAN Y. NAFTALIN, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)		
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)		
LINDA K. NAIDA, 1616 H STREET, NW WASHINGTON DC 20006	NATIONAL GRANGE	937.50	
PETER A. NALEWAIK, 4 WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC		
JOHN L. NAPIER, P.O. DRAWER 655 BENNETTSVILLE SC 29512	DARE COUNTY OREGON INLET COMMISSION	18,000.00	901.86
Do	FLUE CURED TOBACCO STABILIZATION CORPORATION		
Do	NATIONAL BEER WHOLESALERS' ASSN OF AMERICA, INC	15,000.00	965.41
Do	BEVERIDGE & DIAMOND, P.C. (FOR: TEXAS OIL & GAS)	2,000.00	519.67
FRANCES E NATHAN, 455 FIFTH AVENUE NEW YORK NY 10016	NEW YORK PUBLIC LIBRARY	5,021.00	
HARDY L. NATHAN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
RAYMOND NATHAN, 4242 EAST-WEST HWY CHEVY CHASE MD 20815	AMERICAN ETHICAL UNION	600.00	220.39
NATIONAL AIR CARRIER ASSN, SUITE 710 1730 M ST., NW WASHINGTON DC 20036			
NATIONAL ASSN FOR NEIGHBORHOOD SCHOOLS, INC, P.O. BOX 14887 COLUMBUS OH 43214		2,588.20	6,100.06
NATIONAL ASSN FOR UNIFORMED SERVICES, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151		3,877.16	2,491.06
NATIONAL ASSN OF AIR TRAFFIC SPECIALISTS, SUITE 415 WHEATON PLAZA NORTH WHEATON MD 20902			6,532.67
NATIONAL ASSN OF AIRCRAFT & COMMUNICATIONS SUPPLIERS, INC, 23871 MADISON TORRANCE CA 90505		4,500.00	4,798.08
NATIONAL ASSN OF BEVERAGE IMPORTERS, 1025 VERMONT AVENUE, NW, #1205 WASHINGTON DC 20005			
NATIONAL ASSN OF BROADCASTERS, 1771 N STREET, NW WASHINGTON DC 20036			
NATIONAL ASSN OF CHAIN DRUG STORES, INC, P.O. BOX 1417-D49 ALEXANDRIA VA 22313			6,800.00
NATIONAL ASSN OF FEDERAL VETERINARIANS, SUITE 836 1522 K ST., NW WASHINGTON DC 20005			17.90
NATIONAL ASSN OF HOMES FOR CHILDREN, P.O. BOX 1459 MILBROOK NY 11545			1,800.00
NATIONAL ASSN OF INSURANCE BROKERS, INC, SUITE 700 311 FIRST STREET, NW WASHINGTON DC 20001		1,732.00	1,732.00
NATIONAL ASSN OF MANUFACTURERS, 1776 F ST., NW WASHINGTON DC 20006		63,479.84	63,479.84
NATIONAL ASSN OF MUTUAL INSURANCE COS., 3707 WOODVIEW TRACE P.O. BOX 68700 INDIANAPOLIS IN 46268			
NATIONAL ASSN OF PENSION CONSULTANTS & ADMINISTRATORS, INC, SUITE 300 3 PIEDMONT CENTER ATLANTA GA 30305		200.00	2,349.55
NATIONAL ASSN OF PLUMBING-HEATING-COOLING CONTRACTORS, 1016 20TH ST., NW WASHINGTON DC 20036		3,028.20	3,028.20
NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC., 1101 17TH ST., NW SUITE 700 WASHINGTON DC 20036			2,400.00
NATIONAL ASSN OF STEVEDORES, 2011 I STREET, NW, #601 WASHINGTON DC 20006		65,312.50	13,685.00
NATIONAL ASSN OF TRUCK STOP OPERATORS, INC, 1199 N. FAIRFAX STREET, #801 ALEXANDRIA VA 22314		400.00	
NATIONAL AUDIO-VISUAL ASSN, INC, 3150 SPRING ST. FAIRFAX VA 22031		21,124.33	6,222.79
NATIONAL BROILER COUNCIL, 1155 15TH ST., NW WASHINGTON DC 20005		1,750.00	1,750.00
NATIONAL BUSINESS AIRCRAFT ASSN, ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006			
NATIONAL CABLE TELEVISION ASSN, INC, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		11,577.37	11,577.37
NATIONAL CATTLEMEN'S ASSN, 5420 S. QUEBEC ST. P.O. BOX 3469 ENGLEWOOD CO 80155			3,000.00
NATIONAL CLEAN AIR COALITION, INC, 530 7TH ST., SE WASHINGTON DC 20003		2,926.29	18,815.02
NATIONAL COAL ASSN, COAL BLDG. WASHINGTON DC 20036		1,100,483.00	15,396.00
NATIONAL COALITION FOR MARINE CONSERVATION, INC., P.O. BOX 23298 SAVANNAH GA 31403		14,711.06	20,884.96
NATIONAL COMM FOR CITIZENS IN EDUCATION, SUITE 410 WILDE LAKE VILLAGE GREEN COLUMBIA MD 21044			
NATIONAL COMM ON SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS, BOX 1, 900 SOUTH 1800 M ST., NW WASHINGTON DC 20036.		2,728.50	2,728.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
NATIONAL COMM TO PRESERVE SOCIAL SECURITY & MEDICARE, 1300 19TH STREET, NW, #310 WASHINGTON DC 20036		377,820.00	377,820.00
NATIONAL COMMERCIAL FINANCE ASSOCIATION, ONE PENN PLAZA NEW YORK NY 10001		2,186.25	4,038.80
NATIONAL CONSUMERS LEAGUE, INC, SUITE 202-WEST WING 600 MARYLAND AVE., SW WASHINGTON DC 20024			
NATIONAL COTTON COUNCIL OF AMER, P.O. BOX 12285 MEMPHIS TN 38182		5,290.95	5,290.95
NATIONAL COUNCIL OF HEALTH CENTERS, 2600 VIRGINIA AVENUE, NW, #1100 WASHINGTON DC 20037		3,391.26	4,436.09
NATIONAL COUNCIL OF SAVINGS INSTITUTIONS, SUITE 400 1101 15TH ST., NW WASHINGTON DC 20005		45,516.00	
NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION, 1825 EYE STREET, NW, #1050 WASHINGTON DC 20006		5,860.00	5,860.00
NATIONAL ELECTRICAL MFGRS ASSN, 2101 L ST., NW WASHINGTON DC 20037		231.74	231.74
NATIONAL EMPLOYEE BENEFITS INST, SUITE 303 2550 M ST., NW WASHINGTON DC 20037		2,547.75	4,989.99
NATIONAL FEDERATION OF BUSINESS & PROFESSIONAL WOMEN'S CLUBS, 2012 MASSACHUSETTS AVE., NW WASHINGTON DC 20036.		627,057.75	23,864.15
NATIONAL FEDERATION OF COMMUNITY DEVELOPMENT CREDIT UNIONS, 577 SIXTH STREET BROOKLYN NY 11215			
NATIONAL FEDERATION OF FEDERAL EMPLOYEES, 1016 16TH ST., NW WASHINGTON DC 20036		22,426.97	22,426.97
NATIONAL FEDERATION OF INDEPENDENT BUSINESS, 150 W. 20TH AVE. SAN MATEO CA 94403		16,050.00	16,050.00
NATIONAL FERTILIZER SOLUTIONS ASSN, 8823 NORTH INDUSTRIAL ROAD PEORIA IL 61615		1,942.75	1,942.75
NATIONAL FOOD PROCESSORS ASSN., 1401 NEW YORK AVENUE, NW, #400 WASHINGTON DC 20005		1,609.42	1,609.42
NATIONAL FOREIGN TRADE COUNCIL, INC, 100 EAST 42ND ST. NEW YORK NY 10017		11,480.00	11,480.00
NATIONAL GRAIN & FEED ASSN, 725 15TH ST., NW WASHINGTON DC 20005			81.00
NATIONAL GRANGE, 1616 H ST., NW WASHINGTON DC 20006		12,500.00	10,022.50
NATIONAL GUARD ASSN OF THE U.S., ONE MASSACHUSETTS AVE., NW WASHINGTON DC 20001		732,152.50	7.04
NATIONAL HEALTH CARE FINANCING ASSN, P.O. BOX 946 HOLLY HILL FL 32017		100.00	
NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE, SUITE 410 1090 VERMONT AVE., NW WASHINGTON DC 20005		12,000.00	11,527.38
NATIONAL LEAGUE OF POSTMASTERS OF THE U.S., 1023 NORTH ROYAL STREET ALEXANDRIA VA 22314			20,943.00
NATIONAL LIMESTONE INSTITUTE, INC, 1840 WILSON BLVD., #203 ARLINGTON VA 22201		22,705.43	22,705.43
NATIONAL MILK PRODUCERS FED, 1840 WILSON BLVD. ARLINGTON VA 22201		8,823.99	8,823.99
NATIONAL MOTORSPORTS COMM OF ACCUS, SUITE 1204 1701 K ST., NW WASHINGTON DC 20006		42.43	
NATIONAL NEWSPAPER ASSN, SUITE 400 1627 K ST., NW WASHINGTON DC 20006		127,335.65	7,800.00
NATIONAL OFFICE MACHINE DEALERS ASSOCIATION, 810 LIVELY BLVD., P.O. BOX 707 WOOD DALE IL 60191	NATIONAL OFFICE MACHINE DEALERS ASSOCITION	15.00	.31
NATIONAL PARKING ASSOCIATION, 1112 16TH ST., NW WASHINGTON DC 20036			64,658.84
NATIONAL PEACE ACADEMY CAMPAIGN, SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002		68,028.89	29,511.74
NATIONAL PEST CONTROL ASSN, 8100 OAK ST. DUNN LORING VA 22027			
NATIONAL PUBLIC AFFAIRS CORP., 900 17TH STREET, NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	300.00	
NATIONAL RETAIL MERCHANTS ASSN, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			2,300.00
NATIONAL RIGHT TO WORK COMM, SUITE 600 8001 BRADDOCK RD. SPRINGFIELD VA 22160		7,806.00	7,806.00
NATIONAL RURAL ELECTRIC COOPERATIVE ASSN, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			4,169.00
NATIONAL SECURITY TRADERS ASSN, INC, SUITE 4511 ONE WORLD TRADE CENTER NEW YORK NY 10048			4,375.00
NATIONAL SMALL BUSINESS ASSN, 1604 K ST., NW WASHINGTON DC 20006		5,000.00	1,526.46
NATIONAL SMALL BUSINESS INDEX, R.R. #1 AITKIN MN 56431			
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS, 2029 K ST., NW WASHINGTON DC 20006		12,500.00	
NATIONAL SOFT DRINK ASSN, 1101 16TH ST., NW WASHINGTON DC 20036			51,663.98
NATIONAL SOLID WASTES MANAGEMENT ASSN, 10TH FLOOR 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036			
NATIONAL TAX LIMITATION COMMITTEE, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005		7,000.00	6,630.00
NATIONAL TELEPHONE COOPERATIVE ASSN, 2626 PENNSYLVANIA AVE., NW WASHINGTON DC 20037			8,325.27
NATIONAL TIRE DEALERS & RETREADERS ASSN, 1250 EYE STREET, NW, #400 WASHINGTON DC 20005		2,500.00	7,600.00
NATIONAL VENTURE CAPITAL ASSOCIATION, SUITE 700 1655 N.LYNN ST. ARLINGTON VA 22209			
NATIONAL-AMERICAN WHOLESALE GROCERS' ASSN, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046		9,000.00	9,000.00
KAREN J. NEALE, 2501 M STREET N.W. WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
JEFFREY NEDELMAN, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC	32.99	
ALLEN NEECE JR., 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE, CATOR & ASSOCIATES, INC (FOR: ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS).		
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: NATIONAL VENTURE CAPITAL ASSOCIATION).	1,500.00	1,500.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SMALL BUSINESS UNITED)	1,700.00	1,700.00
NEECE CATOR & ASSOCIATES, INC, 1050 17TH STREET, NW WASHINGTON DC 20036	ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS	1,600.00	1,600.00
Do	LATIN AMERICAN MANUFACTURERS ASSN (LAMA)		
Do	NATIONAL ASSN OF BUSINESS DEVELOPMENT CORPS		
Do	NATIONAL ASSN OF DEVELOPMENT COMPANIES (NADCO)	250.00	
Do	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS		
Do	NATIONAL VENTURE CAPITAL ASSOCIATION	1,500.00	1,500.00
Do	SMALL BUSINESS UNITED	1,700.00	1,700.00
Do	SOUTHEASTERN LUMBER MANUFACTURERS ASSN (SLMA)	1,800.00	1,800.00
MARY ELIZABETH NEESE, 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS	2,000.00	93.76
STANLEY NEHMER, 1320 19TH STREET, NW, #600 WASHINGTON DC 20036	LEAD-ZINC PRODUCERS COMMITTEE	500.00	350.00
NEIGHBORHOOD HOUSING SERVICES OF AMERICA, 1951 WEBSTER STREET OAKLAND CA 94612			
NEILL & COMPANY, INC, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	ARAB REPUBLIC OF EGYPT		1,750.00
Do	GOVERNMENT OF EL SALVADOR		
Do	HASHEMITE KINGDOM OF JORDAN		250.00
Do	KINGDOM OF MOROCCO		2,350.00
NEILL MULLENHOLZ SHAW & SEEGER, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT OF EL SALVADOR		
Do	HASHEMITE KINGDOM OF JORDAN		
Do	KINGDOM OF MOROCCO		
Do	NATIONAL COUNCIL SOCIAL SECURITY MANAGEMENT ASSNS, INC	2,030.00	200.00
Do	NATIONAL FARM & POWER EQUIPMENT DEALERS ASSN	1,530.00	
Do	SENIOR EXECUTIVES ASSN	5,030.00	150.00
NELSON & YUDIN, SUITE 500 1707 H ST., NW WASHINGTON DC 20006	BUS TRANSIT CAUCUS	2,430.00	34.43
Do	DIMENSION FINANCIAL CORP	950.00	
CAROLYN B. NELSON, #2 METROPLEX DR., SUITE 500 BIRMINGHAM AL 35209	METROPOLITAN PROPERTIES, INC		
E. COLETTE NELSON, SUITE 540 8401 CORPORATE DRIVE LANDOVER MD 20785	AMERICAN SUBCONTRACTORS ASSN	1,400.00	
NETWORK, 806 RHODE ISLAND AVE., NE WASHINGTON DC 20018		28,005.69	22,985.73
E. JOHN NEUMANN, SUITE 820 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	BALTIMORE GAS & ELECTRIC CO	1,420.12	2,475.51
NEW YORK COMM OF INTL COMM OF PASSENGER LINES, 74 TRINITY PLACE NEW YORK NY 10006			
MARY BENNETT NEWBOULD, 122 C STREET, NW, #875 WASHINGTON DC 20001	AMERICAN OSTEOPATHIC ASSN	1,100.00	
LESLIE F. NEWCOMER, 226 W. RITTENHOUSE SQUARE PHILADELPHIA PA 19103	PHILADELPHIA NATIONAL BANK	1,438.00	2,626.32
NEWMAN & HOLTZINGER, P.C., SUITE 1000 1615 L ST., NW WASHINGTON DC 20036	UTILITY NUCLEAR WASTE MANAGEMENT GROUP		
THOMAS E. NEWMAN, 1719 ROUTE 10 PARSIPPANY NJ 07054	NATIONAL ASSN OF MANUFACTURERS	250.00	
WILLIAM B. NEWMAN JR., P.O. BOX 23451 WASHINGTON DC 20024	CONSOLIDATED RAIL CORPORATION	4,150.00	
NICHOLAS JOHN NICHOLS, 1620 EYE ST., NW WASHINGTON DC 20006	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS	2,000.00	4,403.00
THOMAS NICKELS, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN	5,143.96	286.67
PATRICK J. NILAN, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	9,267.75	2,925.65
NISSAN MOTOR CORPORATION IN U.S.A., 1919 PENNSYLVANIA AVENUE, NW, #707 WASHINGTON DC 20006			231.04
NIXON HARGRAVE DEVANS & DOYLE, 1090 VERMONT AVENUE, NW, #1200 WASHINGTON DC 20005	AMERICAN FREE TRADE ASSN, INC	2,867.79	
Do	BAUSCH & LOMB	388.75	
NL INDUSTRIES, INC, 1230 AVENUE OF THE AMERICAS NEW YORK NY 10020			11,356.47
BARBARA D. NOCERA, 955 L'ENFANT PLAZA, SW # 905 WASHINGTON DC 20024	AMERICAN HONDA MOTOR CO, INC	200.00	118.47
A. ALLAN NOE, 1828 L STREET, NW, #710 WASHINGTON DC 20036	STAUFFER CHEMICAL CO	1,500.00	1,193.74
ROBERT W. NOLAN, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN	100.00	
WALKER F. NOLAN, 1111-19TH STREET,N.W. 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	3,740.26	842.60
H. CHRISTOPHER NOLDE, 2501 M ST.,NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
CHARLES M. NOONE, 490 L'ENFANT PLAZA EAST SUITE 3306 WASHINGTON DC 20024	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	5,400.00	68.69
M. KATHRYN NORDSTROM, SUITE 900 ONE THOMAS CIRCLE, NW WASHINGTON DC 20005	PACIFIC SEAFOOD PROCESSORS ASSN	3,750.00	90.70
JULIA J. NORRELL, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	5,325.00	44.15
NORTH AMERICAN EXPORT GRAIN ASSN., INC., 1800 M ST., NW, SUITE 610-N WASHINGTON DC 20036			
NORTH AMERICAN TELECOMMUNICATIONS ASSOCIATION, SUITE 500 2000M ST., NW WASHINGTON DC 20036		25,900.00	25,900.00
NORTHEAST UTILITIES SERVICE CO, SELDEN ST. BERLIN CT 06037			330.60
CLIFFORD R. NORTHUP, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	3,600.00	
MARY JANE NORVILLE, 600 MARYLAND AVENUE, SW, #695 WASHINGTON DC 20024	NATIONAL FED OF INDEPENDENT BUSINESS	2,250.00	200.00
P. MICHAEL NUGENT, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	320.00	115.00
RALPH D. NURNBERGER, SUITE 412 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	11,045.46	637.84
MARK J. NUZZACO, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	5,825.00	500.00
C.D. NYBERG, P.O. BOX 800 AUSTIN MN 55912	GEO. A. HORMEL & CO		
KENNETH E. NYQUIST, 8600 BRYN MAWR AVENUE CHICAGO IL 60631	NATIONAL ROOFING CONTRACTORS ASSN	2,500.00	425.00
HUBERT K. O'BANNON, P.O. BOX 23451 WASHINGTON DC 20026	CONSOLIDATED RAIL CORPORATION	2,130.00	
GEORGE O'BEA JR , 815 16TH ST., NW, #304 WASHINGTON DC 20006	UNITED PAPERWORKERS INT'L UNION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
COLEMAN C. O'BRIEN, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS INSTITUTIONS	6,684.00	20.50
JOHN F. O'BRIEN, CONNECTICUT PETROLEUM COUNCIL 410 ASYLUM ST. HARTFORD CT 06103	AMERICAN PETROLEUM INST		
MARY EILEEN O'BRIEN, 1800 M ST., NW, SUITE 710 SOUTH WASHINGTON DC 20036	DOW CORNING CORPORATION		
RAYMOND V. O'BRIEN, 1600 M ST., NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	700.00	60.00
ROSEMARY L. O'BRIEN, SUITE 640 2550 M ST., NW WASHINGTON DC 20037	CF INDUSTRIES, INC	500.00	225.67
THOMAS H. O'BRIEN, 2600 VIRGINIA AVENUE, NW, #800 WASHINGTON DC 20037	HARRIS CORPORATION	2,500.00	2,357.08
DAVID S. O'BRYON, 1916 WILSON BLVD. ARLINGTON VA 22201	AMERICAN CHIROPRACTIC ASSN	500.00	137.30
JAMES J. O'CONNELL, 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	640.00	457.77
RICHARD T. O'CONNELL, RICHARD T. O'CONNELL & ASSOCIATES, INC 3208 TRAVELER STREET FAIRFAX VA 22030	CHOCOLATE MANUFACTURERS ASSN OF THE USA		158.99
Do	NATIONAL CONFECTIONERS ASSN OF THE U.S.		158.99
TERRENCE M. O'CONNELL II, 444 N. CAPITOL STREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: E. F. HUTTON & CO, INC)		
Do	KEEFE COMPANY (FOR: NATIONAL REVENUE CORP)		
Do	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)	9,500.00	
WILLIAM B. O'CONNELL, 111 EAST WACKER DR. CHICAGO IL 60601	U.S. LEAGUE OF SAVINGS INSTITUTIONS	17,500.00	3,262.77
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	ALLIS-CHALMERS CORP		
Do	AMERICAN CLINICAL LABORATORY ASSN	3 000.00	
Do	AMERICAN FAMILY LIFE ASSURANCE CO	750.00	
Do	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS	2 303.00	
Do	AMERICAN INSURANCE ASSN		
Do	ARMCO, INC		
Do	ASSOCIATION OF INDEPENDENT TELEVISION STATIONS, INC		
Do	AUTOMOTIVE PARTS & ACCESSORIES ASSN		
Do	BORDEN, INC	455.52	
Do	CAMBRIDGE REDEVELOPMENT AUTHORITY		
Do	CENTURY MEDIA CORP		
Do	CITY OF MINNEAPOLIS	850.00	
Do	CKLW RADIO BROADCASTING, LTD.	1 689.47	
Do	CNA INSURANCE	5 761.97	
Do	COMMITTEE FOR PRUDENT DEREGULATION		
Do	COMMUNICATIONS COUNSEL		
Do	DESTILERIA SERRALLES, INC		
Do	ELECTRONIC DATA SYSTEMS CORPORATION	1,400.00	
Do	FAIRCHILD INDUSTRIES, INC	1,000.00	
Do	GLASS PACKAGING INSTITUTE	125.00	
Do	GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO		
Do	HEALTH CARE FINANCING STUDY GROUP	1,500.00	
Do	HENNEPIN COUNTY	900.00	
Do	HULES MEXICANOS, S.A		
Do	INDUSTRIAS NEGROMEX, S.A. DE C.V		
Do	INSURANCE ASSN OF CONNECTICUT	8,421.00	
Do	INVESTMENT COMPANY INSTITUTE	7,500.00	250.00
Do	J. C. PENNEY CO, INC		
Do	JOINT COMM OF KNITWEAR ASSOCIATIONS		
Do	JOSEPH E. SEAGRAM & SONS, INC.	1,421.13	
Do	KIMBERLY-CLARK CORP		
Do	MERCEDES-BENZ OF NORTH AMERICA, INC		
Do	MERRILL LYNCH & CO, INC		
Do	MEXICAN CEMENT CHAMBER		
Do	MILLER & SCHROEDER MUNICIPALS, INC	3,000.00	
Do	NATIONAL COAL CONSUMERS ALLIANCE		
Do	NATIONAL COMM FOR QUALITY HEALTH CARE	1,100.00	
Do	PACIFIC TELESIS GROUP	6,360.13	
Do	PRUDENTIAL INSURANCE COMPANY OF AMERICA	7,324.00	
Do	SECURITIES INDUSTRY ASSN	11,174.00	
Do	SPARX CORPORATION		
Do	U.S. TELECOMMUNICATIONS SUPPLIERS ASSN		
Do	WESTINGHOUSE ELECTRIC CORP	10,000.00	
Do	WINE AND SPIRITS WHOLESALERS OF AMERICA, INC.	4,500.00	
GEORGE E. O'CONNOR, 600 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20037	NEW YORK LIFE INSURANCE COMPANY	5,000.00	1,235.00
LEONARD F. O'CONNOR, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
PATRICK C. O'CONNOR, KENT & O'CONNOR, INC 1919 PENNSYLVANIA AVE., NW, #300 WASHINGTON DC 20006	AMERICAN DENTAL HYGIENISTS ASSN		
Do	AMERICAN SUPPLY ASSOCIATION	6,334.28	2,620.50
Do	AMERICAN WAREHOUSEMEN'S ASSOCIATION	1,661.10	675.39
Do	ASSOCIATION OF FOOD INDUSTRIES, INC		
Do	STEEL TANK INSTITUTE	10,769.02	4,457.54
Do	TRANSPORTATION LAWYERS ASSOCIATION	3,926.32	1,620.93
JOHN B. O'DAY, SUITE 590 1700 PENNSYLVANIA AVE., NW WASHINGTON, DC 20006	INSURANCE ECONOMICS SOCIETY OF AMERICA	2,000.00	
THOMAS A. O'DAY, 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	750.00	223.30
ASHTON J. O'DONNELL, 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL NATIONAL, INC		
JANE O'GRADY, 815 16TH ST., NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	15,019.03	438.42
TERRI O'GRADY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	662.50	249.40
BARBARA E. O'HARA, 4400 MACARTHUR BLVD., NW WASHINGTON DC 20007	AMERICAN SOC OF TRAVEL AGENTS	125.00	
O'KEEFE ASHENDEN LYONS & WARD, ONE FIRST NATIONAL PLAZA - SUITE 5100 CHICAGO IL 60603	AMERICAN INVSCO CORPORATION		
O'MELVENY & MYERS, 1800 M ST., NW WASHINGTON DC 20036	AIR TRANSPORT ASSN OF AMERICA		
Do	AMAX, INC	105,000.00	275.00
Do	WARNER COMMUNICATIONS, INC		
JEAN F. O'NEIL, 884 COLLEGE PARKWAY ROCKVILLE MD 20850	TERRENCE W. MODGLIN & ASSOCS (MARITIME INST FOR RESEARCH...)		
SARAH E. O'NEIL, 1600 M ST., NW WASHINGTON DC 20036	INVESTMENT COMPANY INSTITUTE		
O'NEILL AND HAASE, P.C., SUITE 1110 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ALLEGHENY COUNTY COMMISSION		
Do	AMERICAN IRON & STEEL INSTITUTE	4,300.00	
Do	ASSOCIATION OF PROGRESIVE RENTAL ORGANIZATIONS	700.00	
Do	AYDIN CORP		
Do	BEER INDUSTRY ALLIANCE		
Do	BHC, INC	1,100.00	
Do	COMMERICAL UNION INSURANCE COMPANIES		
Do	CRUISE AMERICA LINE, INC	25,000.00	
Do	GLASS PACKAGING INSTITUTE		
Do	HARVARD MEDICAL CENTER		
Do	MARATHON MANUFACTURING CO		
Do	MARRIOTT CORPORATION		
Do	MASSACHUSETTS GENERAL HOSPITAL	250.00	
Do	MILK INDUSTRY FOUNDATION		
Do	NORTHWESTERN MUTUAL LIFE		
Do	PHARMACEUTICAL MANUFACTURERS ASSN		
Do	PUGET SOUND POWER & LIGHT CO		
Do	SEARS ROEBUCK & CO	1,200.00	
Do	U.S. FOOTBALL LEAGUE		
Do	WESTINGHOUSE ELECTRIC CORP		
DONALD K. O'NEILL, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
J. DENIS O'TOOLE, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	4,500.00	
M. DIANE O'TOOLE, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORP		528.80
PATRICIA M. O'TOOLE, 461 S. BOYLSTON ST. LOS ANGELES CA 90017	UNION OIL COMPANY OF CALIFORNIA		
STEPHEN E. O'TOOLE, 1660 L STREET, N.W. WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	3,742.94
HARRY R. OBLEY, MELLON SQUARE PITTSBURGH PA 15230	MELLON BANK N.A. AND MELLON NATIONAL CORP.	2,000.00	722.00
G. H. OCHENRIDER, 1000 WILSON BLVD. ARLINGTON VA 22209	GRUMMAN AEROSPACE CORPORATION	2,500.00	411.23
BRADFORD C. OELMAN, 900 17TH STREET, NW, #508 WASHINGTON DC 20006	OWENS-CORNING FIBERGLAS CORPORATION		
NEIL H. OFFEN, 1730 M ST., NW WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION		
OIL INVESTMENT INST. PO BOX 8293 WASHINGTON DC 20024			
MICHAEL D. OLDAK, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
ALVIN E. OLIVER, 725 15TH ST., NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN		
R. TEEL OLIVER, 1050 17TH STREET, NW, #650 WASHINGTON DC 20036	MERCK & CO, INC	687.50	500.00
AUSTIN P. OLNEY, 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE (FOR: SHIPPING CORP OF INDIA, INC)		
DENNIS M. OLSEN, 485 E STREET IDAHO FALLS ID 83402	AETNA INSURANCE CO		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	AMERICAN BANKERS INSURANCE OF FLORIDA		
Do	CENTENNIAL INSURANCE COMPANY		
Do	CHARTER OAK INSURANCE		
Do	FLORISTS' MUTUAL INSURANCE CO		
Do	FOREMOST INSURANCE CO		
Do	GREAT AMERICAN INSURANCE COMPANY		
Do	MINNEHOMA INSURANCE COMPANY		
Do	MONSANTO CO		
Do	NATIONAL FARMERS UNION PROPERTY & CASUALTY INSURANCE CO		
Do	STATE FARM FIRE AND CASUALTY CO		
Do	STATE FARM INSURANCE COMPANY		
Do	STATE FARM MUTUAL AUTOMOBILE INSURANCE CO		
Do	TRAVELER'S INDEMNITY OF RHODE ISLAND		
Do	TRAVELERS		
VAN R. OLSEN, 1156 15TH ST., NW, #1019 WASHINGTON DC 20006	U.S. BEET SUGAR ASSN		
RICHARD C. OLSON, 1313 DOLLEY MADISON BLVD. MCLEAN VA 22101	DYNALECTRON CORPORATION	2,465.00	335.00
ROY E. OLSON, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
CLARK ONSTAD, SUITE 300 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	TEXAS AIR CORP. AND CONTINENTAL AIR LINES		12,175.00
PHILIP C. ONSTAD, 500 WEST PUTNAM AVE. GREENWICH CT 06830	CONTROL DATA CORPORATION	200.00	
MICHEL ORBAN, 125 BROAD STREET, 39TH FL. NEW YORK NY 10004	AMERICAN EXPRESS CO		
ORGAN. FOR PROTECTION & ADVANCEMENT OF SMALL TELEPHONE COS, 2301 M STREET, NW, #530 WASHINGTON DC 20037.		300.00	700.00
ABRAHAM ORLOFSKY, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,198.56	
ELVIRA J. ORLY, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	229.80	
LAW OFFICES OF JOSE ORTIZ-DALIOT, SUITE 610 1101 14TH ST., NW WASHINGTON DC 20005	PUERTO RICO MAYORS ASSN		
DAVID S. OSTERHOUT, 1000 WILSON BOULEVARD ARLINGTON VA 22209	BENDIX AEROSPACE SECTOR		
HIDEAKI OTAKA, 19001 SOUTH WESTERN AVE. TORRANCE CA 90509	TOYOTA MOTOR SALES, USA, INC		
J. F. OTERO, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,000.00	100.00
KEVIN D. OTT, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
ROLAND A. OUELLETTE, 1660 L ST., NW, #501 WASHINGTON DC 20036	GENERAL MOTORS CORP	3,600.00	2,159.25
CLIFF OUSE, 1800 MASSACHUSETTS AVE., N.W. WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
OUTDOOR POWER EQUIPMENT INSTITUTE, SUITE 700 1901 L ST., NW WASHINGTON DC 20036			
GENE E. OVERBECK, 1101 17TH STREET, NW WASHINGTON DC 20036	AMERICAN AIRLINES, INC	2,125.00	
OVERSEAS EDUCATION ASSOCIATION, 1201 16TH STREET, NW WASHINGTON DC 20036		1,000.00	345.00
J. ALLEN OVERTON, 1920 N ST.,NW SUITE 300 WASHINGTON DC 20006	AMERICAN MINING CONGRESS		
JACK W. OWEN, SUITE 500 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN		
ROBERT W. OWEN, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF KOREA)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF TURKEY)	340.00	
THOMAS J. OWENS, P.O. BOX 12266 SEATTLE WA 98102	DOLLAR SAVINGS BANK, ET AL	37,662.50	11,418.22
WILLIAM H. OWENS JR., SUITE 1002 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	785.17
WILLIAM J. OWENS, 1745 JEFFERSON DAVIS HIGHWAY, #511 ARLINGTON VA 22202	MANUFACTURED HOUSING INST	900.00	100.00
R. RAY PAABO, SUITE 840 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,000.00	
JOEL PACKER, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	1,629.00	59.50
LEE W. PADEN, P.O. BOX 201 TULSA OK 74102	PUBLIC SERVICE COMPANY OF OKLAHOMA		
HENRY H. PAIGE, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	200.00	
GERI PALAST, SUITE 200 2020 K STREET, NW WASHINGTON DC 20006	SERVICE EMPLOYEES INTL UNION, AFL-CIO, CLC	5,000.00	266.82
JOHN M. PALATIELLO, 210 LITTLE FALLS STREET FALLS CHURCH VA 22046	AMERICAN CONG. ON SURVEY. & MAPP./AMER SOC OF PHOTOGRAMMETRY	8,281.14	4,154.76
HENRY S. PALAU, 201 N WASHINGTON ST. ALEXANDRIA VA 223L4	RETIRED OFFICERS ASSN	988.00	
MICHAEL S. PALLAK, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN		
BRADLEY D. PALMER, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	2,400.00	
PALUMBO & CERRELL, INC, 11 DUPONT CIRCLE, NW, #700 WASHINGTON DC 20036	AMERICAN SOC OF COMPOSERS, AUTHORS & PUBLISHERS	22,500.00	
Do	DISTILLED SPIRITS COUNCIL OF THE U.S., INC	16,000.00	
Do	NATIONAL SCHOOL TRANSPORTATION ASSN	5,000.00	
Do	R.J. REYNOLDS TOBACCO CO	17,250.00	
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	9,000.00	
BENJAMIN L. PALUMBO, 11 DUPONT CIRCLE, NW, #700 WASHINGTON DC 20036	WESTINGHOUSE ELECTRIC CORP	7,681.87	
GERARD PAUL PANARO, WEBSTER CHAMBERLAIN & BEEN 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	RETAIL BAKERS ASSN		
PETER J. PANTUSO, 7900 WESTPARK DRIVE, #514 MCLEAN VA 22102	NATIONAL CONFECTIONERS ASSN OF THE U.S.	450.00	271.10
JAMES E. PANYARD, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE		264.00
PAPERBOARD PACKAGING COUNCIL, SUITE 411 1101 VERMONT AVENUE, NW WASHINGTON DC 20005			
G. OLIVER PAPPS, N.J. PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST	15.00	
STEPHEN J. PARADISE, 1800 K STREET, NW, #1100 WASHINGTON DC 20006	NEW YORK STOCK EXCHANGE, INC		
HERSCHELL E. PARENT, 460 TWIN CITY BANK ONE RIVERFRONT PLACE NORTH LITTLE ROCK AR 72114	AMERICAN PETROLEUM INST	534.75	844.95
ALAN A. PARKER, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS	280.00	9.00
JOHN N. PARKER, 1100 CONNECTICUT AVE., NW SUITE 620 WASHINGTON DC 20036	MOBIL OIL CORP	375.00	
CARL M. PARKS, 633 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20004	ALLSTATE INSURANCE GROUP	500.00	218.00
PARRY AND ROMANI ASSOCIATES, INC, 1140 CONNECTICUT AVENUE, NW, #400 WASHINGTON DC 20036	AFFILIATED CAPITAL CORP	1,666.50	
Do	AMERICAN FAMILY LIFE ASSURANCE CO	1,000.00	
Do	CARE ENTERPRISES	2,142.00	122.54
Do	GENERIC PHARMACEUTICAL INDUSTRY ASSN, INC	1,000.00	325.55
Do	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	2,250.00	194.52
Do	JOHNSON & JOHNSON	1,666.50	
Do	K-MART	1,000.00	151.60
Do	LOYAL AMERICAN LIFE INSURANCE CO	450.00	
Do	MOTION PICTURE ASSN OF AMERICA, INC	2,500.00	369.06
Do	NATIONAL BEER WHOLESALERS ASSN	1,500.00	255.02
Do	PFIZER, INC	3,333.00	
Do	SONY CORPORATION	2,250.00	270.30
Do	STANDARD OIL OF SOUTHERN CALIFORNIA		
Do	WINN ENTERPRISES		
CHARLES C. PARTRIDGE, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151	NATIONAL ASSN FOR UNIFORMED SERVICES	1,487.50	
JACK PARTRIDGE, 1014 VINE ST. CINCINNATI OH 45201	KROGER COMPANY	2,500.00	436.85
PASKUS GORDON & HYMAN, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL MUSIC PUBLISHERS ASSN, INC		
DAVID J. PASSAMANECK, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,300.00	150.47
RICHARD M. PATTERSON, 1800 M ST., NW, #700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL CO	500.00	239.50
WILLIAM H. PATTERSON, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	274.00	
KENTON H. PATTIE, 3150 SPRING ST. FAIRFAX VA 22031	NATIONAL AUDIO-VISUAL ASSN, INC	3,521.25	
DAVID J. PATTISON, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC		
PATTON BOGGS & BLOW, SUITE 800 2550 M ST., NW WASHINGTON DC 20037	AIR PRODUCTS & CHEMICALS, INC		
Do	AIWA AMERICA, INC	10.80	
Do	AKAI AMERICA, LTD	23.40	
Do	ALUMINUM COMPANY OF AMERICA		
Do	AMERICAN BROADCASTING CO, INC	2,550.00	89.00
Do	AMERICAN COLLEGE OF MORTGAGE ATTORNEYS		
Do	AMERICAN CONGRESS ON SURVEYING & MAPPING		
Do	AMERICAN EXPRESS CO	400.00	
Do	AMERICAN HOME PRODUCTS CO	721.36	79.59
Do	AMERICAN INTERNATIONAL AUTOMOBILE DEALERS ASSN		
Do	AMERICAN MARITIME ASSN	3,250.00	352.46
Do	AMERICAN MOVERS CONFERENCE		
Do	AMERICAN SOC OF ASSN EXECUTIVES		
Do	ARMCO, INC		
Do	ARTPAC		
Do	ASOCIACION DE AZUCAREROS DE GUATEMALA		
Do	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	10,179.00	228.59
Do	BABCOCK & BROWN		
Do	BASIC INDUSTRIES COALITION, INC		
Do	C. F. BEAN		
Do	BIOGEN		
Do	BRISTOL-MYERS, INC	721.36	79.59
Do	BURLINGTON INDUSTRIES, INC		
Do	CALIFORNIA STATE UNIVERSITY		
Do	CARTER-WALLACE CO	721.36	79.59

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CASTLE & COOKE, INC		
Do	CHICAGO BOARD OPTIONS EXCHANGE		
Do	CHRYSLER CORPORATION		
Do	COALITION FOR LOW INCOME & MODERATE INCOME HOUSING		
Do	COALITION FOR NATIONAL AIRPORT	435.00	23.36
Do	COLUMBIA, INC	1.80	
Do	COMMITTEE OF RAILROAD SHIPPERS	290.00	
Do	COMPUTER DEALERS & LESSORS ASSOCIATION, INC		
Do	COUNCIL OF STATE CHAMBERS OF COMMERCE		
Do	DUTY FREE SHOPPERS, LTD	3,750.00	439.08
Do	ENERGY RESEARCH CORPORATION		
Do	FLUE CURED TOBACCO COOPERATIVE		
Do	FUJI PHOTO FILM U.S.A., INC	39.60	
Do	GEORGIA PACIFIC CORP		
Do	GREAT LAKES DREDGE & DOCK		
Do	GTE SPRINT		
Do	HAYT HAYT & LANDAU	835.00	54.00
Do	HITACHI SALES CORP OF AMERICA	156.60	
Do	HOFFMAN & LAROCHE	721.36	79.59
Do	E.F. HUTTON LIFE INSURANCE COMPANY	7,905.00	381.15
Do	IC INDUSTRIES		
Do	INSTITUTE OF SCRAP IRON & STEEL, INC	1,950.00	
Do	INTERMEDICS, INC	1,250.00	
Do	JOHNSON & JOHNSON	721.36	79.59
Do	KAISER ALUMINUM & CHEMICAL CORP		
Do	KENWOOD U.S.A. CORPORATION	10.80	
Do	LASCO SHIPPING CO		
Do	LAUNDRY CLEANING COUNCIL	1,450.00	
Do	LOOP, INC	6,805.00	
Do	LOSS RESERVE DEDUCTION COMMITTEE		
Do	MARS, INC		
Do	MASCO, INC		
Do	MATSUSHITA ELECTRIC CORP OF AMERICA	536.40	
Do	MAXELL CORP OF AMERICA	64.80	
Do	MCI TELECOMMUNICATIONS, INC	2,187.50	
Do	MCINTOSH FOUNDATION		
Do	MEAD CORPORATION		
Do	MERCK & CO	721.36	79.59
Do	MICHIGAN INSURANCE ASSN	1,581.25	
Do	MITSUBISHI ELECTRIC SALES OF AMERICA, INC	59.40	
Do	MOCATTA METALS CORP	1,125.00	
Do	NAKAMICHI U.S.A. CORP	10.80	
Do	NATIONAL ASSN OF CHAIN DRUG STORES		
Do	NATIONAL ASSN OF RETAIL DRUGGISTS		
Do	NATIONAL CABLE TELEVISION ASSN, INC	4,297.75	
Do	NATIONAL MARINE MFRS ASSN	3,860.00	25.30
Do	NATIONAL MULTI-FAMILY HOUSING FINANCE ASSN		
Do	NATIONAL SOFT DRINK ASSN		
Do	NEC ELECTRONICS (USA) INC	46.80	
Do	NEW PROCESS CO		
Do	NORTH AMERICAN VAN LINES		
Do	OCEAN MINERALS CO		
Do	ONKYO U.S.A. CORP	5.40	
Do	OSG BULK SHIPS, INC		
Do	OVERSEAS MILITARY SALES GROUP	53.00	
Do	PENNZOIL CO		
Do	PIONEER ELECTRONICS (U.S.A.) INC	21.60	
Do	PPG INDUSTRIES, INC		
Do	PROCTER & GAMBLE	721.36	79.59
Do	PROFESSIONAL SERVICES COUNCIL		
Do	READER'S DIGEST ASSN, INC		
Do	REDWOOD INDUSTRY PARK COMM		
Do	REPUBLIQUE D'HAITI	2,400.00	
Do	RETAIL TAX COMMITTEE	1,000.00	213.68
Do	RICE MILLERS' ASSN		
Do	ROCKWELL INTERNATIONAL CORP		
Do	RORER GROUP, INC	721.36	79.59
Do	SANSUI ELECTRONICS CORP	9.00	
Do	SANYO ELECTRIC, INC	162.00	
Do	SCHERING-PLOUGH CO	721.36	79.59
Do	SHARP ELECTRONICS CORP	72.00	
Do	SLURRY TRANSPORT ASSN		
Do	SONY CORPORATION OF AMERICA	286.20	
Do	SQUIBB CORP	721.36	79.59
Do	ST. JOE MINERALS CORP		
Do	STATE OF LA, DEPT OF CONSERVATION		
Do	STEPHENS, INC		
Do	STUART PHARMACEUTICALS	721.36	79.59
Do	SULTANTATE OF OMAN	260.00	
Do	SYSCON CORPORATION		
Do	TDK U.S.A. CORP	73.80	
Do	TEKNIKA ELECTRONICS CORP	1.26	
Do	TOSHIBA AMERICAN, INC	72.00	
Do	U.S. LIFESAVING MANUFACTURERS ASSN		
Do	UNITED BRANDS CO		
Do	UNITED PLANT GUARD WORKERS ASSN		
Do	US JVC CORPORATION	135.00	
Do	ZEISS AVIONICS SYSTEMS, INC		
ANDREW R. PAUL, 1875 EYE STREET, NW, #940 WASHINGTON DC 20006	GULF & WESTERN MANAGEMENT CO	3,350.00	108.08
PAUL HASTINGS JANOFSKY & WALKER, 6TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN TELEPHONE & TELEGRAPH CO		
Do	CALIFORNIA PORTLAND CEMENT CO		
Do	GAF CORPORATION	1,160.50	390.70
Do	M LIFE INSURANCE COMPANY	10,561.50	287.10
Do	OGLETHORPE POWER CORP		
Do	SECURITY LIFE OF DENVER	8,353.00	108.60
PAUL WEISS RIFKIND WHARTON & GARRISON, 345 PARK AVE. NEW YORK NY 10154	NEC ELECTRONICS U.S.A., INC	794.20	14.00
Do	ORBITAL SCIENCES CORP		
LARRY E. PAULICK, 2111 EISENHOWER AVENUE ALEXANDRIA VA 22314	NATIONAL SPA & POOL INSTITUTE		
LOUIS R. PAULICK, 1901 NORTH FORT MYER DRIVE ARLINGTON VA 22209	GAS APPLIANCE MANUFACTURERS ASSN, INC		
RICHARD A. PAYSOR, SUITE 135 1415 ELBRIDGE PAYNE RD. ST. LOUIS MO 63017	FIRST CAPITOL ASSOCIATES - GATEWAY, INC		
PEABODY LAMBERT & MEYERS, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	BROADCAST MUSIC, INC	380.00	15.00
JAMES M. PEIRCE JR., 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,755.16	
PELTON RESEARCH CENTER, 1400 S. JOYCE STREET ARLINGTON VA 22202	HELP, INC		
HUMBERTO R. PENA, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	500.00	
CRIS PENN, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE		
PENNSYLVANIA POWER & LIGHT CO, 2 N. 9TH ST. ALLENTOWN PA 18101			2,498.84
DOMINIC V. PENSABENE, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	1,200.00	
GREGORY M. PENSABENE, 1100 CONNECTICUT AVE., NW, #840 WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	2,056.00	
PEPPER & CORAZZINI, 1776 K ST., NW WASHINGTON DC 20006	SATELLITE SYNDICATED SYSTEMS, INC		
Do	TEST MARKETING GROUP, INC		
VICTOR J. PERINI JR. 1776 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	HIGHWAY USERS FEDERATION FOR SAFETY & MOBILITY		
PERKINS COIE STONE OLSEN & WILLIAMS, SUITE 1200 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	BURLINGTON NORTHERN, INC		
Do	DEPARTMENT OF NATURAL RESOURCES		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
GARY J. PERKINSON, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
ERNEST MICHAEL PERLEY, 112 ST CLAIR AVENUE, WEST, #504 TORONTO, ONTARIO M4V 2Y3	CANADIAN COALITION ON ACID RAIN		
JEFFRY L. PERLMAN, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,600.00	402.14
LEONARD PERLMAN, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING & DEVELOPMENT	3,750.00	96.20
MARK PERMAR, P.O. BOX 12910 CHARLESTON SC 29142	KIAWAH ISLAND COMPANY, LTD		
G. STEPHEN PERRY, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORP (COMSAT)	2,000.00	735.71
KATE M. PERRY, 1785 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL TRUST FOR HISTORIC PRESERVATION	39.42	15.30
SUSAN PERRY, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUS ASSN	2,687.50	75.00
JOHN J. PESCH, 3422 STONEYBRAE DRIVE FALLS CHURCH VA 22044	NORTHROP CORP		
PHILLIPS S. PETER, 1331 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	GENERAL ELECTRIC CO		
MARY PETERS, 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	100.00	
PETERSON ENGBERG & PETERSON, SUITE 907 1730 M ST., NW WASHINGTON DC 20036	FEDERATED RESEARCH CORP	24,400.00	651.91
GEOFFREY G. PETERSON, SUITE 900 1250 EYE ST., NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE US, INC	2,000.00	400.00
LARS E. PETERSON, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
MARY B. PETERSON, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	2,347.43
MARY JO PETERSON, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
RUSSELL W. PETERSON, 950 THIRD AVENUE NEW YORK NY 10022	NATIONAL AUDUBON SOCIETY	1,000.00	
SUSAN F. PETNIUNAS, SUITE 214 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MANVILLE CORP	500.00	
MICHAEL J. PETRINA JR., 1110 VERMONT AVENUE, NW, #800 WASHINGTON DC 20005	COSMETIC, TOILETRY & FRAGRANCE ASSN, INC		
PETROLEUM MARKETERS ASSN OF AMERICA, 1707 H ST., NW 11TH FLOOR WASHINGTON DC 20006		189,451.05	13,239.48
BRIAN T. PETTY, SUITE 702 1901 L ST., NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF DRILLING CONTRACTORS		
JAMES R. PHALEN, 1100 CONNECTICUT AVENUE, NW, #535 WASHINGTON DC 20036	MAPCO INC	3,250.00	148.03
PHARMACEUTICAL MANUFACTURERS ASSN., 1100 15TH STREET, NW WASHINGTON DC 20005		28,292.60	28,292.60
GWEN PHARO, 6310A BANDERA DALLAS TX 75225	OILFIELD INDUSTRIAL LINES, INC		
MARSHALL A. PHARR, 6103 ADIRONDACK AMARILLO TX 79106	SOUTHWESTERN PUBLIC SERVICE CO	3,091.20	1,470.24
DEBORAH M. PHILLIPS, SUITE 320 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION		
DEIRDRE B. PHILLIPS, 100 FEDERAL STREET BOSTON MA 02110	BANK OF BOSTON CORP		
Do	FIRST NATIONAL BANK OF BOSTON	747.00	1,608.12
WILLIAM G. PHILLIPS, D.C. ASSOCIATES, INC 402 THIRD STREET, SE WASHINGTON DC 20003	AIR QUALITY RESEARCH, INC	1,500.00	75.24
Do	ASSOCIATION OF UNIV. PROGRAMS IN OCCUPA HEALTH & SAFETY	4,500.00	830.63
Do	ASSOCIATION OF UNIVERSITY ENVIRONMENTAL HEALTH CENTERS	3,600.00	73.01
Do	HARVARD SCHOOL OF PUBLIC HEALTH		
Do	METAL TRADES DEPARTMENT, AFL-CIO	4,800.00	235.44
JOAN PICCOLO, 1776 K STREET, NW, #200 WASHINGTON DC 20006	MOTOROLA, INC	3,000.00	
SAM PICKARD, 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO CO	500.00	195.83
W.D. PICKETT, 400 FIRST ST. WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	350.00	
PAULETTE C. PIDCOCK, 1100 CONNECTICUT AVENUE, NW, #530 WASHINGTON DC 20036	BALTIMORE GAS & ELECTRIC CO	110.13	
ROBERT R. PIERCE, 5719 BEECH AVENUE BETHESDA MD 20817	NATIONAL PARKS & CONSERVATION ASSN	65.50	13.60
WAYNE PIERCE, 101 CONSTITUTION AVENUE, NW WASHINGTON DC 20001	UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA	21,125.00	120.00
PIERSON BALL & DOWD, 1200 18TH ST., NW WASHINGTON DC 20036	AMERICAN ACADEMY OF PEDIATRICS	5,658.71	
Do	ASPEN SYSTEMS CORPORATION		
Do	COMMUNITY PSYCHIATRIC CENTERS		
Do	DAY TRUST	95.95	
Do	DUN & BRADSTREET CORP		
Do	EL POMAR	1,286.61	
Do	GENENTECH	4,875.21	
Do	GENERAL TIRE & RUBBER COMPANY	448.50	
Do	INFECTIOUS DISEASES SOCIETY OF AMERICA	4,536.83	
Do	INTERNATIONAL FUTURES EXCHANGE (BERMUDA) LTD		
Do	INTEX HOLDINGS (BERMUDA) LTD		
Do	NATIONAL ASSN OF CASUALTY & SURETY AGENTS	4,764.05	
Do	NATIONAL MUSIC PUBLISHERS ASSN, INC		
Do	SATELLITE BUSINESS SYSTEMS	2,500.00	
Do	SECURITIES INDUSTRY ASSN	2,750.00	
Do	UNITED SATELLITE COMMUNICATIONS, INC	2,500.00	
PIERSON SEMMES CROLIUS & FINLEY, 1054 31ST., NW WASHINGTON DC 20007	AMERICAN LAND TITLE ASSN	135.00	17.73
Do	SIX FLAGS CORPORATION		8.66
STUART F. PIERSON, VERNER, LIIPFERT, BERNHARD, & MCPHERSON 1660 L ST., NW, #1100 WASHINGTON DC 20036	PAN AM, ET AL		
DANIEL J. PILIERO II , 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	AD HOC COMM FOR RESPONSIBLE TAX POLICY	5 300.00	
Do	AD HOC COMM OF MUTUAL FUND MANAGERS	1 474.93	
Do	INVESTMENT CO INSTITUTE	3 477.67	
Do	NL INDUSTRIES	1 300.00	
Do	PRUDENTIAL LINES, INC	750.00	
PILLSBURY MADISON & SUTRO, SUITE 900 1050 17TH ST., NW WASHINGTON DC 20006	AMERICAN PETROLEUM INST	2 012.50	
Do	FEDERAL JUDGES ASSN	3 750.00	520.51
Do	MORGAN GUARANTY TRUST CO		
Do	TEMIS RAMIRES DE ARELLANO	2 537.50	60.00
Do	TUBBS CORDAGE CO	306.25	
PILOTS RIGHTS ASSOCIATION, P.O. BOX 7000-367 REDONDO BEACH CA 90277		100.00	5,699.30
PINEAPPLE GROWERS ASSN OF HAWAII, P.O. BOX 3829 HONOLULU HI 96813			
VALERIE F. PINSON, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	923.08	
CHARLES C. PIXLEY, 15809 ANAMOSA DRIVE DERWOOD MD 20855			
PLAINS COTTON GROWERS, INC, PO BOX 3640 LUBBOCK TX 79452			
PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., 2010 MASSACHUSETTS AVENUE, NW, 5TH FL. WASHINGTON DC 20036.		2,191.45	2,191.45
WYLL W. PLEGER, 1730 RHODE ISLAND AVENUE, N.W. # 213 WASHINGTON DC 20036	BROWN & ROOT, INC		
PM CONSULTING CORPORATION, 333 PERRY BROOKS BUILDING AUSTIN TX 78701	FAIRCHILD INDUSTRIES	15 000.00	
Do	TALLEY CORPORATION	9 000.00	
NANCY POLIKOFF, 2000 P STREET, NW, #400 WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
MICHAEL A. POLING, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
RICHARD J. POLLACK, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	2,818.90	612.29
FRANCES A. POLLAK, SUITE 390 1850 K STREET, NW WASHINGTON DC 20006	UNION CAMP CORPORATION	250.00	10.00
ALFRED M. POLLARD, 1819 L STREET, NW, #800 WASHINGTON DC 20036	SECURITY PACIFIC NATIONAL BANK	1,073.75	550.00
RAYMOND K. POPE, 2000 L STREET, NW, #200 WASHINGTON DC 20036	AMFAC, INC	3,437.49	244.55
PAULA D. PORPILIA, 1120 CONNECTICUT AVENUE, N.W. SEVENTH FLOOR WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,050.00	96.95
PORT OF SEATTLE, P.O. BOX 1209 SEATTLE WA 98111			71.88
PHILLIP PORTE & ASSOCS., INC., SUITE 208 1301 ARLINGTON RIDGE RD. ARLINGTON VA 22202	AMERICAN ASSN FOR RESPIRATORY THERAPY	7,000.00	
Do	AMERICAN MEDICAL RECORDS ASSN	1,500.00	
Do	NATIONAL ASSN OF MEDICAL DIRECTORS OF RESPIRATORY CARE	3,000.00	
CAROL ALICE PORTER, SUITE 1101 1612 K ST., NW WASHINGTON DC 20036	WILDLIFE LEGISLATIVE FUND OF AMERICA	3,421.00	
PORTER WRIGHT MORRIS & ARTHUR, 37 WEST BROAD STREET COLUMBUS OH 43215	COALITION FOR ENVIRONMENTAL-ENERGY BALANCE	20,451.20	3,369.66
SHARON T. PORTNOY, ONE PENN PLAZA NEW YORK NY 10001	NATIONAL COMMERCIAL FINANCE ASSN	3,300.00	130.50
JOHN MICHAEL POWDERLY, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,192.84	
CATHERINE POWELL, 880 S. PICKETT STREET ALEXANDRIA VA 22304	BOAT OWNERS ASSN OF THE U.S. (BOAT/U.S.)	4,000.00	
JAMES L. POWELL, HHC, 1-33 A APO NY 09091	REVIVAL WAY HOUSE OF PRAYER OF JESUS CHRIST, INC		
ROBERT D. POWELL, SUITE 400 1300 19TH ST., NW WASHINGTON DC 20036	NATIONAL BUSINESS AIRCRAFT ASSN		
JANET POWER, 1620 I ST., NW WASHINGTON DC 20006	VISA USA, INC		
JOHN J. POWER, 815 16TH ST., NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	14,590.03	750.35
FREDERICK W. POWERS III, 260 SKYRIDGE DRIVE ATLANTA GA 30338	SIEMENS-ALLIS, INC		
GRAYDON R. POWERS JR , 1101 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN		
KATHY S. PRAGER, 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,250.00	
ROBERT L. PRATT, 9 BROOKTRAIL ROAD WAYLAND MA 01778	THERMO ELECTRON CORPORATION	750.00	434.00
WILLIAM B. PRENDERGAST, 6215 KELLOGG DRIVE MCLEAN VA 22101	TOBACCO INSTITUTE	6,325.00	1,015.25
LLOYD T. PRESLAR, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION).		
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
Do	THOMSON-CSF DIVISON SYSTEMS ELECTRONIQUE OF FRANCE		
PRESTON THORGRIMSON ELLIS & HOLMAN, 1735 NEW YORK AVENUE, NW, #500 WASHINGTON DC 20006	AETNA LIFE & CASUALTY		
Do	ALASKA LUMBER & PULP CO, INC/LOUISIANA PACIFIC OF KETCHIKAN	1,522.50	
Do	ALLEGHANY CORPORATION	7,379.00	478.24
Do	AMERICAN INSURANCE ASSN		
Do	AMERICAN PRESIDENT LINES	1,697.50	
Do	AMERICAN WATERWAYS SHIPYARD CONFERENCE		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	BELLINGHAM COLD STORAGE		
Do	CALISTA CORP		
Do	CHUGACH NATIVES, INC		
Do	CITIES & COUNTIES FOR CABLE		
Do	CITY OF CINCINNATI		
Do	CITY OF LAKEWOOD		
Do	CITY OF SCOTTSDALE		
Do	CITY OF ST. LOUIS	228.00	
Do	COASTAL TRADING CO	632.90	
Do	CORPORATION FOR PUBLIC BROADCASTING		
Do	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS	700.00	
Do	EMPLOYERS REINSURANCE CORP		
Do	HUDSON WATERWAYS	7,680.00	32.61
Do	INTERGOVERNMENTAL CABLE COMMUNICATIONS AUTHORITY		
Do	LUMMI INDIAN BUSINESS COUNCIL		
Do	MOORE MCCORMACK RESOURCES, INC	225.00	
Do	NATIONAL ASSN OF STATE DIRECTORS OF COMMUN & JUNIOR COLLEGES		
Do	NORTH WEST TIMBER ASSN	1,748.75	
Do	PORT OF SEATTLE	9,589.50	
Do	SPOKANE COUNTY	1,087.50	
Do	STATE OF ALASKA	750.00	
Do	SUNMAR SHIPPING, INC		
Do	TENNESSEE GAS PIPELINE CO	2,013.00	
Do	TRANSPORTATION INSTITUTE	1,923.50	
Do	WESTERN FOREST INDUSTRIES ASSN	1,748.75	
KEITH A. PRETTY, 322 W. OTTAWA LANSING MI 48933	STANDARD OIL CO (INDIANA)		
BARBARA J. PRICE, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	950.00	129.24
JAMES M. PRICE, P.O. BOX 11248 KNOXVILLE TN 37919	SIERRA CLUB	6,801.00	1,738.41
LEE PRICE, 1757 N STREET, NW WASHINGTON DC 20036	INT'L UNION, UNITED AUTO AEROSPACE & AGRIC IMPLEMENT WORKERS	5,223.02	15.00
ROBERT DALE PRICE, ROUTE 1, BOX 61A PAMPA TX 79065	AGRICULTURISTS FOR RESPONSIBLE LEGISLATION	4,000.00	
PATRICIA PRIDE, 1129 20TH ST., NW WASHINGTON DC 20036	FINANCIAL ACCOUNTING STANDARDS BOARD		
Do	FINANCIAL ACCOUNTING FOUNDATION	387.62	38.81
BEVERLY HINES PRINCE, 1620 EYE STREET N.W. WASHINGTON DC 20006	VISA USA, INC		
GWENYTH PRITCHARD, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
JERRY C. PRITCHETT, SUITE 750 5530 WISCONSIN AVE., NW CHEVY CHASE MD 20815	MECHANICAL CONTRACTORS ASSN OF AMER, INC		
PRO-LIFE CDAC 12, P.O. BOX 7145 MENLO PARK CA 94025		178.00	627.00
PRO/LIFE CONGRESSIONAL DISTRICT 11, P.O. BOX 727 SAN CARLOS CA 94070		1,441.29	258.17
SYDNEY PROBST, 1250 EYE STREET, NW, #900 WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE U.S.	200.00	100.00
PROCOMPETITIVE RAIL STEERING COMMITTEE, 1090 VERMONT AVENUE, NW, #410 W SHINGTON DC 20005		36,250.00	11,786.94
STUART PROCTOR, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	5,499.99	109.91
PROFESSIONAL MANAGERS' ASSN, P.O. BOX 7762, BEN FRANKLIN STATION WASHINGTON DC 20044		9,622.22	7,568.86
PROFIT SHARING COUNCIL OF AMER, 20 N. WACKER DRIVE CHICAGO IL 60606			
PROPRIETARY ASSN, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006			3,243.75
PROTECT THE INNOCENT, INC., 451 SOUTH INDIANA STREET MOORESVILLE IN 46158			44.00
PRUDENTIAL-BACHE SECURITIES, INC, 100 GOLD ST. NEW YORK NY 10272			750.00
JAMES C. PRUITT, SUITE 500 1050 17TH STREET, NW WASHINGTON DC 20036	TEXACO, INC	200.00	
PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		28,971.20	10,453.18
DAVID E. PULLEN, 1025 CONNECTICUT AVE., NW, #214 WASHINGTON DC 20036	MANVILLE CORP	1,000.00	
WILLIAM E. PURSLEY, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
EARLE W. PUTNAM, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
HOWARD PYLE III, 4930 QUEBEC ST., NW WASHINGTON DC 20016	HOUSTON LIGHTING & POWER COMPANY	3,600.00	
ROBERT N. PYLE, P.O. BOX 3731 WASHINGTON DC 20007	ELKEM METALS COMPANY	3,100.00	200.00
Do	INDEPENDENT BAKERS ASSN	3,000.00	
JOHN R. QUARLES JR., MORGAN, LEWIS & BOCKIUS 1800 M ST., NW WASHINGTON DC 20036	NATIONAL ENVIRONMENTAL DEVELOPMENT ASSN CLEAN AIR ACT PROJ	,000.00	
JAMES M. QUIGLEY, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
WILLIAM A. QUINLAN, 3045 RIVA RD. RIVA MD 21140	NATIONAL CANDY WHOLESALERS ASSN, INC		
Do	RETAIL BAKERS OF AMERICA		
QUINN RACUSIN YOUNG & DELANEY, CHTD, 1730 K STREET, NW, #700 WASHINGTON DC 20006	RECON/OPTICAL, INC		
CLIFFORD RABER, ONE MCDONALD'S PLAZA OAK BROOK IL 60521	MCDONALD'S CORP		
ALEX RADIN, 2301 M ST., NW WASHINGTON DC 20036	AMERICAN PUBLIC POWER ASSN	574.08	
TESS A. RAE, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
JOHN D. RAFFAELLI, 1317 F STREET, NW, #400 WASHINGTON DC 20004	R. DUFFY WALL & ASSOCIATES, INC (FOR: BABCOCK & BROWN)	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: BALCOR/AMERICAN EXPRESS, INC)	300.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: BANKERS TRUST CO)		
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: A. F. CAMPBELL & CO, INC)		
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: DEAN WITTER REALTY, INC)		
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: FREEPORT-MCMORAN, INC)	300.00	
Do	GULF COAST WASTE DISPOSAL AUTHORITY	500.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: JMB REALTY CORP)	300.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: LIFE OF VIRGINIA, ET AL.)	300.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: MONARCH RESOURCES, INC)	300.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: MORGAN GUARANTY TRUST CO)	200.00	
Do	NATIONAL COUNCIL FOR HIGHER LOAN PROGRAMS	1,000.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: SCHULMAN MANAGEMENT CO)		
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: TAYLOR & MIZELL)		
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: VOLUME FOOTWEAR RETAILERS OF AMERICA).	300.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: WINE & SPIRITS WHOLESALERS OF AMERICA, INC).		
ROBERT A. RAGLAND, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	75.00	75.00
RAILROAD RETIREMENT ASSN, SUITE 517 210 7TH ST., SE WASHINGTON DC 20003		7,973.74	7,973.74
RAILWAY LABOR EXECUTIVES' ASSN, 400 FIRST ST., NW SUITE 804 WASHINGTON DC 20001		4,800.00	60,960.12
RAILWAY PROGRESS INST, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314			
DAVID H. RAITT, 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	JAFFE SNIDER RAITT & HEUER, P.C.		
RICHARD RAMIREZ, GNAU CARTER JACOBSEN & ASSOCIATES, INC 1250 EYE STREET, NW, #600 WASHINGTON DC 20005	EMS DEVELOPMENT CORP		
Do	WEDTECH CORP		
KATHLEEN MARIE RAMSEY, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC	100.00	
RANDALL BANGERT AND PRICE, SUITE 1205 1625 K ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE		
Do	NATIONAL INDEPENDENT DAIRY-FOODS ASSN		
JEANNETTE H. RANDALL, 3471 N. FEDERAL HIGHWAY, #511 FORT LAUDERDALE FL 33306	AMERISERV, INC	5,000.00	213.19
DONALD A. RANDALL, P.C., 321 D STREET, NE WASHINGTON DC 20002	AUTOMOTIVE SERVICE COUNCILS, INC	2,600.00	
Do	NATIONAL INDEPENDENT DAIRY-FOODS ASSN	2,350.00	
R. RAY RANDLETT, 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION	1,120.00	
JAMES D. RANGE, 600 MARYLAND AVENUE, SW, #607 WASHINGTON DC 20024	WASTE MANAGEMENT, INC	5,000.00	792.93
D. MICHAEL RAPPOPORT, P.O. BOX 1980 PHOENIX AZ 85001	SALT RIVER PROJECT	1,680.00	6,192.55
RARE, INC., 1601 CONNECTICUT AVENUE, NW WASHINGTON DC 20009			
CARL L. RASAK, 8301 FORT HUNT ROAD ALEXANDRIA VA 22308			
MAGDA RATAJSKI, P.O. BOX 3609 NORFOLK VA 23514	NORFOLK SOUTHERN CORPORATION		
CAROL L. RAULSTON, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	3,100.00	82.00
G. DAVID RAVENCRAFT, SUITE 507 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
W. RANDALL RAWSON, 1840 WILSON BLVD., #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	10,400.00	
RAYMARK CORPORATION, 100 OAKVIEW DRIVE TRUMBULL CT 06611			
RBC ASSOCIATES, 324 FOURTH STREET, NE WASHINGTON DC 20003	BANGOR & AROOSTOOK RAILROAD	3,750.00	2,916.92
Do	CHICAGO & NORTH WESTERN TRANSPORTATION CORP	23,500.00	3,292.72
Do	DELAWARE OTSEGO SYSTEM	6,000.00	3,029.46
Do	GENESEE & WYOMING CORP	750.00	2,838.62
Do	PANDROL	1,000.00	661.18
Do	PITTSBURG & SHAWMUT RAILROAD	2,100.00	2,838.62
Do	SPENO RAIL SERVICES	4,500.00	661.18
JULIAN O. READ, 1005 CONGRESS AVENUE, #500 AUSTIN TX 78701	CENTRAL AND SOUTH WEST CORP		
READING IS FUNDAMENTAL, INC., 600 MARYLAND AVE.,SW RM 500 WASHINGTON DC 20560			
SYDNEY C. REAGAN, NO. 10 DUNCANNON CT. DALLAS TX 75225	SOUTHWESTERN PEANUT SHELLERS ASSN		
JOHN DANIEL REAVES, 910 16TH STREET, NW WASHINGTON DC 20006	PHARMACEUTICAL MANUFACTURERS ASSN	750.00	7.90

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
RECORDING INDUSTRY ASSN OF AMER, INC. 888 SEVENTH AVENUE, 9TH FL NEW YORK NY 10106		5,084.89	5,084.89
JOHN M. RECTOR, 205 DAINGERFIELD RD. ALEXANDRIA VA 22314	NATIONAL ASSN OF RETAIL DRUGGISTS	700.00	150.00
ROBERT O. REDDING, 3519 S.W. 147TH LANE ROAD OCALA FL 32673			
DWIGHT C. REED, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		
REED ROBERTS TAX CREDIT ASSISTANCE CORP., #CS-101 55 CHARLES LINDBERGH BLVD. UNIONDALE NY 11553			
CHARLES C. REELY, SUITE 203 1840 WILSON BLVD. ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	3,240.00	
PAULINE B. REEPING, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	NEW YORK SHIPPING ASSN., INC		
JOSEPH M. REES, SUITE 711 444 N. CAPITOL ST. WASHINGTON DC 20001	KEEFE COMPANY (FOR: CORDAGE INSTITUTE)		
Do	DELTA DENTAL PLANS ASSOCIATION	1,000.00	
ROBERT S. REESE JR., 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	844.42
J. RONALD REEVES, WASHINGTON NATIONAL AIRPORT WASHINGTON DC 20001	U.S. AIR, INC	2,000.00	218.75
JOHN T. REGGITTS JR., 95 BOOTON AVE. P.O. BOX 470 BOONTON NJ 07005			
DAVID M. REICHER, 777 EAST WISCONSIN AVE. MILWAUKEE WI 53202	FOLEY & LARDNER (FOR: SOUTH DAKOTA STUDENT LOAN ASSISTANCE CORP, ET AL.).		
REICHLER & APPELBAUM, 1776 K STREET, NW, #900 WASHINGTON DC 20006	REPUBLIC OF NICARAGUA	4,000.00	
REID & PRIEST, 1111 19TH STREET, NW WASHINGTON DC 20036	ASSOCIATED NATURAL GAS COMPANY, ET AL		
Do	EDISON ELECTRIC INSTITUTE	18.00	
Do	HILATURAS LERMA, S.A., DE C.V. AND AMYTEX CORP		
REID & RIEGE, P.C., ONE STATE STREET HARTFORD CT 06103	WESLEYAN UNIVERSITY	1,332.50	
CHARLOTTE REID, 2466 CHATHAM ROAD AURORA IL 60506	MOTOROLA, INC	3,000.00	
MICHAEL W. REID, 1925 K STREET, NW, #206 WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY		
JERRY E. REIDER, 1235 JEFFERSON DAVIS HWY., #305 ARLINGTON VA 22202	EMERSON ELECTRIC CO		
RONALD H. REIMANN, 3800 CONTINENTAL PLAZA 777 MAIN ST. FORT WORTH TX 76102	BURLINGTON NORTHERN RAILROAD	17,000.00	850.00
HARRY O. REINSCH, 50 BEALE ST. P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
JACK REITER, 1800 K STREET, N.W. SUITE 600 WASHINGTON DC 20006	FLYING TIGER LINE	2,100.00	182.71
GEORGE E. RENAULT, 2108 YALE DR. ALEXANDRIA VA 22307	AMERICAN ENERGY PRODUCTS, INC		
RENDON COMPANY, 1439 RHODE ISLAND AVE., NW WASHINGTON DC 20005			
JOHN W. RENDON JR., 1439 RHODE ISLAND AVE., NW WASHINGTON DC 20005	RENDON COMPANY		
DIANE RENNERT, 2005 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	4,300.00	117.30
RESOURCES FUND, INC, 810 18TH ST., NW, #804 WASHINGTON DC 20006			
RETIRED OFFICERS ASSN, 201 N. WASHINGTON ST. ALEXANDRIA VA 22314		8,304.00	
JOHN H. REURS, 74 TRINITY PLACE NEW YORK NY 10006	NEW YORK COMM OF INTL COMM OF PASSENGER LINES		
VINCENT P. REUSING, 1025 CONNECTICUT AVENUE, NW, #1010 WASHINGTON DC 20036	METROPOLITAN INSURANCE COS	1,000.00	
ALAN V. REUTHER, 1757 N STREET, NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	10,907.56	214.96
ALLAN R. REXINGER, 1700 PENNSYLVANIA AVE., NW, #700 WASHINGTON DC 20006	PROPRIETARY ASSN	3,093.75	150.00
MARK E. REY, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	3,500.00	
RENEE REYMOND, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		100.00
MARY ANNE REYNOLDS, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
FREDERICK W. RHODES, 1800 K STREET, NW, #800 WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO	2,500.00	
JOHN J. RHODES, CUMMINGS & LOCKWOOD 1090 VERMONT AVENUE, NW, #650 WASHINGTON DC 20005	ALLIANCE FOR CLEAN ENERGY; UNION PACIFIC RAILROAD	500.00	
Do	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S		
EDMUND B. RICE, 444 NORTH CAPITOL ST., NW, #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	8,480.72	
RICE GENOCIDE RESEARCH, 3046 ROOSEVELT STREET DETROIT MI 48216			134.98
GRACE ELLEN RICE, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	5,137.50	6.95
LOIS D. RICE, 1201 PENNSYLVANIA AVNEUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	383.50	127.49
M. LEE RICE, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA	2,900.00	
THERON J. RICE, SUITE 900 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CONOCO, INC		
JAMES E. RICH JR., SUITE 200 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
RICHARD RICHARDS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON STREET, NW, 6TH FL WASHINGTON DC 20007	SIKORSKY AIRCRAFT	2,500.00	17.80
STACY RICHARDS, SUITE 802 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	375.00	
ALAN H. RICHARDSON, 2301 M ST., NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	3,000.00	
DONNA RICHARDSON, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN	4,932.01	249.92
DOUGLAS C. RICHARDSON, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JOHN C. RICHARDSON, 520 MADISON AVENUE NEW YORK NY 10022	LEBOEUF LAMB LEIBY & MACRAE (FOR: BRITISH INSURANCE ASSN AND LLOYD'S OF LONDON).		
JOHN G. RICHARDSON, 2774 NORTH HILLS DRIVE, NE ATLANTA GA 30305	GEORGIA POWER CO	17,994.00	7,655.93
K. O. RICHARDSON, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	5,000.00	100.00
LOIS RICHERSON, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	823.85	
LARRY D. RICKARDS, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	1,146.25	20.67
DON L. RICKETTS, 2550 M STREET, NW, #695 WASHINGTON DC 20037	BEAR STEARNS & CO	350.00	
Do	GENERAL AMERICAN LIFE INSURANCE CO		
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	1,350.00	
Do	NORTHWESTERN MUTUAL LIFE	1,350.00	
RIDDELL FOX HOLROYD & JACKSON, P.C., 723 WASHINGTON BLDG. WASHINGTON DC 20005	W. K. KELLOGG FOUNDATION		
JUDY NOEL RIDDLE, 6630 W. BROAD ST. RICHMOND VA 23230	LAWYERS TITLE INSURANCE CORP		
LOWELL J. RIDGEWAY, NORTH DAKOTA PETROLEUM COUNCIL 418 EAST ROSSER, P.O. BOX 1395 BISMARCK ND 58502	AMERICAN PETROLEUM INST	598.00	
E. GEORGE RIEDEL, 1600 M STREET, NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	1,800.00	150.00
MARK J. RIEDY, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA		
E. PHILIP RIGGIN, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	11,322.00	546.83
PAT RILEY, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
SUSAN RILEY, 1150 17TH STREET, NW, #306 WASHINGTON DC 20036	NATIONAL MULTI HOUSING COUNCIL	5,800.00	
MARK ALAN RILLING, 110 MARYLAND AVENUE, NE, #409 WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	4,408.36	
DALE P. RIORDAN, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	23,750.00	173.86
KEVIN J. RIORDAN, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORP	800.00	174.25
JOHN S. RIPPEY, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	1,000.00	46.00
RISELLI & PRESSLER, 2033 M STREET, NW, #504 WASHINGTON DC 20036	PROFESSIONAL MANAGERS' ASSN	730.30	8.70
CAROL A. RISHER, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	2,000.00	
ROBIN RISSO, 511 C STREET, NE WASHINGTON DC 20002	CONTINENTAL ASSN OF RESOLUTE EMPLOYERS (C.A.R.E.)		
JAMES E. RITCHIE & ASSOCIATES, SUITE 400 499 S. CAPITOL ST., SW WASHINGTON DC 20003	GAMING INDUSTRY ASSN OF NEVADA, INC	3,200.00	3,452.10
Do	GOLDEN NUGGET, INC	4,773.38	4,706.15
Do	LIBERTY FINANCIAL	4,881.63	2,883.00
Do	NATIONAL ASSN OF OFF-TRACK BETTING	2,000.00	5,165.16
Do	NATIONAL ASSN OF OPTOMETRISTS & OPTICIANS, INC	11,029.59	5,199.16
Do	NEVADA RESORT ASSN	4,800.00	5,178.18
JEANNE M. RITCHIE, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
STARK RITCHIE, 1220 L ST., NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST		
PHILLIP W. RIVERS, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	17.50	
RJR INDUSTRIES, INC, 1100 REYNOLDS BLVD. WINSTON-SALEM NC 27106			11,189.42
LIZ ROBBINS ASSOCIATES, 132 D STREET, SE WASHINGTON DC 20003	ASSOCIATION OF LOCAL HOUSING FINANCE AGENICES (ALHFA)	3,947.67	
Do	BLYTHE EASTMAN/PAINE WEBBER		
Do	GOLDMAN SACHS	3,022.50	
Do	KOENIG & CO		
Do	NATIONAL MUSIC PUBLISHERS ASSN, INC	2,633.33	
Do	SCHOLASTIC MAGAZINES, INC	3,300.00	
Do	SHEARSON/AMERICAN EXPRESS, INC		
Do	SOUTHERN BAPTIST PRESS ASSN		
Do	WELK MUSIC GROUP	2,970.00	
RAY ROBERTS & ASSOCIATES, 2224 PEMBROOKE DENTON TX 76201	J. W. BATESON & CO, INC	3,000.00	2,167.75
Do	TEXAS UTILITIES SERVICES, INC	3,000.00	1,779.35
PATRICIA L. ROBERTS, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	1,250.00	186.00
PERRY A. ROBERTS, 8000 FLORISSANT ST. LOUIS MO 63136	EMERSON ELECTRIC CO		
RICHARD R. ROBERTS, SUITE 403 1899 L ST., NW WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC	450.00	796.00
RICHARD W. ROBERTS, 100 EAST 42ND ST. NEW YORK NY 10017	NATIONAL FOREIGN TRADE COUNCIL, INC	500.00	190.00
RICHARD Y. ROBERTS, PAPPANASTOS SAMFORD ROBERTS & BLANCHARD P.O. BOX 1402 MONTGOMERY AL 36102	ALABAMA POWER CO	1,110.00	
MARK ROBERTSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN EXPRESS CO)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL BROADCASTING CO).		
BETTY S. ROBINSON, 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	10,296.04	113.00
CHARLES A. ROBINSON JR., 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	132.03	
KENNETH L. ROBINSON, 1111 N. 19TH STREET, #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	1,400.00	
THOMAS E. ROBINSON, SUITE 700 1101 17TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC	1,200.00	
BOB JOHN ROBISON, 1201 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20004	HILL & KNOWLTON, INC	2,250.00	
JAMES ANTHONY ROCK, 1730 M STREET, NW, #607 WASHINGTON DC 20036	MONTANA POWER CO AND WASHINGTON WATER POWER CO	450.00	250.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DAVID W. RODERER, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN		
RODEY DICKASON SLOAN AKIN & ROBB, P.O. BOX 1888 ALBURQERQUE NM 87103	NAVAJO TRIBE		
QUINCY RODGERS, 1200 NEW HAMPSHIRE AVE., NW SUITE 320 WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION	600.00	96.44
WILLI ROELLI, VOLKART BROTHERS, INC. 120 WALL ST. NEW YORK NY 10005	COFFEE, SUGAR & COCOA EXCHANGE, INC		
ROGERS & WELLS, 1737 H STREET, NW WASHINGTON DC 20006	DESERT PALACE, INC		
Do	WILLIAM ANTHONY HOGAN		
Do	INTERNATIONAL PETCHEMCO, INC		
Do	INTERNOOR TRADE, INC		
Do	MERRILL LYNCH & CO., INC		
Do	MERRILL LYNCH COMMODITIES, INC		
Do	MERRILL LYNCH HUBBARD	2,200.00	886.84
Do	MORRIS & GWENDOLYN CAFRITZ FOUNDATION		
Do	NATIONAL ASSN OF BEDDING MANUFACTURERS		
Do	PARIBAS CORPORATION		
Do	TEACHERS INSURANCE & ANNUITY ASSN/COLLEGE RET. EQUITIES FUND		
BRUCE N. ROGERS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	5,974.28
DONALD L. ROGERS, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	2,083.40	
JAMES T. ROGERS, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
KEITH ROGERS, 47 LAFAYETTE PLACE, APT. 6D GREENWICH CT 06830	U.S. TOBACCO COMPANY	2,475.00	
NANCY ROGERS, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, ALF-CIO	5,531.50	76.90
CAROLE M. ROGIN, 1800 M STREET, NW, #1030 WASHINGTON DC 20036	HAUCK & ASSOCIATES, INC (FOR: HEARING INDUSTRIES ASSN)		
Do	HAUCK & ASSOCIATES, INC. (FOR: NATIONAL ASSN FOR CHILD CARE MANAGEMENT).		
ROGOVIN HUGE & LENZNER, P.C., 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	CKLW RADIO BROADCASTING, LTD		
RICHARD A. ROHRBACH, 1625 I ST., NW SUITE 809 WASHINGTON DC 20006	BOISE CASCADE CORP	22,250.00	2,495.93
JACK ROLLINS, 1201 16TH STREET, NW WASHINGTON DC 20036	OVERSEAS EDUCATION ASSN & NATIONAL EDUCATION ASSN		
JOHN F. ROLPH III, SUITE 350 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	CITIBANK, N.A	1,000.00	
KENNETH S. ROLSTON JR., 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PULPWOOD ASSN		
EMIL A. ROMAGNOLI, 180 MAIDEN LANE NEW YORK NY 10038	ASARCO INC	700.00	
TENO RONCALIO, P.O. BOX 1707 CHEYENNE WY 82001	ENERGY FUELS CORP		
Do	NORTHWEST ALASKAN PIPELINE CO & COLORADO INTERSTATE GAS CO		
FRED B. ROONEY, 6TH FL. 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN IRON & STEEL INSTITUTE	225.00	
Do	ASSOCIATION OF AMERICAN RAILROADS	325.00	
Do	CALIFORNIA PORTLAND CEMENT COMPANY	100.00	
Do	CONRAIL		
Do	CRAWFORD FITTING CO	125.00	
Do	DENVER & RIO GRANDE WESTERN RAILROAD CO	200.00	
Do	LONE STAR INDUSTRIES, INC	150.00	
Do	M LIFE INSURANCE CO	325.00	
Do	PAUL, HASTINGS, JANOFSKY & WALKER (FOR: SECURITY LIFE OF DENVER)	250.00	
JOHN C. ROOTS, SUITE 1001 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	132.05	
ROPES & GRAY, SUITE 700 1001 22ND ST., NW WASHINGTON DC 20037	AMHERST COLLEGE; WELLESLEY COLLEGE		
Do	GENERAL MILLS, INC	139.25	
ROSE SCHMIDT DIXON & HASLEY, 1575 EYE STREET, NW, #500 WASHINGTON DC 20005	CIGAR ASSN OF AMERICA		
LOUISE L. ROSEMAN, SUITE 603 1620 I STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC		
BURT ROSEN, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	PFIZER, INC	1,000.00	790.43
LESTER L. ROSEN, 1025 VERMONT AVENUE, NW, #500 WASHINGTON DC 20005	MILES LABORATORIES, INC	2,500.00	
RICHARD ROSEN, SUITE 118 5010 WISCONSIN AVENUE, NW WASHINGTON DC 20016			
DAVID B. ROSENAUER, 1600 M STREET, NW WASHINGTON DC 20036	INVESTMENT COMPANY INSTITUTE	300.04	375.53
SARA ROSENBAUM, 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND	950.00	
MIRIAM A. ROSENBERG, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING & DEVELOPEMENT	4,906.00	158.15
FRANCIS C. ROSENBERGER, 6809 MELROSE DRIVE MCLEAN VA 22101	NATIONAL CONFERENCE OF BANKRUPTCY JUDGES	3,750.00	
ROGER C. ROSENTHAL, SUITE 310 2001 S ST., NW WASHINGTON DC 20009	MIGRANT LEGAL ACTION PROGRAN, INC		
ROSES, INC., 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840		3,939.19	1,398.00
JOE ROSS, P.O. BOX 1582 LITTLE ROCK AR 72201			
WILLIAM F. ROSS, SOUTH CAROLINA PETROLEUM COUNCIL 716 KEENAN BLDG. COLUMBIA SC 29201	AMERICAN PETROLEUM INST	214.00	817.89
LESLEY A. ROSSE, 1220 L ST., NW, 5TH FL. WASHINGTON DC 20005	AMERICAN LAND DEVELOPMENT ASSN	1500.00	
ALAN J. ROTH, SPIEGEL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	FT. PIERCE UTILITIES AUTH OF THE CITY OF FT. PIERCE, ET AL		
BARRY N. ROTH, 1120 20TH STREET, NW, #700 WASHINGTON DC 20036	WILLIAMS COMPANIES	100.00	
SAMUEL A. ROTH, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S	2,000.00	
DONALD D. ROUNDS, SOUTH DAKOTA PETROLEUM COUNCIL P.O. BOX 669 PIERRE SD 57501	AMERICAN PETROLEUM INST		
MICHAEL O. ROUSH, CAPITAL GALLERY EAST, #695 600 MARYLAND AVE. WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
LOIS ROWAN, 818 ROEDER ROAD, #702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
JOHN W. ROWLAND, 5025 WISCONSIN AVE.,NW WASHINGTON DC 20006	AMALGAMATED TRANSIT UNION, AFL-CIO		
ROXTON, INC, 2000 S. EADS STREET, #1003 ARLINGTON VA 22202	GLOBAL IDENTIFICATION CORP		
ROBERT STEWART ROYER, 1747 PENNSYLVANIA AVENUE, NW, #950 WASHINGTON DC 20006	AMERICAN MILITARY SALES		
Do	CHRYSLER MILITARY SALES CORP		
Do	CITY OF AKRON, OHIO		
Do	FORD, RIFF & BURGESS		
Do	HARLEY-DAVIDSON MILITARY SALES		
Do	INTERNATIONAL FUTURES EXCHANGE		
Do	INTEX HOLDINGS (BERMUDA) LTD		
Do	MICHIGAN TRADE EXCHANGE		
Do	MORGAN STANLEY & CO., INC		
Do	OVERSEAS MILITARY SALES GROUP		
Do	SECURITIES INDUSTRY ASSOCIATION		
TOBI Z. ROZEN, 888 16TH ST., NW WASHINGTON DC 20006	MILK IND. FOUNDATION/INTL ASSN OF ICE CREAM MFRS		
ERIC M. RUBIN, RUBIN WINSTON & DIERCKS 1730 M ST., NW, #708 WASHINGTON DC 20036	COMMISSONER OF PUBLIC LANDS FOR STATE OF NEW MEXICO		
Do	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC		
JAMES S. RUBIN, 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION	1,426.12	
PAUL M. RUDEN, WILNER & SCHEINER 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AMERICAN SOC OF TRAVEL AGENTS		
BARBARA A. RUDOLPH, 1901 N. FORT MYER DRIVE, #302 ROSSLYN VA 22209	BEVERLY ENTERPRISES	3,375.00	434.42
CAMILLE KEARNS RUDY, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE		
HENRY C. RUEMPLER, 1200 NEW HAMPSHIRE AVENUE, NW, #350 WASHINGTON DC 20036	CITIBANK, N.A	500.00	
NICHOLAS L. RUGGIERE, 1667 K STREET, NW, #410 WASHINGTON DC 20006	JOHNSON & JOHNSON	1,000.00	25.00
MORGAN S. RUPH, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
LEONARD H. RUPPERT, NEW JERSEY PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST		
ROBERT C. RUPPERT, 1660 L STREET, NW, #901 WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC		
DOMENIC R. RUSCIO, 6TH FLOOR 2010 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036			
CHARLOTTE RUSH, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORP	950.00	
BARRY RUSSELL, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		
DOROTHEA L. RUSSELL, 1120 VERMONT AVENUE, NW, #1120 WASHINGTON DC 20005	NATIONAL CANDY WHOLESALERS ASSN, INC		
NANCY RUSSELL, 4921 SW HEWETT BLVD. PORTLAND OR 97221	FRIENDS OF THE COLUMBIA GORGE		
WALLY RUSTAD, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
HERMAN MAX RUTH, P.O. BOX 4000 SPINGFIELD MO 65802			
J. T. RUTHERFORD & ASSOCIATES, INC., 1301 N. COURTHOUSE RD., #1802 ARLINGTON VA 22201	AMERICAN ASSN OF BIOANALYSTS/INTL SOC OF CLINICAL LAB TECHS		331.10
Do	AMERICAN COLLEGE OF RADIOLOGY		241.80
Do	AMERICAN OPTOMETRIC ASSN		340.00
Do	GTE/SPRINT COMMUNICATIONS		240.50
ELLA MARICE RYAN, 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY CO, INC	100.00	
FRANK T. RYAN, 1400 K STREET, NW WASHINGTON DC 20005	RUBBER MFGRS ASSN	2,500.00	
GEORGE J. RYAN, 915 ROCKEFELLER BUILDING CLEVELAND OH 44113	LAKE CARRIERS' ASSN		
JOHN F. RYAN, 1600 M STREET, NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION		
JOHN G. RYAN, 1700 K STREET, NW WASHINGTON DC 20006	SQUIBB CORP	1,000.00	
JOSEPH RYAN, SUITE 320 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION		
NAJWA SA'D, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
PAUL R. SACIA, SUITE 202, WEST WING 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	4,523.06	
DAVID J. SADD, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	8,000.00	450.00
THOMAS L. SAGER, 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
GREGORY A. SAHD, 2033 M STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	1,500.00	41.00
FRANK MAX SALINGER, 1000 16TH ST., NW SUITE 601 WASHINGTON DC 20036	AMERICAN FINANCIAL SERVICES ASSN		
JAMES H. SAMMONS, 535 NORTH DEARBORN STREET CHICAGO IL 60610	AMERICAN MEDICAL ASSN		
SANDERS SCHNABEL & BRANDENBURG, P.C., 1110 VERMONT AVENUE, NW, #600 WASHINGTON DC 20005	AMERICAN SOC OF ASSN EXECUTIVES	5,805.00	2.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
COLIN D. SANDISON, 1899 L STREET, NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION	1,700.00	245.92
CHARLES E. SANDLER, 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	6,000.00	
PETER G. SANDLUND, 1725 EYE ST., NW, #315 WASHINGTON DC 20006	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN	300.00	
BRUCE W. SANFORD, BAKER & HOSTETLER 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	SOCIETY OF PROFESSIONAL JOURNALISTS, SIGMA DELTA CHI	1,500.00	169.45
CHARLES SAPP, 3500 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		
KAREN SASAHARA, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	350.00	75.00
ALBERT C. SAUNDERS, 1100 15TH ST., NW #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	25.10
THOMAS C. SAWYER, 1825 K STREET, NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO	2,000.00	3,797.91
ROBERT WAYNE SAYER, 4545 42ND STREET, NW WASHINGTON DC 20016	GCA CORP		580.43
STEPHEN G. SCHAFER, 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	JAFFE SNIDER RAITT & HEUER, P.C.		
MARK L. SCHAFFER, ASHCRAFT & GEREL 2000 L STREET, NW, #700 WASHINGTON DC 20036	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	1,502.50	
ROGER B. SCHAGRIN, ROGER B. SCHAGRIN, P.C. 923 15TH STREET, NW WASHINGTON DC 20005	COMMITTEE ON PIPE & TUBE IMPORTS	32,460.00	
JEROME D. SCHALLER, 1101 15TH ST., NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO	10,000.00	112.25
C. M. SCHAUERTE, P.O. BOX 3247 HOUSTON TX 77253	AMERICAN GENERAL CORPORATION	13,000.00	
JAY T. SCHECK JR., RT. 202-206 NORTH SOMERVILLE NJ 08876	AMERICAN HOECHST CORPORATION		
RICHARD H. SCHECK, 167 PELHAM RD. NEW ROCHELLE NY 10805			
DALE E. SCHELL, 1919 PENNSYLVANIA AVE., NW, #300 WASHINGTON DC 20006	GATX CORP		
JANE N. SCHERER, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC	100.00	
JOSEPH SCHERER, 1801 NORTH MOORE ST. ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
SCHIFF HARDIN & WAITE, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHICAGO BOARD OPTIONS EXCHANGE		
JONATHAN D. SCHILLER, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	ROGOVIN, HUGE & LENZNER (FOR: CKLW RADIO BROADCASTING, LTD)		
JACQUES T. SCHLENGER, 1800 MERCANTILE BANK & TRUST BLDG. THE HOPKINS PLAZA BALTIMORE MD 21201	MARYLAND SAVINGS-SHARE INSURANCE CORP		
KENNETH D. SCHLOMAN, 1600 RHODE ISLAND AVENUE, N.W. WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA	915.00	45.10
SCHLOSSBERG-CASSIDY & ASSOCIATES, INC. 955 L'ENFANT PLAZA, S.W. SUITE 1401 WASHINGTON DC 20024	ANATOLIA COLLEGE BOARD OF TRUSTEES		
Do	ATLANTA UNIVERSITY	50.00	18.70
Do	BARRY UNIVERSITY		
Do	BOSTON COLLEGE	100.00	
Do	BOSTON UNIVERSITY	2 500.00	72.00
Do	CATHOLIC UNIVERSITY OF AMERICA	1,050.00	
Do	COLUMBIA UNIVERSITY	50.00	11.00
Do	COMMUNITY CARE SYSTEMS, INC	200.00	14.50
Do	ELECTRONICS CORPORATION OF AMERICA		
Do	INDEPENDENT RADIO COMMON CARRIERS ASSN	200.00	
Do	INDIANA UNIVERSITY	850.00	173.00
Do	LESLEY COLLEGE		
Do	NORTHWESTERN UNIVERSITY		
Do	OCEAN SPRAY CRANBERRIES, INC.	1,550.00	98.50
Do	OCEANIC INSTITUTE	200.00	16.50
Do	PIRELLI CABLE CORPORATION	350.00	41.50
Do	SOUTHWEST MARINE, INC	600.00	54.50
Do	TUFTS UNIVERSITY	1,500.00	30.50
FOREST S. SCHMELING, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	1,100.00	369.05
RICHARD M. SCHMIDT JR., SUITE 600 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	500.00	
ROBERT RICHARD SCHMITT, 11304-047 UNIT C P.O. BOX 888 ASHLAND KY 41101			
SCHNADER HARRISON SEGAL & LEWIS, SUITE 1000 1111 19TH ST., NW WASHINGTON DC 20036	SAVIN CORPORATION	243.00	
Do	TOYOTA MOTOR CORPORATION	1,633.50	125.00
THERESA A. SCHNEIDER, 1575 EYE STREET, NW, #550 WASHINGTON DC 20005	INSTITUTE OF MAKERS OF EXPLOSIVES		
FRANK SCHNELLER, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JACK J. SCHRAMM, SUITE 607 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WASTE MANAGEMENT, INC	5,000.00	85.00
A. KOLBET SCHRICHTE, SUITE 500 1133 15TH STREET, NW WASHINGTON DC 20005	AMERICAN LOGISTICS ASSOCIATION		
H. B. W. SCHROEDER, 1050 17TH STREET, NW, #490 WASHINGTON DC 20036	CONSUMERS POWER CO	600.00	
N. DONALD SCHROEDER, MARYLAND PETROLEUM COUNCIL 60 WEST ST., #403 ANNAPOLIS MD 21401	AMERICAN PETROLEUM INST		
MARK SCHULTZ, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	5,000.00	55.14
ROBERT L. SCHULZ, C/O IOWA PETROLEUM COUNCIL 1012 FLEMING BLDG. DES MOINES IA 50309	AMERICAN PETROLEUM INST	638.75	1,079.00
WALTER A. SCHUMANN III, 1511 NATALIE JOY LN. MCLEAN VA 22101	POTOMAC OVERLOOK ASSOCIATES		
NEIL D. SCHUSTER, 1909 K STREET, NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSN OF THE U.S., INC		
JAMES H SCHUYLER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
DONALD H. SCHWAB, 200 MARYLAND AVE., NE WASHINGTON DC 20002	VETERANS OF FOREIGN WARS OF THE U.S.	11,500.00	1,532.70
LYNDLEY M. SCHWAB, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	419.25	20.91
SCHWABE WILLIAMSON WYATT MOORE & ROBERTS, SUITE 302 1000 POTOMAC ST., NW WASHINGTON DC 20007	LITCHSTREET COMPANY		
Do	MOUNTAIN STATES ENERGY, INC	2 188.20	1,419.65
Do	NATIONAL FOREST PRODUCTS ASSN		
Do	NORTHWEST INLAND WATERWAYS COMMITTEE		
Do	OTIS ELEVATOR CO	2,522.68	1,637.63
Do	PIASECKI AIRCRAFT CORPORATION	2,746.18	1,782.13
Do	STATE OF OREGON, CITY OF PORTLAND, OREGON METRO	5 666.51	3,677.61
ELINOR SCHWARTZ, 318 S. ABINGDON STREET ARLINGTON VA 22204	CALIFORNIA STATE LANDS COMMISSION	7 800.00	1,530.95
RICHARD SCHWARTZ, 880 S. PICKETT ST. ALEXANDRIA VA 22304	BOAT OWNERS ASSOCIATION OF THE U.S.	4 000.00	
STEVE AARON SCHWARTZ, 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
RICHARD S. SCHWEIKER, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	3 740.00	
SCIENTIFIC APPARATUS MAKERS ASSN, 1101 16TH ST., NW WASHINGTON DC 20036		6 989.57	6,728.31
MICHAEL SCIULLA, 880 S. PICKETT ST. ALEXANDRIA VA 22304	BOAT OWNERS ASSOCIATION OF THE U.S.	6,000.00	
HAROLD B. SCOGGINS, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		11.00
SCOTT COMPANY, INC., 66 SURFWATCH DRIVE JOHNS ISLAND SC 29455	COASTAL PROPERTIES INSTITUTE, INC		
JAMES M. SCOTT, 66 SURFWATCH DRIVE JOHNS ISLAND SC 29455	SCOTT COMPANY		
JOHN N. SCOTT, 1825 K STREET, NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	222.00	1,068.77
SCRIBNER HALL & THOMPSON, SUITE 700 1875 EYE STREET, NW WASHINGTON DC 20006	CONTINENTAL AMERICAN LIFE INSURANCE CO		
Do	JEFFERSON-PILOT CORP. AND SUBSIDIARIES		
Do	OCCIDENTAL LIFE INSURANCE CO OF CALIFORNIA		
Do	PROVIDENT LIFE & ACCIDENT INSURANCE CO		25,442.87
TIMOTHY SCULLY, 25 LOUISIANA AVENUE, NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	9 041.66	
EARL W. SEARS, P.O. BOX 12285 MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER	849.15	14.01
LAW OFFICES OF JOHN SEARS, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	EMBASSY OF THE REPUBLIC OF SOUTH AFRICA	15 000.00	215.00
SANDY SEDACCA, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	3 391.00	
PAMELA SEDERHOLM, BOX 719 DALLAS TX 75221	SOUTHLAND CORPORATION		
MARIA MCCREA SEGAL, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
H. RICHARD SEIBERT JR., 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	720.00	
PAUL J. SEIDMAN, FEDERAL BAR BUILDING, #1000 1815 H STREET, NW WASHINGTON DC 20006	NATIONAL TOOLING & MACHINING ASSN	14 434.52	323.57
GEORGE M. SEITTS, SUITE 900 1015 15TH STREET, NW WASHINGTON DC 20005	INTERNORTH	2 000.00	
ARMISTEAD I. SELDEN, SUITE 4400 475 L'ENFANT PLAZA, SW WASHINGTON, DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	5 000.00	22.00
M. FRANK SELLERS, 1615 H STREET, NW WASHINGTON DC 20062	U.S. CHAMBER OF COMMERCE (FOR: BUSINESS ALLIANCE ON GOVERNMENT COMPETITION).	5 000.00	508.85
STANTON P. SENDER, 633 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	SEARS, ROEBUCK AND CO	950.00	47.25
DAVID SENTER, 100 MARYLAND AVENUE, N.E. SUITE 500A, BOX 69 WASHINGTON DC 20002	AMERICAN AGRICULTURE MOVEMENT, INC		
STUART D. SERKIN, 1800 CONNECTICUT AVENUE, NW WASHINGTON DC 20009	SLURRY TRANSPORT ASSN		
SERVICE MASTER INDUSTRIES, INC, 2300 WARRENVILLE ROAD DOWNERS GROVE IL 60515			750.00
SEVEN MONTHS SESSION FOR CONGRESS, 3306 YELLOWPINE TERRACE AUSTIN TX 78757			602.00
SEWARD & KISSEL, 919 18TH ST., NW WASHINGTON DC 20006	A. I. LEASING CORP		9.00
Do	MERRILL LYNCH MONEY MARKETS, INC		51.00
Do	ROOSEVELT RACEWAY ASSOCIATES, L.P.		
Do			
J. RICHARD SEWELL, 1111 19TH ST., NW, #1102 WASHINGTON DC 20036	FLORIDA POWER & LIGHT CO	2 100.00	410.18
SEYFARTH SHAW FAIRWEATHER & GERALDSON, 1111 19TH ST., NW WASHINGTON DC 20036	AGRICULTURAL PRODUCERS	20 022.46	
Do	FRIENDS OF THE HOP MARKETING ORDER		
DONNA S. SHAFFER, DULLES INTERNATIONAL AIRPORT P.O. BOX 17309 WASHINGTON DC 20041	PRIDE AIR, INC	3 000.00	3,330.00
VICTORIA MCKENZIE SHAIN, 1710 RHODE ISLAND AVENUE, NW, #300 WASHINGTON DC 20036	ABBOTT LABORATORIES	1 000.00	
WILLIAM H. SHAKER, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	2 500.00	50.00
JAMES M. SHAMBERGER, 1025 CONNECTICUT AVE., NW, #512 WASHINGTON DC 20036	REINSURANCE ASSN OF AMER		
DEBBIE SHANNON, 5TH FLOOR 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2 500.00	469.86
GARY J. SHAPIRO, 2001 EYE STREET, NW WASHINGTON DC 20006	ELECTRONIC INDUSTRIES ASSN	250.00	100.00
HARRY D. SHAPIRO, 1800 MERCANTILE BANK & TRUST BLDG. TWO HOPKINS PLAZA BALTIMORE MD 21201	MARYLAND SAVINGS-SHARE INSURANCE CORP		
NORMAN F. SHARP, 1100 17TH STREET, NW, #1201 WASHINGTON DC 20036	CIGAR ASSN OF AMERICA, INC		88.06
KAREN DOLMATCH SHAW, SUITE 920 1800 K ST., NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	648.23	582.35

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
LUTHER W. SHAW, SUITE 514 1155 15TH ST., NW WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSN	5 625.00	8.00
SHAW PITTMAN POTTS & TROWBRIDGE, 1800 M ST., NW, #900-S WASHINGTON DC 20036	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER	76.10	
Do	ATLAS MINERALS DIVISION	1,767.00	
Do	COMMITTEE FOR PRIVATE EDUCATION		
Do	EMERSON ELECTRIC CO	112.50	
Do	FARMERS FOR FAIRNESS		
Do	INSTITUTE OF FOREIGN BANKERS		
Do	INVESTMENT COMPANY INSTITUTE	3,424.50	
Do	INVESTMENT COUNSEL ASSN OF AMERICA, INC		
Do	NATIONAL COMM ON SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS	2,728.50	
Do	UTILITY NUCLEAR WASTE MANAGEMENT GROUP	1,579.50	24.56
SHEA & GOULD, 330 MADISON AVE. NEW YORK NY 10017	ELEANOR A. CLARK		109.52
Do	HOSPITAL CORP OF AMERICA	6,550.00	
Do	NABISCO, INC		
JAMES V. SHEAHAN, 1666 MANHASSET DRIVE ATLANTA GA 30338	SIEMENS-ALLIS, INC		
SHEARMAN & STERLING, 153 EAST 53RD ST. NEW YORK NY 10005	BUSINESS ROUNDTABLE		
JOHN J. SHEEHAN, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	11,354.65	
PATRICIA Q. SHEEHAN, 1667 K STREET, NW, #410 WASHINGTON DC 20006	JOHNSON & JOHNSON	1,000.00	25.00
KATHLEEN SHEEKEY, 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	8,252.76	303.12
JOHN P. SHEFFEY, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151	NATIONAL ASSN FOR UNIFORMED SERVICES	765.40	
JONATHAN R. SHEINER, 410 FIRST ST., SE WASHINGTON DC 20003	CONSOLIDATED EDISON CO OF NEW YORK, INC		676.25
LOIS BURKE SHEPARD, 310 FIRST ST., SE WASHINGTON DC 20003	REPUBLICANS ABROAD		
SEYMOUR SHERIFF, 1126 WOODWARD BLDG. WASHINGTON DC 20005	MAN-MADE FIBER PRODUCERS ASSN, INC		
R. PHILIP SHIMER, SUITE 405 444 N. CAPITAL ST., NW WASHINGTON DC 20001	WESTERN GOVERNORS ASSOCIATION	717.60	10.20
HARVEY A. SHIPMAN, 1701 PENNSYLVANIA AVENUE, NW, #830 WASHINGTON DC 20006	PENN CENTRAL CORPORATION		
FRED B. SHIPPEE, 1611 N. KENT ST., #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC		
MARY FRANCES SHLAGEL, SUITE 760 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		
W. RAY SHOCKLEY, 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC	2,550.00	39.00
THOMAS K. SHOEMAKER, 1899 L STREET, NW, #600 WASHINGTON DC 20036	TRAVEL INDUSTRY ASSN OF AMERICA		
SHOOSHAN & JACKSON, INC., 1850 K STREET, NW WASHINGTON DC 20006	ROGERS U.S. CABLESYSTEMS, INC		
HARRY M. SHOOSHAN III, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: ROGERS U.S. CABLESYSTEMS, INC)		
A. Z. SHOWS, RM 203 1801 COLUMBIA RD., NW WASHINGTON DC 20009			
MARK SILBERGELD, 2001 S STREET, SW, #520 WASHINGTON DC 20009	CONSUMERS UNION OF U.S., INC	3,425.00	10.00
RONALD G. SILLS, BOX 7000, TEXARKANA, TX 75501		140.00	140.00
DAVID SILVER, 1775 K ST., NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	51.10	
HOWARD J. SILVER, 1200 17TH ST., NW, #520 WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS	290.00	56.24
STEVEN W. SILVER, ROBERTSON, MONAGLE, EASTAUGH & BRADLEY 240 MAIS ST., #800 JUNEAU AK 99802	ALASKA LUMBER & PULP CO, INC	4,280.00	
Do	U.S. CRUISES, INC	1,506.25	
SILVER USERS ASSN, INC, 1717 K ST., NW WASHINGTON DC 20006		50.43	3,389.13
BRUCE A. SILVERGLADE, 1501 16TH STREET, NW WASHINGTON DC 20036	CENTER FOR SCIENCE IN THE PUBLIC INTEREST		
SILVERSTEIN & MULLENS, 1776 K ST., NW WASHINGTON DC 20006	ASSOCIATION FOR ADVANCED LIFE UNDERWRITING	5,000.00	
Do	BRISTOL-MYERS CO		
Do	F.W. WOOLWORTH CO		
Do	FEDERAL NATIONAL MORTGAGE ASSN		
Do	GATX CORP		
Do	MUSIC CORPORATION OF AMERICA, INC		
Do	NATIONAL ASSN OF HOME BUILDERS OF THE U.S		
Do	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS		
M. P. SIMMONS, P.O. BOX 860 VALLEY FORGE PA 19482	CERTAINTEED CORP		
PHILIP SIMON, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	3,400.03	
TALMAGE E. SIMPKINS, 100 INDIANA AVE., NW WASHINGTON DC 20001	AFL-CIO MARITIME COMMITTEE	300.00	316.28
Do	LABOR MANAGEMENT MARITIME COMMITTEE, INC	1,436.00	191.36
WILLIAM G. SIMPSON, SUITE 424 1155 15TH STREET, NW WASHINGTON DC 20005	FIRST MISSISSIPPI CORPORATION	2,000.00	
Do	J.R. SCRIBNER EQUIPMENT	2,000.00	
Do	MISSISSIPPI POWER & LIGHT COMPANY	2,000.00	
Do	STATE OF MISSISSIPPI	4,000.00	
IVAN E. SINCLAIR, 1000 WILSON BOULEVARD, #2700 ARLINGTON VA 22209	TRW, INC	1,000.00	
RICHARD L. SINNOTT & CO, SUITE 900 ONE THOMAS CIRCLE, NW WASHINGTON DC 20005	OAKLAND COLISEUM	9,000.00	
Do	PORT OF OAKLAND	1,250.00	
JAMES C. SIVON, 730 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	1,187.50	33.00
SKADDEN ARPS SLATE MEAGHER & FLOM, 919 18TH STREET, NW WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	7,000.00	
Do	TEXACO, INC	7,650.00	
Do	TRANSCO ENERGY COMPANY	9,000.00	
Do	TRICENTROL U.S., INC		
CYNTHIA ELLIOT SKIFF, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
WILLIAM J. SKINNER, 815 15TH ST., NW WASHINGTON DC 20005	U.S. PHARMACOPEIAL CONVENTION, INC	757.89	71.53
BARNEY J. SKLADANY JR , 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,125.00	
SCOTT SKLAR, 1717 MASSACHUSETTS AVENUE, NW, #503 WASHINGTON DC 20036	SOLAR LOBBY		
WILLIAM E. SKLAR, A-K ASSOCIATES, INC 1800 K STREET, NW, #1105 WASHINGTON DC 20006	CITIZENS AGAINST PACS		
RUTH L. SKY, 2211 CONGRESS ST. PORTLAND ME 04122	UNION MUTUAL LIFE INSURANCE CO		
F. SLATINSHEK & ASSOCIATES, INC., 1102 BELLE VISTA DR. ALEXANDRIA VA 20007	GRUMMAN AERO CORP; D.L. LYNCH & ASSOCS	200.00	
BARRY S. SLEVIN, 1000 POTOMAC STREET, NW WASHINGTON DC 20007	SEIFMAN, SEMO, SLEVIN & MARCUS, P.C. (FOR: UNITED FOOD & COMMERCIAL WORKERS INT'L UNION).		
RONALD J. SLINN, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INST, INC		
CATHERINE REISS SLOAN, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: ROGERS U.S. CABLESYSTEMS, INC)		
SLURRY TRANSPORT ASSN, 1800 CONNECTICUT AVE., NW WASHINGTON DC 20009			
SMALL BUSINESS COUNCIL OF AMERICA, INC, P.O. BOX 4299 COLUMBUS GA 31904		17,300.00	34,457.02
SMALL BUSINESS LEGISLATIVE COUNCIL, 1604 K ST., NW WASHINGTON DC 20006		3,000.00	150.00
PETER SMALL, 295 MADISON AVENUE NEW YORK NY 10017	PETER SMALL & ASSOCIATES, INC. (FOR: WILLIAM M. MERCER-MEIDINGER, INC)		
SMC INTERNATIONAL, 1825 EYE STREET, NW, #400 WASHINGTON DC 20006	CAPITOL AIR, INC	2,000.00	35.00
Do	GC SERVICES CORP	6,000.00	632.00
Do	PIEDMONT AIRLINES, INC	15,000.00	217.00
Do	SAFECARD SERVICES, INC	1,000.00	20.00
Do	TOBACCO INSTITUTE	5,000.00	20.00
ELEANOR SMEAL & ASSOCIATES, 2401 VIRGINIA AVE., NW, #306 WASHINGTON DC 20037	NATIONAL ORGANIZATION FOR WOMEN		
DONALD E. SMILEY, 1899 L ST., NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		
JAMES R. SMIRCINA, P.O. BOX 5000 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO		
DANIEL T. SMITH, P.O. BOX 660074 DALLAS TX 75266	INTERNATIONAL AIRLINE PASSENGERS ASSN, INC		
SMITH DAWSON ASSOCIATES, INC, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	N.Y. METROPOLITAN TRANSPORTATION AUTHORITY	20,654.00	21,132.71
Do	SAN FRANCISCO P.V.C	9,000.00	9,000.00
DOUGLAS S. SMITH, 3219 MAGNOLIA AVENUE FALLS CHURCH VA 22041	NATIONAL INHOLDERS ASSN		
ELIZABETH M. SMITH, 815 16TH ST., NW, #310 WASHINGTON DC 20006	AMALGAMATED CLOTHING & TEXTILE WORKERS UNION	4,939.48	255.90
FREDERICK P. SMITH JR., 1575 EYE STREET, NW, #550 WASHINGTON DC 20005	INSTITUTE OF MAKERS OF EXPLOSIVES		
GORDON L. SMITH, 1201 PENNSYLVANIA AVE., NW, #700 WASHINGTON DC 20004	HILL & KNOWLTON, INC (FOR: FLORISTS' TRANSWORLD DELIVERY ASSN)	2,062.50	
JAMES P. SMITH, 2000 L STREET, NW, #200 WASHINGTON DC 20036	HOSPITAL CORP OF AMERICA		
JEFFREY A. SMITH, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
JEFFREY A. SMITH, 919 18TH STREET, NW, #600 WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	120.00	
JENNIFER L. SMITH, 900 17TH STREET, NW, #520 WASHINGTON DC 20006	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	300.00	
JULIAN H. SMITH JR., 600 NORTH 18TH STREET BIRMINGHAM AL 35291	ALABAMA POWER CO	12,882.00	15,848.36
MICHAEL E. SMITH, P.O. BOX 5000 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO		
MICHAEL P. SMITH, 485 LEXINGTON AVE. NEW YORK NY 10017	NEW YORK STATE BANKERS ASSN	960.00	620.00
ROBERT BLAND SMITH JR , 1100 15TH STREET, WN, #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	2,666.00	20.00
RONALD E. SMITH, 2501 M STREET, NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSN	2,500.00	
SHALAH SMITH, 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSN	2,250.00	562.04
SUSAN SNYDER SMITH, 7900 WESTPARK DRIVE, #514 MCLEAN VA 22102	CHOCOLATE MANUFACTURERS ASSN OF THE USA	500.00	1,021.60
THOMAS BLAISDELL SMITH, SUITE 519 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	PUBLIC VOICE FOR FOOD & HEALTH POLICY		
WILLIAM C. SMITH, 1850 K STREET, NW, #1100 WASHINGTON DC 20006	BALLARD, SPAHR, ANDREWS & INGERSOLL		
WAYNE H. SMITHEY, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	4,800.00	526.48
PETER LEIGH SNELL, DAVID VIENNA & ASSOCIATES 510 C ST., NE WASHINGTON DC 20002	INTERNATIONAL ASSN OF AMUSEMENT PARKS & ATTRACTIONS	3,975.00	
Do	NATIONAL ASSN OF CREDIT MANAGEMENT		
FRANK B. SNODGRASS, 1100 17TH ST., NW, #306 WASHINGTON DC 20036	BURLEY & DARK LEAF TOBACCO EXPORT ASSN	1,103.02	
LARRY S. SNOWHITE, 1825 EYE ST., NW WASHINGTON DC 20006	ENVIRITE CORPORATION	5,453.00	
Do	LIBERTY MUTUAL INSURANCE CO	3,230.00	67.61

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO (FOR: LION LINES, LTD.)		
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: MAINE EDUCATIONAL LOAN MARKETING CORP).		
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: MASS. CONSTRUCTION INDUS. COUNCIL TRUCK WEIGHT COMM).		
Do	MASSACHUSETTS COLLEGE STUDENT LOAN AUTHORITY	315.00	
Do	NEW ENGLAND EDUCATION LOAN MARKETING CORP	546.00	
Do	MINTZ, LEVIN, COHN, GLOVSKY AND POPEO (FOR: SCA SERVICES)	9,513.00	166.88
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: SECURITIES INDUSTRY ASSN)		
EDWARD F. SNYDER, 245 2ND ST., NE WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	4,522.74	
J. R. SNYDER, 400 1ST ST., NW, #704 WASHINGTON DC 20001	UNITED TRANSPORTATION UNION		1,256.00
JOHN M. SNYDER, 600 PENNSYLVANIA AVE., S.E. SUITE 205 WASHINGTON DC 20003	CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS	6,000.00	
SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION, P.O. BOX 3719 GEORGETOWN STATION WASHINGTON DC 20007		232,019.20	81,514.97
FREDERICK P. SOMERS, 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AIR LINE PILOTS ASSN	3,500.00	333.39
SL SOMMER & ASSOCIATES, INC., 3129 WORTHINGTON ST., NW WASHINGTON DC 20015	NORTHROP CORP	1,200.00	280.80
EDMUND T. SOMMER JR , 1627 K STREET, NW, #1200 WASHINGTON DC 20006	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS	300.00	6.25
KURT A. SOMMER, P.O. BOX 925 ALBUQUERQUE NM 87103			
CHARLES R. SONNIER, SONNIER & HEBERT P.O. DRAWER 1040 ABBEVILLE LA 70510	COUSHATTA TRIBE OF LOUISIANA		
E. RICHARD SOPER, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
SOUTHERN FOREST PRODUCTS ASSN, P.O. BOX 52468 NEW ORLEANS LA 70152		33,039.00	33,039.00
SOUTHWESTERN PEANUT SHELLERS ASSN, 10 DUNCANNON CT. DALLAS TX 75225			
CHARLES E. SOUTHWICK, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	15,000.00	262.87
SPACE AMERICA, INC, 600 WATER STREET, SW, #207 WASHINGTON DC 20024			
IAN D. SPATZ, 1785 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL TRUST FOR HISTORIC PRESERVATION	754.65	
SPECIALIZED CARRIERS & RIGGING ASSOCIATION, 733 15TH STREET, NW WASHINGTON DC 20005			
JOHN F. SPEER JR , 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
WILLIAM C. SPENCE, 3805 W. ALABAMA HOUSTON TX 77027	COLUMBIA GULF TRANSMISSION CO		
PHILIP SPESER, 2000 P ST., NW WASHINGTON DC 20036	FORESIGHT SCIENCE & TECHNOLOGY, INC (FOR: RADAR DEVICES, INC)	700.00	
Do	FORESIGHT, INC (FOR: SOCIETY FOR AMERICAN ARCHAEOLOGY)	1,200.00	
JOANN SPEVACEK, 1500 PLANNING RESEARCH DRIVE MCLEAN VA 22102	PLANNING RESEARCH CORP		144.57
SPIEGEL & MCDIARMID, 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY, ET AL	4,197.50	
NICHOLAS J. SPIEZIO, 1709 NEW YORK AVNEUE, NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS INSTITUTIONS	4,500.00	
LARRY N. SPILLER, 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	900.00	
JOSEPH L. SPILMAN JR , 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	200.00	
PETER A. SPINA, 150 EAST 42ND STREET NEW YORK NY 10017	MOBIL OIL CORP	900.00	
EARL C. SPURRIER, THE MADISON BUILDING, #514 1155 15TH STREET, NW WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSN	50.00	
ELISABETH A. SQUEGLIA, BRICKER & ECKLER 888 11TH ST., NW WASHINGTON DC 20006	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
SQUIRE SANDERS & DEMPSEY, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ALAMO CEMENT COMPANY, ET AL	7,033.50	20.65
Do	AMERICAN CHAMBER OF COMMERCE IN EUROPE & THE MEDITERRANEAN		
Do	AMERICAN CHAMBER OF COMMERCE IN ITALY, INC		
Do	AMERICAN CHAMBER OF COMMERCE IN SPAIN, INC		
Do	AMERICAN CHAMBER OF COMMERCE IN GERMANY		
Do	AMERICAN SOC OF ANESTHESIOLOGISTS	2,350.00	68.15
Do	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
Do	INDEPENDENT DATA COMMUNICATIONS MANUFACTURERS ASSOCIATION		
Do	MICROBAND CORP OF AMERICA		
Do	NATIONAL COLLEGIATE ATHLETIC ASSN	355.50	
Do	TYMNET, INC		
JOHN W. SROKA, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CARL F. ST. CIN, 1101 17TH STREET, NW, #604 WASHINGTON DC 20036	MONSANTO CO		
ROBERT P. ST. LOUIS, SUITE 880 555 NEW JERSEY AVE., NW WASHINGTON DC 20001	CONGOLEUM CORPORATION	1,000.00	575.54
COURTNEY A. STADD, 199 S. CAPITOL STREET, SW, #102 WASHINGTON DC 20003	STARSTRUCK, INC		
CONNELL STAFFORD, P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY	302.00	1,278.80
LINDA STAHELI, 100 MARYLAND AVENUE, NE WASHINGTON DC 20002	COUNCIL FOR A LIVABLE WORLD	2,243.36	
MELVIN R. STAHL, SUITE 1410 1235 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MOTORCYCLE INDUSTRY COUNCIL, INC		
ELVIS J. STAHR JR., 1815 H STREET, NW, #600 WASHINGTON DC 20006	CASSIDY & ASSOCIATES, INC	150.00	6.25
LYNN E. STALBAUM, 1840 WILSON BOULEVARD ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	2,610.00	64.54
TYRONE STALLWORTH, 220 NORTH DEVILLERS STREET PENSACOLA FL 32501			
DAVID P. STANG, P.C., SUITE 601 1629 K ST., NW WASHINGTON DC 20006	BENEFICIAL LIFE INSURANCE CO	909.31	
Do	COMMITTEE FOR AD VALOREM EQUITY	872.67	
Do	EMPLOYEE STOCK OWNERSHIP ASSN	990.03	
Do	NATIONAL ASSN OF ROYALTY OWNERS, INC		
Do	OCEAN MINERALS CO	30.08	
Do	OFFSHORE INDUSTRY COMMITTEE	1,831.60	
Do	OFFSHORE MARINE SERVICE ASSN	437.07	
Do	STANDARD OIL OF INDIANA	616.08	
Do	SUN COMPANY, INC		
MICHAEL J. STANTON, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	1,340.00	
MELVIN L. STARK, 5TH FLOOR 1600 M ST., NW WASHINGTON DC 20036	HARTFORD FIRE INSURANCE CO	6,000.00	
WALTER M. STARKE, P.O. BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO		
BETTE ANNE STARKEY, 1030 15TH STREET, NW, #1100 WASHINGTON DC 20005	HEALTH INDUSTRY MANUFACTURERS ASSN		
LOIS STARKEY, SUITE 511 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INST	700.00	100.00
RONALD W. STASCH, 205 E. 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
FRANK M. STASZESKY JR., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORP		
CHARLES D. STATTON, P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
STAUFFER CHEMICAL CO, NYALA FARM ROAD WESTPORT CT 06881			9,883.70
SAMUEL E. STAVISKY & ASSOCIATES, INC, 1725 DESALES STREET, NW, #804 WASHINGTON DC 20036	BROADCAST MUSIC, INC		
SAMUEL E. STAVISKY, 1725 DESALES STREET, NW, #804 WASHINGTON DC 20036	SAMUEL E. STAVISKY ASSOCIATES INC. (FOR: BROADCAST MUSIC INC. (BMI))		
RANDOLPH J. STAYIN, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).	1,413.00	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)		
Do	TAFT STETTINIUS & HOLLISTER (FOR: SPECIAL COMM FOR WORKPLACE PRODUCT LIABILITY REFORM).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)	1,101.50	52.35
Do	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)		
JOHN HOWARD STECKER, 2020 LIVE OAK DALLAS TX 75221	GREAT AMERICAN RESERVE INSURANCE CO		
STEELE SIMMONS & FORNACIARI, 2020 K STREET, NW, #850, WASHINGTON, DC 20006	K MART CORPORATION	24,295.00	401.66
J. C. STEEN, 412 FIRST STREET, SE, #301 WASHINGTON DC 20003	FORD AEROSPACE & COMMUNICATIONS CORP	300.00	121.04
Do	MCDONNELL DOUGLAS CORP	600.00	230.73
Do	NORTHROP CORP	1,000.00	193.99
HENRY J. STEENSTRA JR., 1000 WILSON BOULEVARD, #2600 ARLINGTON VA 22209	TRW, INC	1,000.00	
JACK L. STEMPLER, 1725 JEFFERSON DAVIS HIGHWAY, #900 ARLINGTON VA 22202	LTV AEROSPACE DEFENSE CO	2,500.00	75.00
MARCY STEPHENS, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	5,400.00	71.60
STEPHENS OVERSEAS SERVICES, INC., 2121 K STREET, NW, #830 WASHINGTON DC 20037	NATIONAL OFFICE MACHINE DEALERS ASSN	59.99	.31
Do		110.00	122.32
STEPTOE & JOHNSON, CHTD, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	COALITION FOR UNIFORM PRODUCT LIABILITY LAW		732.19
Do	COALITION TO PROMOTE AMERICA'S TRADE		5,224.67
Do	COMMITTEE FOR EFFECTIVE CAPITAL RECOVERY		300.00
Do	FOREST INDUSTRIES COMMITTEE ON TIMBER VALUATION & TAXATION		335.56
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO., ET AL	2,500.00	50.00
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	1,000.00	100.00
Do	RULE OF LAW COMMITTE		
RICHARD W. STERNBERG, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	125.00	
MICHAEL E. STEWARD, 7957 REVENNA LANE SPRINGFIELD VA 22153	PUGET SOUND POWER & LIGHT CO	1,674.00	306.23
EUGENE L. STEWART, 1001 CONNECTICUT AVE., NW, #910 WASHINGTON DC 20036	ROSES, INC	300.00	6,042.05
ROBERT I. STEWART, 2001 THIRD AVENUE, SOUTH BIRMINGHAM AL 35233	TORCHMARK CORPORATION	5,000.00	3,000.00
WALTER J. STEWART, SUITE 700 1100 15TH ST., NW WASHINGTON DC 20005	SONAT, INC		
WARREN E. STICKLE, SUITE 1120 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN	423.61	26.00
LAVERNE STILL, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	405.00	14.13
STEPHEN W. STILL, 1100 15TH STREET, NW, #700 WASHINGTON DC 20005	SONAT, INC		
DON STILLMAN, 1757 N STREET, NW WASHINGTON DC 20036	INT'L UNION, UNITED AUTO AEROSPACE & AGRIC IMPLEMENT WORKERS	2,509.11	10.00
EDWARD W. STIMPSON, SUITE 801 1400 K ST., NW WASHINGTON DC 20005	GENERAL AVIATION MANUFACTURERS ASSOCIATION	1,443.88	
KENNETH F. STINGER, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	812.43

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
STOCKHOLDERS OF AMERICA, INC., 1625 EYE ST., N.W. # 724A WASHINGTON DC 20006		7,308.00	739.36
STEVEN F. STOCKMEYER, 1120 20TH STREET, NW SUITE 610, ONE LAFAYETTE CENTRE SOUTH WASHINGTON DC 20036	MANVILLE CORP	4,125.00	46.50
DENNIS C. STOLTE, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,562.49	40.04
JAY STONE, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	1,625.00	
Do	MELAMINE CHEMICALS, INC	2,000.00	1,600.00
MARTIN F. STONE, 1411 K STREET, NW, #850 WASHINGTON DC 20005	AMERICANS FOR DEMOCRATIC ACTION	2,750.02	80.42
STEPHEN STORCH, 1800 K STREET, NW, #1100 WASHINGTON DC 20006	NEW YORK STOCK EXCHANGE, INC		
WILLIAM M. STOVER, 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	1,000.00	
STRASBURGER & PRICE, 1200 ONE MAIN PLACE DALLAS TX 75250	DALLAS/FT. WORTH REGIONAL AIRPORT BOARD	6,500.00	773.89
RAYMOND L. STRASSBURGER, 1875 EYE STREET, NW, #1110 WASHINGTON DC 20006	TIMES MIRROR CO		
TERRENCE D. STRAUB, 818 CONNECTICUT AVENUE, N.W. WASHINGTON DC 20006	U.S. STEEL CORPORATION	250.00	578.62
W. MELVIN STREET, SUITE 400 1627 K STREET, NW WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN		
JAMES R. STREETER, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP	138.80	27.00
RICHARD H. STREETER, 1729 H STREET, NW WASHINGTON DC 20006	CAST NORTH AMERICA LTD		257.68
ROGER J. STROH, 727 N. WASHINGTON STREET ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN		
GEORGE W. STRONG, 2242 BARTLETT HOUSTON TX 77098	HOUSTON NATURAL GAS CORP		
STROOCK & STROOCK & LAVAN, 1150 17TH ST., NW WASHINGTON DC 20036	AMERICAN RED CROSS RETIREMENT SYSTEM	280.00	
Do	AMERICAN TRUCKING ASSNS, INC	2,033.00	50.00
Do	CITY OF TUCSON	530.00	15.00
Do	DREYFUS CORPORATION	230.00	
Do	DREYFUS DOLLAR FUND	830.00	
Do	FIFTH AVENUE & 59TH CORP		
Do	J. ARON & CO, INC	150.00	
Do	PLAZA 400 OWNERS CORP		
Do	PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION		
Do	WICKES COMPANIES, INC	200.00	
GEORGE STRUMPF, 624 9TH ST., NW, 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC		
WALTER B. STULTS, 1156 15TH STREET, NW, #1101 WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	4,000.00	
EUGENE F. STURGEON, 182 CRATER LANE KENSINGTON CT 06037	NORTHEAST UTILITIES SERVICE CO	219.34	111.26
SUBSCRIPTION TELEVISION ASSN, 1300 19TH ST., NW, #310 WASHINGTON DC 20036			
SULLIVAN & CROMWELL, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN INTERNATIONAL GROUP, INC	1,000.00	
Do	BP NORTH AMERICA, INC		49.18
Do	GOLDMAN SACHS & CO		
Do	GRAND MET USA, INC		
Do	SECURITIES INDUSTRY ASSN	37,500.00	173.39
SULLIVAN & WORCESTER, 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	MARION LABORATORIES, INC	23,077.50	15.35
AUSTIN P. SULLIVAN JR , P.O. BOX 1113 MINNEAPOLIS MN 55440	GENERAL MILLS, INC		
BONNIE A. SULLIVAN, 725 15TH STREET, NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN	81.00	
GAEL M. SULLIVAN, SUITE 1004 1155 15TH STREET, NW WASHINGTON DC 20005	LTV CORPORATION	2,344.00	640.00
HAROLD R. SULLIVAN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
JOHN H. SULLIVAN, 2924 COLUMBIA PIKE ARLINGTON VA 22204	DEVELOPMENT ASSOCIATES, INC (FOR: GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA).	60.68	6.75
JUDY M. SULLIVAN, 1120 20TH STREET, NW, #700 WASHINGTON DC 20036	WILLIAMS COMPANIES		
MARGARET COX SULLIVAN, 1625 EYE ST., N.W. # 724A WASHINGTON DC 20006	STOCKHOLDERS OF AMERICA, INC		
PATRICK J. SULLIVAN, 815 SIXTEENTH STREET, N.W. WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	8,820.00	1,695.39
J. MITCHELL SUMMERS, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ARMCO, INC	1,200.00	304.88
JOHN B. SUMMERS, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	362.64
IRIS SUNSHINE, 1710 BROADWAY NEW YORK NY 10019	INTERNATIONAL LADIES GARMENT WORKERS UNION	4,730.72	202.16
SURREY & MORSE, 1250 EYE STREET, NW WASHINGTON DC 20005	EMBASSY OF THE PEOPLE'S REPUBLIC OF CHINA	25,809.50	65.00
Do	PATHFINDER FUND	36.00	
Do	PHARMACEUTICAL MANUFACTURERS ASSN		
Do	PIETRO BERETTA, S.P.A		
Do	UNITED NATIONS STAFF UNION	839.00	93.55
Do	WESTINGHOUSE ELECTRIC CORP	499.50	
SUTHERLAND ASBILL & BRENNAN, 1666 K STREET, NW, #800 WASHINGTON DC 20006	ACACIA GROUP	15,512.50	776.43
Do	AD HOC COMM FOR EQUITABLE TRANSPORTATION		
Do	AMERICAN INDUSTRIAL CLAY & GEORGIA KAOLIN	937.25	74.59
Do	ANGLO-AMERICAN CLAYS CORP	937.25	74.59
Do	ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY		
Do	ATLANTA LIFE INSURANCE COMPANY	475.75	
Do	BANKING ISSUES GROUP	525.00	403.51
Do	BLANCHARD VALLEY HOSPITAL		
Do	CAPITAL HOLDING CORP		549.78
Do	CONSUMER CREDIT INSURANCE ASSOCIATION	625.00	
Do	COUNCIL OF INDUSTRIAL BOILER OWNERS		
Do	CREDIT UNION NATL ASSN, INC		
Do	CECIL B. DAY COMPANIES		
Do	DIRECT MARKETING INSURANCE GROUP		
Do	ENGELHARD MINERALS & CHEMICALS CORP		
Do	EQUIFAX, INC	1,945.75	71.10
Do	FIDELITY BANKERS LIFE INSURANCE CO	2,125.00	7.67
Do	FREEPORT KAOLIN	937.25	74.59
Do	INDUSTRIAL OIL CONSUMERS GROUP		
Do	J. M. HUBER CORP	937.25	74.59
Do	LINCOLN NATIONAL LIFE INSURANCE COMPANY	2,975.25	36.76
Do	LOYAL TRUST	3,000.00	10.00
Do	MULLITE CO OF AMER	937.25	74.59
Do	MUTUAL OF OMAHA INSURANCE CO		
Do	NATIONAL ASSN OF LIFE COS	1,500.00	21.20
Do	NATIONAL HOME LIFE ASSURANCE COMPANY	1,249.75	17.40
Do	NORD RESOURCES CORP	937.25	74.59
Do	SANLANDO UTILITIES CORP	500.00	10.00
Do	SECURITY-CONNECTICUT LIFE INSURANCE CO	2,125.00	7.67
Do	SENTRY LIFE INSURANCE CO	2,125.00	7.67
Do	STOCK INFORMATION GROUP	65,772.77	11,071.10
Do	THIELE KAOLIN CO	937.25	74.59
Do	WOODSTREAM CORPORATION	1,154.14	
WILLIAM F. SUTHERLAND, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	300.00	
W. THOMAS SUTTLE, SUITE 4 1755 WILLARD STREET, NW WASHINGTON DC 20009	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS	2,376.00	650.00
WILLIAM W. SUTTLE, 1025 CONNECTICUT AVE., NW SUITE 415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN	502.00	13.60
DAVID L. SWANSON, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	ALLIS-CHALMERS ENERGY & MINERALS SYSTEMS CO	1,836.00	13.39
IRVING W. SWANSON, 11212 FARMLAND DRIVE ROCKVILLE MD 20852	HARRIS CORPORATION	25,800.00	2,660.81
DAVID A. SWEENEY, 25 LOUISIANA AVE., NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	17,854.23	
SWIDLER BERLIN & STRELOW, CHTD, 1000 THOMAS JEFFERSON ST., NW #500 WASHINGTON DC 20007	NATIONAL COUNCIL OF COMMUNITY HOSPITALS	3,918.75	
RUSSELL A. SWINDELL, P.O. BOX 2635 RALEIGH NC 27602	NORTH CAROLINA RAILROAD ASSOCIATION		
RANDALL SWISHER, 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	2,500.00	
DAVID A. SYKUTA, ILLINOIS PETROLEUM COUNCIL P.O. BOX 5034 SPRINGFIELD IL 62705	AMERICAN PETROLEUM INST		
CHRISTOPHER U. SYLVESTER, 1831 BRIAR RIDGE COURT MCLEAN VA 22101	GARRISON DIVERSION CONSERVANCY DISTRICT	6,000.00	279.37
MERRIBEL SYMINGTON, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
ROBERT TAFT JR., 21 DUPONT CIRCLE, NW, #600 WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: GROCERY MANUFACTURERS OF AMERICA, INC.).		
Do	TAFT STETTINIUS & HOLLISTER (FOR: INMONT CORP)		
Do	TAFT STETTINIUS & HOLLISTER (FOR: KINGS ENTERTAINMENT CO)	2,800.00	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: PARSONS CORPORATION)	1,097.25	335.84
Do	TAFT, STETTINIUS & HOLLISTER (FOR: PIPER, JAFFRAY & HOPWOOD)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: RCA GLOBAL COMMUNICATIONS, INC)	400.00	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SPECIAL COMM FOR WORKPLACE PRODUCT LIABILITY REFORM).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TAFT BROADCASTING COMPANY)	1,500.00	77.68

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TELEPHONE & DATA SYSTEMS, INC.)	385.75	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)	2,659.50	102.18
WALTER G. TALAREK, SUITE 405 1945 GALLOWS RD. VIENNA VA 22180	AMERICAN WOOD PRESERVERS INSTITUTE		
TALCOTT MCCABE & ASSOCIATES, SUITE 302, WEST WING 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	HOLIDAY INNS, INC	2,000.00	
Do	NATIONAL ASSN OF HOMES FOR CHILDREN	1,800.00	
Do	SERVICEMASTER INDUSTRIES, INC	750.00	
DOYLE TALKINGTON, 1015 15TH STREET, NW, #200 WASHINGTON DC 20005	NATIONAL PORK PRODUCERS COUNCIL	1,000.00	109.00
H. WILLIAM TANAKA, TANAKA WALDERS & RITGER 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	JAPAN AUTOMOBILE TIRE MANUFACTURERS ASSN (JATMA)		
TANAKA WALDERS & RITGER, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ELECTRONIC INDUSTRIES ASSN OF JAPAN		
SUSAN TANNENBAUM, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	5,028.78	70.10
TARGET, INC., 13924 BRADDOCK RD. P.O. BOX 881 CENTREVILLE VA 22020			16,500.00
LINDA TARR-WHELAN, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	1,375.00	29.50
JOHN F. TATE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	1,200.00	
M. LOUISE TATE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	900.00	
GRACA DA SILVA TAVARES, 17 PERKINS STREET WEST NEWTON MA 02165			
CHARLES A. TAYLOR III, 499 SOUTH CAPITOL ST., SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	1,000.00	
DENNIS J. TAYLOR, SUITE 650 1090 VERMONT AVE., NW WASHINGTON DC 20005	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.		
Do	U.S. SURGICAL CORPORATION	4,000.00	290.00
MARGIE A. TAYLOR, P.O. BOX 21 MONTGOMERY AL 36101	ALABAMA RAILROAD ASSN		
PEGGY TAYLOR, 815 16TH ST., NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	15,019.03	271.11
R. WILLIAM TAYLOR, 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOC OF ASSN EXECUTIVES	300.00	
ELAYNE L. TEMPEL, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	7.34	
PAUL M. TENDLER, 1110 VERMONT AVENUE, NW, #840 WASHINGTON DC 20005	PAUL TENDLER ASSOCIATES, INC (FOR: AMERICAN LICENSED PRACTICAL NURSES ASSN).		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: BASCOM, INC.)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: NATIONAL INSTITUTE OF TENANTS)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: RASCH ELEKTRONIK)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: SCHOENEMAN, INC)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: SOUTHEASTERN EXPORTERS)		
TENNESSEE HOME MEDICAL PROVIDERS ASSOCIATION,INC., P.O. BOX 23130 KNOXVILLE TN 37933			
BETTY-GRACE TERPSTRA, 918 16TH ST., NW, #402 WASHINGTON DC 20006	AMERICAN FURNITURE MANUFACTURERS ASSN	750.00	536.73
TEXTRON, INC., 40 WESTMINSTER ST. PROVIDENCE RI 02903			11,338.00
THACHER PROFFITT & WOOD, SUITE 512 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN SAVINGS BANK, FSB		170.00
Do	AMOSKEAG SAVINGS BANK		170.00
Do	FAMILY-BACKED MORTGAGE ASSN, INC		170.00
Do	MAINE SAVINGS BANK		170.00
Do	MUTUAL SAVINGS CENTRAL FUND, INC		170.00
Do	NEW HAMPSHIRE SAVINGS BANK		170.00
Do	SALOMON BROTHERS, INC	7,047.00	325.00
Do	SAVINGS BANKS ASSN OF MASSACHUSETTS		170.00
Do	TOLLAND BANK	1,090.00	170.00
KAREN E. THEIBERT, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
BRUCE D. THEVENOT, 1155 15TH ST., NW, #424 WASHINGTON DC 20005	CASSON CALLIGARO & MUTRYN (FOR HUMANA, INC)		
Do	NATIONAL FED OF LICENSED PRACTICAL NURSES	7,500.00	
Do	OKLAHOMA STATE NURSING HOME ASSN	8,500.00	
ALAN J. THIEMANN, 1199 N. FAIRFAX STREET, #801 ALEXANDRIA VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS	400.00	
THIRD CLASS MAIL ASSOCIATION, 1133 15TH ST., NW, #1037 WASHINGTON DC 20005		600.00	600.00
EDLU J. THOM, 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY, INC		
DIANE KAY THOMAS, 6962 HANOVER PARKWAY, #301 GREENBELT MD 20770	AMERICAN ASSN OF MINORITY ENTERPRISE SMALL BUS. INVEST COS	4,621.00	
DORIS I. THOMAS, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
JAMES M. THOMAS JR., 100 INDIANA AVENUE, NW, #403 WASHINGTON DC 20001	AMALGAMATED TRANSIT UNION, NATL CAP LOCAL 689		
JOHN W. THOMAS, SUITE 828 1522 K ST., NW WASHINGTON DC 20005	AMERICAN VETERINARY MEDICAL ASSN	50.00	
Do	ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES		
MESHALL THOMAS, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
PATRICIA THOMAS, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	7,639.08	
RANDI PARKS THOMAS, 1101 17TH STREET, NW, #603 WASHINGTON DC 20036	TUNA RESEARCH FOUNDATION, INC	779.12	
ROBERT L. THOMAS, 1319 F ST., NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	60.00	
THOMAS E. THOMASON, 1620 EYE STREET, NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORP		
THOMPSON & MITCHELL, 1120 VERMONT AVENUE, NW, #1000 WASHINGTON DC 20005	AMERICAN INLAND WATERWAYS COMMITTEE	355.00	
Do	CONTACT LENS MANUFACTURERS ASSN		
Do	CROWN LIFE INSURANCE CO	9,000.00	4,507.21
Do	MIDLAND ENTERPRISES, INC.		
Do	VALLEY LINE COMPANY		
BARBARA THOMPSON, 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEAGUE OF THE U.S.		
BOYD THOMPSON, SUITE 210 5410 GROSVENOR LANE BETHESDA MD 20814	AMERICAN MEDICAL CARE & REVIEW ASSN		10.50
THOMPSON GOLD & LIEBENGOOD, 1050 CONNECTICUT AVENUE, NW, #980 WASHINGTON DC 20036	COLLEGE OF AMERICAN PATHOLOGISTS		
Do	DESIGN PROFESSIONALS		1,678.00
Do	INVESTMENT COMPANY INSTITUTE	33,830.00	1,734.42
Do	KAISER STEEL CORP	14,887.50	2,828.00
Do	LOWRANCE ELECTRONICS	7,610.00	2,036.28
Do	M-LIFE CORPORATION	7,880.00	2,036.28
Do	NATIONAL COALITION FOR PORT PROGRESS	17,755.00	1,740.06
Do	NATIONAL FOOTBALL LEAGUE	22,630.00	1,734.43
Do	NATURAL GAS SUPPLY ASSN	5,000.00	1,678.00
Do	OUTDOOR ADVERTISING ASSN OF AMERICA	6,580.00	1,734.42
Do	RICHARD SINNOTT & CO	1,000.00	1,742.73
Do	TOBACCO INSTITUTE	20,000.00	1,678.00
Do	WAYNE COUNTY ROAD COMMISSION	6,000.00	1,678.00
THOMPSON HINE & FLORY, 1920 N ST., NW, #700 WASHINGTON DC 20036	ALLTEL CORPORATION	1,495.00	
JAMES P. THOMPSON JR., 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
KENNETH W. THOMPSON, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	300.00	
NANCY THOMPSON, 1600 EYE STREET, NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC		
RICHARD L THOMPSON, 1700 K STREET, NW, #601 WASHINGTON DC 20006	SQUIBB CORPORATION	2,000.00	550.00
ROGER G. THOMPSON, 117 BELLEFONTE DRIVE ASHLAND KY 41101	KENTUCKY POWER CO	7,500.00	2,282.15
SAMUEL C. THOMPSON JR., SCHIFF HARDIN & WAITE 1101 CONNECTICUT AVENUE, NW, #600 WASHINGTON DC 20036	CHIAGO BOARD OPTIONS EXCHANGE, INC		
W. REID THOMPSON, 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO		
TERENCE H. THORN, SUITE 919 1700 NORTH MOORE STREET ARLINGTON VA 22209	HOUSTON NATURAL GAS CORP	163.45	
RICHARD B. THORNBURG, SUITE 505 5205 LEESBURG PIKE FALLS CHURCH VA 22041	NATIONAL BEER WHOLESALERS' ASSN		278.12
JOHN A. THORNER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN		
WILLIAM R. THORNHILL, P.O. BOX 2511 HOUSTON TX 77001	TENNESSEE GAS PIPELINE CO	34.62	37.62
MARGO THORNING, 1850 K ST., NW, #520 WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION	91.00	
WALTER L. THREADGILL, 1220 19TH STREET, NW WASHINGTON DC 20036	STORER COMMUNICATIONS, INC	250.00	
SARA THURIN, 1730 RHODE ISLAND AVENUE, NW, #500 WASHINGTON DC 20036	NATIONAL COALITION OF INDEPENDENT COLLEGE & UNIV. STUDENTS		
SAMUEL THURM, 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF NATL ADVERTISERS		
CYRUS C. TICHENOR III, 1101 VERMONT AVENUE, NW, #405 WASHINGTON DC 20005	A. H. ROBINS CO, INC	800.00	73.00
WALLACE TILLMAN, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	150.00	
MARTIN R. TILSON JR., PO BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO	126.18	301.64
PATTI A. TILSON, SUITE 520 900 17TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, U.S.A., INC	500.00	
C. H. TIMBERLAKE, 1825 K ST., NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	975.00	416.70
TIMMONS & CO, INC, 1850 K ST., NW, #850 WASHINGTON DC 20006	AMERICAN BROADCASTING CO, INC	1,995.00	
Do	AMERICAN INLAND WATERWAYS COMMITTEE	1,425.00	
Do	AMERICAN PETROLEUM INST	902.50	
Do	ANHEUSER-BUSCH COMPANIES, INC	997.50	
Do	ASSOCIATION OF TRIAL LAWYERS OF AMERICA		
Do	BOEING COMPANY	997.50	
Do	BROWN GROUP, INC	712.50	
Do	CAPITAL MARKETS GROUP	1,350.00	
Do	CHRYSLER CORPORATION	1,187.50	
Do	EASTERN AIR LINES, INC	686.38	
Do	G. D. SEARLE & CO	807.50	
Do	H. J. HEINZ CO	1,092.50	
Do	MAJOR LEAGUE BASEBALL	617.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MIDDLE SOUTH SERVICES, INC	902.50	
Do	NATIONAL RIFLE ASSN OF AMER	617.50	
Do	NORTHROP CORP	2,375.00	
Do	STANDARD OIL CO (INDIANA)	1,187.50	
GARY G. TIMMONS, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,101.00	16.00
WILLIAM C. TINKLEPAUGH, 888 16TH STREET, NW WASHINGTON DC 20006	MILK INDUSTRY FOUNDATION/INT'L ASSN OF ICE CREAM MFRS		
CONSTANCE D. TIPTON, 888 16TH STREET, NW WASHINGTON DC 20006	MILK IND. FOUNDATION/INTL ASSN OF ICE CREAM MFRS		
E. LINWOOD TIPTON, 888 16TH ST., NW WASHINGTON DC 20006	MILK IND FOUNDATION/INTL ASSN OF ICE CREAM MFRS		861.16
EBEN S. TISDALE, 1101 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN	1,650.00	42.50
TITLE ASSOCIATES, INC., RT.2, BOX 89 COLUMBIA TN 38401			
TOBACCO ASSOCIATES, INC, SUITE 912 1101 17TH ST., NW WASHINGTON DC 20036			3,761.46
JAMES R. TOBIN, MACK CENTRE DR. PARAMUS NJ 07652	BECTON, DICKINSON & CO	2,000.00	
ROBERT TOBIN, 605 14TH STREET, NW, #302 WASHINGTON DC 20005	AD HOC COMM IN DEFENSE OF LIFE, INC	2,600.00	3,742.76
WILLIAM J. TOBIN, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	1,500.00	25.00
M. DOUGLAS TODD, SUITE 2300 1000 WILSON BOULEVARD ARLINGTON VA 22209	NORTHROP CORP		
DAVID R. TOLL, SUITE 1100 1111 19TH STREET, NW WASHINGTON DC 20036	WESTERN UTILITIES CLEAN AIR GROUP		
WILLIAM R. TOLLEY JR , PO BOX 37 MELBOURNE FL 32919	HARRIS CORPORATION		258.11
EDWARD TONAT, 6723 BRIGADOON DRIVE BETHESDA MD 20817	ROBERT GOFF & ASSOCIATES, INC		
ANN TONJES, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	600.00	115.00
WILLIAM D. TOOHEY, 1899 L ST., NW, #600 WASHINGTON DC 20036	TRAVEL INDUSTRY ASSOCIATION OF AMERICA		
TOTAL PETROLEUM, INC, 999 18TH STREET, SUITE 2201 DENVER CO 80202			
GILBERT D. TOUGH, 70 NORTH MAIN ST. WILKES-BARRE PA 18711	BLUE CROSS OF N.E. PENNSYLVANIA		
WANDA TOWNSEND, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	386.46	
JOHN P. TRACEY, 1801 K ST., NW, #1201 WASHINGTON DC 20006	U.S. TELEPHONE ASSN	1,000.00	
JOSEPH P. TRAINOR, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,000.00	310.17
JEFFREY B. TRAMMELL, 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: BROWNING-FERRIS INDUSTRIES, INC.).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: BUDD COMPANY)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: COMMONWEALTH OF PUERTO RICO).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: HEALTH INSURANCE ASSN OF AMERICA).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: JOINT MARITIME CONGRESS).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: MOTOROLA, INC)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: MULTI HOUSING COUNCIL)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: MUTUAL INSURANCE COALITION).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: MUTUAL OF OMAHA)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL BROADCASTING CO, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF TURKEY)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SALOMON BROTHERS, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SANTA FE CORP)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SHAKLEE CORPORATION)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: WARNER COMMUNICATIONS, INC).		
HUBERT TRAVAILLE, SUITE 510 1090 VERMONT AVE., NW WASHINGTON DC 20005	POTLATCH CORPORATION	1,000.00	147.10
TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL, SUITE 607 1899 L STREET, NW WASHINGTON DC 20036		1,760.00	1,760.00
TRAVEL INDUSTRY ASSOCIATION OF AMERICA, 1899 L ST., NW WASHINGTON DC 20036			
ERNEST B. TREMMEL, INC., 5908 ROSSMORE DRIVE BETHESDA MD 20014	BURNS & ROE, INC		
R. S. TRIBBE, 1825 EYE STREET, NW, #350 WASHINGTON DC 20006	TRANS WORLD CORP.		
SALLY A. TRIPLETT, 1725 DESALES STREET, NW, #804 WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: BROADCAST MUSIC INC. (BMI))		
MICHAEL G. TROOP, 1709 NEW YORK AVENUE, NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS INSTITUTIONS	460.00	13.00
ROBERT C. TROUP, BOX 893 NEW CANAAN CT 06840			
GEORGE G. TROUTMAN, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	BELL HELICOPTER TEXTRON, INC	150.00	
ALEXANDER B. TROWBRIDGE, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	750.00	
THOMAS TRUAX, 1200 15TH ST., NW WASHINGTON DC 20005	AMERICAN HEALTH CARE ASSN	3,300.00	1,334.77
THOMAS L. TRUEBLOOD, 401 NORTH MICHIGAN AVE. CHICAGO IL 60611	INTERNATIONAL HARVESTER CO.	1,000.00	23.92
MOTOYUKI TSUTSUI, 919 18TH STREET, NW, #600 WASHINGTON DC 20006	TOYOTA MOTOR SALES U.S.A, INC	80.00	175.00
TUCKER & VAUGHT, WESTERN FEDERAL SAVINGS BLDG., #1330 718 17TH ST. DENVER CO 80202	AMERICAN IRON & STEEL INSTITUTE	500.00	
Do	PETRO-LEWIS CORPORATION	2,000.00	
Do	THE MANVILLE CORPORATION	2,000.00	
TUNA RESEARCH FOUNDATION, INC, 1101 17TH ST., NW WASHINGTON DC 20036		1,488.25	2,357.25
B. ELIZABETH TUNNEY, 124 SALEM CHURCH ROAD MECHANICSBURG PA 17055	RETAIL, WHOLESALE & DEPT STORE UNIN (INT'L), ET AL	7,995.00	187.01
FRANCES M. TURK, 1090 VERMONT AVENUE, NW, #600 WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP		166.91
RITA M. TURKIEWICZ, 444 NORTH CAPITOL STREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: CORDAGE INSTITUTE)		
Do	KEEFE COMPANY (FOR: NATIONAL REVENUE CORP)		
BRIAN TURNER, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO	7,218.25	
JANE L. TURNER, 1920 N STREET, NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
RICHARD F. TURNEY, 1725 K ST., NW WASHINGTON DC 20006	COURTNEY, MCCAMANT & TURNEY	300.00	
ST. CLAIR J. TWEEDIE, SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID CO	20,000.00	250.00
U.S. CANE SUGAR REFINERS' ASSN, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036		1,091.41	1,411.09
U.S. COMMITTEE FOR THE OCEANS, 100 MARYLAND AVE., NE WASHINGTON DC 20002			
U.S. DEFENSE COMMITTEE, 3238 WYNFORD DRIVE FAIRFAX VA 22031		10,245.43	10,245.43
U.S. LEAGUE OF SAVINGS INSTITUTIONS, 111 E. WACKER DR. CHICAGO IL 60601			183,700.14
U.S. RECREATIONAL SKI ASSOCIATION, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006			
U.S.O.C.A. WASHINGTON D.C. LOBBY COMMITTEE, P.O. BOX 42404 WASHINGTON DC 20015		999.79	1,106.76
JERRY G. UDELL, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	300.00	131.00
PHILIP J. UFHOLZ, 1025 CONNECTICUT AVENUE, NW, #1010 WASHINGTON DC 20036	METROPOLITAN INSURANCE COS	1,000.00	
LEWIS K. UHLER, SUITE 600 1523 L ST., NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	1,500.00	45.00
ULLMAN CONSULTANTS, INC, 1000 POTOMAC ST., N.W. SUITE 302 WASHINGTON DC 20007	CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION	1,575.00	
Do	COOPERATIVE OF AMERICAN PHYSICIANS, INC		
Do	INTERNATIONAL TITANIUM, INC	1,000.00	
Do	MERCK & CO., INC	7,500.00	
Do	PACIFIC LUMBER SALES CO	2,500.00	
Do	STEPTOE & JOHNSON		
Do	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	7,500.00	
Do	WESTERN FOREST INDUSTRIES ASSOCIATION		
ROBERT D. UMPHREY JR., 1150 17TH STREET, NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSN, INC	100.00	
MANYA S. UNGAR, 10 BRANDYWINE COURT SCOTCH PLAINS NJ 07076	NATIONAL CONGRESS OF PARENTS & TEACHERS	1,317.50	1,267.35
CHARLES K. UNGER, 1600 PRINCE STREET, #212 ALEXANDRIA VA 22314	NATIONAL ASSN OF STEVEDORES	3,000.00	90.00
UNIFI, INC., P.O. BOX 19109 GREENSBORO NC 27419			
UNION MUTUAL LIFE INSURANCE CO, 2211 CONGRESS ST. PORTLAND ME 04122			
THOMAS C. UNIS, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)		
THOMAS C. UNIS, P.C., 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)		
UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, 101 CONSTITUTION AVE., NW WASHINGTON DC 20001			33,064.08
UNITED GAS PIPE LINE CO, PO BOX 1478 HOUSTON TX 77001			1,347.57
UNITED IRISH & AMERICAN SOCIETY OF ILLINOIS, BOX 219 3400 W. 111TH STREET CHICAGO IL 60655		95.00	295.34
UNITED SERVICES AUTOMOBILE ASSOCIATION, 9800 FREDERICKSBURG ROAD SAN ANTONIO TX 78288			
LLOYD N. UNSELL, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		60.00
A. RUSSELL UPSHAW JR., 1030 15TH STREET, NW WASHINGTON DC 20005	EASTERN AIRLINES		200.00
MARIAN S. URNIKIS, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,050.00	117.78
YOSHINORI USUI, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC		
UTILITY NUCLEAR WASTE MANAGEMENT GROUP, C/O EDISON ELECTRIC INSTITUTE 1111 19TH ST., NW WASHINGTON DC 20036.		1,604.06	1,604.06
RONALD D. UTT, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		38.93
MARY UYEDA, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	1,596.00	33.67

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ANTHONY VALANZANO, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	3,450.00	50.00
JACK J. VALENTI, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC	875.00	
JULIANE H. VAN EGMOND, SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID CO	676.00	147.90
VAN FLEET ASSOCIATES, INC, SUITE 102 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	CADILLAC GAGE	1,250.00	
Do	FORD AEROSPACE & COMMUNICATIONS CORP	3,000.00	
Do	MARCONI ELECTRONICS	4,000.00	
H. B. VAN GIESON, 1700 NORTH MOORE STREET ROSSLYN VA 22209	BOEING COMPANY		
C. D. VAN HOUWELING, 1015 15TH ST., NW, #200 WASHINGTON DC 20005	NATIONAL PORK PRODUCERS COUNCIL	155.00	25.00
NICK L. VAN NELSON, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
DANIEL W. VAN NESS, P.O. BOX 17181 WASHINGTON DC 20041	JUSTICE FELLOWSHIP	100.00	
VAN NESS FELDMAN SUTCLIFFE CURTIS & LEVENBERG, P.C., 7TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007.	AD HOC COMM ON ALTERNATIVE ENERGY TAX CREDITS		
Do	ALLIED-GENERAL NUCLEAR SERVICES		
Do	AMERICAN ELECTRIC POWER CO, INC, ET AL		
Do	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS	1,500.00	
Do	AMERICAN PRESIDENT LINES	1,770.00	
Do	ARCTIC SLOPE REGIONAL CORP		
Do	BRAE CORPORATION	690.00	
Do	CHELAN #1, DOUGLAS #1 & GRANT #2		
Do	COLUMBIA GAS SYSTEM SERVICE CORP	750.00	
Do	HAWAIIAN ELECTRIC COMPANY, INC		
Do	JACOBS ENGINEERING GROUP, INC		
Do	NATOMAS CO		
Do	PEABODY HOLDING CO, INC	1,275.00	
Do	REPUBLIC GEOTHERMAL, INC		
Do	REPUBLIC OF KENYA		
Do	REPUBLIC OF PALAU		
Do	JOSEPH SEAGRAM & SONS, INC		
Do	STANDARD OIL CO OF CALIFORNIA		
Do	STATE OF ALASKA		
Do	TEXAS AIR CORP		
Do	UNION CARBIDE CORP		
Do	CONSUMERS UNITED FOR RAIL EQUITY (C.U.R.E.)		
GLENN R. VAN SCHOONEVELD, SUITE 702 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ARMCO, INC	1,050.00	250.00
GEORGE F. VARY, 1747 PENNSYLVANIA AVENUE, NW, #702 WASHINGTON DC 20006	ARMCO, INC		220.00
JENNIFER VASILOFF, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,751.21	18.65
ROBYN E. VAUGHAN, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	178.60	264.32
LISA A. VEHMAS, 1920 N STREET, NW, #300 WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
JOSPEH T. VENTURA ENTERPRISES, INC, 1725 K STREET, NW, #401 WASHINGTON DC 20006	NATIONAL FOOTBALL LEAGUE		
VENTURE ENTREPRENEURS, INC., SUITE 206 1201 SAN MARCO BLVD. JACKSONVILLE FL 32207			
JERRY T. VERKLER, 1660 L STREET, NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	6,250.00	218.38
VERNER LIIPFERT BERNHARD & MCPHERSON, CHTD, 1660 L STREET, NW, #1000 WASHINGTON DC 20036	DIGITAL EQUIPMENT CORP	10,366.00	250.00
Do	LABOR-INDUSTRY COALITION FOR INTL TRADE	350.00	
Do	SEMICONDUCTOR INDUSTRY ASSOCIATION	8,689.50	500.00
FRANK VERRASTRO, 1155 15TH STREET, NW, #600 WASHINGTON DC 20005	PENNZOIL COMPANY	937.50	
LINDA VICKERS, 1706 23RD ST., SOUTH ARLINGTON VA 22202	COMMUNICATING FOR AGRICULTURE, INC		105.71
Do	NATIONAL ASSN OF CROP INUSRANCE AGENTS	13,433.34	
BRENDA R. VIEHE-NAESS, 1025 CONNECTICUT AVE., NW, #415 WASHINGTON DC 20036	LEBOEUF LAMB LEIBY & MACRAE (FOR: BRITISH INSURANCE ASSN AND LLOYD'S OF LONDON).		
DAVID P. VIENNA JR., 510 C ST., NE WASHINGTON DC 20002	HORSEMEN'S BENEVOLENT & PROTECTIVE ASSN		
Do	INTERNATIONAL ASSN OF AMUSEMENT PARKS & ATTRACTIONS		
Do	NATIONAL ASSN OF CREDIT MANAGEMENT		
R. ERIC VIGE, SUITE 300 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	795.00	387.60
MICHAEL F. VIGIL JR., 900 THIRD AVENUE NEW YORK NY 10022	INTERNATIONAL GOLD CORPORATION LIMITED		
RUDOLPH A. VIGNONE, 1800 K ST., NW, #800 WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO	4,250.00	
HOWARD A. VINE, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	600.00	
RALPH VINOVICH, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	23,000.00	623.07
WALTER D. VINYARD JR., ZUCKERT, SCOUTT, RASENBERGER & JOHNSON 888 17TH ST., NW, 7TH FL. WASHINGTON DC 20006.	CONTINENTAL INSURANCE COMPANIES	12,000.00	
Do	HARTFORD INSURANCE GROUP	25.00	
Do	ITT CORP	11,500.00	
VIRGINIA ASSOCIATION OF RAILWAY PATRONS, P.O.BOX 867 RICHMOND VA 23207		6.34	6.34
ANDREW VITALI JR., 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	300.00
GEORGE A. VIVERETTE JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
VOLKSWAGEN OF AMERICA, INC, 490 L'ENFANT PLAZA, SW, #3210 WASHINGTON DC 20024			600.00
DOUGLAS K. VOLLMER, 801 18TH ST., NW WASHINGTON DC 20006	PARALYZED VETERANS OF AMERICA	12,463.41	
VOLPE BOSKEY & LYONS, SUITE 602 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN ASSN OF EQUIPMENT LESSORS		
INGRID A. VOORHEES, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	2,000.00	500.00
ABE J. VORON, 6204 WHITE OAK LANE TAMARAC FL 33319	NATIONAL RADIO BROADCASTERS ASSOCIATION	825.00	1,240.00
VORYS SATER SEYMOUR & PEASE, SUITE 1111 1828 L ST., NW WASHINGTON DC 20036	CABOT CORPORATION	455.00	84.56
Do	COMMITTEE OF PUBLICLY OWNED COMPANIES	236.25	28.05
Do	GROCERY MANUFACTURERS OF AMERICA, INC	740.00	
Do	INTERNATIONAL AGRICULTURAL DEVELOPMENT SERVICE	350.00	
Do	NATIONAL ASSN OF STATE SAVINGS INSURERS		
Do	NATIONAL BROADCASTING CO		
Do	OHIO DEPOSIT GUARANTY FUND	10,833.75	470.40
Do	OHIO MFRS ASSN	1,875.00	3,170.78
Do	OHIO OIL & GAS ASSN		
Do	PITTSBURGH & LAKE ERIE RAILROAD CO	8,505.00	476.25
Do	SEAGATE COMMUNITY DEVELOMENT CORP		
Do	SIMPLEX TIME RECORDER CO		
Do	SOUTHERN HOTEL DEVELOPMENT CO		
Do	TOLEDO TRUSTCORP	15,600.00	1,059.24
Do	YANKEE RESOURCES, INC		
W.A.W. WAR AGAINST WOMEN, 1224 FREEMONT ROSEBURG OR 97470			
ROBERT J. WAGER, 3RD FLOOR 1111 14TH ST., NW WASHINGTON DC 20005	AMERICAN BAKERS ASSN	1,337.49	6.00
KERRI WAGNER, 1155 15TH STREET, NW WASHINGTON DC 20005	NATIONAL BROILER COUNCIL	750.00	
HOWARD W. WAHL, P.O. BOX 1000 ANN ARBOR MI 48106	BECHTEL POWER CORPORATION		
CHRISTINE M. WAISANEN, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
HERBERT R. WAITE, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON	6,500.00	7,051.12
WALD HARKRADER & ROSS, 1300 19TH ST., NW WASHINGTON DC 20036	EMPACADORA DEL NORTE, S.A.		
Do	HARTFORD STEAM BOILER INSPECTION & INSURANCE CO		
Do	MATSUSHITA ELECTRIC INDUSTRIAL CO, LTD		
ANGELA S. WALDORF, N.C. PETROLEUM COUNCIL P.O. BOX 167 RALEIGH NC 27602	AMERICAN PETROLEUM INST		
ROBERT E. WALDRON, ASSOCIATED PETROLEUM INDUSTRIES OF MICHI 930 MICHIGAN NATL TOWER, PO BOX 10070 LANSING MI 48901.	AMERICAN PETROLEUM INST	805.00	
CHARLS E. WALKER ASSOCIATES, INC, 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AGRICO CHEMICAL COMPANY, ET AL	6,000.00	
Do	ALUMINUM COMPANY OF AMERICA	625.00	
Do	AMERICAN TELEPHONE & TELEGRAPH CO	3,625.00	
Do	ANHEUSER-BUSCH COMPANIES, INC	3,000.00	
Do	BECHTEL CIVIL & MINERALS, INC	625.00	
Do	BETHLEHEM STEEL CORP		
Do	CBS, INC	6,250.00	
Do	CHEVRON U.S.A., INC		
Do	COPIAT	1,500.00	
Do	DEALER BANK ASSN	3,750.00	
Do	DIMENSION FINANCIAL CORPORATION, INC	250.00	
Do	DREFUS CORPORATION	2,400.00	
Do	DRESSER INDUSTRIES, INC	625.00	
Do	FEDERAL NATIONAL MORTGAGE ASSN		
Do	FORD MOTOR CO	2,500.00	
Do	GOODYEAR TIRE & RUBBER CO	625.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GTE CORPORATION	625.00	
Do	IBM	625.00	
Do	INDEPENDENT REFINERS COALITION		
Do	LONE STAR STEEL CO	3,750.00	
Do	NATIONAL PAYMENT SYSTEMS COALITION	1,149.00	
Do	NETHERLANDS ANTILLES		
Do	NORTHVILLE INDUSTRIES CORP	9,000.00	
Do	NORTHWESTERN MUTUAL LIFE INSURANCE CO		
Do	OWENS-ILLINOIS	625.00	
Do	PROCTER & GAMBLE MANUFACTURING CO	625.00	
Do	SCOTT PAPER CO	250.00	
Do	SONGWRITERS GUILD	2,000.00	
Do	TRACOR, INC		
Do	U.S. FIDELITY & GUARANTY CO		
Do	UNION CARBIDE CORP	625.00	
Do	WEYERHAEUSER CO	625.00	
DOUGLAS K. WALKER, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	500.00	
R. DUFFY WALL & ASSOCIATES, INC, 1317 F STREET, NW, #400 WASHINGTON DC 20004	BABCOCK & BROWN	500.00	200.00
Do	BALCOR/AMERICAN EXPRESS, INC	1,000.00	300.00
Do	BANKERS TRUST CO		
Do	A. F. CAMPBELL & CO, INC		
Do	DEAN WITTER REALTY, INC		
Do	FREEPORT MCMORAN, INC	1,000.00	550.00
Do	JMB REALTY CORP	1,000.00	300.00
Do	LIFE OF VIRGINIA, ET AL	1,500.00	550.00
Do	MONARCH RESOURCES, INC	1,000.00	300.00
Do	MORGAN GUARANTY TRUST CO	1,000.00	200.00
Do	SCHULMAN MANAGEMENT COMPANY		
Do	TAYLOR & MIZELL		
Do	VOLUME FOOTWEAR RETAILERS OF AMERICA	1,000.00	550.00
Do	WINE & SPIRITS WHOLESALERS OF AMERICA, INC		
MARTIN A. WALL, 1025 VERMONT AVENUE, NW, #800 WASHINGTON DC 20005	AMERICAN OSTEOPATHIC HOSPITAL ASSN	1,725.00	570.00
WALLACE & EDWARDS, 232 E. CAPITOL ST. WASHINGTON DC 20003	ALABAMA FARM BUREAU FEDERATION	6,000.00	2,325.20
Do	AMERICAN SUGAR CANE LEAGUE OF THE USA, INC	6,000.00	2,421.10
Do	ARROW TRANSPORTATION CO		
Do	COTTON WAREHOUSE ASSOCIATION OF AMERICA	11,000.00	2,364.15
Do	SERVICE CORPORATION INTERNATIONAL	6,000.00	204.75
DONALD L. WALLACE JR., 232 E. CAPITOL ST. WASHINGTON DC 20003	MERCHANTS GRAIN & TRANSPORTATION, INC		
RAYMOND C. WALLACE, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
LIONEL L. WALLENROD, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
R. DOUGLAS WALLIN JR , 1235 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	EMERSON ELECTRIC CO		392.00
CHARLES S. WALSH, FLEISCHMEN & WALSH 1725 N ST., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	185.00	
JAMES P. WALSH, DAVIS WRIGHT TODD RIESE & JONES 1752 N ST., NW, #800 WASHINGTON DC 20036	AMERICAN TUNABOAT ASSN	9,000.00	
MAVIS A. WALTERS, 900 17TH STREET, NW, #1010 WASHINGTON DC 20006	INSURANCE SERVICES OFFICE		
HENRY L. WALTHER, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	3,000.00	
WILLIAM C. WAMPLER, 412 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN MEAT INSTITUTE		
Do	AMERICAN PEANUT PRODUCT MANUFACTURERS, INC	9,000.00	
HERBERT C. WAMSLEY, 1800 M STREET, NW, #1030N WASHINGTON DC 20036	INTELLECTUAL PROPERTY OWNERS, INC	17,539.00	
BONNIE B. WAN, 1201 PENNSYLVANIA AVENUE, #730 WASHINGTON DC 20004	KIMBERLY-CLARK CORP		
JOHN F. WANAMAKER, 201 N. WASHINGTON, ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	1,900.00	
ALAN S. WARD, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	BAKER & HOSTETLER (FOR: SOAP & DETERGENT ASSN)		
JUSTIN R. WARD, 1350 NEW YORK AVENUE, NW, #300 WASHINGTON DC 20005	NATURAL RESOURCES DEFENSE COUNCIL, INC	1,546.13	33.60
STEPHEN E. WARD, 1919 PENNSYLVANIA AVENUE, NW, #503 WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSN	3,461.40	39.75
BARBARA F. WARDEN, SUITE 202-WEST WING 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL CONSUMERS LEAGUE		
RICHARD D. WARDEN, 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	15,821.48	403.44
JACK WARE, 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	6,612.00	260.10
MICHAEL O. WARE, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONOCO, INC	1,200.00	
PETER F. WARKER, SUITE 2700 1000 WILSON BOULEVARD ARLINGTON VA 22209	TRW, INC	1,250.00	
WARNER AMEX CABLE COMMUNICATIONS, 75 ROCKEFELLER PLAZA NEW YORK NY 10019			7,878.49
ERNEST R. WARNER JR., 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS).		
Do	DGA INTERNATIONAL, INC. (FOR: SNECMA)		239.96
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		209.81
Do	THOMSON-CSF DIVISION SYSTEMS ELECTRONIQUE OF FRANCE		
WILLIAM H. WARNER, 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CONTROL DATA CORP	500.00	37.41
CHRISTINE M. WARNKE, SUITE 300 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC	400.00	236.20
B. JACK WARREN, P.O. BOX 95385 ATLANTA GA 30347	FOREST FARMERS ASSN	221.00	140.50
BARBARA J. WASHBURN, 1201 PENNSYLVANIA AVENUE, NW, #370 WASHINGTON DC 20004	CONTROL DATA CORPORATION	924.00	520.27
WASHINGTON INDEPENDENT WRITERS, INC., 1341 G ST., NW, #205 WASHINGTON DC 20005			463.87
WASHINGTON INDUSTRIAL TEAM, INC., 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	BOEING COMPANY	900.00	554.73
Do	HUGHES AIRCRAFT COMPANY	1,500.00	924.60
Do	ROCKWELL INTL	1,500.00	924.60
RONALD D. WATERMAN, 4802 TABARD PLACE ANNANDALE VA 22003	CONNOR FOREST INDUSTRIES, INC	440.00	104.50
Do	MILWAUKEE COUNTY-INTERGOVERNMENTAL RELATIONS	9,375.00	280.96
Do	WISCONSIN COUNTIES ASSN	1,686.91	224.50
ROBBI-LYNN WATNIK, 1001 CONNECTICUT AVENUE, NW, #800 WASHINGTON DC 20036	NATIONAL ASSN OF STATE SAVINGS & LOAN SUPERVISORS	450.00	
KENNETH W. WATSON, 645 FIFTH AVENUE NEW YORK NY 10022	INTERNATIONAL GOLD CORPORATION LIMITED		
STEPHEN L. WATSON, 143 W. MARKET ST., #201 INDIANAPOLIS IN 46204	INDIANA RAILROAD ASSN		
CAROLYN HERR WATTS, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	75.00	
DOUGLAS R. WATTS, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	1,200.00	
GEORGE B. WATTS, 1155 15TH ST., NW WASHINGTON DC 20005	NATIONAL BROILER COUNCIL	1,000.00	
BRUCE H. WATZMAN, 1130 17TH STREET, N.W. WASHINGTON DC 20036	NATIONAL COAL ASSN	5,440.00	183.19
WILLIAM J. WAY, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	2,107.83
RAYMOND J. WEATHERLY, SUITE 511 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INST	900.00	100.00
WILLIAM H. WEATHERSPOON, NORTH CAROLINA PETROLEUM COUNCIL PO BOX 167 RALEIGH NC 27602	AMERICAN PETROLEUM INST	250.00	
A. VERNON WEAVER, 2121 K STREET, NW, #830 WASHINGTON DC 20037	STEPHENS OVERSEAS SERVICES, INC	110.00	
HORACE S. WEBB, P.O. BOX 351 CEDAR RAPIDS IA 52406	IOWA ELECTRIC LIGHT AND POWER COMPANY		
ANDREW H. WEBBER, 440 FIRST STREET, NW, #510 WASHINGTON DC 20001	AMERICAN MEDICAL PEER REVIEW ASSN		
FREDERICK L. WEBBER, 1101 16TH STREET, NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		
SUSAN WEBER, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC		
WEBSTER CHAMBERLAIN & BEAN, 1747 PENNSYLVANIA AVE., NW, #1000 WASHINGTON DC 20006	AMERICAN PARATRANSIT INSTITUTE	6,500.00	
Do	BEER INDUSTRY ALLIANCE		
Do	COLT INDUSTRIES, INC		78.00
Do	MILLER BREWING COMPANY	1,650.00	116.00
LEE J. WEDDIG, SUITE 580 2000 M ST., NW WASHINGTON DC 20036	NATIONAL FISHERIES INST	4,000.00	
CHARLES W. WEGNER JR., 600 PENNSYLVANIA AVENUE, SE, #203 WASHINGTON DC 20003	PROFESSIONAL INSURANCE AGENTS	500.00	14,880.00
JACK R. WEHRLY, SUITE 790 SOUTH 1800 M ST., NW WASHINGTON DC 20036	DOW CORNING CORPORATION		
STEVEN A. WEIN, 1090 VERMONT AVENUE, NW, #1100 WASHINGTON DC 20005	TEXTRON, INC	600.00	150.00
NANCY WEINBERG, 1434 NEW YORK AVENUE, NW, #743 WASHINGTON DC 20005	ROHM AND HAAS COMPANY	500.00	138.63
DONALD G. WEINERT, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,500.00	
JON F. WEINSTEIN, 9 WILDWOOD GARDENS, #A2 P. WASHINGTON NY 11050			
ARTHUR E. WEISBERG, 2200 FIRST BANK PLACE EAST MINNEAPOLIS MN 55402	DORSEY & WHITNEY		
ARTHUR A. WEISS, 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	JAFFE SNIDER RAITT & HEUER, P.C		
MICHAEL A. WEISS, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC		250.00
MORTON N. WEISS, SUITE 4511 ONE WORLD TRADE CENTER NEW YORK NY 10048	NATIONAL SECURITY TRADERS ASSN, INC	4,375.00	
STANLEY A. WEISS, SUITE 401 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	BUSINESS EXECUTIVES FOR NATIONAL SECURITY		
DON WELCH, P.O. BOX 841 ABILENE TX 79604	WEST TEXAS UTILITIES CO		
WELLFORD WEGMAN KRULWICH GOLD & HOFF, SUITE 450 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN IRON & STEEL INSTITUTE	3,187.50	
Do	CANADIAN EMBASSY		
Do	DEPARTMENT OF NATURAL RESOURCES, PROVINCE OF MANITOBA		
Do	GRANTS & CONTRACTS PROJECTS, UNITED WAY OF AMERICA	1,000.00	
Do	JOHNS-MANVILLE	2,000.00	
Do	MITEX	2,850.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
L. H. WELLS, SUITE 200 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL CO	500.00	
THOMAS F. WENNING, 1910 K ST., NW WASHINGTON DC 20006	NATIONAL GROCERS ASSN		
FRED WERTHEIMER, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	15,285.00	508.22
WEST MEXICO VEGETABLE DISTRIBUTORS ASSN, PO BOX 848 NOGALES AZ 85621			1,000.00
WEST TEXAS LAND & ROYALTY OWNERS ASSN., 4302 AIRPORT BLVD. AUSTIN TX 78722		825.74	2,125.00
W. P. WEST 1629 K ST., NW ROOM 204 WASHINGTON DC 20006	DELTA AIR LINES, INC	273.00	187.34
HARRY H. WESTBAY III, SUITE 805 1625 EYE ST., NW WASHINGTON DC 20006	ST. REGIS CORP	1,600.00	1,000.00
WESTERN FUELS ASSOCIATION, INC, 700 JEFFERSON BUILDING 1225 19TH ST., NW WASHINGTON DC 20036			17,299.93
JOSEPH J. WESTWATER, 10140 LINN STATION ROAD LOUISVILLE KY 40223	DAIRYMEN, INC	3,000.00	1,121.68
JOHN F. WETZEL JR., 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	196.32	93.26
WILLIAM WEWER, 1300 19TH STREET, NW, #310 WASHINGTON DC 20036	NATIONAL COMM TO PRESERVE SOCIAL SECURITY	19,500.00	
WEXLER REYNOLDS HARRISON & SCHULE, INC, SUITE 600 1317 F STREET, NW WASHINGTON DC 20004	AETNA LIFE & CASUALTY		
Do	ALLIED CORPORATION		
Do	AMERICAN IRON & STEEL INSTITUTE	4,800.00	4,574.69
Do	AMERICAN LOW POWER TELEVISION ASSN		
Do	COMMITTEE FOR PRUDENT DEREGULATION		
Do	CONSORTIUM OF PUBLIC TV STATIONS	1,950.00	45.50
Do	DYCO PETROLEUM CO	675.00	8.75
Do	FOOTHILLS PIPE LINES (YUKON) LTD	250.00	15.50
Do	GENERAL MOTORS CORP	5,325.00	1,474.87
Do	HOECHST-ROUSSEL PHARMACEUTICALS, INC	11,125.00	165.15
Do	INEXCO OIL CO	675.00	8.75
Do	MANVILLE CORPORATION	900.00	6.75
Do	MOTION PICTURE ASSN OF AMERICA, INC	1,375.00	343.64
Do	NATIONAL CABLE TELEVISION ASSN, INC	8,160.00	117.75
Do	NATIONAL RADIO BROADCASTERS ASSOCIATION		
Do	NEW ENGLAND ELECTRIC SYSTEM	1,244.50	20.00
Do	NEW YORK POWER AUTHORITY	1,402.50	268.57
Do	NOVA, AN ALBERTA CORP		
Do	NOVACOR CHEMICALS, LTD	3,770.00	37.50
Do	PENNZOIL CO	6,200.00	20.75
Do	SECURITY INVESTMENT CO		
ROBERT G. WEYMUELLER, 1101 VERMONT AVENUE, NW, #402 WASHINGTON DC 20005	AMERICAN LUNG ASSN	3,350.00	3,404.00
BRIAN B. WHALEN JR , 401 N. MICHIGAN AVE. CHICAGO IL 60611	INTERNATIONAL HARVESTER CO.	1,250.00	45.58
CURTIS E. WHALEN, 490 L'ENFANT PLAZA, SW, #3202 WASHINGTON DC 20024	TRANSCO ENERGY COMPANY	4,500.00	4,396.92
LEONARD P. WHEAT, 1101 17TH STREET, NW, #1002 WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	430.70
CHARLES W. WHEELER, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,500.00	389.80
EDWIN M. WHEELER, 1815 H STREET, NW, #100 WASHINGTON DC 20006	AMERICAN PETROCHEMICAL CONSUMERS		1,700.00
JUNE M. WHELAN, SUITE 600 S 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORPORATION	1,250.00	
WHITE & CASE, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ALLEGHANY CORPORATION	2,500.00	
DIANE WHITE, 499 S. CAPITOL STREET, #114 WASHINGTON DC 20003	CONCERNED WOMEN FOR AMERICA	3,600.00	
DONALD F. WHITE, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,500.00	225.00
WHITE FINE & VERVILLE, SUITE 1100 1156 15TH ST., NW WASHINGTON DC 20005	AMERICAN EDUCATORS OF ARKANSAS, INC, ET AL	17,500.00	
Do	CENTRAL HUDSON GAS & ELECTRIC CORP		
Do	WESTINGHOUSE		
GEORGE E. WHITE JR., P.O. BOX 61000 NEW ORLEANS LA 70161	MIDDLE SOUTH SERVICES, INC	703.29	1,087.05
JOHN S. WHITE, 1800 M ST., NW, #975 WASHINGTON DC 20036	MARATHON OIL CO		
JOHN THOMAS WHITE II , SUITE 2202 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC		
RONALD A. WHITE, 1500 CHESTNUT STREET PHILADELPHIA PA 19102	TOBACCO INSTITUTE AND METROPOLITAN HOSPITAL OF PHILADELPHIA		
SAM WHITE, 412 FIRST STREET, SE WASHINGTON DC 20003	INDEPENDENT CATTLEMEN'S ASSN	4,500.00	
Do	NATIONAL PEANUT GROWERS GROUP	5,000.00	
Do	SAM KANE PACKING		
BRYAN K. WHITEHEAD, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
RICHARD M. WHITING, 730 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	875.00	
BENNETT C. WHITLOCK JR , 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC		
WHITMAN & RANSOM, 1333 NEW HAMPSHIRE AVE., NW, #650 WASHINGTON DC 20036	JAPAN EXTERNAL TRADE ORGANIZATION (JETRO)		
JAMES A. WHITMAN, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	500.00	
WILLIAM F. WHITSITT, 1800 K ST., NW SUITE 820 WASHINGTON DC 20006	SUN CO, INC	1,300.00	286.12
WILLIAM E. WICKERT JR., 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	1,250.00	
WICKWIRE LEWIS GOLDMARK & SCHOOR, 500 MAYNARD BLDG. SEATTLE WA 98104	ARCTIC SLOPE REGIONAL CORP, ET AL		
RICHARD J. WIECHMANN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
ANN R. WIESENECK, 900 17TH STREET, NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORP	15.00	
CHARLES E. WIGGINS, 1050 17TH STREET, NW WASHINGTON DC 20036	CHEVRON U.S.A		
W. SCOTT WILBER, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	3,975.00	45.68
THOMAS D. WILCOX, P.C., 2011 EYE STREET, NW, #705 WASHINGTON DC 20006	NATIONAL ASSN OF STEVEDORES	5,600.00	685.00
T. J. WILDER, 1725 K STREET, NW, #1405 WASHINGTON DC 20006	MORTGAGE INSURANCE COS OF AMERICA		
HARRY G. WILES II , 499 S. CAPITOL STREET, SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS		155.00
WILEY & REIN, 1776 K STREET, NW WASHINGTON DC 20006	CBS, INC	2,540.00	1,429.01
Do	CLEAR CHANNEL BROADCASTING SERVICE		
GUENTHER O. WILHELM, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		
JULIAN A. WILHELM, 1320 19TH STREET, NW WASHINGTON DC 20036	BURCH, WILHELM & MCDONALD, P.C. (FOR: M.A.N. TRUCK & BUS CORP)		
CARL B. WILKERSON, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
WILKINSON BARKER KNAUER & QUINN, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	BONNEVILLE INTERNATIONAL CORP		34.66
Do	CONFEDERATED SALISH & KOOTENAI TRIBES OF THE FLATHEAD RES		
Do	MANVILLE CORPORATION	71,351.40	2,255.06
Do	MOUNTAIN STATES TELEPHONE CO	14,955.91	217.88
Do	NANA REGIONAL CORP, INC		
Do	NORTHWESTERN BELL TELEPHONE CO	14,955.91	217.88
Do	PACIFIC NORTHWEST BELL TELEPHONE CO	14,955.90	217.89
Do	J.C. PENNEY CO, INC	17,100.00	458.81
Do	SHEE ATIKA, INC		
Do	U.S. WEST, INC	14,955.90	217.88
PAUL R. WILLGING, 1200 15TH STREET, NW WASHINGTON DC 20005	NATIONAL COUNCIL OF HEALTH CENTERS	1,125.00	
RALPH E. WILLHAM, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTL ASSN	12,663.00	
WILLIAMS & CONNOLLY, 839 17TH ST., NW WASHINGTON DC 20006	GADSDEN TIMES, INC		6.55
Do	PUBLIC WELFARE FOUNDATION, INC		26.21
Do	SPARTANBURG HERALD & JOURNAL, INC		13.11
Do	TUSCALOOSA NEWS, INC		6.55
F. LEE WILLIAMS, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,600.00	
JAMES H. WILLIAMS, 1840 WILSON BLVD., #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	4,254.00	
KAREN WILLIAMS, 1750 K STREET, NW WASHINGTON DC 20006	HEALTH INSURANCE ASSN OF AMERICA		
LEONARD B. WILLIAMS, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	105.00	
LUCINDA L. WILLIAMS, 1111 19TH ST., NW, #402 ARLINGTON VA 20036	FEDERATION OF AMERICAN HOSPITALS	5,500.00	
ROBERT E. WILLIAMS, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	1,500.00	
THOMAS F. WILLIAMS, 6812 OLD KENT ROAD AMARILLO TX 79109	SOUTHWESTERN PUBLIC SERVICE CO	687.24	
W.G. WILLIAMS, 1100 17TH STREET, NW, #1000 WASHINGTON DC 20036			
DAVID K. WILLIS, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
CHARLOTTE M. WILMER, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	150.00	
WILMER CUTLER & PICKERING, 1666 K ST., NW WASHINGTON DC 20006	AM INTERNATIONAL, INC		
Do	AMERICAN SOC OF COMPOSERS AUTHORS & PUBLISHERS	3,640.60	55.50
Do	APACHE CORPORATION		
Do	BOEING CO		
Do	BUSINESS ROUNDTABLE		
Do	CAPITAL CITIES COMMUNICATIONS, INC		16.00
Do	CBS, INC	2,875.00	2.24
Do	CITICORP		
Do	DEALER BANK ASSN		
Do	FORD MOTOR CO		
Do	G-4 CHILDREN'S COALITION	3,803.91	71.20
Do	HANDGUN CONTROL, INC		72.01
Do	MORGAN GUARANTY TRUST CO		
Do	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	OWENS-ILLINOIS		
Do	PEOPLE OF ENEWETAK	633.75	5.60
Do	UNITED AIRLINES	8,200.00	
DAVID W. WILMOT, 1029 VERMONT AVNEUE, NW WASHINGTON DC 20005	ANHEUSER-BUSCH COS	9,850.00	167.97
CHARLES D. WILSON, 1850 K ST., NW, #390 WASHINGTON DC 20006	UNION CAMP CORP	1,609.60	124.01
DENA L. WILSON, SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	4,400.00	139.17
DON T. WILSON, 1250 I STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN, INC	1,000.00	50.00
DONNIE E. WILSON, 7374 ELDORADO STREET MCLEAN VA 22102	INTERNATIONAL AFFAIRS, INC		
DOROTHY WILSON, 4201 CATHEDRAL AVE., NW SUITE 1205E WASHINGTON DC 20016	COALITION OF CONCERNED CHARITIES		
PATRICIA M. WILSON, 2910 3RD AVENUE NORTH BILLINGS MT 59103	THERMAL ENERGY CO		
ROBERT C. WILSON, RM 400 499 S. CAPITOL ST., SW WASHINGTON DC 20003	RMI, INC	380.00	
Do	WASHINGTON INDUSTRIAL TEAM, INC	600.00	
ROBERT GARY WILSON, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	PPG INDUSTRIES, INC	91.35	14.00
ROSEMARY L. WILSON, MINNESOTA PETROLEUM COUNCIL 1025 NORTHERN FEDERAL BLDG. ST. PAUL MN 55102	AMERICAN PETROLEUM INST		
WILLIAM A. WILSON III, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM	750.00	
JUDY WINCHESTER, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	4,000.00	195.82
WINDELS MARX DAVIES & IVES, 1701 PENNSYLVANIA AVENUE, NW, #940 WASHINGTON DC 20006	SOLITRON DEVICES, INC		
KATHLEEN J. WINN, 1155 15TH ST., NW SUITE 602 WASHINGTON DC 20006	PENNZOIL CO	475.00	
MARIE WINSLOW, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
WINSTEAD MCGUIRE SECHREST & MINICK, P.C., 1700 MERCANTILE DALLAS BUILDING DALLAS TX 75201	BAYLOR UNIVERSITY MEDICAL CENTER	43,438.75	7,340.90
WINSTON & STRAWN, #500 2550 M ST., NW WASHINGTON DC 20037	AMERICAN ASSN OF MUSEUMS		
Do	BEATRICE FOODS CO	240.00	38.75
Do	BUILDING OWNERS & MANAGERS ASSN INTL	195.00	
Do	FFV		
Do	GIC FINANCIAL SERVICES CORP		
Do	GOULD, INC		
Do	INTERNATIONAL COUNCIL OF SHOPPING CENTERS	587.50	
Do	LEASE MANAGEMENT CORP		
Do	NATIONAL AUDUBON SOCIETY		
Do	TERSON COMPANY, INC		
DAVID A. WINSTON, 1922 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF LIFE UNDERWRITERS	481.25	53.00
JAMES L. WINSTON, 1730 M STREET, NW, #708 WASHINGTON DC 20036	NATIONAL ASSN OF BLACK OWNED BROADCASTERS		
MARK E. WINTER, 1828 L ST., NW WASHINGTON DC 20036	AMERICAN LAND TITLE ASSN	3,223.00	
JAMES W. WISE, DAVID VIENNA & ASSOCIATES 510 C STREET, NE WASHINGTON DC 20002	HORSEMEN'S BENEVOLENT & PROTECTIVE ASSN		
Do	INTERNATIONAL ASSN OF AMUSEMENT PARKS & ATTRACTIONS	1,200.00	
RONALD S. WISHART JR., 1100 15TH STREET, NW, #1200 WASHINGTON DC 20005	UNION CARBIDE CORP		
ROBERT V. WITECK, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: ALLIANCE FOR TELEPHONE PROGRESS).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN EXPRESS CORP).	100.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN FLAGSHIPS)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN IRON & STEEL INSTITUTE)	100.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: ANEUTRONIX, INC)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: CANADIAN ASBESTOS INFORMATION CENTRE).	500.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: COMMONWEALTH OF PUERTO RICO).	100.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: JOINT MARITIME CONGRESS).	700.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP).	50.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: MUTUAL OF OMAHA)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL BROADCASTING CO, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL MULTI HOUSING COUNCIL).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NIU, INC)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: PORTALS)	600.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF TURKEY)	2,950.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SALEN DRY CARGO, INC)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SALOMON BROTHERS, INC).		
WITKOWSKI WEINER MCCAFFREY & BRODSKY, SUITE 350 1575 I ST., NW WASHINGTON DC 20005	COMMERCIAL CREDIT CORP		
Do	COORDINATING COUNCIL ON MANUFACTURED HOUSING FINANCE	5,291.00	381.32
Do	FOREMOST INSURANCE CO	2,755.50	206.96
Do	MERRILL LYNCH & CO., INC		
Do	NATIONAL MANUFACTURED HOUSING FINANCE ASSN	1,411.00	185.32
GLENN P. WITTE, 888 16TH ST., NW WASHINGTON DC 20006	MILK IND. FOUNDATION/INTL ASSN OF ICE CREAM MFRS		
HERMAN C. WITTHAUS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	1,534.45
S.R. WOJDAK AND ASSOCIATES, INC, 1401 WALNUT ST., #1000 PHILADELPHIA PA 19102	ALTMAN REALTY CO, INC		
Do	BASIX CONTROLS SYSTEMS CORP		
Do	MEDICAL COLLEGE OF PENNSYLVANIA	1,600.00	524.83
Do	READING COMPANY	450.00	24.83
Do	ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN	6,000.00	524.83
CLINTON WOLCOTT, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
JAMES E. WOLF, 2020 14TH ST., NORTH ARLINGTON VA 22201	TRANE COMPANY	1,500.00	
JAMES WOLF, 1925 K ST., NW, #507 WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY		
SIDNEY M. WOLFE, 2000 P ST., NW, #708 WASHINGTON DC 20036	HEALTH RESEARCH GROUP	50.00	
THOMAS F. WOLFE, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	35.00	
RONALD WOLSEY, P.O. BOX 507 BALTIMORE MD 21203	AMOCO OIL COMPANY		
DON WOMACK, SUITE 303 1825 K ST., NW WASHINGTON DC 20006	TEXAS UTILITIES SERVICES, INC	2,575.00	223.56
BURTON C. WOOD, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	13,050.00	3,626.00
CHARLES A. WOOD, 10 LAFAYETTE SQUARE BUFFALO NY 14203	NATIONAL FUEL GAS DISTRIBUTION CORP., ET AL		
HUGH A. WOOD, 515 S. FLOWER STREET LOS ANGELES CA 92678	ATLANTIC RICHFIELD CO		
JOHN L. WOOD, 2121 SAN JACINTO ST. P.O. BOX 660164 DALLAS TX 75266	CENTRAL AND SOUTH WEST CORP		
W. ALAN WOODFORD, 2501 M ST.,NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
WILLIAM E. WOODS, 205 DAINGERFIELD RD. ALEXANDRIA VA 22314	NATIONAL ASSN OF RETAIL DRUGGISTS	1,500.00	300.00
PERRY W. WOOFTER, SUITE 530 1800 K ST. NW WASHINGTON DC 20006	TESORO PETROLEUM CORP	2,500.00	
HOWARD E. WOOLLEY, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	433.64
LINDA ANZALONE WOOLLEY, 1600 M ST., NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	1,500.00	44.50
NOEL C. WOOSLEY, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
GEORGE M. WORDEN, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL & KNOWLTON, INC		
DEE WORKMAN, 405 LEXINGTON AVE. NEW YORK NY 10017	MOBIL OIL CORP	18,750.00	1,600.00
ROSS WORKMAN, P.O. BOX 1396 HOUSTON TX 77251	TRANSCO ENERGY COMPANY	8,333.00	1,039.97
WORLDWIDE INFORMATION RESOURCES, LTD, 1717 K STREET, NW, #706 WASHINGTON DC 20006	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.		
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	STATE OF MONTANA		
Do	TOYOTA MOTOR SALES U.S.A., INC		
W. ROBERT WORLEY, 1736 CREEK CROSSING ROAD VIENNA VA 22180	SOUTHERN COMPANY SERVICES, INC	132.00	1,701.53
STEVEN M. WORTH, 3255 GRACE ST., NW THE POWER HOUSE WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF KOREA)		
JOSEPH T. WRABEK, BOX 548 CASCADE LOCKS OR 97014	COLUMBIA GORGE UNITED		
DAVID L. WRIGHT, ANDERSON HILL RD. PURCHASE NY 10577	PEPSICO, INC		
SAMUEL H. WRIGHT, 11333 MCCORMICK ROAD HUNT VALLEY MD 21031	PHH GROUP, INC	200.00	48.09
WYATT & SALTZSTEIN, SUITE 802 1725 DESALES STREET, NW WASHINGTON DC 20036	AMERICAN BUSINESS PRESS, INC		
FREDERICK S. WYLE, 3 GREENWOOD COMMON BERKELEY CA 94708	FEDERATED STATES OF MICRONESIA		
THOMAS L. WYLIE, 1800 K STREET, NW, #820 WASHINGTON DC 20006	SUN COMPANY, INC	9,000.00	141.80
MARC D. YACKER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	390.00	
DAVID V. YADEN, 1730 M STREET, NW, #904 WASHINGTON DC 20036	NERCO, INC	500.00	34.91
T. ALBERT YAMADA, SUITE 520 900 17TH ST., NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, U.S.A., INC	500.00	
Do	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
NANCY FOSTER YANISH, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
ANDREA J. YANK, 1785 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL TRUST FOR HISTORIC PRESERVATION	4,074.95	97.30
EDWARD R. YAWN, 1111 19TH ST., NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	477.27	618.23
KIM YELTON, 8120 FENTON ST. SILVER SPRING MD 20910	AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE	4,115.28	990.92
JACK YELVERTON, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN		
D. SCOTT YOHE, 1629 K ST., NW, #204 WASHINGTON DC 20006	DELTA AIR LINES, INC	390.00	193.40
ANDREW YOOD, 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	200.00	
EDWARD A. YOPP, P.O. BOX 1072 EL PASO TX 79958	STATE NATIONAL BANK OF EL PASO		
G. REYNOLDS YOUNG, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1 000.00	
JOHN ANDREW YOUNG, 1333 NEW HAMPSHIRE AVE., NW, #207 WASHINGTON DC 20036	COASTAL CORPORATION		
BETSY YOUNKINS, 1220 L STREET, NW, #1200 WASHINGTON DC 20005	AMERICAN PETROLEUM INST	6 000.00	335.69
EUGENE A. YOURCH, 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING	200.00	
RALPH ZAAYENGA, 1800 K STREET, NW, #820 WASHINGTON DC 20006	SUN COMPANY, INC	1 419.60	151.98
HARRY M ZACHEM, 1025 CONNECTICUT AVE., #507 WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
LYNN ZAKUPOWSKY, 1331 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	750.00	
BARNABY W. ZALL, 1424 16TH STREET, NW, #707 WASHINGTON DC 20036	FAIR CONGRESSIONAL TASK FORCE, INC		
Do	FEDERATION FOR AMERICAN IMMIGRATION REFORM	90.00	4.20
JOHN S. ZAPP, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	4,900.00	40.71
ELAINE ZARAFONETIS, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046	NATIONAL-AMERICAN WHOLESALE GROCERS' ASSN	3,000.00	
JANICE ZARRO, SUITE 715-16 1660 L ST., NW WASHINGTON DC 20036	AVON PRODUCTS, INC		
L. ANDREW ZAUSNER, 1155 15TH ST., NW, #602 WASHINGTON DC 20005	PENNZOIL CO	1,000.00	5.50
LEO C. ZEFERETTI, 9912 FORT HAMILTON PARKWAY BROOKLYN NY 11209	BUILDING & CONSTRUCTION TRADES DEPT., AFL-CIO		
Do	GRUMMAN DATA SYSTEMS CORP		
Do	NEW YORK TELEPHONE		
Do	PRATT AND WHITNEY		
Do	TRANSPORTATION INSTITUTE		
DENIS R. ZEGAR, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046	NATIONAL-AMERICAN WHOLESALE GROCERS' ASSN	3,000.00	
PHILIP F. ZEIDMAN, 1025 CONNECTICUT AVE., NW, #900 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC		
DON J. ZELLER, SUITE 503 1000 16TH STREET, NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,350.00	181.26
ZERO POPULATION GROWTH, INC, 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036			
RONALD L. ZIEGLER, 1199 N. FAIRFAX STREET, #801 ALEXANDRIA VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS, INC		
ZUCKERT SCOUTT RASENBERGER & JOHNSON, 888 17TH ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE	9,550.00	1,199.92
Do	DREYFUS CORPORATION	12,750.00	1,944.44
Do	HARCOURT BRACE JOVANOVICH		
Do	INCENTIVE FEDERATION, INC	5,011.46	503.66
Do	RECON/OPTICAL, INC	3,180.00	76.54
CHARLES O. ZUVER, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	5,000.00	
23RD CONGRESSIONAL DISTRICT ACTION COMM., 575 CHARLES ST. ST. MARYS PA 15857			
31ST PRO LIFE CONGRESSIONAL DISTRICT ACTION COMM, 8654 BONVIEW TERRACE WILLIAMSVILLE NY 14221			
34TH CONGRESSIONAL DISTRICT ACTION COMM (NY), RD 2 ALLEGANY NY 14706			

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1984:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.......... ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◆

AFFIDAVIT

[Omitted in printing]

PAGE 1◆

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add items "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............“Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor*
	(*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
LEANNE J. ABDNOR, SUITE 1250 1899 L STREET, NW WASHINGTON DC 20036	VENNERS AND CO., LTD. (FOR: KOCH INDUSTRIES)	3,330.00	591.11
GEORGIA ABRAHAM, 2033 M STREET, NW, #905 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	1,000.00	50.00
ALBERT E. ABRAHAMS, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	8,000.00	613.90
ADDISON, KETCHEY & HORAN P.A., FOUNDERS LIFE BUILDING 100 TWIGGS STREET, #300 TAMPA FL 33602	PHH GROUP, INC	208.00	230.02
ADVOCATES TO SAVE LEGAL SERVICES, INC., 1625 K STREET, N.W. 8TH FLOOR WASHINGTON DC 20006			
AFL-CIO MARITIME COMMITTEE, 100 INDIANA AVE., NW WASHINGTON DC 20001		5,645.00	5,362.19
AIR TRANSPORT ASSN OF AMERICA, 1709 NEW YORK AVE., NW WASHINGTON DC 20006		37,271.00	37,271.00
AKER ASSOCIATES, INC, 1341 G STREET, NW, #202 WASHINGTON DC 20005	BURNELLI CO, INC		
AKIN GUMP STRAUSS HAUER & FELD, SUITE 400 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	RETAIL TRADE ACTION COALITION	4,150.00	76.00
JOHN D. ALLAN, ROYAL TRUST TOWER TORONTO DOMINION CENTER TORONTO, ONTARIO CANADA M5K 1J4	STELCO, INC	3,450.00	1,558.15
ALLIANCE FOR CANNABIS THERAPEUTICS, P.O. BOX 23691 L'ENFANT PLAZA STATION WASHINGTON DC 20024			
JUANITA ALVAREZ, 218 D STREET, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	121.53	
ROBERT ALVAREZ, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	220.58	
AMERICAN ACADEMY OF OPHTHALMOLOGY, SUITE 300 1101 VERMONT AVE., N.W. WASHINGTON DC 20005			3,863.19
AMERICAN ASSN FOR RESPIRATORY THERAPY, 1720 REGAL ROW DALLAS TX 75235		2,066.57	19,867.33
AMERICAN ASSN OF BLOOD BANKS, SUITE 600 1117 NORTH 19TH STREET ARLINGTON VA 22209			
AMERICAN ASSN OF UNIVERSITY WOMEN, 2401 VIRGINIA AVE., NW WASHINGTON DC 20037			160.72
AMERICAN BORDER BROADCASTERS FREE SPEECH COMMITTEE, INC, 2000 M STREET, NW, #600 WASHINGTON DC 20036			
AMERICAN CANCER SOCIETY, 777 THIRD AVE. NEW YORK NY 10017			24,000.00
AMERICAN COUNCIL FOR COMPETITIVE TELECOMMUNICATIONS, 415 SECOND ST., NE WASHINGTON DC 20002		13,703.86	13,703.86
AMERICAN DENTAL ASSN, 211 E. CHICAGO AVE. CHICAGO IL 60611		21,685.99	21,685.99
AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES, 1625 L ST., NW WASHINGTON DC 20036			80,501.57
AMERICAN FINANCIAL SERVICES ASSN, 1101 14TH ST., NW WASHINGTON DC 20005			6,500.00
AMERICAN GAS ASSN, 1515 WILSON BOULEVARD ARLINGTON VA 22209		35,445.00	35,445.00
AMERICAN NEWSPAPER PUBLISHERS ASSN, BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041		1,425.00	1,425.00
AMERICAN ORTHOTIC AND PROSTHETIC ASSN, 717 PENDLETON ST. ALEXANDRIA VA 22314			
AMERICAN PHYSICAL THERAPY ASSN, 1111 N. FAIRFAX ST. ALEXANDRIA VA 22314		5,291.87	5,291.87
AMERICAN RIVERS CONSERVATION COUNCIL, 323 PENNSYLVANIA AVE., SE WASHINGTON DC 20003		57,936.00	4,702.00
AMERICAN SOYBEAN ASSOCIATION, 600 MARYLAND AVENUE, SW, #510 WASHINGTON DC 20024			
AMERICAN SPACE FOUNDATION, SUITE 420 214 MASSACHUSETTS AVE., NE WASHINGTON DC 20002		207,942.18	198,518.73
AMERICAN TEXTILE MACHINERY ASSN, 7297 N. LEE HWY. FALLS CHURCH VA 22042			
AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC, SUITE 300 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036		51,077.38	51,077.38
AMERICAN TRUCKING ASSNS, INC, 1616 P ST., NW WASHINGTON DC 20036		10,290.06	79,591.22
AMERICANS FOR THE NATIONAL VOTER INITIATIVE AMENDMENT, 3115 N ST., NW WASHINGTON DC 20007			
STEPHEN O. ANDERSEN, 2000 L STREET, NW, #320 WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA		50.00
ANDERSON & PENDLETON, SUITE 707 1000 CONNECTICUT AVE, NW WASHINGTON DC 20036	CORPORACION NACIONAL DEL COBRE (CHILE) (CODELCO)	4,516.27	6,992.32
ARNE ANDERSON, 1325 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	7,270.56	
LINDA D. ANDERSON, 1411 K STREET, NW, #1110 WASHINGTON DC 20005	NATIONAL WOMEN'S POLITICAL CAUCUS	1,730.95	
SCOTT G. ANDERSON, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	BURLINGTON NORTHERN, INC	1,900.00	1,533.33
L. J. ANDOLSEK, 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	588.00	12.00
LORI A. ANTOLOCK, 1001 PRINCE STREET OLD TOWN VA 22314	CONSERVATIVE ALLIANCE	1,500.00	
W. STANLEY ARMSTRONG, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	60.00	9.00
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	CITY OF MIAMI		
Do	CITY OF NEW YORK	99.00	27.50
Do	NATIONAL COORDINATING COMM FOR MULTIEMPLOYER PLANS	15,312.00	534.00
Do	RECORDING INDUSTRY ASSN OF AMER, INC	4,360.00	
Do	SACRAMENTO MUNICIPAL UTILITY DISTRICT		157.78
ASSOCIATION FOR DEVELOPMENT POLICY RESEARCH, 1309 L STREET, NW WASHINGTON DC 20005		7,554.79	1,776.65
ASSOCIATION FOR WOMEN IN SCIENCE, 1346 CONNECTICUT AVENUE, NW, #1122 WASHINGTON DC 20036		38,488.31	3,446.11
ASSOCIATION OF AMERICAN FOREIGN SERVICE WOMEN, P.O. BOX 8068 WASHINGTON DC 20024		959.96	
ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC, SUITE 340 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004.		27,269.75	27,269.75
ASSOCIATION OF URBAN UNIVERSITIES, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036		6,000.00	7,949.04
JOHN MCELROY ATKISSON, 1717 K STREET, NW, #502 WASHINGTON DC 20036	CAROLINA POWER & LIGHT CO	1,000.00	
Do	CONSOLIDATED EDISON CO OF NEW YORK, INC	1,000.00	
Do	DUKE POWER CO	1,000.00	
Do	NEW ENGLAND ELECTRIC SYSTEM	1,000.00	
Do	PACIFIC GAS & ELECTRIC CO	2,000.00	
Do	SOUTHERN CALIFORNIA EDISON CO	2,000.00	
Do	VIRGINIA ELECTRIC & POWER CO	1,000.00	
Do	WESTINGHOUSE	16,781.25	1,792.85
RONALD R. AUSTIN, 1201 16TH STREET, NW WASHINGTON DC 20036	OVERSEAS EDUCATION ASSN	264.00	
ROBERT A. BACHA, SUITE 711 444 NORTH CAPITOL ST. WASHINGTON DC 20001	KEEFE COMPANY (FOR: E. F. HUTTON & CO, INC)	2,000.00	
Do	KEEFE COMPANY (FOR: NATIONAL REVENUE CORP)		
Do	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)	9,500.00	
Do	KEEFE COMPANY (FOR: YOUNGS DRUG PRODUCTS CORP)	1,000.00	
CARL E. BAGGE, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSN	3,040.00	1,390.67
PAUL C. BAILEY JR., 108 COLUMBUS ST. ARLINGTON VA 22204	SOUTHERN COMPANY SERVICES, INC	202.50	343.06
ELIZABETH BALDWIN, 1346 CONNECTICUT AVENUE, NW, #1122 WASHINGTON DC 20036	ASSOCIATION FOR WOMEN IN SCIENCE	2,400.00	
BALLARD SPAHR ANDREWS & INGERSOLL, SUITE 1100 1850 K STREET, NW WASHINGTON DC 20006	ALASKA INDUSTRIAL DEVELOPMENT AUTHORITY		
Do	DELAWARE ECONOMIC DEVELOPMENT AUTHORITY		
MICHAEL BALY III, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	5,000.00	466.78
MICHAEL P. BALZANO JR., 444 NORTH CAPITOL ST., NW, #801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	3,499.60	
PATTY BANKSON, 1030 15TH STREET, NW, #976 WASHINGTON DC 20005	NATIONAL BOARD OF YOUNG MEN'S CHRISTIAN ASSNS	609.24	
SAMUEL J. BAPTISTA, SUITE 603 1620 EYE STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC		
MAURICE A. BARBOZA, 1800 M STREET, NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
BARBARA BARCHARD, 810 18TH STREET, NW WASHINGTON DC 20006	HANDGUN CONTROL, INC		
LARRY P. BARNETT, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	7,000.00	
RICHARD L. BARR, P.O. BOX 834 DES MOINES IA 50304	IOWA RAILWAY ASSN		
BARRETT SMITH SCHAPIRO SIMON & ARMSTRONG, 1201 PENNSYLVANIA AVENUE, NW, #821 WASHINGTON DC 20004	BEAR STEARNS & CO		
Do	COFFEE, SUGAR & COCOA EXCHANGE, INC	16,360.00	
Do	CSC CLEARING CORP		
Do	HUGO NEU & SONS, INC		
Do	IRVING TRUST CO		
Do	MERRILL LYNCH PIERCE FENNER & SMITH, INC		
Do	METROPOLITAN TRANSPORTATION AUTHORITY		
Do	NEW YORK FUTURES EXCHANGE, INC		
Do	NEW YORK MERCANTILE EXCHANGE	16,360.00	
Do	SINGAPORE AIRLINES, LTD	13,820.00	469.00
T. MICHAEL BARRY, 2626 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVE ASSN	3,500.00	297.43
ROGER V. BARTH, 2555 M ST., NW WASHINGTON DC 20037	AMERICAN ASSN FOR CLINICAL CHEMISTRY		
RICHARD A. BARTON, 1730 K ST., NW, #905 WASHINGTON DC 20006	DIRECT MARKETING ASSN	1,400.00	
DAVIS M. BATSON, 1155 15TH STREET, NW, #611 WASHINGTON DC 20005	ETHYL CORPORATION	600.00	
DON R. BEAVERS, 400 FIRST STREET, NW, #704 WASHINGTON DC 20001	UNITED TRANSPORTATION UNION		
LOUIS BEER, KEMP, KLEIN, ENDELMAN & BEER 1320 19TH STREET, NW WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP		
ALAN R. BENNETT, 1575 EYE STREET, NW, #1150 WASHINGTON DC 20005	KAYE SCHOLER FIERMAN HAYS & HANDLER (FOR: BRISTOL-MYERS CO)	350.00	
BENOIT SMITH & LAUGHLIN, 2001 JEFFERSON DAVIS HIGHWAY, #501 ARLINGTON VA 22202	ECONOPURE		
Do	HUGHES AIRCRAFT COMPANY		
PAUL C. BERGSON, 2550 M ST., NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	940.00	300.00
JANE W. BERGWIN, 1050 17TH STREET, NW, #490 WASHINGTON DC 20036	CONSUMERS POWER CO	200.00	
DAVID BERICK, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	1,040.58	
RICHARD B. BERMAN, 6606 LBJ FREEWAY DALLAS TX 75230	STEAK & ALE RESTAURANTS OF AMERICA, INC		
BEVERIDGE & DIAMOND, P.C., 1333 NEW HAMPSHIRE AVE, NW WASHINGTON DC 20036	J. C. BRADFORD		
RALPH A. BIEDERMANN, ONE BRUNSWICK PLAZA SKOKIE IL 60077	BRUNSWICK CORP	960.00	817.17
ROBERT J. BIRD, 888 16TH STREET, NW WASHINGTON DC 20006	ZACHRY, INC		
BISHOP LIBERMAN COOK PURCELL & REYNOLDS, 1200 17TH STREET, NW, 7TH FL. WASHINGTON DC 20036	AIR FLORIDA, INC		
Do	AMERICAN MOTORCYCLIST ASSN		
Do	B.A.T. INDUSTRIES, LTD	56,246.00	
Do	HARLEY-DAVIDSON MOTOR CO, INC		
BRENT BLACKWELDER, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	1,835.40	
KENNETH T. BLAYLOCK, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	18,729.06	5,230.41
RICHARD BLISS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	GULF OIL CORP	1,632.50	57.11
Do	ST. JOE MINERALS CORPORATION	2,750.00	76.20

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	STANDARD OIL CO OF CALIFORNIA	2,920.00	4.97
JOHN B. BLOUNT JR., 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	417.98
BLUM NASH & RAILSBACK, SUITE 408 1015 18TH ST., NW WASHINGTON DC 20036	GENERAL ELECTRIC CO		
Do	GETTY NORTHEAST JOBBERS & DISTRIBUTORS ASSN		
Do	MERCK & CO, INC		
Do	TIME, INC		
DAVID A. BOCKORNY, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	634.55
SETH M. BODNER, 386 PARK AVENUE SOUTH NEW YORK NY 10016	NATIONAL KNITWEAR & SPORTSWEAR ASSN	1,250.00	
LARRY A. BOGGS, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
W. DAN BOONE, 345 PARK AVE. NEW YORK NY 10154	UNION PACIFIC CORP. AND ALLIANCE FOR CLEAN ENERGY		
BOWMAN CONNER TOUHEY & PETRILLO, 2828 PENNSYLVANIA AVENUE, NW, #203 WASHINGTON DC 20007	D. MOODY & CO, INC		
Do	NATIONAL ASSN OF AIRCRAFT & COMMUNICATIONS SUPPLIERS, INC	6,000.00	882.74
Do	NATIONAL SMALL BUSINESS GOVERNMENT CONTRACTORS ASSN		
THERESA M. BRADY, 444 N. CAPITOL STREET, NW, #801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	769.20	
PATRICIA L. BRAND, 1110 VERMONT AVENUE, NW, #430 WASHINGTON DC 20005	HELICOPTER ASSOCIATION INTERNATIONAL		
EDWARD T. BREATHITT, 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	NORFOLK SOUTHERN CORPORATION		
ALBERT E. BREWSTER, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORP		50.00
WILLIAM BRIGGS, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO		244.77
BROADHURST BROOK MANGHAM HARDY & REED, 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	COLUMBIA GAS SYSTEM SERVICE CORP	1,[illegible]00.00	640.00
Do	LOUISIANA INTRASTATE GAS CORP	850.00	8.00
Do	PHILLIPS PETROLEUM CO	1,350.00	830.00
Do	TEXAS GAS TRANSMISSION CO	1,125.00	643.10
JOSEPH BROWDER, 1317 F STREET, NW WASHINGTON DC 20004	HAZOX, INC		
BROWN & FINN, SUITE 510 1920 N STREET, NW WASHINGTON DC 20036	SATELLITE TELEVISION INDUSTRY ASSN/S.P.A.C.E.	230.00	
Do	SATELLITE TV VIEWING RIGHTS SUPERFUND, INC	29,227.50	11,797.00
BROWN & SEYMOUR, 100 PARK AVENUE, #2606 NEW YORK NY 10017	GRAY PANTHERS	5,000.00	271.05
DONALD K. BROWN, 1121 L ST., #810 SACRAMENTO CA 95814	CROWLEY MARITIME CORPORATION		
Do	SUMMA CORPORATION		
HOWARD C. BROWN JR., 11140 ROCKVILLE PIKE ROCKVILLE MD 20852	CENTAR ASSOCIATES		
Do	NATIONAL ASSN OF LIFE SCIENCE INDUSTRIES, INC		
MARGUERITE BRACY BROWN, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	8,983.56	111.70
WALTER W. BRUDNO, 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	DEMINEX U.S. OIL CO	12,499.98	
Do	TEXASGULF, INC	12,499.98	
MARGARET H. BRYANT, 1899 L ST., NW, #500 WASHINGTON DC 20036	AMERICAN NATURAL RESOURCES CO	707.00	50.00
SUSAN BUCK, 115 D ST., NE WASHINGTON DC 20003	UNITED TELECOM COMMUNICATIONS, INC		
BUCKLEY SECURITY INTERNATIONAL, INC, P.O. BOX 2415 SATELLITE BEACH FL 32937	WACKENHUT CORPORATION		
SUSAN M. BUFFONE, 3604 34TH STREET, NW WASHINGTON DC 20009	NATIONAL PARKS & CONSERVATION ASSOCIATION	210.00	
CHRISTINE CAPITO BURCH, 1625 L STREET, N.W. WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	9,443.70	218.28
J. THOMAS BURCH JR., 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	BURCH, WILHELM & MCDONALD, P.C. (FOR: M.A.N. TRUCK & BUS CORP)		
BURCH WILHELM & MCDONALD, P.C., 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP	954.50	
WILLIAM J. BURHOP, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	10,200.00	
SALLY J. BURKE, SCOTT HARRISON & MCLEOD 2501 M STREET, NW WASHINGTON DC 20037	AMERICAN ASSN OF CROP INSURERS		
FRANCIS X. BURKHARDT, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES		
DAVID G. BURNEY, 2040 HARBOR ISLAND DR., #208 SAN DIEGO CA 92101	U.S. TUNA FOUNDATION	6,000.00	3,000.00
MICHAEL BURNS, 21 DUPONT CIRCLE, NW, #401 WASHINGTON DC 20036	BUSINESS EXECUTIVES FOR NATIONAL SECURITY	7,500.00	404.00
B. KENT BURTON, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	8,000.00	124.52
NICHOLAS J. BUSH, SUITE 200 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATURAL GAS SUPPLY ASSN	4,687.50	3,952.08
EDWARD S. CABOT, 1285 AVENUE OF THE AMERICAS NEW YORK NY 10019	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.	3,920.00	5,550.00
CADWALADER WICKERSHAM & TAFT, 7TH FLOOR 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	INSTITUTE OF INTERNATIONAL CONTAINER LESSORS		
Do	MOCATTA METALS CORP		
Do	PHILADELPHIA STOCK EXCHANGE	2,312.50	35.00
JOHN D. CAHILL, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY	3,000.00	
CAIN & SMITH, P.O. BOX 2286 AUSTIN TX 78768	STATE BAR OF TEXAS, JUDICIAL SECTION		
BRUCE P. CAMERON, 1411 K ST., NW, SUITE 850 WASHINGTON DC 20005	AMERICANS FOR DEMOCRATIC ACTION	2,291.60	250.00
CAMPAIGN FOR COMMUNITY-BASED ECONOMIC DEVELOPMENT, SUITE 901 2025 EYE STREET, NW WASHINGTON DC 20006		1,[illegible]50.00	1,400.00
JERRY L. CAMPBELL, 831 CHESTNUT ST. CHATTANOOGA TN 37402	TENNESSEE VALLEY PUBLIC POWER ASSN		
ALYCE D. CANADAY, 918 16TH ST., NW WASHINGTON DC 20006	PACIFIC POWER AND LIGHT CO	740.00	1,289.15
ROBERT P. CANAVAN, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,535.00	18.00
SHARON M. CANAVAN, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	6,000.00	340.00
WILLIAM F. CANIS, 1850 K STREET, NW, #925 WASHINGTON DC 20006	CATERPILLAR TRACTOR CO	2,500.00	136.42
CAPITAL ADVOCATES, 1127 11TH STREET, #950 SACRAMENTO CA 95814	CROWLEY MARITIME CORP	11,[illegible]00.00	4,762.76
Do	DISTILLED SPIRITS COUNCIL OF THE US, INC		
PETER CARLSON, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	1,476.69	
JACK CARPENTER, 1920 N ST. NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	40.00	6.75
THOMAS W. CARROLL, 129 BELMONT AVENUE BUFFALO NY 14223			
JOHN R. CARTER, 1000 WILSON BOULEVARD SUITE 2600 ARLINGTON VA 22209	TRW, INC	1,000.00	
DANIEL J. CASSIDY, 3333 EASTSIDE, #130 HOUSTON TX 77098	GREATER HOUSTON HOSPITAL COUNCIL		
G. THOMAS CATOR, 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE, CATOR & ASSOCIATES, INC (FOR: ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS).		
GORDON CAVANAUGH, 509 C ST., NE WASHINGTON DC 20002	ROISMAN, RENO & CAVANAUGH (FOR: COUNCIL OF LARGE PUBLIC HOUSING AUTHORITIES).	12,666.66	44.80
CENTER FOR ENVIRONMENTAL EDUCATION, INC, SUITE 500 624 9TH STREET, NW WASHINGTON DC 20001		292,261.00	1,102.00
BRUCE L. CHRISTENSEN, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	600.00	150.00
GILBERT CLARK, SUITE 600 1117 N. 19TH ST. ARLINGTON VA 22209	AMERICAN ASSN OF BLOOD BANKS		
JULIE CLARK, 1625 K ST., NW EIGHTH FLOOR WASHINGTON DC 20006	NATIONAL LEGAL AID & DEFENDERS ASSN	9,347.00	83.69
COALITION FOR FULL NUCLEAR ACCOUNTABILITY, 218 D ST., SE WASHINGTON DC 20003			
COALITION TO PROMOTE AMERICA'S TRADE, 1875 EYE STREET, NW, #540 WASHINGTON DC 20006		18,000.00	35,750.87
COASTAL PROPERTIES INSTITUTE, INC., 66 SURFWATCH DRIVE JOHNS ISLAND SC 29455			
COHEN & URETZ, 1775 K STREET, NW, #400 WASHINGTON DC 20006	DONREY, INC	18,160.00	598.54
Do	EXECUTIVE LIFE INSURANCE CO	1,300.00	
ROBERT E. COLE, 900 17TH ST., NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORP	500.00	6.75
COLLIER SHANNON RILL & SCOTT, SUITE 308 1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	LUKENS, INC	1,200.00	
TERESE COLLING, COLLING ASSOCIATES 2062 14TH STREET, NORTH ARLINGTON VA 22201	MEDIA GENERAL, INC	1,080.00	101.77
COLUMBIA GORGE UNITED, BOX 328 STEVENSON WA 98648			
COMPETITIVE ENTERPRISE INSTITUTE, 2039 NEW HAMPSHIRE AVENUE, NW, #206 WASHINGTON DC 20009			
CONFERENCE OF STATE BANK SUPERVISORS, 1015 18TH ST., NW WASHINGTON DC 20036			2,692.29
CONGRESSIONAL DIST ACTION COMM, DIST 7, C/O JOE TOMAINO 2735 IVY ST. TAMPA FL 33607			
JEFFREY B. CONLEY, 605 14TH ST., NW WASHINGTON DC 20005	E. BRUCE HARRISON COMPANY, INC (FOR: NEDA/CAAP)		
ROBERT J. CONNER JR., 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHRYSLER CORPORATION	500.00	1,597.40
PAULA J. CONNOLLY, 1700 K STREET, NW, #702 WASHINGTON DC 20006	AMERICAN EXPRESS CO		
RICHARD J. CONNOR JR., 1201 PENNSYLVANIA AVENUE, NW, #220 WASHINGTON DC 20004	JOSEPH E. SEAGRAM & SONS, INC	562.50	66.52
CONSERVATIVE ALLIANCE, 1001 PRINCE ST., #100 ALEXANDRIA VA 22314			
CONSOLIDATED EDISON CO OF NEW YORK, INC, 4 IRVING PLACE NEW YORK NY 10003			676.25
CONSOLIDATED RAIL CORPORATION, PO BOX 23451 WASHINGTON DC 20024			13,151.00
CONSUMER ENERGY COUNCIL OF AMERICA, SUITE 320 2000 L ST., NW WASHINGTON DC 20036			132.50
CONSUMER FEDERATION OF AMERICA, 1314 14TH ST., NW WASHINGTON DC 20005		65,044.00	78,250.00
CONSUMERS UNITED FOR RAIL EQUITY (C.U.R.E.), 1050 THOMAS JEFFERSON STREET, NW, 7TH FL WASHINGTON DC 20007			
JOHN A. CONWAY, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
C. WILLIAM COOPER, 603 BROAD ST. SEWICKLEY PA 15143	UNITED DISTRIBUTION COMPANIES	1,050.00	80.00
JOHN F. CORCORAN, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORPORATION	1,000.00	
COUNCIL FOR A COMPETITIVE ECONOMY, INC., 410 FIRST ST., SE WASHINGTON DC 20003			
ERIC COX, 418 7TH ST., SE WASHINGTON DC 20003	CAMPAIGN FOR U.N. REFORM-POLITICAL EDUCATION COMMITTEE	739.20	
W. O. CRAFT JR., CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20008	STANDARD OIL CO OF CALIFORNIA	3,555.00	4.97
DONALD J. CRONIN, 1511 K STREET, NW, #820 WASHINGTON DC 20005	FRANK G. KINGSLEY	5,000.00	175.00
BARRY M. CULLEN, 1620 EYE ST., NW, #700 WASHINGTON DC 20006	INTERNATIONAL PAPER CO	55.00	
MARY BETH CURRY, 1050 17TH STREET, NW, #770 WASHINGTON DC 20036	AMERICAN ASSN OF HOMES FOR THE AGING	258.46	3.00
CURTIS THAXTER LIPEZ STEVENS BRODER & MICOLEAU, 1 CANAL PLAZA P.O. BOX 7326 PORTLAND ME 04112	AMERICAN EXPRESS CO		
JAY B. CUTLER, 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	5,412.00	1,035.67
RUDOLPH N. D'AGARIS, 4708 NORBECK RD. ROCKVILLE MD 20853			
DALEY & GEORGE, LTD, 111 W. WASHINGTON STREET, #2035 CHICAGO IL 60602	COMBINED INSURANCE CO		350.00
Do	EXECUTIVE AFFILIATES		
DAMRELL DAMRELL & NELSON, P.C., 911 13TH STREET P.O. BOX 3489 MODESTO CA 95353	CENTRAL SAN JOAQUIN RIVER ASSN	186.00	24.00
Do	CLAVEY-WARDS FERRY PROJECT, ET AL	3,914.00	954.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	STOCKTON TERMINAL & EASTERN RAILROAD	136.00	47.00
DAN DANNER, 1747 PENNYSLVANIA AVE., NW WASHINGTON DC 20006	ARMCO, INC	600.00	577.60
EDWARD J. DAVEY, 1201 PENNSYLVANIA AVENUE, NW, #340 WASHINGTON DC 20004	ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC	4 050.00	
CHRISTOPHER L. DAVIS, 2501 M STREET, NW, #400 WASHINGTON DC 20037	ALLNET COMMUNICATION SERVICES, INC		
THOMAS A. DAVIS, SUITE 407 499 S. CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN GENERAL LIFE INSURANCE CO	2,415.00	155.48
Do	AMERICAN HORSE COUNCIL	420.00	82.67
Do	APACHE CORPORATION		
Do	CHICAGO BOARD OF TRADE	6,370.00	783.80
Do	FLORIDA POWER & LIGHT CO	1,435.00	
Do	FLORIDA SUGAR CANE LEAGUE, INC		
Do	NATIONAL CATTLEMEN'S ASSN	560.00	
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
Do	PROVIDENT LIFE & ACCIDENT INSURANCE CO	175.00	
Do	SPECIAL COMM FOR U.S. EXPORTS	1,520.00	137.30
Do	U.S. SUGAR	175.00	
Do	UNITED AIRLINES	770.00	
Do	WINTHROP FINANCIAL		90.67
DONALD S. DAWSON, 723 WASHINGTON BLDG. WASHINGTON DC 20005	OPTICIANS ASSN OF AMER	3,000.00	
Do	VIRGIN ISLANDS GIFT & FASHION SHOP ASSN		
Do	VIRGIN ISLANDS MERCHANTS ASSOCIATION		
CURTIS DEANE, 1424 16TH STREET, NW, #700 WASHINGTON DC 20036	FEDERATION FOR AMERICAN IMMIGRATION REFORM (FAIR)	315.00	96.25
MARY ELISE DEGONIA, 600 MARYLAND AVENUE, SW WEST WING, SUITE 300 WASHINGTON DC 20024	70001 LTD	500.00	20.00
DELOITTE HASKINS & SELLS, 655 15TH STREET, NW WASHINGTON DC 20005	ARKANSAS ELECTRIC COOPERATIVE CORP	5,580.00	587.20
Do	HYDRIL CO	8,265.00	85.00
Do	INDEPENDENT LIFE & ACCIDENT INSURANCE CO	680.00	
Do	TEKTRONIX CORPORATION	14,365.00	172.80
Do	TRIANGLE INDUSTRIES, INC	4,620.00	266.50
Do	UNION PACIFIC CORP		
MICHAEL J. DELOOSE, 1015 18TH STREET, NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	1,087.00	15.51
ELIZABETH C. DEMATO, 5210 AUTH WAY CAMP SPRINGS MD 20746	SEAFARERS INTERNATIONAL UNION	3,000.00	97.81
DEMINEX U.S. OIL COMPANY, SUITE 840, LOCK BOX 340 PLAZA OF THE AMERICAS, NORTH TOWER DALLAS TX 75201			1,494.38
SAMUEL L. DEVINE, BRICKER & ECKLER 888 SEVENTEENTH STREET, NW WASHINGTON DC 20006	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
Do	GROCERY MANUFACTURERS OF AMERICA, INC	150.00	
Do	OCCIDENTAL PETROLEUM CORP	19,999.98	
Do	PAYCO AMERICAN CORPORATION		
Do	PEPSICO, INC	5,000.00	
DICKINSON WRIGHT MOON VAN DUSEN & FREEMAN, 1901 L ST., NW SUITE 801 WASHINGTON DC 20036	DETROIT MADISON COMPANY		
Do	GENERAL MOTORS CORP	2,880.00	423.94
Do	K MART CORP		
Do	OAKLAND COUNTY D.P.W.		
PATSY B. DIX, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,021.00	122.00
STEVEN P. DOEHLER, SUITE 1405 1725 K ST., NW WASHINGTON DC 20006	MORTGAGE INSURANCE COMPANIES OF AMERICA	2,500.00	131.04
JOHN T. DOLAN, 1001 PRINCE STREET ALEXANDRIA VA 22314	CONSERVATIVE ALLIANCE (CALL)		
GREGORY S. DOLE, BRAND LOWELL & DOLE 923 15TH STREET, NW WASHINGTON DC 20005	NATIONAL HEAD INJURY FOUNDATION, INC		
ROLAND DOLLY, 1899 L STREET, NW, #500 WASHINGTON DC 20036	AMERICAN NATURAL RESOURCES CO	323.40	50.00
DOMESTIC PETROLEUM COUNCIL TRADE ASSOCIATION, 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036			
RICHARD M. DONALDSON, 1738 GUILDHALL BLDG. CLEVELAND OH 44115	STANDARD OIL CO (OHIO)	31.25	
MAY DEL RIO DORFMAN, 380 SECOND AVENUE NEW YORK NY 10010	PLANNED PARENTHOOD OF NEW YORK CITY, INC	383.63	
CHARLENE DOUGHERTY, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	8,000.00	9,375.00
DIANE DOUGHTY, 425 13TH STREET, NW, #723 WASHINGTON DC 20004	NATIONAL ORGANIZATION FOR WOMEN, INC		1,601.53
RICHARD MORGAN DOWNEY, 10801 ROCKVILLE PIKE ROCKVILLE MD 20852	AMERICAN SPEECH-LANGUAGE-HEARING ASSN		
JOHN C. DOYLE JR., 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	316.41	
ANTHONY V. DRESDEN, 444 N. CAPITOL STREET, NW, #801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	439.40	
DOUGLAS F. DUERR, 1730 RHODE ISLAND AVE. SUITE 810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	80.02
DUNCAN ALLEN & MITCHELL, 1575 EYE STREET, NW WASHINGTON DC 20005	COLORADO RIVER ENERGY DISTRIBUTORS ASSN	5,234.28	197.23
LOUISE C. DUNLAP, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	236.58	
DONALD R. EBE, 1800 K ST., NW, #800 WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO	3,750.00	
PATRICIA K. ECONOMOS, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
EDEA, INC, 929 GUISANDO DE AVILA TAMPA FL 33612	AMERICAN SHIP BUILDING CO	6,500.00	1,900.00
ED EDMONDSON, BOX 11 MUSKOGEE OK 74401	AMERICAN INLAND WATERWAYS COMMITTEE		
Do	CHEROKEE NATION		
Do	DOSS AVIATION, INC		
Do	IU INTERNATIONAL MANAGEMENT CORP		
Do	OKLAHOMA ASSN OF ELECTRIC COOPS		
Do	U.S. MARITIME COMMITTEE, INC		
MICHAEL D. EDWARDS, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	1,323.25	32.50
TIMOTHY L. ELDER, 1850 K ST., NW SUITE 925 WASHINGTON DC 20006	CATERPILLAR TRACTOR CO	2,500.00	687.57
JOHN DOYLE ELLIOTT, 5500 QUINCY ST. HYATTSVILLE MD 20784			
KEITH H. ELLIS, 1015 18TH ST.,NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	1,450.00	139.78
STEVEN L. ENGELBERG, 2033 M ST., NW, #404 WASHINGTON DC 20036	AMERICAN ASSN FOR MARRIAGE & FAMILY THERAPY		
Do	BURING ESTATE		6,253.36
Do	DONREY, INC	5,000.00	5,218.36
ENVIRONMENTAL ACTION, INC, ROOM 731 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036		7,445.00	7,445.00
J. BARRY EPPERSON, P.O. BOX 42464 HOUSTON TX 77242	ASSOCIATED WIRE ROPE FABRICATORS	800.00	2,610.00
EPSTEIN BECKER BORSODY & GREEN, SUITE 900 1140 19TH ST., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC		8,051.20
KIMBERLY NEILSEN EPSTEIN, 2626 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVE ASSN	1,862.50	198.40
PAUL A. EQUALE, 600 PENNSYLVANIA AVE., SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	10,903.90	
ESTATE OF MABEL R. LADD, R.R. 1 BUNKER HILL IN 46914			
ETHYL CORPORATION, SUITE 611 1155 15TH ST., NW WASHINGTON DC 20005			
DONALD C. EVANS JR., 214 MASSACHUSETTS AVENUE, NE, #560 WASHINGTON DC 20002	CONSOLIDATED FOODS CORP		
Do	FREIGHT FORWARDERS INSTITUTE		
Do	OLYMPIA & YORK DEVELOPMENTS LTD		
Do	OLYMPIA & YORK EQUITY CORP		
MICHAEL FADEN, SUITE 1101 1346 CONNECTICUT AVE., NW WASHINGTON DC 20006	UNION OF CONCERNED SCIENTISTS	7,350.00	
FREDERICK FEDELI, 1400 K ST., NW WASHINGTON DC 20006	AMERICAN PSYCHIATRIC ASSN	1,800.00	582.00
FEDERAL EXPRESS CORP, BOX 727 MEMPHIS TN 38194			38,178.18
FEDERAL KEMPER LIFE ASSURANCE COMPANY, KEMPER BLDG. D-3 LONG GROVE IL 60049			5,137.97
MARK B. FELDMAN, DONOVAN, LEISURE, NEWTON & IRVINE 1850 K STREET, NW WASHINGTON DC 20006	MOTION PICTURE EXPORT ASSN OF AMERICA, INC		
ALLEN R. FERGUSON, 1525 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	PUBLIC INTEREST ECONOMICS FOUNDATION		
JACK FERGUSON ASSOCIATES, 203 MARYLAND AVE., NE WASHINGTON DC 20002	DILLINGHAM CONSTRUCTION GROUP	12,140.00	1,025.76
Do	DILLINGHAM SHIP REPAIR		
Do	FOSS LAUNCH & TUG COMPANY; FOSS ALASKA LINE	600.00	685.76
Do	MIDLAND CAPITAL CORP		
Do	NORTHWEST ENERGY COMPANY	6,300.00	882.42
Do	U.S. BORAX & CHEMICAL CORP	5,737.50	1,036.52
DENISE G. FERGUSON, 1700 K STREET, NW, #702 WASHINGTON DC 20006	AMERICAN EXPRESS CO		
THEODORA FINE, 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	2,502.00	781.59
FINLEY KUMBLE WAGNER HEINE UNDERBERG MANLEY & CASEY, 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036.	AMERICAN PRESIDENT LINES	875.00	
Do	MUTUAL PROTECTION TRUST COOPERATIVE OF AMERICAN PHSYICANS	500.00	
Do	OCCIDENTAL PETROLEUM CORP	3,119.61	
Do	TDI WINSTON NETWORK, INC		
Do	TRANSIT ADVERTISING ASSN, INC		
JILL FINSEN, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	131.80
JOHN FISHER, 1140 OKLAHOMA ROAD COOK WA 98605	COLUMBIA GORGE UNITED		
DAVID M. FITZGERALD, 900 17TH STREET, NW WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER/GOODYEAR AEROSPACE	1,450.00	
Do	LITTON DATA SYSTEMS	1,350.00	
MARK FITZGERALD, 15TH & M ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
DAVID H. FOERSTER, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
JAMES F. FORT, 316 PENNSYLVANIA AVE., SE, #304 WASHINGTON DC 20003	UNITED PARCEL SERVICE		
ALLAN FOX, 1575 I STREET, NW, #1150 WASHINGTON DC 20005	KAYE SCHOLER FIERMAN HAYS & HANDLER (FOR: BRISTOL-MYERS CO.)	285.00	10.00
CHUCK FOX, 218 D STREET, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	110.60	14.00
DONALD FRAHER, 633 E STREET, NW WASHINGTON DC 20004	HANDGUN CONTROL, INC	7,269.00	250.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
GEORGE FRANKLIN, 235 PORTER ST. BATTLE CREEK MI 49016	KELLOGG COMPANY	3,000.00	[illegible]
THOMAS C. FRANKS, 604 SOLAR BUILDING 1000 16TH STREET, NW WASHINGTON DC 20036	AMERICAN LAND DEVELOPMENT ASSN		
GREGORY W. FRAZIER, P.O. BOX 427 ENGLEWOOD CO 80151	INTERNATIONAL ENERGY BROKERS, INC		
FREDERICK SERVICE GROUP, 102 W. CHURCH STREET FREDERICK MD 21701			
FRIED FRANK HARRIS SHRIVER & KAMPELMAN, SUITE 1000 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	DIAMOND DEALERS CLUB, INC		
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO		3,417.37
FRIENDS OF THE RURAL DEVELOPMENT LOAN FUND, 2025 I STREET, NW, #901 WASHINGTON DC 20006		11,700.00	2,936.18
CHARLES H. FRITTS, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSN	5,700.00	
FULBRIGHT & JAWORSKI, 1150 CONNECTICUT AVE., NW, #400 WASHINGTON DC 20036	CONSOLIDATED CAPITAL EQUITIES CORP	412.50	
Do	CRYSTAL OIL COMPANY		
Do	HOTEL INVESTORS TRUST		
Do	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC	412.50	26.40
Do	SAMUEL GARY OIL PRODUCER, INC	6,648.75	324.21
Do	SANTA ANITA REALTY ENTERPRISES, INC		
DAVID C. FULLARTON, 2626 PENNSYLVANIA AVE., NW WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVE ASSN	600.00	
NANCY H. FUSSELL, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	1,578.00	1,438.92
G-4 CHILDREN'S COALITION, ROOM 1100 1666 K STREET, NW WASHINGTON DC 20006		754.18	4,012.06
CURTIS B. GANS, ROUTE 2, BOX 60 LOVETTSVILLE VA 22190	COMMITTEE FOR THE STUDY OF THE AMERICAN ELECTORATE	46,000.00	1,600.00
NICHOLAS P. GARNETT, SUITE 410 1025 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INSULATION CONTRACTORS ASSN		
GAS APPLIANCE MANUFACTURERS ASSOCIATION, INC., 1901 NORTH FORT MYER DR. ARLINGTON VA 22209			26.05
GAY RIGHTS NATIONAL LOBBY, INC, 750 7TH ST., SE WASHINGTON DC 20003		65,459.18	64,571.86
CLAIRE M. GEOGHEGAN, 415 2ND ST., NE WASHINGTON DC 20002	AMERICAN COUNCIL FOR COMPETITIVE TELECOMMUNICATIONS	5,465.41	
GEORGIA ASSN OF PETROLEUM RETAILERS, INC, 900 N. HAIRSTON ROAD, SUITE D STONE MOUNTAIN GA 30083			
GERARD BYLER & ASSOCIATES, INC, 1100 17TH ST., NW, #1100 WASHINGTON DC 20036	AK CHIN INDIAN COMMUNITY	1,277.00	
Do	COLVILLE BUSINESS COUNCIL	636.00	
Do	COMMISSIONED OFFICERS ASSN OF THE U.S. PUBLIC HEALTH SERVICE	344.00	
Do	MINNESOTA CHIPPEWA TRIBE	772.00	
Do	PAPAGO TRIBE OF ARIZONA	1,564.00	
Do	SANTA CLARA PUEBLO		
Do	TULALIP TRIBES	840.00	
Do	LEECH LAKE RESERVATION BUSINESS COMMITTEE		
ALVIN J. GESKE, SUITE 1109 1801 K ST., NW WASHINGTON DC 20006	NATIONAL CATTLEMEN'S ASSN		
WILLIAM C. GIBB, 1750 K STREET, NW, #1200 WASHINGTON DC 20006		40,000.00	
JACQUELINE GILLAN, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH		
GERARD GIOVANIELLO, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	460.16
MICHAEL K. GIRE, BRICKER & ECKLER 100 E. BROAD ST. COLUMBUS OH 43215	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
DONALD R. GLENN, 1627 K STREET, NW, #200 WASHINGTON DC 20006	ENERGY RESEARCH CORP		
GARY R. GLENN, 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	JAFFE SNIDER RAITT & HEUER, P.C.	648.00	
JAMES T. GLENN, 840 WASHINGTON BUIDING 15TH STREET & NEW YORK AVE., NW WASHINGTON DC 20005	CSX CORPORATION	3,000.00	807.55
ELMER G. GLESKE, 300 METROPOLITAN SQUARE 655 15TH STREET, NW WASHINGTON DC 20005	FLIGHT SAFETY INTL INC		
JERE W. GLOVER, 1725 K STREET, NW, #308 WASHINGTON DC 20006	NATIONAL COUNCIL FOR INDUSTRIAL INNOVATION		
GODFREY ASSOC, INC, SUITE S-501 918 16TH ST., NW WASHINGTON DC 20006			
HORACE D. GODFREY, 918 16TH ST., NW, SUITE S-501 WASHINGTON DC 20006	GODFREY ASSOC, INC		
DONNA GOLD, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
HARVEY S. GOLD, 8100 OAK STREET DUNN LORING VA 22027	VELSICOL CHEMICAL CORP	160.00	50.09
ALFONSO J. GONZALEZ, 6105 32ND ST., NW WASHINGTON DC 20015	NATIONAL ASSN OF SOCIAL WORKERS		
LEE M. GOODWIN, WICKWIRE GAVIN & GIBBS, P.C. 1819 L STREET, NW, #700 WASHINGTON DC 20036	NATIONAL HYDROPOWER ASSN, ET AL	1,000.00	
ROBERT D. GORDON, 117 C STREET, SE WASHINGTON DC 20003	UNITED FEDERATION POLICE		
ANN M. GOSIER, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	15.00	3.00
GEORGE B. GOULD III, 100 INDIANA AVE., NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	11,776.41	5,243.00
GRAHAM & JAMES, SUITE 1200 1050 17TH STREET, NW WASHINGTON DC 20036	NEPTUNE ORIENT LINES, LTD		
JOHN K. GRAM, 319 SW WASHINGTON STREET, #714 PORTLAND OR 97204	PUBLIC TIMBER PURCHASERS GROUP	1,781.25	495.50
LUIS L. GRANADOS, SUITE 400 1725 DESALES ST., NW WASHINGTON, DC 20036	ESOP ASSOCIATION OF AMERICA	20,250.00	28,872.14
EDWARD S. GRANDIS, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	1,791.83	
JAMES L. GRANUM, 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	NORFOLK SOUTHERN CORPORATION	1,000.00	
RUTH P. GRAVES, SUITE 500 600 MARYLAND AVE., SW WASHINGTON DC 20024	READING IS FUNDAMENTAL, INC	405.00	33.30
JAMES W. GREEN, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
LEON GREEN JR., 2101 CONNECTICUT AVENUE, NW WASHINGTON DC 20005	CLEAN COAL COALITION, INC		
DAVID I. GREENBERG, 1314 14TH STREET, NW WASHINGTON DC 20005	CONSUMER FEDERATION OF AMERICA	6,375.00	
ELDON V. C. GREENBERG, GALLOWAY & GREENBERG 1725 EYE STREE, NW, #601 WASHINGTON DC 20006	SOUTHEASTERN FISHERIES ASSN, INC	3,000.00	1,117.50
PHYLLIS GREENBERGER, 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	1,800.00	776.58
MARCI E. GREENSTEIN, 2626 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVE ASSN		
ROBERT GREENSTEIN, 236 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CENTER ON BUDGET & POLICY PRIORITIES	1,358.25	412.30
WILLIAM G. GREIF, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	45,000.00	
EDWARD F. GREISSING JR., 1660 L ST., NW, #205 WASHINGTON DC 20036	UPJOHN COMPANY		
STANLEY C. GROSS, 249 MAITLAND AVENUE ALTAMONE SPRINGS FL 32701	INSTITUTE OF INTERNAL AUDITORS, INC		
JOHN T. GRUPENHOFF, SUITE 306 10,000 FALLS ROAD POTOMAC MD 20854	NATIONAL HEMOPHILIA FOUNDATION	360.00	140.55
ELLEN HAAS, 1001 CONNECTICUT AVE., NW, #519 WASHINGTON DC 20036	PUBLIC VOICE FOR FOOD & HEALTH POLICY		
BEVERLY HALEM, 414 HIGHPOINT DR. COCA FL 32926	HALEM INDUSTRIES, INC		
HALEY BADER & POTTS, SUITE 600 2000 M STREET, NW WASHINGTON DC 20036	PILOTS RIGHTS ASSOCIATION	95.31	67.69
SEYMOUR HALPERN, 540 MADISON AVENUE, 23RD FL. NEW YORK NY 10022	BARON/CANNING & CO., INC. (FOR: AMERICAN CAN CO)		
Do	BARON/CANNING & CO., INC. (FOR: COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS).	1,000.00	276.00
Do	BARON/CANNING & CO., INC. (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN)	1,000.00	121.75
Do	BARON/CANNING AND COMPANY, INC (FOR: REPUBLIC OF KOREA)		
CHRISTINA HAMMOND, 2033 M ST. NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	1,500.00	50.00
ROBERT N. HAMPTON, 7010 GIRARD STREET MCLEAN VA 22101	AUTOMOBILE IMPORTERS OF AMERICA, INC	3,250.00	150.00
HANDGUN CONTROL, INC, 1400 K STREET, NW, #500 WASHINGTON DC 20005		489,375.00	66,621.00
PETER J. HAPWORTH, 1015 15TH STREET, NW, #200 WASHINGTON DC 20005	SUGAR ASSOCIATION, INC	500.00	9.00
GILBERT HARDY, WALD, HARKRADER & ROSS 1300 19TH STREET, NW WASHINGTON DC 20036	NATIONAL CONFERENCE OF BLACK MAYORS		
DAN R. HARLOW, 717 N. HARWOOD STREET DALLAS TX 75201	DIAMOND SHAMROCK CORPORATION	1,000.00	
JIM HARRISON, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASSOCIATION OF URBAN UNIVERSITIES	3,750.00	
LEWIS B. HASTINGS, 1776 K ST., NW, #200 WASHINGTON DC 20006	MOTOROLA, INC	3,000.00	
MELINDA R. HATTON, 1101 VERMONT AVENUE, NW, #300 WASHINGTON DC 20005	AMERICAN ACADEMY OF OPHTHALMOLOGY		
JOHN W. HAZARD JR., WEBSTER, CHAMBERLAIN & BEAN 1747 PENNSYLVANIA AVENUE, NW, #1000 WASHINGTON DC 20006.	DIAGNOSTIC/RETREIVAL SYSTEMS, INC		
JULIE HEEGAARD, 880 22ND AVENUE, SE MINNEAPOLIS MN 55414	MINNESOTANS FOR PEACE IN CENTRAL AMERICA	2,818.21	94.78
EDWARD D. HEFFERNAN, 1875 EYE ST., NW, # 1025 WASHINGTON DC 20006	CAMP, CARMOUCHE, BARSH, HUNTER, GRAY & HOFFMAN, P.C.	12,000.00	
Do	DUCTILE IRON PIPE RESEARCH ASSN		
Do	HAZELTINE CORPORATION	6,000.00	
Do	SHELL OIL CO	4,380.30	5.30
ROSS J. HEIDE, 1001 22ND STREET, NW, #600 WASHINGTON DC 20037	STANDARD OIL CO (OHIO)		
ELIZABETH W. HEILIG, 1660 L STREET, NW, #215 WASHINGTON DC 20036	CROWN ZELLERABACH CORPORATION		
STEVEN B. HELLEM, 605 14TH ST., NW WASHINGTON DC 20005	E. BRUCE HARRISON CO., INC (FOR: NEDA/CAAP)		
THOMAS R. HENDERSHOT, SUITE200 8181 PROFESSIONAL PL. LANDOVER MD 20785	PHILADELPHIA GAS WORKS	21,420.00	
GEORGE B. HERBERT SR., 6601 SOUTHPOINT DRIVE, #245 JACKSONVILLE FL 32216	LISA ENTERPRISES, INC	12,500.00	598.40
LAWRENCE R. HERMAN, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	9,446.58	
HERRICK & SMITH, 1800 MASSACHUSETTS AVENUE, NW, #510 WASHINGTON DC 20036	SMITH COLLEGE		
WILLIAM G. HERROLD, SUITE 608 1111 19TH ST., NW WASHINGTON DC 20036	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS		
MORTON A. HILL, 475 RIVERSIDE DRIVE, #239 NEW YORK NY 10115	MORALITY IN MEDIA, INC		
JOHN M. HIMMELBERG, SCOTT HARRISON & MCLEOD 2501 M STREET, NW, #400 WASHINGTON DC 20037	FLORIDA FRUIT & VEGETABLE ASSN	1,000.00	
Do	FLORIDA TOMATO EXCHANGE	500.00	
MAUREEN K. HINKLE, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	2,285.28	605.44
J. D. HITTLE, 3137 S. 14TH ST. ARLINGTON VA	LTV AERO-SPACE & DEFENSE CO		
LAWRENCE S. HOBART, 2301 M ST., NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	2,000.00	
HOBBS STRAUS DEAN & WILDER, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	BRISTOL BAY AREA HEALTH CORP	70.00	6.00
Do	MENOMINEE INDIAN TRIBE	1,100.00	
Do	METLAKATLA INDIAN COMMUNITY	1,350.00	14.70
Do	MICCOSUKEE TRIBE OF INDIANS OF FLORIDA	440.00	
Do	NATIONAL CONGRESS OF AMERICAN INDIANS, INC		
Do	OGLALA SIOUX TRIBE	640.00	46.60
Do	PUEBLO DE COCHITI	5,570.00	78.25
Do	STATE OF UTAH	2,000.00	28.75

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	TANANA CHIEFS CONFERENCE, INC	680.00	37.50
Do	THREE AFFILIATES TRIBES OF THE FORT BERTHOLD RESERVATION	5,000.00	60.00
Do	UTE MOUNTAIN UTE TRIBE	4,770.00	63.10
LAWRENCE S. HOFFHEIMER, SUITE 100 2555 M ST. NW WASHINGTON DC 20037	BRAZOS RIVER HARBOR NAVIGATION DISTRICT	5,000.00	
HOGAN & HARTSON, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	AMERICAN ELECTRONICS ASSN	5,592.33	399.44
Do	COMPUTER & BUSINESS EQUIPMENT MANUFACTURERS ASSN	20,079.74	399.44
Do	SCIENTIFIC APPARATUS MAKERS ASSN	2,496.75	399.44
HOLLAND & KNIGHT, 888 17TH ST., NW WASHINGTON DC 20006	EMHART CORPORATION	30,277.50	826.84
Do	WACKENHUT CORPORATION		
MOSES D. HOLMES JR., 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,535.00	47.60
LILLIE E. HOOVER, 103 N. COLLEGE STREET, MARTINSBURG, WV 25401	NATIONAL PEACH COUNCIL	785.00	71.85
KIM HOPPER, 105 EAST 22ND STREET NEW YORK NY 10010	COMMUNITY SERVICE SOCIETY		
JACK W. HOUSTON, 900 N. HAIRSTON ROAD, SUITE D STONE MOUNTAIN GA 30083	GEORGIA ASSOCIATION OF PETROLEUM RETAILERS, INC		
MARY GREER HOUSTON, 1901 L ST., NW #804 WASHINGTON DC 20036	SIEGEL HOUSTON & ASSOC., INC. (FOR: FARM LABOR RESEARCH COMM)		
HOUSTON NATURAL GAS CORP, P.O. BOX 1188 HOUSTON TX 77001			163.45
HOVING GROUP, 2550 M STREET, NW, #695 WASHINGTON DC 20037	WESTERN SOUTHERN	500.00	
JOHN B. HOWERTON, 1730 RHODE ISLAND AVE., NW, #209 WASHINGTON DC 20036	ASARCO INC	2,000.00	
TONY R. HUERTA, 100 INDIANA AVE., NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	5,228.24	
GREGORY A. HUMPHREY, 555 NEW JERSEY AVE., NW WASHINGTON DC 20001	AMERICAN FED OF TEACHERS	13,523.34	60.00
ROBERT R. HUMPHREYS, 1915 EYE ST., NW, #500 WASHINGTON DC 20006	ARTHRITIS FOUNDATION	5,400.00	1,600.00
Do	HELEN KELLER NATIONAL CENTER	725.00	160.00
HARRIET HUNT-BURGESS, 82 2ND ST. SAN FRANCISCO CA 94105	TRUST FOR PUBLIC LAND	7,370.00	5,579.00
ROBERT BRUCE HUNTER, 1801 N. MOORE STREET ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
ISABEL E. HYDE, 1800 K STREET, NW WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO	2,275.00	
INDEPENDENT INSURANCE AGENTS OF AMERICA, INC., 100 CHURCH ST. NEW YORK NY 10007		25,772.22	25,772.22
INSTITUTE OF FOREIGN BANKERS, SUITE 303 EAST, RM. 23 200 PARK AVE. NEW YORK NY 10017		3,500.00	3,500.00
INTERLAKE, INC, 2015 SPRING RD. OAK BROOK IL 60521			16,079.79
INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES, 1750 NEW YORK AVE., NW WASHINGTON DC 20006			
INTERNATIONAL TECHNICAL EXPERTISE, LTD, 7297 J LEE HIGHWAY FALLS CHURCH VA 22042			
ITEL CONTAINER CORP, 55 FRANCISCO STREET, 6TH FL SAN FRANCISCO CA 94133			
ITEL CONTAINERS INTERNATIONAL CORP, TWO EMBARCADERO CENTER SAN FRANCISCO CA 94111			
NEAL A. JACKSON, 1156 15TH STREET, NW WASHINGTON DC 20005	CAROLINAS COTTON GROWERS ASSN, INC	2,336.25	67.41
JAFFE SNIDER RAITT & HEUER, P.C., 1800 FIRST NATIONAL BUILDING DETROIT MI 48226			2,384.38
CLARENCE L. JAMES JR., 444 N. CAPITOL ST., #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: E. F. HUTTON & CO, INC)	4,000.00	
Do	KEEFE COMPANY (FOR: NATIONAL REVENUE CORP)		
T. DESTRY JARVIS, 529 TENNESSEE AVE. ALEXANDRIA VA 22305	NATIONAL PARKS & CONSERVATION ASSOCIATION	949.32	32.00
HERBERT N. JASPER, 415 2ND ST., NE WASHINGTON DC 20002	AMERICAN COUNCIL FOR COMPETITIVE TELECOMMUNICATIONS	8,238.45	
JOSEPH A. JEFFREY, 1920 N STREET,N.W. SUITE 300 WASHINGTON DC 20036	AMERICAN MINING CONGRESS	800.00	55.46
NANCY J. JOHNSON, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
WALLACE E. JOHNSON, MOFFET, LARSON & JOHNSON, P.C. 1925 NORTH LYNN STREET, #700 ARLINGTON VA 22209	ASSOCIATION FOR BROADCASTING ENGINEERING STANDARDS, INC		
JOINT MARITIME CONGRESS, 444 N. CAPITOL ST. WASHINGTON DC 20001		37,466.27	37,466.27
ALLAN R. JONES, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	581.13
BEVERLY E. JONES, WICKWIRE GAVIN & GIBBS, P.C. 1819 L STREET, NW, #700 WASHINGTON DC 20036	AMERICAN INDEPENDENT REFINERS ASSN	100.00	
Do	MAY CO		
Do	NATIONAL HYDROPOWER ASSN, ET AL	115.00	
JONES DAY REAVIS & POGUE, 655 15TH ST., NW WASHINGTON DC 20005	FRENCH & POLYCLINIC MED. SCHOOL & HEALTH CENTER (TRUSTEES)		
Do	PFIZER, INC	2,221.00	31.31
Do	WICKLIFFE PARTNERSHIP	1,450.00	
RANDALL T. JONES, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	1,937.50	
NIZAR JWAIDEH, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
LAUREL B. KAMEN, SUITE 702 1700 K STREET, NW WASHINGTON DC 20006	AMERICAN EXPRESS CO		
PATRICIA L. KATSON, 11215 OAK LEAF DR. SILVERSPRING MD 20901	LIBERTY LOBBY	4,500.00	
RICHARD S. KAUFMAN, 3471 N. FEDERAL HIGHWAY, #511 FT. LAUDERDALE FL 33306	AMERISERV, INC		
KAYE SCHOLER FIERMAN HAYS & HANDLER, 1575 I ST., NW SUITE 1150 WASHINGTON DC 20005	BRISTOL-MYERS COMPANY		1,295.00
Do	HARTFORD FIRE INSURANCE CO		
ROBERT J. KEEFE, 444 N. CAPITOL STREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: AMERICAN FAMILY LIFE ASSURANCE CO)	4,000.00	
Do	THE KEEFE CO. (FOR: CORDAGE INSTITUTE)		
Do	KEEFE COMPANY (FOR: E. F. HUTTON & CO, INC)		
Do	KEEFE COMPANY (FOR: NATIONAL REVENUE CORP)		
Do	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)	8,000.00	
KEIKI KEHOE, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	274.82	
JEFFERSON D. KEITH, 8100 OAK ST. DUNN LORING VA 22027	NATIONAL PEST CONTROL ASSN		
DONALD W. KELLER, P.O. BOX 3331 HOUSTON TX 77253	QUINTANA PETROLEUM CORP		
JOHN J. KELLER, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
KEMPER INVESTORS LIFE INSURANCE CO, 120 SOUTH LASALLE STREET CHICAGO IL 60603			2,908.68
WILLIAM T. KENDALL, 50 E ST., SE WASHINGTON DC 20003	ALLIANCE FOR FREE ENTERPRISE		
ART KENNEDY, P.O. BOX 3576 ECB ANCHORAGE AK 99501	ALASKA RESOURCE ANALYSTS, INC		
BRENDAN KENNY, 1709 NEW YORK AVE., N.W. WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	5,500.00	
T. MICHAEL KERR, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	10,300.02	13.50
KILGORE & KILGORE, INC, 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	DEMINEX U.S. OIL CO	909.00	22,324.47
Do	TEXASGULF, INC		21,770.24
AUBREY C. KING, 1625 EYE STREET, NW, #609 WASHINGTON DC 20006	NATIONAL CLUB ASSOCIATION		
WILLIAM P. KING, 8475 CORAL WAY MIAMI FL 33155			
ROGER P. KINGSLEY, 10801 ROCKVILLE PIKE ROCKVILLE MD 20852	AMERICAN SPEECH-LANGUAGE-HEARING ASSN		
KIRKPATRICK LOCKHART HILL CHRISTOPHER & PHILLIPS, 1900 M ST., NW WASHINGTON DC 20036	COLUMBIA PICTURES INDUSTRIES, INC	217.50	
Do	COUNTY OF SUFFOLK, NEW YORK	180.00	
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	H. K. PORTER COMPANY, INC		
ROBERT A. KLAYMAN, 1101 17TH STREET, NW WASHINGTON DC 20036	CAPLIN & DRYSDALE, CHTD. (FOR: B.D.I. INVESTMENT CORP)	15,780.00	398.20
C. EUGENE KNODER, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY		
THOMAS G. KOBUS, SUITE 350 2000 K ST., NW WASHINGTON DC 20006	NATIONAL PARKING ASSOCIATION	16,907.18	
PAUL E. KOHL, J.C. PENNY CO., INC. 1301 AVENUE OF THE AMERICAS NEW YORK NY 10019	18TH CONG. DIST. FOR PRO-LIFE ACTIVITIES		
KOMINERS FORT SCHLEFER & BOYER, 1776 F ST., NW WASHINGTON DC 20006	APEX MARINE CORP	21,010.00	507.69
Do	CROWLEY MARITIME CORP AND SUBSIDIARIES	7,000.00	743.62
LAWRENCE E. KREIDER, 1015 18TH ST., NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS		
KRIVIT & KRIVIT, 50 E STREET, SE WASHINGTON DC 20003	CITY OF ST PETERSBURG, OFFICE OF INTERGOVERNMENTAL RELATIONS	3,244.50	
PHILIP KUGLER, 555 NEW JERSEY AVE., NW WASHINGTON DC 20001	AMERICAN FED OF TEACHERS		
RONALD H. KUNISAKI, 1730 RHODE ISLAND AVENUE, NW, #204 WASHINGTON DC 20036	JAPANESE AMERICAN CITIZENS LEAGUE	1,600.00	
ERIC T. LAITY, 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	DEMINEX U.S. OIL CO	9,250.00	
Do	TEXASGULF, INC	9,250.00	
STEPHEN K. LAMBRIGHT, ONE BUSCH PLACE ST. LOUIS MO 63118	ANHEUSER-BUSCH COMPANIES, INC		
THOMAS M. LANDIN, ONE FRANKLIN PLAZA PHILADELPHIA PA 19101	SMITH KLINE BECKMAN CORP		
LANE & EDSON, P.C., 2300 M STREET, NW WASHINGTON DC 20036	GENERAL ELECTRIC CREDIT CORP		
WILLIAM L. LARSEN, 1025 CONNECTICUT AVENUE, NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		
JOHN LASTER, 1503 21ST ST., NW WASHINGTON DC 20036	SAVE OUR CHILDREN'S SECURITY		
LATHAM WATKINS & HILLS, SUITE 1200 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AMERICAN DIETETIC ASSN		
Do	COMMUNITY REDEVELOPMENT AGENCY	1,505.00	39.23
LEBOEUF LAMB LEIBY & MACRAE, 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	BRITISH INSURANCE ASSN AND LLOYD'S OF LONDON		
LECHNER & BUTSAVAGE, P.C., 3101 SOUTH ST., NW WASHINGTON DC 20007	NATIONAL ASSN OF POLICE ORGANIZATIONS	11,250.00	8,662.34
ROBERT F. LEDERER, 1250 I STREET, NW, #500 WASHINGTON DC 20005	AMERICAN ASSN OF NURSERYMEN		
LEFEVERE LEFLER KENNEDY O'BRIEN & DRAWZ, 2000 FIRST BANK PLACE WEST 120 SOUTH 6TH STREET MINNEAPOLIS MN 55402.	CITY OF ROCHESTER, MINNESOTA	2,640.00	205.00
DAVID A. LEFF, 444 NORTH CAPITOL WASHINGTON DC 20001	JOINT MARITIME CONGRESS	9,374.30	
DONNA LENHOFF, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND	490.49	342.00
DALE LESTINA, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,535.00	585.80
KENNETH S. LEVINE, SUITE 220 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	JOSEPH SEAGRAM & SONS, INC	977.50	301.79
JAMES F. LEVY, 5301 TRENHOLM ROAD COLUMBIA SC 29260	DENTAL MANAGEMENT SERVICES, INC		
ROGER N. LEVY, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	17,500.00	
STUART A. LEWIS, SUITE 300 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	MANUFACTURERS HANOVER CORP		
Do	NATIONAL BANK OF DETROIT	700.00	
Do	WESCLAG	800.00	
BURTON LEWKOWITZ, 1410 N. 3RD STREET P.O. BOX 25489 PHOENIX AZ 85002	SAMARITAN HEALTH SERVICE		
JUDITH LICHTMAN, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND	448.50	336.17

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
LILLICK MCHOSE & CHARLES, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	JOHNSON SCANSTAR	774.00	
Do	KAISER STEEL CORP	19,860.00	153.91
Do	PACIFIC MARITIME ASSOCIATION	3,757.50	40.66
Do	PACIFIC WESTBOUND CONFERENCE	3,427.00	54.33
KATHLEEN M. LINEHAN, 1025 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	GULF OIL CORP	800.00	321.00
LINTON MIELDS REISLER & COTTONE, LTD, SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	WISCONSIN SOUTHERN GAS CO	391.00	
JANICE C. LIPSEN, 900 17TH ST., NW, #504 WASHINGTON DC 20006	COUNSELORS FOR MANAGEMENT, INC (FOR: IMPRO)		
Do	COUNSELORS FOR MANAGEMENT, INC (FOR: INDEPENDENT ZINC ALLOYERS ASSN)		
Do	WASHINGTON CONFERENCE FOR ZINC, INC		
LISA ENTERPRISES, INC, P.O. BOX 1160 DEERFIELD BEACH FL 33441			13,098.40
BARBARA A. LITTLE, SUITE 611 1155 15TH STREET, NW WASHINGTON DC 20005	ETHYL CORPORATION	1,200.00	
DAVID A. LITVIN, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20037	STANDARD OIL COMPANY (OHIO)	587.50	56.00
ROBERT W. LONG, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	80.00	3.00
CHARLES M. LOVELESS, 1625 L STREET, NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	9,205.38	376.89
DONALD C. LUBICK, 1776 F STREET, NW WASHINGTON DC 20006	BUFFALO PHILHARMONIC ORCHESTRA		
CHARLES EMMET LUCEY, MCDERMOTT, WILL & EMERY 1850 K STREET, NW, #500 WASHINGTON DC 20006	CATHOLIC PRESS ASSN		
LUKENS, INC, 50 SOUTH FIRST AVENUE COATESVILLE PA 19320			1,200.00
JERRY R. LYMAN, 11300 ROCKVILLE PIKE ROCKVILLE MD 20852	RKO GENERAL, INC		
JOHN C. LYNCH, 1615 H STREET, NW WASHINGTON DC 20062	CITIZEN'S CHOICE, INC	7,125.00	
JAMES LYON, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	9.69	
JOHN MACNAMARA, 503 QUEEN STREET EAST SAULT STE. MARIE ONTARIO CANADA P6A 5P2	ALGOMA STEEL CORP, LTD		
MICHAEL MAHDESIAN, 1514 17TH STREET, NW, #306 WASHINGTON DC 20009	ARMENIAN NATIONAL COMMITTEE	4,160.00	946.98
JOAN A. MAHER, 1117 NORTH 19TH STREET, #600 ARLINGTON VA 22209	AMERICAN ASSN OF BLOOD BANKS		
JAMES TIMOTHY MAHONEY, 330 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	SIERRA CLUB	9,628.50	
R. D. PATRICK MAHONEY, 1001 PRINCE STREET, #100 ALEXANDRIA VA 22314	CONSERVATIVE ALLIANCE (CALL)		
MICHAEL C. MAIBACH, 3065 BOWERS AVENUE SANTA CLARA CA 95051	INTEL CORPORATION	12,000.00	9,032.49
PETER T. MANGIONE, 1319 F STREET, NW, #700 WASHINGTON DC 20004	VOLUME FOOTWEAR RETAILERS OF AMERICA	300.00	
DONALD W. MANN, SUITE 1042 16 E. 42ND ST. NEW YORK NY 10017	NEGATIVE POPULATION GROWTH, INC	935.00	
JENNIFER MARCH, 218 D STREET, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	387.37	
PATRICIA MARKEY, SUITE 505 1899 L STREET, NW WASHINGTON DC 20036	UNITED DISTRIBUTION COMPANIES	3,300.00	91.60
DONALD N. MARTIN, DONALD N. MARTIN & COMPANY, INC. 630 FIFTH AVE. NEW YORK NY 10111			
JAMES D. MARTIN, 4600 72ND AVENUE LANDOVER HILLS MD 20784	COMMUNICATIONS SATELLITE CORPORATION	2,000.00	309.37
MIKE M. MASAOKA, SUITE 520, THE FARRAGUT BLDG. 900 17TH ST., NW WASHINGTON DC 20006	AMERICAN JAPANESE TRADE COMM		
Do	JAPAN TELESCOPES MANUFACTURERS ASSN	200.00	
Do	NISEI LOBBY		
Do	TOYOTA MOTOR SALES, U.S.A., INC	750.00	
Do	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	500.00	
JON G. MASSEY, 610 POYDRAS STREET, #318 NEW ORLEAN LA 70130	APACHE CORPORATION		
JIM MATHESON, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE		
MARSHALL L. MATZ, SCOTT HARRISON & MCLEOD 2501 M STREET, NW, 4TH FL. WASHINGTON DC 20037	AFFILIATED FOOD PROCESSORS, INC		
Do	AMERICAN BAKERS ASSN		
Do	AMERICAN SCHOOL FOOD SERVICE ASSN	9,000.00	400.85
Do	PLASTICS MANUFACTURING CO	1,727.50	110.33
SAMUEL L. MAURY, SUITE 402 1828 L STREET, NW WASHINGTON DC 20036	BUSINESS ROUNDTABLE	200.00	
ALBERT E. MAY, 1627 K STREET, NW WASHINGTON DC 20006	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS		
ARNOLD MAYER, 1775 K ST., NW WASHINGTON DC 20006	UNITED FOOD & COMMERCIAL WORKERS INTL UNION	16,153.86	499.09
CHARLIE MCBRIDE ASSOCIATES, INC, 1717 K STREET, NW, #502 WASHINGTON DC 20036	CAROLINA POWER & LIGHT CO	1,000.00	
Do	CONSOLIDATED EDISON CO OF NEW YORK	1,000.00	
Do	DUKE POWER CO	1,000.00	
Do	NEW ENGLAND ELECTRIC SYSTEM	1,000.00	
Do	PACIFIC GAS & ELECTRIC CO	2,000.00	
Do	SOUTHERN CALIFORNIA EDISON CO	2,000.00	
Do	STONE & WEBSTER ENGINEERING CORP	11,700.00	
Do	TURLOCK IRRIGATION DISTRICT & MODESTO IRRIGATION DISTRICT	8,493.75	980.22
Do	VIRGINIA ELECTRIC & POWER CO	1,300.00	
Do	WESTINGHOUSE ELECTRIC CORP	19,400.00	3,576.37
LAW OFFICES OF R. C. MCCANDLESS, 1707 H ST., NW WASHINGTON DC 20006	MILLER & SCHROEDER MUNICIPALS, INC	4,300.00	2,000.00
Do	SANTA ANITA REALTY ENTERPRISES, INC	7,500.00	2,500.00
Do	TRANSAMERICA CORPORATION		
Do	TRANSAMERICA INTERWAY CORP	6,300.00	1,500.00
JOHN L. MCCORMICK, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	498.94	
MOLLY MCCORMICK, 2301 MARKET STREET, S24-4 PHILADELPHIA PA 19101	PHILADELPHIA ELECTRIC COMPANY	4,564.60	400.89
MARIANNE MCDERMOTT, 600 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20003	GREETING CARD ASSN		
NORRIS MCDONALD, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	721.45	
DARRYL D. MCEWEN, 1110 SPRING STREET SILVER SPRING MD 20910	MACHINERY DEALERS NATIONAL ASSN		2,600.00
ENUD MCGIFFERT, 1401 WILSON BLVD., #601 ARLINGTON VA 22209	MCGIFFERT, MUELLER, JONES & DARCY, INC		
MICHAEL R. MCLEOD, SCOTT HARRISON & MCLEOD 2501 M ST., NW, WASHINGTON DC 20037	AMERICAN ASSN OF CROP INSURERS		
Do	CHICAGO BOARD OF TRADE	250.00	
Do	DAIRYMEN, INC		
Do	LEAF TOBACCO EXPORTERS ASSN		
Do	UNITED EGG PRODUCERS	500.00	
JANE PIERSON MCMICHAEL, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	14,860.46	41,674.18
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 1155 15TH ST., NW WASHINGTON DC 20005	MILLIKEN MILLS		
NANINE MEIKLEJOHN, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	3,347.30	
HOWARD A. MENELL, 1700 K STREET, NW, #702 WASHINGTON DC 20006	AMERICAN EXPRESS CO		
STEPHANIE MENSH, 1101 VERMONT AVENUE, NW, #300 WASHINGTON DC 20005	AMERICAN ACADEMY OF OPHTHALMOLOGY		674.99
HAROLD E. MESIROW, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	LILLICK, MCHOSE & CHARLES (FOR: FOSS LAUNCH & TUG COMPANY; FOSS ALASKA LINE).	3,373.75	35.22
Do	WESTERN PIONEER, INC	5,211.25	14.87
METZGER SHADYAC & SHCWARZ, 1275 K ST., NW WASHINGTON DC 20005	MELEX USA, INC		
JAMES G. MICHAUX, 1200 NEW HAMPSHIRE AVENUE, NW, #430 WASHINGTON DC 20036	FEDERATED DEPT STORES, INC	500.00	
CHARLES J. MICOLEAU, ONE CANAL PLAZA PORTLAND ME 04112	ANDREW L. LUI AND ASPEN TECHNOLOGY, INC		
MIGRANT LEGAL ACTION PROGRAM, INC., SUITE 310 2001 S ST., NW WASHINGTON DC 20009			
SHARON MIHNOVETS, 2809 S. JOYCE ST. ARLINGTON VA 22202			
FRED MILLAR, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	314.06	
MILLER & CHEVALIER, CHARTERED, METROPOLITAN SQUARE 655 15TH STREET, NW WASHINGTON DC 20005	NATURAL GAS SUPPLY ASSN	3,323.75	
DENNY MILLER ASSOCIATES, 203 MARYLAND AVE, NE WASHINGTON DC 20002	BOEING COMPANY	544.00	264.50
Do	MARINE ENGINEERS' BENEFICIAL ASSN	640.00	278.50
Do	PORT OF TACOMA	290.00	242.00
Do	ROCKCOR, INC	880.00	297.36
Do	TACOMA CITY LIGHT	100.00	200.00
MILLER CANFIELD PADDOCK & STONE, SUITE 1200 1015 15TH ST., NW WASHINGTON DC 20005	COMPREHENSIVE HEALTH CARE SERVICES OF DETROIT, INC		
JOHN R. MILLER, 1750 MIDLAND BUILDING CLEVELAND OH 44115	STANDARD OIL CO (OHIO)		
LINDA B. MILLER, 1825 EYE ST, NW WASHINGTON DC 20006	VOLUNTEER TRUSTEES OF NOT-FOR-PROFIT HOSPITALS	1,750.00	3,791.35
ROBIN MILLER, 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	30.48	
JOHN H. MINER, ROOM 1414-SOUTH BUILDING, USDA WASHINGTON DC 20250	ORGANIZATION OF PROFESSIONAL EMPLOYEES OF USDA	750.00	
MINNESOTANS FOR PEACE IN CENTRAL AMERICA, 920 NICOLLET MALL, RM. 300 MINNEAPOLIS MN 55402		7,339.62	8,553.77
MMB ASSOCIATES, INC, 122 C STREET, NW, #240 WASHINGTON DC 20001	EAST LAKE COMMUNICATIONS	1,824.04	
Do	JOB TRAINING ASSN		
Do	MAGNA MEDIA CORP	1,824.04	
Do	NATIONAL BANKERS ASSOCIATION	1,813.65	
Do	NATIONAL RURAL DEVELOPMENT & FINANCE CORP		
Do	NCAF	30,000.00	
EDWARD G. MODELL, BLUM NASH & RAILSBACK 1015 18TH STREET, NW WASHINGTON DC 20036	GETTY NORTHEAST JOBBERS & DISTRIBUTORS ASSN	375.00	4.00
CHARLES A. MONFORT, SUITE 1101 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UNION OF CONCERNED SCIENTISTS	5,512.50	2,228.12
ELIZABETH R. MONRO, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	5,000.00	
JOHN C. MONSUL, 923 RIVA RIDGE DRIVE GREAT FALLS VA 22066			
D. MOODY & CO, INC, P.O. BOX 55389 TULSA OK 74155			
VINCENT L. MORELLI, SUITE 880 555 NEW JERSEY AVE., NW WASHINGTON DC 20001	CONGOLEUM CORPORATION	500.00	164.52
JAMES MORRISON, 21 DUPONT CIRCLE, NW, #401 WASHINGTON DC 20036	BUSINESS EXECUTIVES FOR NATIONAL SECURITY	2,000.00	123.88
PHILIP D. MORRISON, 1700 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20006	AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC	72.50	11.62
Do	AMF, INC		
Do	BERKELEY BIO-MEDICAL, INC	942.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	BLOUNT, INC		39.54
Do	BLUE BELL, INC		
Do	BORG-WARNER CORP		
Do	CONSOLIDATED NATURAL GAS CO		
Do	DIGITAL EQUIPMENT CORP		
Do	EASTMAN KODAK CO		
Do	EATON CORP		
Do	EMPLOYEE RELOCATION COUNCIL		
Do	ESTATE OF VIRGINIA S. DU PONT		
Do	GENERAL SHALE PRODUCTS CORP		
Do	MERCANTILE STORES, INC		
Do	RHINECHEM CORP		
Do	ROCHESTER TAX COUNCIL		
Do	SIR JAMES GOLDSMITH		
[illegible]	TASTY BAKING CO		
Do	XEROX CORP		
WILLIAM C. MORRISON, 2001 NORTH ADAMS ST. ARLINGTON VA 22201	MEAT IMPORTERS COUNCIL OF AMERICA, INC	875.00	
MICHAEL L. MORTON, 918 16TH STREET, NW, #501 WASHINGTON DC 20006	GODFREY ASSOCIATES, INC		
JOHN H. MOSEMAN, 11224 LEATHERWOOD DR. RESTON VA 22091	COALITION OF HIGHER EDUCATION ASSISTANCE ORGANIZATIONS		
SOL MOSHER, 1660 L ST., NW, #215 WASHINGTON DC 20036	CROWN ZELLERBACH CORPORATION		
ROBERT E. MOSS, SUITE 500 1899 L STREET, NW WASHINGTON DC 20036	AMERICAN NATURAL RESOURCES CO	4,971.00	50.00
MUDGE ROSE GUTHRIE ALEXANDER & FERNDON, 2121 K STREET, NW WASHINGTON DC 20037	BIG RIVERS ELECTRIC CORP, ET AL		83.00
Do	MERCEDES BENZ OF NORTH AMERICA		5,715.01
RICHARD J. MULLER, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHRYSLER CORPORATION	2,000.00	105.00
DANIEL J. MUNDY, 815 16TH ST., NW, #603 WASHINGTON DC 20006	BUILDING & CONSTRUSTION TRADES DEPT., AFL-CIO	3,999.99	5,803.98
PATRICIA MUNOZ, 323 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	AMERICAN RIVERS CONSERVATION COUNCIL		
JEANNE MARIE MURPHY, 1730 RHODE ISLAND AVENUE, NW, #810 WASHINGTON DC 20036	CREDIT UNION NATIONAL ASSN, INC	300.00	110.79
KEITH MURPHY, KEMP, KLEIN, ENDELMEN & BEER 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP		
ROSEMARY GRIFFIN MURRAY, SUITE 901 1660 L ST., NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC		
PAUL J. MYER, 1150 17TH ST., NW, 11TH FLOOR WASHINGTON DC 20036	AMERICAN BROADCASTING CO, INC		
GARY D. MYERS, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	4,500.00	
BERNARD NASH, 1015 18TH ST., NW SUITE 408 WASHINGTON DC 20036	GENERAL ELECTRIC CO		
Do	MERCK & CO., INC		
Do	TIME, INC		
RAYMOND NATHAN, 4242 EAST-WEST HWY CHEVY CHASE MD 20815	AMERICAN ETHICAL UNION	600.00	422.32
NATIONAL ABORTION RIGHTS ACTION LEAGUE, 1424 K ST., NW WASHINGTON DC 20005		7,774.98	
NATIONAL ASSN OF ENERGY SERVICE COMPANIES, 2330 M ST., NW WASHINGTON DC 20037		1,434.00	1,434.00
NATIONAL ASSN OF HOME BUILDERS OF THE U.S., 15TH & M STS., NW WASHINGTON DC 20005		45,023.01	69,961.52
NATIONAL ASSN OF INSURANCE BROKERS, INC, SUITE 700 311 FIRST STREET, NW WASHINGTON DC 20001			
NATIONAL ASSN OF LETTER CARRIERS, 100 INDIANA AVE., NW WASHINGTON DC 20001		2,983,859.31	165,376.38
NATIONAL ASSN OF MARGARINE MFGRS, SUITE 1024-A 1625 I ST., NW WASHINGTON DC 20006			
NATIONAL ASSN OF REALTORS, 777 14TH ST., NW WASHINGTON DC 20005			129,536.95
NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036		3,339.00	3,404.00
NATIONAL COMMUNITY ACTION FOUNDATION, INC., 2101 L STREET, N.W. SUITE 906 WASHINGTON DC 20037		95,523.00	36,217.00
NATIONAL CONSUMERS LEAGUE, INC, SUITE 202-WEST WING 600 MARYLAND AVE., SW WASHINGTON DC 20024			
NATIONAL EDUCATION ASSN, 1201 16TH ST., NW WASHINGTON DC 20036		83,857.45	88,857.45
NATIONAL FAMILY PLANNING & REPRODUCTIVE HEALTH ASSN, INC, 1110 VERMONT AVENUE, NW, #1210 WASHINGTON DC 20005.		74,141.00	4,015.00
NATIONAL FEDERATION OF LICENSED PRACTICAL NURSES, P.O. BOX 11038 DURHAM NC 27703		1,650.00	1,650.00
NATIONAL KNITWEAR & SPORTSWEAR ASSN, 386 PARK AVENUE SOUTH NEW YORK NY 10016			6,439.00
NATIONAL LOTTERY ASSOCIATION, P.O. BOX 13365 LAS VEGAS NV 89112			
NATIONAL ORGANIZATION FOR WOMEN, 425 13TH STREET, NW, #723 WASHINGTON DC 20004			1,692.65
NATIONAL PARKING ASSOCIATION, 1112 16TH ST., NW WASHINGTON DC 20036			21,653.81
NATIONAL PEACH COUNCIL, 103 N. COLLEGE STREET, MARTINSBURG, WV 25401		1,298.84	1,040.23
NATIONAL RESOURCE CENTER FOR CONSUMERS OF LEGAL SERVICES, 3254 JONES COURT, NW WASHINGTON DC 20007		3,259.00	901.00
NATIONAL RIFLE ASSOCIATION OF AMERICA, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036		159,603.60	138,187.90
NATIONAL RURAL HOUSING COALITION, 1016 16TH STREET, NW, #8G WASHINGTON DC 20036		5,312.80	14,257.54
NATIONAL SMALL BUSINESS INDEX, R.R. #1 AITKIN MN 56431			
NATIONAL TAX EQUALITY ASSN, 1000 CONNECTICUT AVNEUE, NW, #615 WASHINGTON DC 20036		4,367.50	5,031.19
NATIONAL TELEPHONE COOPERATIVE ASSN, 2626 PENNSYLVANIA AVE., NW WASHINGTON DC 20037			8,499.03
NATIONAL TOUR ASSOCIATION, INC., 120 KENTUCKY AVE. LEXINGTON KY 40502		27,258.00	27,258.00
NATURAL GAS SUPPLY ASSN, 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036		2,141,600.00	512,922.60
GAYLORD NELSON, 1901 PENNSYLVANIA AVE., N.W. WASHINGTON DC 20006	WILDERNESS SOCIETY	380.47	75.25
THOMAS C. NELSON, 1920 N STREET,N.W. WASHINGTON DC 20036	AMERICAN MINING CONGRESS	15.00	
A. S. NEMIR ASSOCIATES, SUITE 1230 PENNSYLVANIA BUILDING WASHINGTON DC 20004	BRAZILIAN SUGAR & ALCOHOL INSTITUTE	64,500.00	1,008.53
FREDERICK H. NESBITT, 100 INDIANA AVENUE, NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	7,994.19	486.79
DOUG NETHERCUT, 3605 10TH AVE. S MINNEAPOLIS MN 55407	MINNESOTANS FOR PEACE IN CENTRAL AMERICA	1,656.86	93.59
NEW YORK SHIPPING ASSN, INC, 80 BROAD STREET, 12TH FL. NEW YORK NY 10004			
WILLIAM B. NEWMAN JR., P.O. BOX 23451 WASHINGTON DC 20024	CONSOLIDATED RAIL CORPORATION	4,150.00	
NICKERSON INGRAM & ASSOCIATES, INC, 923 15TH ST., NW WASHINGTON DC 20005	SYSTEMS CONTROL TECHNOLOGY, INC		
GLENN NISHIMURA, 1424 16TH ST., NW WASHINGTON DC 20036	CONSUMER FEDERATION OF AMERICA	5,500.00	
PETER NIXON, 503 QUEEN STREET EAST SAULT STE. MARIE ONTARIO CANADA P6A 5P2	ALGOMA STEEL CORP, LTD	433.40	233.40
NONPROFIT MAILERS FEDERATION, 2555 M STREET, NW, #405 WASHINGTON DC 20037			5,669.30
EVANS W. NORTH, 1216 16TH STREET, NW WASHINGTON DC 20036			
CLIFFORD R. NORTHUP, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	467.82
NOSSAMAN GUTHNER KNOX & ELLIOTT, 1140 19TH ST., NW, #600 WASHINGTON DC 20036	AETNA LIFE & CASUALTY	1,300.00	1,500.00
Do	CALIFORNIA STUDENT LOAN FINANCE CORP	1,275.00	450.00
Do	DIVIDEND SUPPORT GROUP	200.00	
Do	GENERAL ELECTRIC CO	300.00	200.00
Do	HELIONETICS, INC	200.00	
Do	INSURANCE ASSOCIATION OF CONNECTICUT	600.00	160.00
Do	NATIONAL SHORTHAND REPORTERS ASSN	680.00	300.00
Do	NEW YORK LIFE INSURANCE COMPANY	300.00	100.00
Do	SOUTHERN CALIFORNIA EDISON	300.00	300.00
MICHAEL NOVELLI, 3012 CAMBRIDGE PLACE, NW WASHINGTON DC 20007	PACIFIC POTOMAC SERVICES		
HUBERT K. O'BANNON, P.O. BOX 23451 WASHINGTON DC 20026	CONSOLIDATED RAIL CORPORATION	2,130.00	
TERRENCE M. O'CONNELL II , 444 N. CAPITOL STREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: E. F. HUTTON & CO, INC)	4,000.00	
Do	KEEFE COMPANY (FOR: NATIONAL REVENUE CORP)		
Do	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)	10,000.00	
CHARLES ALBERT O'CONNOR JR., 2300 S. 24TH ROAD, #533 ARLINGTON VA 22206			
M. DIANE O'TOOLE, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORP		557.92
R.Q. OLD AND ASSOCIATES, INC., 205 THE STRAND ALEXANDRIA VA 22314	GRUMMAN AEROSPACE CORPORATION		
Do	SPERRY ELECTRONIC SYSTEMS		
R. TEEL OLIVER, 1050 17TH STREET, NW, #650 WASHINGTON DC 20036	MERCK & CO, INC		
FRANZ M. OPPENHEIMER, KOMINERS FORT SCHLEFER & BOYER 1776 F ST., NW WASHINGTON DC 20006	COMMERZBANK AG		
CHARLES J. ORASIN, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	2,488.00	
ORGANIZATION OF PROFESSIONAL EMPLOYEES OF USDA, RM. 1414 S. BUILDING U.S. DEPT OF AGRICULTURE WASHINGTON DC 20250.		1,876.67	1,234.60
ORRICK HERRINGTON & SUTCLIFFE, 520 CAPITOL MALL SACRAMENTO CA 95814			
HIDEAKI OTAKA, 19001 SOUTH WESTERN AVE. TORRANCE CA 90509	TOYOTA MOTOR SALES, USA, INC		
OVERSEAS EDUCATION ASSOCIATION, 1201 16TH STREET, NW WASHINGTON DC 20036		1,000.00	345.00
J. ALLEN OVERTON, 1920 N ST.,NW SUITE 300 WASHINGTON DC 20006	AMERICAN MINING CONGRESS	297.00	22.00
JOEL PACKER, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	1,629.50	75.75
ANDREW PALMER, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	298.76	
BENJAMIN L. PALUMBO, 11 DUPONT CIRCLE, NW, #700 WASHINGTON DC 20036	WESTINGHOUSE ELECTRIC CORP	3,150.00	
GERARD PAUL PANARO, WEBSTER CHAMBERLAIN & BEEN 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	RETAIL BAKERS ASSN		
HARRIET PARCELLS, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	303.85	
EDWIN T. PARIS, 1300 EMBASSY SQUARE OFFICE PARK LOUISVILLE KY 40299	RES-CARE, INC	521.82	897.12
JUDY E. PARK, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	9,800.00	
PRUDENCE H. PARKS, 1100 H STREET, NW WASHINGTON DC 20080	WASHINGTON GAS LIGHT CO	444.57	
LOUIS R. PAULICK, 1901 NORTH FORT MYER DRIVE ARLINGTON VA 22209	GAS APPLIANCE MANUFACTURERS ASSN, INC		26.05
PEABODY LAMBERT & MEYERS, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	BROADCAST MUSIC, INC	1,266.00	30.00
Do	COMMITTEE OF CORPORATE TELECOMMUNICATIONS USERS		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MICHIGAN KNIFE CO	1,190.00	2.25
F COLIN PEASE, IRON HORSE PARK NORTH BILLERICA MA 01862	MAINE CENTRAL RR, BOSTON & MAINE CORP, ET AL		327.00
HUMBERTO R. PENA, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	500.00	
PEPPER HAMILTON & SCHEETZ, 1777 F STREET, NW WASHINGTON DC 20006	COALITION OF CONCERNED CHARITIES		
Do	COLD FINISHED STEEL BAR INST		
Do	FOCUS		
Do	GLENMEDE TRUST (FOR: TRUSTEE FOR PEW MEMORIAL TRUST)		
Do	SUN SHIPBUILDING & DRY DOCK CO		
Do	TURNER BROADCASTING SYSTEM, INC		
G. STEPHEN PERRY, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORP (COMSAT)	2,000.00	561.89
CAROLINE PETTI, 218 D STREET, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	15.63	
JOAN PICCOLO, 1776 K STREET, NW, #200 WASHINGTON DC 20006	MOTOROLA, INC	3,000.00	
PIERSON BALL & DOWD, 1200 18TH ST., NW WASHINGTON DC 20036	AMERICAN ACADEMY OF PEDIATRICS	15,000.00	
Do	ASPEN SYSTEMS CORPORATION	3,001.42	
Do	DAY TRUST	2,473.98	
Do	EL POMAR	1,000.00	
Do	GENENTECH	7,389.94	
Do	GENERAL TIRE & RUBBER COMPANY		
Do	INFECTIOUS DISEASES SOCIETY OF AMERICA	4,962.21	
Do	INTERNATIONAL FUTURES EXCHANGE (BERMUDA) LTD		
Do	INTEX HOLDINGS (BERMUDA) LTD		
Do	NATIONAL ASSN OF CASUALTY & SURETY AGENTS	3,132.65	
Do	NATIONAL MUSIC PUBLISHERS ASSN, INC	272.00	
Do	SATELLITE BUSINESS SYSTEMS	2,500.00	
Do	SECURITIES INDUSTRY ASSN	2,750.00	
PILOTS RIGHTS ASSOCIATION, P.O. BOX 7000-367 REDONDO BEACH CA 90277		1,615.00	4,552.30
LINDA PINEGAR, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	3,000.00	
PIPER & MARBURY, 888 16TH STREET, NW FIFTH FLOOR WASHINGTON DC 20006	BUSINESS ORGANIZATIONS INTERESTED IN FED TAX TREATMENT ET AL		
Do	MARINE CARGO CONTAINER & RELATED EQUIPMENT LEASING COS	2,696.42	2,157.97
Do	TICOR		
Do	U.S. MOTOR VEHICLE LESSORS, ET AL.	5,187.50	3,197.20
Do	XTRA CORP & AFFILIATES		
WILLIAM PITKIN, 1025 VERMONT AVENUE, NW, #410 WASHINGTON DC 20005	NATIONAL INSULATION CONTRACTORS ASSN		
PLANNED PARENTHOOD OF NEW YORK CITY, INC, 380 SECOND AVENUE, THIRD FL. NEW YORK NY 10010			1,055.70
WESLEY A. PLUMMER, 1449 E. BASELINE ROAD PHOENIX AZ 85040	TRANS AMERICA DEVELOPERS, INC		
POWELL GOLDSTEIN FRAZER & MURPHY, SUITE 1050 1110 VERMONT AVE., NW WASHINGTON DC 20005	ASSOCIATION OF EXECUTIVE SEARCH CONSULTANTS, INC		
Do	BEAR STEARNS & CO	3,000.00	
Do	COALITION FOR COMPETITION	5,000.00	
Do	CORNING ASSOCIATES		
Do	CRUM & FORSTER INSURANCE COS		
Do	FLOOD CONTROL ADVISORY COMMITTEE	8,139.12	
Do	GOVERNMENT OF NICARAGUA		
Do	HAYES MICROCOMPUTER PRODUCT, INC		
Do	JACQUES BOREL ENTERPRISES, INC		
Do	MID-AMERICA ASSOCIATES		
Do	WESTINGHOUSE ELECTRIC CORPORATION	33,333.57	
FREDERICK W. POWERS III, 260 SKYRIDGE DRIVE ATLANTA GA 30338	SIEMENS-ALLIS, INC	150.00	60.00
PRATHER SEEGER DOOLITTLE & FARMER, 1101 16TH ST., NW WASHINGTON DC 20036	BANKER'S ASSN FOR FOREIGN TRADE		
WOODRUFF M. PRICE, 840 WASHINGTON BLDG. 15TH ST. & NEW YORK AVE. WASHINGTON DC 20005	CSX CORPORATION	3,000.00	754.94
PROCOMPETITIVE RAIL STEERING COMMITTEE, 1090 VERMONT AVENUE, NW, #410 WASHINGTON DC 20005		500.00	3,490.88
PROTECT THE INNOCENT, INC., 451 SOUTH INDIANA STREET MOORESVILLE IN 46158			67.91
PUBLIC TIMBER PURCHASERS GROUP, 714 OREGON BANK BLDG. 319 S.W. WASHINGTON ST. PORTLAND OR 97204		29,250.00	4,093.15
ARTHUR LEE QUINN, 1015 15TH STREET, NW, #200 WASHINGTON DC 20005	COOPER LABORATORIES, INC	20,000.00	30.69
Do	GOVERNMENT OF BELIZE	4,500.00	122.41
Do	GOVERNMENT OF REPUBLIC OF PANAMA	3,000.00	5.84
Do	SUGAR ASSN OF THE CARIBBEAN	3,800.00	139.68
QUINN RACUSIN YOUNG & DELANEY, CHTD, 1730 K STREET, NW, #700 WASHINGTON DC 20006	RECON/OPTICAL, INC	6,256.25	62.60
RAGAN & MASON, 900 17TH ST., NW WASHINGTON DC 20006	AMERICAN SHIP BUILDING CO	1,000.00	
Do	BECHTEL CORP	16,500.00	137.66
Do	CURTISS-WRIGHT CORP		
Do	DELAWARE NORTH COMPANIES, INC		
Do	GOVERNMENT OF BERMUDA	3,000.00	636.00
Do	GULF OIL CORP	4,000.00	
Do	NATIONAL BULK CARRIERS, INC	4,500.00	
Do	R.J. REYNOLDS TOBACCO COMPANY		
Do	RJ REYNOLDS INDUSTRIES, INC		
Do	SEA-LAND INDUSTRIES, INC	20,000.00	847.91
Do	SECURITY PACIFIC LEASING CORPORATION		
Do	SECURITY PACIFIC NATL BANK		
Do	STIMSON LUMBER CO & MILLER REDWOOD CO	3,000.00	
Do	WESTERN PIONEER		
JEANNETTE H. RANDALL, 3471 N. FEDERAL HIGHWAY, #511 FORT LAUDERDALE FL 33306	AMERISERV, INC		203.51
ROBERT RANDALL, P.O. BOX 23691 WASHINGTON DC 20024	ALLIANCE FOR CANNABIS THERAPEUTICS		
MAGDA RATAJSKI, P.O. BOX 3609 NORFOLK VA 23514	NORFOLK SOUTHERN CORPORATION		
EILER C. RAVNHOLT, 723 INVESTMENT BLDG. WASHINGTON DC 20005	HAWAIIAN SUGAR PLANTERS' ASSN	600.00	356.00
JULIAN O. READ, 1005 CONGRESS AVENUE, #500 AUSTIN TX 78701	CENTRAL AND SOUTH WEST CORP		
READING IS FUNDAMENTAL, INC., 600 MARYLAND AVE.,SW RM 500 WASHINGTON DC 20560			473.88
N. CLARK RECHTIN, 6100 LONGVIEW LANE LOUISVILLE KY 40222	RES-CARE, INC	3,693.49	745.08
RECON/OPTICAL, INC, 550 WEST NORTHWEST HIGHWAY BARRINGTON IL 60010			
RECORDING INDUSTRY ASSN OF AMER, INC, 888 SEVENTH AVENUE, 9TH FL. NEW YORK NY 10106		7,185.56	7,185.56
JOHN M. RECTOR, 205 DAINGERFIELD RD. ALEXANDRIA VA 22314	NATIONAL ASSN OF RETAIL DRUGGISTS	700.00	150.00
REED ROBERTS TAX CREDIT ASSISTANCE CORP., #CS-101 55 CHARLES LINDBERGH BLVD. UNIONDALE NY 11553			
PAULINE B. REEPING, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	NEW YORK SHIPPING ASSN., INC		
JOSEPH M. REES, SUITE 711, 444 N. CAPITOL ST., WASHINGTON DC 20001	CORDAGE INSTITUTE, KEEFE COMPANY		
Do	DELTA DENTAL PLANS ASSOCIATION	1,000.00	
ROBERT S. REESE JR., 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	1,123.61
CHARLOTTE REID, 2466 CHATHAM ROAD AURORA IL 60506	MOTOROLA, INC	3,000.00	
MARK REIHL, 5201 AUTH WAY RM 510 CAMP SPRINGS MD 20746	SEAFARERS INTERNATIONAL UNION	3,000.00	287.96
RESERVE OFFICERS ASSN OF THE US, 1 CONSTITUTION AVE., NE WASHINGTON DC 20002		2,085.01	22,506.30
FREDERICK W. RHODES, 1800 K STREET, NW, #800 WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO	2,500.00	
ABRAHAM A. RIBICOFF, 1575 EYE STREET, NW, #1150 WASHINGTON DC 20005	KAYE SCHOLER FIERMAN HAYS & HANDLER (FOR: BRISTOL-MYERS CO)	650.00	
RICHARD RICHARDS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON STREET, NW, 6TH FL WASHINGTON DC 20007	STANDARD OIL CO OF CALIFORNIA	1,090.00	
SIERT F. RIEPMA, SUITE 1024-A 1625 I ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MARGARINE MFGRS		
SUSAN RILEY, 1150 17TH STREET, NW, #306 WASHINGTON DC 20036	NATIONAL MULTI HOUSING COUNCIL	5,800.00	
KEVIN J. RIORDAN, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORP	800.00	317.50
STARK RITCHIE, 1220 L ST., NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST		
PHILLIP W. RIVERS, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	105.00	
LIZ ROBBINS ASSOCIATES, 132 D STREET, SE WASHINGTON DC 20003	ASSOCIATION OF LOCAL HOUSING FINANCE AGENICES (ALHFA)	3,947.67	
Do	BLYTHE EASTMAN/PAINE WEBBER	2,145.00	
Do	GOLDMAN SACHS	21,220.00	
Do	KOENIG & CO	5,151.96	117.50
Do	NATIONAL MUSIC PUBLISHERS ASSN, INC	5,666.67	
Do	SCHOLASTIC MAGAZINES, INC	3,600.00	
Do	SHEARSON/AMERICAN EXPRESS, INC	6,516.00	
Do	SOUTHERN BAPTIST PRESS ASSN		
Do	WELK MUSIC GROUP	6,620.00	
MICHAEL A. ROBERTS, 1101 VERMONT AVENUE, NW, #300 WASHINGTON DC 20005	AMERICAN ACADEMY OF OPHTHALMOLOGY		
ROGERS & WELLS, 1737 H STREET, NW WASHINGTON DC 20006	INTERNATIONAL PETCHEMCO, INC	585.00	
TERRENCE L. ROGERS, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	8,924.40	44.00
JACK ROLLINS, 1201 16TH STREET, NW WASHINGTON DC 20036	OVERSEAS EDUCATION ASSN & NATIONAL EDUCATION ASSN		
RICHARD ROSEN, SUITE 118 5010 WISCONSIN AVENUE, NW WASHINGTON DC 20016			
ROGER C. ROSENTHAL, SUITE 310 2001 S ST., NW WASHINGTON DC 20009	MIGRANT LEGAL ACTION PROGRAN, INC		
MARCUS ROTH, 100 INDIANA AVE., NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	5,611.60	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
WILLIAM C. ROUNTREE, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20037	STANDARD OIL CO (OHIO)		
GLORIA CATANEO RUDMAN, SUITE 801 444 N. CAPITOL ST., NW WASHINGTON DC 20001	JOINT MARITIME CONGRESS	7,476.48	
NAJWA SA'D, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
DAVID J. SADD, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	8,000.00	400.00
DEAN SAGAR, 1050 17TH STREET, NW, #770 WASHINGTON DC 20036	AMERICAN ASSN OF HOMES FOR THE AGING	252.50	24.20
WILLIAM SAMUEL, 1325 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	5,863.20	56.00
Do	NATIONAL TREASURY EMPLOYEES UNION		
JAMES D. SANTINI, JONES JONES BELL CLOSE & BROWN, CHTD 1110 VERMONT AVENUE, NW, #1060 WASHINGTON DC 20005.	GREENS CREEK JOINT VENTURE	6,000.00	
Do	LORIMAR PRODUCTIONS	7,500.00	332.59
Do	NATIONAL TOUR ASSOCIATION, INC.	11,250.00	262.22
Do	NORANDA EXPLORATION, INC	3,750.00	167.53
Do	NORANDA MINING INC.	3,750.00	490.91
Do	REDFIELD LAND COMPANY	4,393.00	81.36
KAREN SASAHARA, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	187.50	28.00
JOHN S. SATAGAJ, 1250 I STREET, NW, #500 WASHINGTON DC 20005	AMERICAN ASSN OF NURSERYMEN		
SAVE OUR SECURITY, SUITE 222 1201 16TH STREET, NW WASHINGTON DC 20036		17,499.65	18,686.45
MARK L. SCHAFFER, ASHCRAFT & GEREL 2000 L STREET, NW, #700 WASHINGTON DC 20036	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	1,056.00	
HAROLD A. SCHAITBERGER, 1750 NEW YORK AVE. WASHINGTON DC 20006	INTERNATIONAL ASSN OF FIRE FIGHTERS	12,301.00	
RICHARD H. SCHECK, 167 PELHAM RD. NEW ROCHELLE NY 10805			
JOSEPH SCHERER, 1801 NORTH MOORE ST. ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
MARK L. SCHNEIDER, 1001 22ND STREET, NW, #600 WASHINGTON DC 20037	STANDARD OIL CO (OHIO)		
MARSHA SCHRAMM, 1101 CONNECTICUT AVE., NW, #406 WASHINGTON DC 20036	DOMESTIC PETROLEUM COUNCIL, INC		
A. KOLBET SCHRICHTE, SUITE 500 1133 15TH STREET, NW WASHINGTON DC 20005	AMERICAN LOGISTICS ASSOCIATION		
H. B. W. SCHROEDER, 1050 17TH STREET, NW, #490 WASHINGTON DC 20036	CONSUMERS POWER CO	600.00	
WILLIAM B. SCHULTZ, SUITE 700 2000 P ST., NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC.	1,000.00	10.00
NEIL D. SCHUSTER, 1909 K STREET, NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSN OF THE U.S., INC		
JAMES H SCHUYLER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
ELIZABETH NASH SCHWARTZ, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	1,580.00	1,007.36
SALLY SCIACCA, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS		
SCOTT COMPANY, INC., 66 SURFWATCH DRIVE JOHNS ISLAND SC 29455	COASTAL PROPERTIES INSTITUTE, INC		
DOUGLAS W. SCOTT, 530 BUSH ST. SAN FRANCISCO CA 94108	SIERRA CLUB	9,300.00	842.09
JAMES M. SCOTT, 66 SURFWATCH DRIVE JOHNS ISLAND SC 29455	SCOTT COMPANY		
THOMAS W. SCOVILLE, 444 N. CAPITOL STREET, NW, #801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	1,009.40	
LAW OFFICES OF JOHN 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	EMBASSY OF THE REPUBLIC OF SOUTH AFRICA	15,000.00	275.00
DEBBIE SEASE, 330 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	SIERRA CLUB	3,290.00	
MARIA MCCREA SEGAL, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
SARAH SETTON, 1511 K ST., NW WASHINGTON DC 20005	SUGAR ASSOCIATION, INC.	150.00	8.00
SHAMROCK FOODS CO., 2228 N. BLACK CANYON PHOENIX AZ 85009			
RICHARD N. SHAROOD, 8TH FL. 1752 N ST., NW WASHINGTON DC 20036	CHEMICAL WASTE MANAGEMENT, INC.	8,025.00	
SHAW PITTMAN POTTS & TROWBRIDGE, 1800 M ST., NW, #900-S WASHINGTON DC 20036	SPECTRA-PHYSICS, INC.	5,000.00	
RUSSELL H. SHAY, 6014 COLLEGE AVE. OAKLAND CA 94618	SIERRA CLUB	1,707.75	735.90
JAMES V. SHEAHAN, 1666 MANHASSET DRIVE ATLANTA GA 30338	SIEMENS-ALLIS, INC.	200.00	25.00
SHEARMAN & STERLING, 153 EAST 53RD ST. NEW YORK NY 10005	BUSINESS ROUNDTABLE		
DEBORAH SHEIMAN, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.		
JONATHAN R. SHEINER, 410 FIRST ST., SE WASHINGTON DC 20003	CONSOLIDATED EDISON CO OF NEW YORK, INC.	676.25	
DALE SHERWIN, 1735 I ST., NW, #717 WASHINGTON DC 20006	A. E. STALEY MANUFACTURING CO.	9,000.00	686.72
NELSON T. SHIELDS, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC.	2,813.00	
SIERRA CLUB, 50 BUSH ST. SAN FRANCISCO CA 94108		251,500.91	251,500.91
STEPHEN SILBIGER, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	13,321.20	317.64
BRUCE A. SILVERGLADE, 1501 16TH STREET, NW WASHINGTON DC 20036	CENTER FOR SCIENCE IN THE PUBLIC INTEREST		
STANLEY C. SIMON, 17130 DALLAS NORTH PARKWAY, #160 DALLAS TX 75248	SIMON, TWOMBLY, & TERRY (FOR: SOUTHLAND CORP)	4,280.00	3,521.46
TALMAGE E. SIMPKINS, 100 INDIANA AVE., NW WASHINGTON DC 20001	AFL-CIO MARITIME COMMITTEE	300.00	520.56
ALBERT M. SIMS, BOX 872 SMITHTOWN NY 11787	PERFORMANCE ENGINEERING, INC		
JEAN SINDAB, 2480 16TH ST., NW, #610 WASHINGTON DC 20009	WASHINGTON OFFICE ON AFRICA	4,541.67	
DAVID B. SINGER, 1050 17TH STREET, NW, #1100 WASHINGTON DC 20036	BAXTER TRAVENOL LABORATORIES, INC & SUBSIDIARIES		
MARCUS W. SISK JR., 2828 PENNSYLVANIA AVENUE, NW, #203 WASHINGTON DC 20037	TOSCO CORPORATION	3,960.00	
SCOTT SKLAR, 1717 MASSACHUSETTS AVENUE, NW, #503 WASHINGTON DC 20036	SOLAR ENERGY INDUSTRIES ASSN	3,198.00	
ROBERT G. SLAUGHTER, SUITE 200 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATURAL GAS SUPPLY ASSN	9,355.96	550.02
GRACE H. SMITH, 2000 M STREET, NW, #230 WASHINGTON DC 20036	TELOCATOR NETWORK OF AMERICA	8,942.00	127.79
THOMAS BLAISDELL SMITH, SUITE 519 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	PUBLIC VOICE FOR FOOD & HEALTH POLICY		
LARRY S. SNOWHITE, 1825 EYE STREET, NW WASHINGTON DC 20006	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: MASS. CONSTRUCTION INDUS. COUNCIL TRUCK WEIGHT COMM).		
RANDALL A. SNOWLING, 655 15TH STREET, NW, #700 WASHINGTON DC 20005	DELOITTE HASKINS & SELLS		
SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION, P.O. BOX 3719 GEORGETOWN STATION WASHINGTON DC 20007		25,707.20	64,022.12
SOCIETY FOR NUTRITION EDUCATION, 1736 FRANKLIN STREET OAKLAND CA 94612		31.02	329.75
VINCENT R. SOMBROTTO, 100 INDIANA AVE., NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	3,482.35	
CHARLES B. SONNEBORN, SUITE 300 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN ACADEMY OF OPTHALMOLOGY		675.01
SONOSKY CHAMBERS SACHSE & GUIDO, 1050 31ST ST., NW WASHINGTON DC 20007	ASSINIBOINE AND SIOUX TRIBES		
Do	MACKENZIE TURNIPSEED		
Do	MULTI-HOUSING LAUNDRY ASSOCIATION, INC.		
Do	SHOSHONE INDIAN TRIBE		
Do	STANDING ROCK SIOUX TRIBE		
MARK SQUILLACE, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	11.68	
MELVIN R. STAHL, SUITE 1410 1235 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MOTORCYCLE INDUSTRY COUNCIL, INC		
LYNN E. STALBAUM, 1840 WILSON BOULEVARD ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	2,610.00	25.12
STANDARD OIL CO (OHIO), MIDLAND BLDG. CLEVELAND OH 44115			22,623.50
JEFFREY STANT, 325 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL TAXPAYERS UNION	4,307.73	
STEPTOE & JOHNSON, CHTD, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALLIANCE FOR CANNABIS THERAPEUTICS		217.45
Do	ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC	20,219.75	1,643.19
Do	COALITION TO PROMOTE AMERICA'S TRADE	22,000.00	35,750.87
RICHARD H. STERN, 2101 L STREET, NW, #800 WASHINGTON DC 20037	INTEL CORPORATION		
Do	SEMICONDUCTOR INDUSTRY ASSN		
IMAGENE STEWART, 214 P STREET, NW WASHINGTON DC 20001	AMERICAN WOMEN'S CLERGY ASSN		
TRAVIS B. STEWART, 1050 CONNECTICUT AVE., NW, #401 WASHINGTON DC 20036	HOFFMANN-LA ROCHE INC		7,200.00
KENNETH F. STINGER, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	563.35
RONALD J. STRECK, P.O. BOX 238 ALEXANDRIA VA 22313	NATIONAL WHOLESALE DRUGGISTS' ASSN		
SUTHERLAND ASBILL & BRENNAN, 1666 K STREET, NW, #800 WASHINGTON DC 20006	AD HOC COMM FOR EQUITABLE TRANSPORTATION		
Do	ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY		
Do	ATLANTA LIFE INSURANCE COMPANY	374.75	
Do	BLANCHARD VALLEY HOSPITAL		
Do	COUNCIL OF INDUSTRIAL BOILER OWNERS		
Do	CECIL B. DAY COMPANIES		81.45
Do	INDUSTRIAL OIL CONSUMERS GROUP		
Do	OMAHA NATIONAL BANK, TRUST. OF KIEWIT ROYALTY TRUST		146.50
DONNAE SUTHERLIN, 222 S. PROSPECT AVE. PARK RIDGE IL 60068	NATIONAL ASSN OF MANUFACTURERS	400.00	
DAVID L. SWANSON, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	STANDARD OIL CO OF CALIFORNIA	2,730.00	4.97
Do	U.S. PHOTOVOLTAICS MANUFCTURERS' AD HOC COMMITTEE	2,490.00	28.67
SWIDLER BERLIN & STRELOW, CHTD, 1000 THOMAS JEFFERSON ST., NW #500 WASHINGTON DC 20007	AIRCO, INC		
Do	AMERICAN HOECHST CORPORATION	1,800.00	
Do	LUCASFILM, LTD	975.00	
Do	MD PEOPLE'S COUNSEL (NATL ASSN OF STATE UTIL. CONSUMER ADVO)	5,310.00	148.15
SCOTT R. SWIRLING, SUITE 950 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	NATIONAL FAMILY PLANNING & REPRODUCTIVE HEALTH ASSN, INC	2,707.00	140.00
Z. MICHAEL SZAZ, 6415 FRANCONIA COURT SPRINGFIELD VA 22150	AMERICAN HUNGARIAN FEDERATION	400.00	
Do	EMBASSY OF THE DEMOCRATIC REPUBLIC OF SOMALIA		
Do	OFFICE OF THE TURKISH STATE OF NORTH CYPRUS	5,470.20	283.20
LINDA TARR-WHELAN, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	1,375.00	47.75
STEPHANIE TEFF, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	2,852.31	84.35
TEXASGULF, INC., HIGH RIDGE PARK STAMFORD CT 06904			
THOMPSON HINE & FLORY, 1920 N ST., NW, #700 WASHINGTON DC 20036	COMMITTEE ON PIPE & TUBE IMPORTS	6,900.00	22.00
Do	GREAT WESTERN SUGAR CO.		
ROBERT N. THOMSON, ONE LANDMARK SQ. STAMFORD CT 06901	MOORE MCCORMACK RESOURCES, INC		
TERENCE H. THORN, SUITE 919 1700 NORTH MOORE STREET ARLINGTON VA 22209	HOUSTON NATURAL GAS CORP	326.90	

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MICHAEL L. TINER, 1775 K ST., NW WASHINGTON DC 20006	UNITED FOOD & COMMERCIAL WORKERS INTL UNION	11,038.44	1,057.89
ROBERT TOBIN, 605 14TH STREET, NW, #302 WASHINGTON DC 20005	AD HOC COMM IN DEFENSE OF LIFE, INC	2,500.00	3,631.43
M. DOUGLAS TODD, SUITE 2300 1000 WILSON BOULEVARD ARLINGTON VA 22209	NORTHROP CORP		
GILBERT D. TOUGH, 70 NORTH MAIN ST. WILKES-BARRE PA 18711	BLUE CROSS OF N.E. PENNSYLVANIA		
THOMAS J. TRABUCCO, 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	8,325.00	
RICHARD L. TRACHTMAN, SUITE 500 1101 VERMONT AVE. NW WASHINGTON DC 20005	AMERICAN SOC OF INTERNAL MEDICINE	2,187.30	411.19
TRANSAFRICA, 545 8TH STREET, SE, #200 WASHINGTON DC 20003		103,529.29	67,645.98
THOMAS TRUAX, 1200 15TH ST., NW WASHINGTON DC 20005	AMERICAN HEALTH CARE ASSN	3,300.00	349.48
TRUST FOR PUBLIC LAND, 82 SECOND ST. SAN FRANCISCO CA 94105			14,950.00
JON R. TUMLER, 1110 VERMONT AVENUE, NW, #1075 WASHINGTON DC 20005	PUBLIC SECURITIES ASSN	6,375.00	7,524.00
WILLIAM J. TURENNE, 1901 L STREET, NW WASHINGTON DC 20036	ELI LILLY AND COMPANY	3,000.00	95.84
RITA M. TURKIEWICZ, 444 NORTH CAPITOL STREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: CORDAGE INSTITUTE)	1,500.00	
Do	KEEFE COMPANY (FOR: NATIONAL REVENUE CORP)		
GILMAN UDELL, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF FIRE FIGHTERS	3,000.00	
UNITED FOOD & COMMERCIAL WORKERS INTL UNION, 1775 K ST., NW WASHINGTON DC 20006		92,391.58	45,224.94
UNITED SERVICES AUTOMOBILE ASSOCIATION, 9800 FREDERICKSBURG ROAD SAN ANTONIO TX 78288			
JOHN A. VANCE, 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC CO	7,943.00	4,981.12
VELSICOL CHEMICAL CORP, 341 EAST OHIO ST. CHICAGO IL 60611			450.09
JOHN P. VENNERS, 1899 L ST., NW, #1250 WASHINGTON DC 20036	VENNERS & CO (FOR: KOCH INDUSTRIES)		
VENTURE ENTREPRENEURS, INC., SUITE 206 1201 SAN MARCO BLVD. JACKSONVILLE FL 32207			
VERNER LIIPFERT BERNHARD & MCPHERSON, CHTD, 1660 L STREET, NW, #1000 WASHINGTON DC 20036	SEMICONDUCTOR INDUSTRY ASSOCIATION	8,312.50	400.00
Do	TRAVELERS CORP	8,037.50	
BRENDA R. VIEHE-NAESS, 1025 CONNECTICUT AVE., NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		
DENNIS C. VIERRA, VIERRA ASSOCIATES, INC 923 15TH STREET, NW WASHINGTON DC 20005	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY	8,000.00	
Do	METROPOLITAN TRANSPORTATION AUTHORITY	7,500.00	
Do	NIAGARA FRONTIER TRANSPORTATION AUTHORITY	5,333.40	
RUDOLPH A. VIGNONE, 1800 K ST., NW, #800 WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO	4,250.00	
VOLUME FOOTWEAR RETAILERS OF AMERICA, 1319 F ST., NW, #700 WASHINGTON DC 20004			1,581.50
ABE J. VORON, 6204 WHITE OAK LANE TAMARAC FL 33319	NATIONAL RADIO BROADCASTERS ASSOCIATION	325.00	1,850.00
VORYS SATER SEYMOUR & PEASE, SUITE 1111 1828 L ST., NW WASHINGTON DC 20036	CABOT CORPORATION	1,586.25	200.40
Do	COMMITTEE OF PUBLICLY OWNED COMPANIES		
Do	INTERNATIONAL AGRICULTURAL DEVELOPMENT SERVICE	6,086.00	1,367.23
Do	NATIONAL ASSN OF STATE SAVINGS INSURERS		
Do	NATIONAL BROADCASTING CO		
Do	OHIO DEPOSIT GUARANTY FUND	11,500.00	581.63
Do	OHIO MFRS ASSN	1,375.00	1,658.68
Do	SEAGATE COMMUNITY DEVELOMENT CORP		
Do	SIMPLEX TIME RECORDER CO		
Do	TOLEDO TRUSTCORP	15,500.00	1,446.53
W.A.W. WAR AGAINST WOMEN, 1224 FREEMONT ROSEBURG OR 97470			
WAGNER & BAROODY, INC, 1100 17TH STREET, NW, #804 WASHINGTON DC 20036	AMERICAN ACTUARIES, INC		
Do	AMERICAN BUS ASSN	4,362.50	1,390.30
Do	CHICAGO AND NORTHWESTERN RAILROAD	19,393.75	6,645.76
Do	E-SYSTEMS	343.75	292.00
Do	JARTRAN, INC	4,293.75	1,436.77
Do	LANIHAU CORPORATIONS		
Do	LONG ISLAND TRUST COMPANY	2,562.50	641.72
Do	MOBIL CORP		
Do	NATIONAL BEER WHOLESALERS OF AMERICA	14,456.25	4,542.34
Do	NATIONAL DEBT REPAYMENT FOUNDATION	562.50	101.92
CHARLES S. WALSH, FLEISCHMEN & WALSH 1725 N ST., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	185.00	
BARBARA F. WARDEN, SUITE 202-WEST WING 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL CONSUMERS LEAGUE		
WASHINGTON GAS LIGHT CO, 1100 H ST., NW WASHINGTON DC 20080			2,455.57
WASHINGTON INDEPENDENT WRITERS, INC., 1341 G ST., NW, #205 WASHINGTON DC 20005		371.52	
WASHINGTON OFFICE ON AFRICA, 110 MARYLAND AVE., NE WASHINGTON DC 20002		28,133.08	37,749.26
ROBERT E. WATKINS, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
BENJAMIN L. WEBSTER, 444 N. CAPITOL STREET, #801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	307.60	
WEBSTER CHAMBERLAIN & BEAN, 1747 PENNSYLVANIA AVE., NW, #1000 WASHINGTON DC 20006	COLT INDUSTRIES, INC		42.00
Do	MUTUAL PROTECTION TRUST	6,300.00	110.00
THEODORE F. WEIHE, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	U.S. OVERSEAS COOPERATIVE DEVELOPMENT COMMITTEE	2,812.00	
ARTHUR A. WEISS, 1800 FIRST NATIONAL BUILDING DETROIT MI 48226	JAFFE SNIDER RAITT & HEUER, P.C.	600.00	1,136.38
STANLEY A. WEISS, SUITE 401 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	BUSINESS EXECUTIVES FOR NATIONAL SECURITY		
WILLIAM B. WELSH, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	17,238.90	78.00
WEST MEXICO VEGETABLE DISTRIBUTORS ASSN, PO BOX 848 NOGALES AZ 85621			1,000.00
Do	REPUBLIC OF INDONESIA		
JOHN C. WHITE, 30 SOUTH WACKER CHICAGO IL 60606	COASTAL CORP & CHICAGO MERCANTILE EXCHANGE		
ALTON W. WHITEHOUSE JR., 1750 MIDLAND BLDG. CLEVELAND OH 44115	STANDARD OIL CO (OHIO)		
MARSHALL E. WHITENTON, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20037	STANDARD OIL CO (OHIO)	785.00	44.75
FRED WHITING, 214 MASSACHUSETTS AVENUE, NE, #420 WASHINGTON DC 20002	AMERICAN SPACE FOUNDATION	4,923.96	226.17
BENNETT C. WHITLOCK JR., 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	7,500.00	459.07
WICKWIRE LEWIS GOLDMARK & SCHOOR, 500 MAYNARD BLDG. SEATTLE WA 98104	ARCTIC SLOPE REGIONAL CORP, ET AL	1,820.00	2,145.51
CHARLES E. WIGGINS, 1050 17TH STREET, NW WASHINGTON DC 20036	CHEVRON U.S.A	2,910.00	
Do	FEDERAL JUDGES ASSN	1,560.00	
JULIAN A. WILHELM, 1320 19TH STREET, NW WASHINGTON DC 20036	BURCH, WILHELM & MCDONALD, P.C. (FOR: M.A.N. TRUCK & BUS CORP)		
WILLIAMS & JENSEN, P.C., 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALAMO CEMENT COMPANY	212.50	4.28
Do	ALASKA LUMBER & PULP, INC		
Do	AMERICAN HOME PRODUCTS		71.36
Do	AMERICAN PHYSICAL THERAPY ASSN	55.00	11.41
Do	BRAUM ICE CREAM STORES, INC		
Do	BRISTOL-MYERS		71.36
Do	CENTURY 21 REAL ESTATE CORP		
Do	CIGNA	1,787.50	114.16
Do	COM DISCO, INC	350.00	28.54
Do	COMMITTEE FOR EMPLOYMENT OPPORTUNITIES	37.50	7.14
Do	COMMITTEE FOR PRUDENT DEREGULATION		
Do	CONSOLIDATED FOODS CORP	70.00	
Do	CUSATI/HEISE PARTNERSHIP	350.00	28.54
Do	D'ANCONA & PFLAUM	3,150.00	285.39
Do	DESIGN PROFESSIONALS COALITION	375.00	71.36
Do	ESTEE LAUDER, INC		
Do	FEDERATION FOR AMERICAN IMMIGRATION REFORM	3,452.50	328.21
Do	FIRST BOSTON CORP	2,650.00	199.78
Do	FREIGHT FORWARDERS INSTITUTE		
Do	GENERAL ELECTRIC CO	1,520.50	142.70
Do	GENERAL PORTLAND, INC	262.50	4.28
Do	GIFFORD-HILL & COMPANY, INC	212.50	4.28
Do	HIGHER EDUATION ASSISTANCE FOUNDATION		
Do	HOFFMAN-LA ROCHE		71.36
Do	HOUSTON ENDOWMENT, INC	350.00	28.54
Do	IU INTERNATIONAL MANAGEMENT CORP	1,112.50	156.97
Do	JOHNSON & JOHNSON		71.36
Do	KAISER CEMENT CORPORATION	50.00	4.28
Do	KELLOGG COMPANY		
Do	KELLY, APPLEMAN, HART & HALLMAN	1,750.00	114.16
Do	KRAUSE MILLING CO	75.00	11.41
Do	MERCK & CO		71.36
Do	MONOLITH PORTLAND CEMENT COMPANY	315.00	4.28
Do	MUSTANG FUEL CORPORATION		
Do	NATIONAL ASSN OF WATER COS	750.00	99.89
Do	NATIONAL CABLE TELEVISION ASSN, INC		4.28
Do	NATIONAL OFFICE MACHINE DEALERS ASSN	5,966.50	428.10
Do	NATIONAL SOFT DRINK ASSN		
Do	NATIONWIDE INSURANCE COMPANIES	398.04	28.54

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	OLYMPIA & YORK DEVELOPMENTS LTD		
Do	OLYMPIA & YORK EQUITY CORP		
Do	PARALYZED VETERANS OF AMERICA	47.50	4.28
Do	PFIZER, INC		
Do	PROCTER & GAMBLE		71.36
Do	PROTECTIVE CORPORATION		
Do	RECORDING INDUSTRY OF AMERICA, INC	625.00	99.89
Do	SCHERING-PLOUGH CO		71.36
Do	SOUTHLAND ROYALTY CO		
Do	SOUTHWESTERN PORTLAND CEMENT COMPANY	50.00	4.28
Do	SQUIBB CORPORATION		71.36
Do	STUDENT LOAN MARKETING ASSN	540.00	83.07
Do	TEXACO, INC	3,662.50	285.39
Do	TEXAS AIR CORP	5,700.00	570.80
Do	U.S. TELEPHONE COMMUNICATIONS, INC		
Do	UNIVERSAL FOODS , INC	37.50	11.41
Do	UNIVERSITY OF MICHIGAN HOSPITALS		
Do	WILKIE FARR & GALLAGHER	787.50	57.08
MARGIE R. WILLIAMS, 415 2ND ST., NE SUITE 300 WASHINGTON DC 20002	NATIONAL ASSN OF WHEAT GROWERS	1.630.21	
WILMER CUTLER & PICKERING, 1666 K ST., NW WASHINGTON DC 20006	CITICORP		
WISNER & SCHWARZ, 1762 CHURCH STREET, NW WASHINGTON DC 20036	ENERGY RECOVERY SYSTEMS, INC		
WITKOWSKI WEINER MCCAFFREY & BRODSKY, SUITE 350 1575 I ST., NW WASHINGTON DC 20005	COMMERCIAL CREDIT CORP		
Do	MERRILL LYNCH & CO., INC.; COMMERCIAL CREDIT CORP		
RONALD WOLSEY, P.O. BOX 507 BALTIMORE MD 21203	AMOCO OIL COMPANY		
BURTON C. WOOD, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	13 050.00	2,909.00
HUGH A. WOOD, 515 S. FLOWER STREET LOS ANGELES CA 92678	ATLANTIC RICHFIELD CO		
DIANE WOODRUFF, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASSOCIATION OF URBAN UNIVERSITIES	3 115.60	
WILLIAM E. WOODS, 205 DAINGERFIELD RD. ALEXANDRIA VA 22314	NATIONAL ASSN OF RETAIL DRUGGISTS	1 500.00	300.00
JOSEPH T. WRABEK, BOX 548 CASCADE LOCKS OR 97014	COLUMBIA GORGE UNITED		
WYATT & SALTZSTEIN, SUITE 802 1725 DESALES STREET, NW WASHINGTON DC 20036	AMERICAN BUSINESS PRESS, INC		
WYMAN BAUTZER ROTHMAN KUCHEL & SILBERT, SUITE 580 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	AUTOMOTIVE DISMANTLERS & RECYCLERS ASSN		
BROOKS B. YEAGER, 330 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	SIERRA CLUB	8 250.00	22.00
JOHN ANDREW YOUNG, 1333 NEW HAMPSHIRE AVE., NW, #207 WASHINGTON DC 20036	COASTAL CORPORATION		
JUDITH A. YOUNG, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1 500.00	187.51
KATHRYN ELEANOR YOUNG, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S		
HARRY M ZACHEM, 1025 CONNECTICUT AVE., #507 WASHINGTON DC 20036	ASHLAND OIL, INC	4 000.00	
MICHAEL ZAGORAC P.O. BOX 4689 CLEARWATER FL 33518	JACK ECKERD CORPORATION		1,419.00
BARNABY W. ZALL, 1424 16TH STREET, NW, #707 WASHINGTON DC 20036	FEDERATION FOR AMERICAN IMMIGRATION REFORM	40.00	4.00
THOMAS K. ZAUCHA, 1825 SAMUEL MORSE DRIVE RESTON VA 22090	NATIONAL GROCERS ASSN		
LEO C. ZEFERETTI, 9912 FORT HAMILTON PARKWAY, BROOKLYN, NY 11209	FAIRCHILD INDUSTRIES		
Do	GRUMMAN AEROSPACE CORP		
PHILIP F. ZEIDMAN, 1025 CONNECTICUT AVE., NW, #900 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC		
MICHAEL J. ZIMMER, WICKWIRE, GAVIN & GIBBS 1819 L STREET, NW, #700 WASHINGTON DC 20036	CLEAN COAL COALITION, INC		
Do	COGENERATION COALITION, INC		
KENNETH ZINN, 1837 WYOMING AVENUE, NW WASHINGTON DC 20009	WASHINGTON OFFICE ON AFRICA	3.833.33	
ZIONTZ PIRTLE MORRISSET ERNSTOFF & CHESTNUT, METROPOLITAN PARK, 16TH FLOOR 1100 OLIVE WAY SEATTLE WA 98101.	CONFEDERATED TRIBES OF THE COLVILLE INDIAN RESERVATION		
Do	HOOPA VALLEY TRIBE	144.00	1,069.56
Do	INUPIAT COMMUNITY OF THE ARCTIC SLOPE		
Do	LUMMI TRIBE OF INDIANS		
Do	MAKAH INDIAN TRIBE		
Do	METLAKATLA INDIAN COMMUNITY		
Do	MILLE LACS BAND OF CHIPPEWA INDIANS	425.00	1,018.04
Do	NORTHERN CHEYENNE INDIAN TRIBE		
Do	QUILEUTE INDIAN TRIBE		
Do	TULALIP INDIAN TRIBE		
Do	UKPEAGVIK INUPIAT CORPORATION		
JOHN L. ZORACK, 1140 19TH STREET, NW, #600 WASHINGTON DC 20036	FEDERAL EXPRESS CORP	30,000.00	
13TH CONGRESSIONAL DISTRICT ACTION COMM, 6714 MT. PAKRON DR. SAN JOSE CA 95120			50.00
9TH PRO-LIFE CONGRESSIONAL DISTRICT ACTION COMMITTEE, 1120 MICHIGAN BOULEVARD DUNEDIN FL 33528		35.00	1,185.75

SENATE—*Friday, October 12, 1984*

(Legislative day of Monday, September 24, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Word has just been received of the death of Senator MATTINGLY's brother. The Senator is with the family now in Indiana. Let us observe a moment of silence for them.

Almighty God, Sovereign Lord of the universe, Creator, Sustainer, Consummator of history, the prophet Isaiah declared that "the nations are like a drop from a bucket" to You. We see Earth from space as a blue marble and are aware of our tiny place in the cosmos. Yet You have extended Your preferential love toward us in the person of Your Son. You have created us free to choose and responsible for the consequences, yet in Your sovereignty You work with the human equation to bring to pass Your ultimate purposes for our benefit.

You know, gracious Lord, the complications of this extended session in aborted plans, family disappointments, rearrangement of schedules, added pressure of campaign commitments. "We trust You to work in all of this for good to those who love You and are called according to Your purpose." (Romans 8:28.)

May Your name be hallowed—Your kingdom come—Your will be done on Earth as it is in Heaven. Keep us in Your loving care while we are absent one from another. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, I have to confess I wondered how the Chaplain would approach this session today. His prayer, as always, was excellent—indeed outstanding. But the part of it that caught my fancy was where he asked us to be protected while we are absent each from the other. I devoutly wish for that result as soon as possible.

SENATE SCHEDULE

Mr. BAKER. Mr. President, let me try to summarize the situation as I see it. The motion to reconsider the vote by which the debt limit resolution was not adopted is pending. At some point today, that motion is debatable and at some point, it is the intention of the leadership on this side to ask the Senate to vote on that resolution. Until I have an opportunity to confer with the minority leader and discuss the situation in general, I am not prepared to make an announcement of an approximate time for that but I do not anticipate that it will occur immediately.

THE ADJOURNMENT RESOLUTION

Mr. President, I do not anticipate that the Senate will be asked to take up any other matter with one possible exception. That is an adjournment resolution. I shall consult and confer as well with the minority leader on that. But Members should be mindful of the fact that we passed an adjournment resolution which has been adopted by the House of Representatives and is therefore the law which provides for sine die adjournment of the Congress no later than midnight tonight. I wish for that result but I am not certain of that result. It may be necessary to enact another adjournment resolution.

I have attempted to contact the Speaker of the House and the majority leader of the House. I have not yet been able to do that but I am sure I will before this day is much older. I am afraid that is as much as I can say right now.

Mr. President, I ask unanimous consent that the remainder of my time under the standing order may be reserved for my use at any time during the remainder of this day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may reserve the minority leader's time for his use later today.

The PRESIDING OFFICER (Mr. RUDMAN). Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, may I ask the majority leader if no other Senator is speaking—I understand there are no special orders—if I may proceed as if in morning business.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, since no leader time is reserved, I ask unanimous consent that there be a period for the transaction of routine morning business until not later than the hour of 12:30 p.m., in which Senators may speak for not more than 10 minutes each with the exception of the two leaders, against whom no limitation of time applies.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NOW IS THE TIME FOR PROPONENTS OF THE GENOCIDE CONVENTION TO REDOUBLE OUR EFFORTS

Mr. PROXMIRE. Mr. President, yesterday's 87-to-2 vote in favor of Senate Resolution 447 is extremely gratifying. That resolution firmly puts the Senate on record as supporting the principles embodied in the Genocide Convention and makes it clear that the Senate will give the Genocide Convention priority for consideration at the beginning of the 99th Congress next year.

But no one, especially this Senator, believes that the adoption of this resolution will mean the automatic adoption of the Genocide Convention next year. Clearly, several yea votes were cast by Senators who have always done their best to prevent the Senate from consideration of the Genocide Convention but found it convenient to say "Look, I'm not opposed to the Treaty. I voted for this resolution."

Personally, I expect that the proponents of the treaty can expect a host of extraneous amendments, such as the one that was offered Wednesday and then withdrawn. I expect numerous delaying tactics: if not an outright filibuster, then a filibuster by amendment as we saw on Wednesday. I fully expect a cloture vote to be essential so that the Senate at long last will be able to vote on this important treaty's merits.

What does this mean? It means the proponents of the treaty cannot sit back on their laurels, basking in the warmth of an 87-to-2 vote. We need to use the time between now and the 99th Congress to get organized. The many organizations supporting this treaty need to continue to press the

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

case for the treaty with their Senators. They need to press the leadership of both parties for a firm commitment for prompt scheduling. And, most important of all, we will need the firm backing of the White House—not passive endorsement but active lobbying—by the top legislative staff, no matter who is President in January.

Mr. President, as I pointed out on Wednesday and Thursday, one of the most gratifying aspects of our debate this year has been the ability of proponents to assess the strength of support for the Genocide Convention, and the overwhelming strength of that support has been gratifying.

But, I believe that, with ratification at hand, now is not the time for us to ease off in our efforts. Now is not the time to turn to other business. Now is the time to press our case. Now is the time for us, as Senator Javits so movingly testified in 1981, "to redeem the honor of our country" and ratify the Genocide Convention.

HOW THE LAST WAR MAY COME FROM LITTLE NUKES

Mr. PROXMIRE. Mr. President, the nuclear arms technology race speeds on with even the most sensational revelations about the terrible danger we face, provoking no more than a yawn from the media or the public. Four months ago on June 3, in a Washington Post article, columnist Jack Anderson discussed a nuclear weapon most Americans have probably never heard of: atomic demolition munitions, or ADMS. These small nuclear land mines may well be the most likely way the world slips or sneaks into a nuclear war. Do you ask: Will nuclear war come form some kind of intercontinental ballistic missile launched from the Soviet Union? Well, it probably will not come that way. Neither superpower is likely to commit obvious and immediate suicide by firing intercontinental ballistic nuclear missiles. Here is why: Retaliation in kind would follow surely and swiftly.

Unless and until one side or the other develops an antimissile system in which it has complete confidence, the prospect of retaliation—another way of saying deterrence—will work to prevent a nuclear war initiated by the big nuclear systems. But the little, generally ignored atomic demolition munitions are something else. The experts who wrote the nuclear data book inform me that a full package including the charge itself, plus the radio gear and wiring, weigh only about 150 pounds. They also tell me the advice has less than a single kiloton explosive force, that is, less than 1,000 tons of TNT. But technology is changing that. We can expect the ADM to weigh less and have a higher kiloton force as the technology progresses. It is likely that the whole mechanism will weigh less than 100 pounds—a single terrorist would be able to carry it and to have an explosive power near to 1,000 tons of TNT, maybe more.

Now, Mr. President, how long before this little brother will fall into the eager and unstable hands of the Khomeini or a Qadhafi? And how long before this cheap and devastating open-sesame to power goes to work for a terrorist regime? It may be some time. These devices have been around for some 20 years. Anderson reports that they have been deployed in Western Europe and the Pacific since the middlesixties. In that period they have neither changed dramatically nor fallen into the hands of unstable third countries. There may be little change in the next 20 years, or there could be explosive changes. This is precisely the kind of relatively cheap, miniaturized mode which nuclear weapons could assume at their most dangerous. Any number of countries could afford them. Indeed, they would be ideal for government-directed terrorist groups. With such a relatively small explosive power, why the fuss? Why do these little nukes pose such a terrible threat? Well, Mr. President, it has been 39 years since any country set off a nuclear explosion for the purpose of gaining a military objective, that is, as an act of war against another country. That was 1945, when this country dropped its second and last war-ending atomic bomb on Nagasaki, Japan. Every nuclear explosion since then has been either for peaceful purposes or as a military test. No nation has exploded any nuclear device as an act of war.

As Anderson reports, we still protect Western Europe and parts of the Pacific by deploying atomic demolition munitions—ADM's. Against the massive advantage the Soviet Union has in tanks, planes, and ready-to-move manpower, these nuclear devices along with forward placed American troops provide a cheap and so far an effective deterrent. Any Soviet invasion of Europe runs up against double trouble. American troops right up in front trigger an immediate commitment of the United States to an all-out involvement in the defense of Europe. Second, the mining of approaches from Warsaw Pact countries to Western Europe with nuclear devices serves notice on the Soviets that any invasion by them of Western Europe will start right off with nuclear war, low-level nuclear war, but nuclear war for sure. So, what is wrong with doubling deterrence and getting a defense of Europe on the cheap? Nothing, as long as it works. And so far it has worked.

Unfortunately, however, in the words of Adlai Stevenson, there is no gain without pain. And the pain here is that those little atomic demolition charges will not remain the exclusive monopoly of NATO forever. Think of the accumulated risk involved. First, some one of these days one of those nuclear devices may go off and destroy a Soviet military unit. If that happens, how would the Soviets respond to what they would certainly consider an act of nuclear war? Second, the Soviets may double the risk by deploying their own ADM's. Third, this cheap and deadly military technology with the obvious power it projects will almost certainly, sooner or later, fall into the hands of third countries, including a Libya, or an Iran, or Iraq, or Syria. In that case, the likelihood of its use would become a certainty. And a nuclear war would then begin. Once it begins it might have no end before civilization perishes.

Mr. President, I ask unanimous consent that the article to which I have referred, by Jack Anderson, from the Sunday, June 3, 1984, Washington Post, be printed at in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Little Weapons With a Big Bang

(By Jack Anderson)

The Pershing II-cruise missile controversy has disrupted U.S.-Soviet relations, strained the NATO alliance and sparked demonstrations by peace groups throughout Europe. But something that poses a possibly greater nuclear threat has gotten no headlines: the intended use of "atomic demolition munitions," or ADMs, in the early stages of conventional warfare between East and West.

The little-known ADMs are the land mines and satchel charges of the nuclear age. Dug into the ground for maximum demolition effect, they could blow up the bridges or dams and block the mountain passes and highways that conventional Warsaw Pact forces would use to overrun Western Europe.

The ADMs are intended primarily for destruction of real estate, not tanks or personnel. In fact, they are deliberately designed to minimize fallout, since they would be used mainly in friendly territory to stop an enemy advance.

For that reason, though, ADMs are more tempting to use. Yet a nuke is a nuke, and the first use of any nuclear device might escalate into a holocaust.

My associate Dale Van Atta has reviewed secret military documents and an Army field manual, "Employment of Atomic Demolition Munitions," which detail the uses, advantages and disadvantages of the nuclear weapons that few people have even heard about outside the Pentagon. Here's what he learned:

The Army first deployed ADMs in Western Europe, the Pacific and the United States in the mid-1960s, and they are still there, ready to repel a communist invasion. There are two types: Medium and Special ADMs—or MADMs and SADMs.

As of early 1983, according to a secret Pentagon report, the United States had a total of 608 ADMs, 372 in Europe (mostly in West Germany), 21 in the Pacific (mostly in South Korea) and the rest stored in this country.

The SADM is so small—58 pounds—that it can be carried in a command's backpack on a raid behind enemy lines. Its maximum explosive power is one kiloton, equal to 1,000 tons of TNT, and it can be tuned down to the equivalent of 10 tons of TNT.

The SADM's small size is both its advantage and disadvantage: it would be easy for terrorists to steal. To protect the devices from theft, U.S. bases that have SADMs also have tight security measures, including better fences, light towers, barbed wire covering the weapons themselves, and smoke and noise generators that would be triggered if intruders got into the bunkers where the SADMs are stored.

The nuclear wallop of the MADM ranges from one kiloton to a Hiroshima-sized 15 kilotons. Yet it weighs less than 400 pounds, and can be transported easily by boat, helicopter or Jeep.

NATO sources said the nuclear demolition devices' best use would be in narrow valleys or mountain passes, near superhighways and in tunnels. "A blocked defile can stop an enemy advance and cause him to mass in an area where he can be destroyed by nuclear weapons," the manual explains.

From a military standpoint, ADMs should be in place ahead of time. But politically it would be impossible to do this in Western Europe. In fact, the ADMs will be phased out over the next few years as the Pershing and cruise missiles take over a larger responsiblity for NATO's defense.

ADMs will remain in South Korea, however. Some have already been deployed underground near—and possibly under—the Demilitarized Zone. They would be a formidable defense should the North Koreans decide to invade across the DMZ toward Seoul, only about 25 miles away.

Though ADMs could theoretically be used as tactical offensive weapons to impede or block enemy counterattacks, their principal use would be defensive: to "block avenues of approach by cratering defiles or creating rubble; sever routes of communication by destroying tunnels, bridges, roads and canal locks; create areas of tree blowdown and forest fires; crater areas including frozen bodies of water subject to landings by hostile airmobile units, [and] create water barriers by the destruction of dams and reservoirs."

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I ask the Chair to inquire if there is further morning business.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PUBLIC DEBT LIMIT INCREASE

The Senate resumed the consideration of the joint resolution (H.J. Res. 654) increasing the statutory limit on the public debt.

The PRESIDING OFFICER. The question is on the motion to reconsider.

The motion was agreed to.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, to extend not later than 12:30 p.m., under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EVANS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRUSTRATION IN THE SENATE

Mr. EVANS. Mr. President, I have watched with increasing dismay our performance as a Senate during the past week. I do not intend to lecture this morning, because I suspect that I am as guilty as my colleagues of some of the efforts which have led us so far astray. I certainly do not castigate the leadership of this body. My administration for the minority leader is great, and my admiration for the majority leader is unbounded.

Many have spoken during the past week or two about the majority leader and his leadership. Encomiums have flowed to such a degree that I suspect that sometimes it discomforts Senator BAKER. I have been privileged to know Senator BAKER for more than 20 years, and I regret that our service together in the Senate has been for only a little more than a year. He is unquestionably a true and faithful servant of the people of Tennessee. He is an important leader of the people of the United States. He, perhaps as much as any other Member who has ever served in this body, truly bears that rare and distinguished title—a Senator's Senator.

I hesitate, then, to follow those words of praise with words of dismay, but the experience of the last week has been dismal. The continuing resolution which we spent so much time to pass should be unnecessary. A continuing resolution merely represents the failure of our budget and appropriations process—perhaps not a failure so much in committee as a failure on the floor of the Senate. If we had done our task in a timely fashion, if the 13 appropriations acts had passed by October 1, if they had been laid before the President as they should have been and signed into law, no continuing resolution would have been necessary.

I tried, along with many of my colleagues during that period of time, to consistently vote in a procedural way to keep the continuing resolution only to those necessary, vital, and required spending programs.

I, like many, voted, therefore, in ways which occasionally shocked and dismayed many of my constituents. I, like many, ultimately voted to table a civil rights act in which I believe very strongly; but I felt, also, that we were faced with the unhappy choice of either voting to table, for this session of Congress, an important civil rights act or bring the entire Government of the United States to a halt. That is a Hobson's choice, indeed; but, Mr. President, I believe that those who joined to make a majority to temporarily lay that bill aside voted in an appropriate manner.

The ultimate dismay, however, was the action last night on the debt limit. Inconsistency ran rampant on the floor.

I shall take a moment just to detail the way in which we voted last night. The continuing resolution was passed by this body 78 to 11. That continuing resolution contained a very high percentage of all of the appropriated spending for this coming year. I suppose you could say it represents as close as we come to a comprehensive budget because so much of our appropriations ended up in the continuing resolution. But remember 78 out of 100 Senators voted in favor of that continuing resolution which unquestionably require us to raise our debt limit. You cannot have it both ways. You cannot expect to vote for the spending package and then turn around and vote against the necessary increase in debt limit which is required by that spending package. And yet did we ever do that.

Only 15 Senators voted in favor of both the continuing resolution and the increase in the debt limit. I think it is just as consistent for the five Senators who voted "no" on both the continuing resolution and the debt limit. I suspect that it takes an unusual amount of courage for the one Senator who voted "aye" on the debt limit feeling it was necessary but voted "no" on the continuing resolution presumably because he did not like the spending patterns.

But those three categories together add up to 21 Senators out of 100; 40 Senators did not vote on either debt limit or the continuing resolution or both.

But that leaves 39 Senators who voted "aye" for the continuing resolution, adding to the spending of this country way beyond our capacity to pay, and "no" for the debt limit.

I recognize that certainly in one case Senator **Baker** changed his vote in order to be on the prevailing side to reconsider the vote by which the debt limit lost. I recognize there may well be others who felt they could work with their colleagues to help change their votes by voting "no" now and ultimately voting "yes" as a majority of this body must before we leave town.

Mr. President, I do not mean in any way to demean or challenge the motives of my colleagues. But I do mean to bring to this body and hopefully to the people of this country the inconsistency with which we approach perhaps the most important single measure we have acted upon this year.

I hope out of it we come back to the next session of Congress with a determination to change, a determination to examine new ways to allow us to do our task in an appropriate manner, a new dedication to completing the budget and the authorization and the appropriation process to follow as explicitly as we can the Budget Act of this Nation and to reach October 1, 1985, with all 13 Appropriations Acts having been passed and sent to the President.

We may well want to look at the desirability of a 2-year budget, at least examine its potential in getting us out of this appropriations morass. We certainly ought to look more at the germaneness of amendments we add to the various appropriations acts and ultimately the germaneness of those we attempt to add to a continuing resolution.

I personally believe as at least one Senator that an item veto for the President might do a lot to get us back to germaneness and get us back on track in this budgetary pack.

Mr. President, with all of these frustrations expressed from the back of the bus, from a Senator who ranks number 100 in seniority, I am still honored to serve in this Senate. It is a rare privilege for any of us who had served and who are now serving. I simply want to see it represent the very best of what I think is the most important legislative body of any free nation on Earth.

Mr. GORTON. Mr. President, I should like to commend the remarks of my colleague to all of the other Members of the Senate and to associate myself with them.

I can remember another example of the type of inconsistency to which he refers on an occasion somewhat over 2 years ago, after several weeks of debate, the Senate of the United States by somewhat more than a two-thirds majority proposed a constitutional amendment to require a balanced budget. Immediately after the dramatic vote on that issue the Senate turned to a number of spending programs which impacted upon the deficit and on the ability of the United States to balance that budget, and almost half of the Members who in the morning voted for a constitutional amendment to require a balanced budget voted in the afternoon for a politically popular program to increase the budget deficit, in other words to unbalance the budget by an additional $5 billion.

Some of the same temperament regrettable may have taken possession of some of our colleagues last night though I do suspect that we will do better today.

ICE

Mr. GORTON. Mr. President, almost every Member of this body has suffered another disappointment in this last week of the 98th Congress. To the surprise and regret of almost every Member, Congress has failed to adopt an interstate cost estimate or to put that in more colloquial terms a highway bill which would permit the continued construction and completion of the Interstate Highway System.

Federal moneys for these programs total something over $12 billion a year, and our failure to authorize expenditures for the next 6 months can be attributed almost totally to an unwillingness of Members, particularly Members of the other body, simply to distribute those moneys in accordance with formulas set out by law in an objective fashion.

In fact, it is my understanding, and I will ask my colleague to comment on this subject, as he was a member of the conference committee on the differences between the two Houses, that compromise finally was wrecked on the shoals of the demand of the House on behalf of the Speaker of the House for an authorization for a specific project costing well in excess and perhaps twice as much as $2 billion, to come off the top not after the formula for the Commonwealth of Massachusetts.

In one sense, of course, that demand was similar to the request of many other Members of both the House and Senate for special projects for demonstration projects. The Senate, however, managed to deal with that in what seems to me to be a reasonably responsible manner by limiting all such demonstration projects to a relatively modest $25 million, 50 percent of which was to come from State funds and the Senate conferees were willing either to operate under that rule all who asked for demonstration projects, or to pass an entirely clean interstate cost estimate with no special projects at all.

The House refused. The House refused over this one huge project, all out of proportion to any other proposal in size, and as a result much needed construction of the interstate system may well grind to a halt during the course of the next 6 months in spite of the fact that there is sufficient money in the trust fund to continue that construction in spite of the fact that that construction in every one of the 50 States is overwhelmingly needed.

I commend the Senate conferees for not succumbing to what I consider to be a totally unreasonable demand. I regret intensely that my State and the other 49 States will suffer as a result. But I believe that, in this case, the Senate conferees have acted in a highly responsible fashion and I hope that the result of that responsibility very shortly after the commencement of the 99th Congress will be a clean and objective and appropriate Interstate cost estimate.

Mr. EVANS. Mr. President, I would like to follow those remarks of my colleague because I suppose that the frustration I expressed a little earlier was partially caused by this first experience of mine on a conference committee.

Mr. President, 27 years ago, I was elected to the State Legislature of the State of Washington and became a member of the highway committee of that State legislature. Even then, more than a quarter of a century ago, we were initiating some priority systems, measurements, if you will, of the relative need of highway projects throughout the State and various stretches of road to get away from the traditions of logrolling, pork-barreling, of legislators designating where and how highways should be built.

In the ensuing quarter of a century, most State legislatures have come to the point where they depend heavily on a priority system—a priority system which is based on engineering knowledge, based on traffic, based on the needs of the State and, which is almost totally removed from those State legislatures, the kind of individual designation of projects which seems to be growing in this Congress.

I commend my chairman, the Senator from Vermont, Senator **Stafford**, for his leadership on the Committee on Environment and Public Works. I believe the Senate conferees did try to at least moderate the demonstration projects by requiring that most projects have a healthy match, 50 percent from the States, and that there be a limit on their size. But when we got right down to it and compromised even further to a two-thirds/one-third split and a $30 million limit per project, the House conferees simply walked away. They could not and would not give up the large number of demonstration projects for which they wanted upwards of 92 to 94 percent Federal money and most of all could not give up a project which is estimated to cost not just $2.2 billion, but by the time it is completed, if ever, would cost something closer to $4 billion.

I recognize that it was a favorite project of the Speaker of the House of Representatives, but I think it is too bad that all of the States of the Nation, for construction projects so desperately needed throughout this country, must be held hostage and that now no one will have an opportunity to move forward with these interstate highway constructions to add to the convenience, the economy of our various States, and the safety of the citizens who use those roads.

So, Mr. President, that, I suppose, just represents one more element in the frustration which I feel and which I feel is shared by so many in this body.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hecht). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 155—PROVIDING FOR A SINE DIE ADJOURNMENT OF THE CONGRESS

Mr. BAKER. Mr. President, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

S. Con. Res. 155

Resolved by the Senate (the House of Representatives concurring), That when the two Houses of Congress adjourn on Friday, October 12, 1984, Saturday, October 13, 1984, Sunday, October 14, 1984, Monday, October 15, 1984, Tuesday, October 16, 1984, Wednesday, October 17, 1984, Thursday, October 18, 1984, or Friday, October 19, 1984, they stand adjourned sine die, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

Sec. 2. The Speaker of the House, after consultation with the Minority Leader of the House, and the Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The concurrent resolution (S. Con. Res. 155) was considered and agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTING THE ENROLLMENT OF H.R. 5361

Mr. BAKER. Mr. President, I have been given a House concurrent resolution to make corrections in the enrollment of H.R. 5361. I send the concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 378) correcting the enrollment of H.R. 5361.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the current resolution.

Mr. BAKER. Mr. President, this is to make corrections in the enrollment of H.R. 5361 where there were clerical errors. I am advised that there are no matters of substance involved.

AMENDMENT NO. 7130

Mr. BAKER. Mr. President, in addition to the concurrent resolution, I now send to the desk an amendment on behalf of the distinguished chairman of the committee, Senator Dole.

Before the clerk states this amendment, let me say that I am advised there is nothing in this amendment except to make corrections in enrollment only.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. Baker], for Mr. Dole, proposes an amendment numbered 7130.

Mr. BAKER. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection——

Mr. BYRD. Mr. President, reserving the right to object.

Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Without objection, the amendment is considered as read.

The amendment is as follows:

At the end of the concurrent resolution add the following:

On page 5, line 7, strike "(I)" and insert the following: "(II)".

On page 5, strike lines 32 and 33, and insert the following: "(II) Application with clause (ii).—This clause shall not apply to".

On page 6, line 1, strike "subparagraph (B)" and insert the following: "clause (ii)".

On page 6, line 3, strike "subparagraph" and insert the following: "clause".

On page 6, line 14, strike "transaction" and insert the following: "transactions".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 7130) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (H. Con. Res. 378), as amended, was agreed to.

Mr. BAKER. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATOR JENNINGS RANDOLPH

Mr. JOHNSTON. Mr. President, it is difficult for me to imagine the U.S. Senate without the presence of the senior Senator from West Virginia, Jennings Randolph.

Jennings Randolph has served in the Congress since 1932, the year I was born. His service spans some of the most turbulent times in the history of our great Nation, and some of the most significant technological developments. Throughout that great period of history the Senator from West Virginia has been a steadying force in the U.S. Congress, gently reminding us of our roots and this Nation's great heritage. I know that we will all miss him greatly when he retires this year and goes home to Almost Heaven, WV.

I consider the Senator from West Virginia personally responsible for our Nation's great Interstate Highway System. His accomplishments in the environmental area are almost too numerous to mention. Suffice it to say that he was in the forefront in protecting this country's vital natural resources before there was even such a thing as the environmental movement.

He and our late colleague Scoop Jackson were personally responsible for establishing the National Fuels and Energy Policy Study, authorized by Senate Resolution 45. Senate Resolution 45 passed the Senate on May 3, 1971, well before the vast majority of the American people were aware of the energy issues that would be studied and clarified under the authority of Senate Resolution 45. That resolution provided for a comprehensive study of programs and policies required to meet national energy needs by the then Interior, Public Works, Commerce, and Joint Atomic Energy Committees. The National Fuels and Energy Policy Study provided the groundwork so that the Congress was prepared to respond in a comprehensive fashion to the turbulent events in the world of energy in the 1970's.

During that time, the Senator from West Virginia never allowed us to forget that we are dependent upon and must develop our own domestic energy resources. Indeed, I cannot even think of coal without thinking of the Senator's vital interest in coal policy, coal use, and coal development. His early advocacy of synthetic fuels development is almost legend; indeed, the fledgling program we have established would not have gotten as far as it has today without the Senator's interest and efforts.

Above all, the Senator exemplifies the type of personal qualities that bring honor to this body. He has long been one of the Senate's ablest legislators. He has gone far beyond the call of duty in his service to the people of West Virginia. I consider myself privileged to know him and hope that his retirement brings him happiness and contentment in the years to come.

TRIBUTE TO SENATOR TSONGAS

Mr. JOHNSTON. Mr. President, when the Senate adjourns sine die today, it will mark the end of Senator PAUL TSONGAS' all too brief Senate career. All of us who have served with Senator TSONGAS during the past 6 years know him to be a thoughtful and responsible legislator and a decent and caring human being.

It has been a special pleasure for me to serve with PAUL TSONGAS on the Senate Energy and Natural Resources Committee during his tenure in the Senate. In that capacity, Senator TSONGAS has played a major role in the formation of natural resource policy for this country. He has been in the forefront of the conservation movement since he came to the Senate and has championed the cause of the environment effectively and faithfully.

Most notably, in 1979 and 1980 PAUL TSONGAS, along with a handful of other leaders in the Senate, negotiated the compromise on the landmark Alaska lands legislation which was ultimately passed by the House and signed by President Carter. I do not think it is an exaggeration, Mr. President, to say that without Senator TSONGAS' leadership and perseverance, the Alaska lands bill would not have been enacted in 1980.

As a Member of the House of Representatives, PAUL TSONGAS was the author of the legislation establishing the Lowell National Historical Park in Lowell, MA. Since coming to the Senate, he has worked tirelessly and effectively to ensure adequate funding for the Lowell project. Likewise, both in the Senate and the House, Senator TSONGAS has been an ardent defender and proponent of this country's cultural and historic preservation programs.

Mr. President, I wish our distinguished colleague from Massachusetts well in his endeavors. It has been a pleasure knowing and working with him, and I know we will all miss him very much.

TRIBUTE TO SENATOR JOHN TOWER

Mr. JOHNSTON. Mr. President, as we come to the close of the 98th Congress, I wish to add my tribute to others expressed by my colleagues to the distinguished Senator from Texas, JOHN GOODWIN TOWER. JOHN TOWER has served his State, his Nation, and this body not only with distinction and dedication, but also with devotion and wisdom of the highest possible order. He is recognized as one of the leading authorities on defense matters, not only in this country but throughout the world, a reputation he richly deserves.

JOHN TOWER has been a Member of the U.S. Senate for more than 23 years and as chairman of the Senate Armed Services Committee for the past 4 years. During that time, Senator TOWER has steadfastly supported a strong national defense for the United States and our allies under seven Presidents from both political parties. But more than that, JOHN TOWER has had the courage to stand by his convictions for a strong and capable Military Establishment to protect our national interests during a time when those convictions were not popular with many of his colleagues and many of his countrymen. His foresight during those times and his leadership on the Armed Services Committee and on the floor of the U.S. Senate have played a most significant role in keeping our country strong and free. He has never apologized for his belief in a strong America, nor should he. In times past, JOHN TOWER would have been characterized as an American patriot. As he leaves the U.S. Senate, I want to say to my good friend from Texas, being an American patriot is a singular honor and one he richly deserves. This body will miss his intelligence and devotion. I will miss a friend.

THE RESIDENTIAL CONSERVATION SERVICE AND THE COMMERCIAL AND APARTMENT CONSERVATION SERVICE

Mr. JOHNSTON. Mr. President, the Residential Conservation Service [RCS] and the Commercial and Apartment Conservation Service [CACS] programs were developed with the objective of encouraging the installation of energy conservation and renewable energy resource measures in existing homes and commercial and apartment buildings. These programs seek to inform utility customers of opportunities to make use of such measures by providing site-specific energy audits of the customer's buildings. By requiring utilities to offer these audits, Congress hoped that improvements would be made in existing buildings that would reduce the growth in demand for energy in the United States and conserve nonrenewable energy sources. The programs were conceived in the 1970's, during a period of rising energy prices with perceptions of continued increases and shortages of critical fuels.

The RCS Program requirements are requirements on electric and gas utilities. In general, there are no "sunset" provisions for these requirements. The one exception to this rule is the expiration on January 1, 1985, of the requirement that the utilities notify their customers of the availability of the program. The CACS Program has yet to be fully implemented. The Department of Energy actually triggers the effectiveness of CACS Program requirements when it approves a State CACS plan. Only one plan—that of the State of Michigan—has been approved as of this date. However the DOE has a number of State plans in hand, so that the utilities in several States could find themselves required to implement the CACS Program requirements quite soon.

Very late in this session of the 98th Congress the House passed and sent to us H.R. 5946, the Conservation Service Reform Act of 1984. This bill extended the RCS Program notification requirement until January 1, 1990, and made numerous substantive changes in the RCS statute. It also would have repealed the CACS Program. Much of the credit for the enactment of this bill in the House goes to Republican RALPH M. HALL of Texas.

Because the House bill arrived in the Senate so late in the session, there was no time for the Committee on Energy and Natural Resources to hold hearings or to otherwise evaluate the proposed substantive changes in the RCS Program or the justification for the repeal of the CACS statute. For a while, it appeared that there might not be time for the Senate to do anything at all on the issue.

Because I was concerned about the potentially large costs associated with the CACS Program, accordingly, I asked the committee to consider a substitute to the House bill. The committee and the Senate eventually adopted this substitute. My substitute extended the RCS notification requirement for 1 year and removed the authority of the DOE to approve any more CACS plans for 1 year. The purpose of this proposal was to freeze the status of the two programs so the Senate would have time to evaluate the House-proposed changes next year. We may well find the House proposals meritorious. But the creation of the necessary consensus for these proposals and the responsible evaluation of other proposals that Senators may want to make takes time. Under my substitute, that time would be provided without prejudicing either of the programs. I was very hopeful that the House would give us the time to do our work while holding the status quo in place.

Apparently, that will not happen. As of this moment, there has been no constructive response from the House to the Senate's bill. It appears that there may not be any such response. If this is the case, it will be unfortunate. The status of the RCS program will be thrown into uncertainty, with many program requirements continuing in law, but the notification requirement expired. On the other hand, utilities could be forced to incur substantial startup costs for a CACS program that the House voted to repeal and the Senate voted to defer.

I strongly urge the administration to take cognizance of these facts. We do intend to review these programs early in the next Congress. It is this Senator's intention to propose the amendments to existing law that our review indicates are justified. It would be very unfortunate if, in the meantime, the Nation's utilities and their ratepayers were forced by this administration to incur the startup costs of the CACS Program when that program is such a likely candidate for substantial amendment or repeal.

Mr. President, the case for an early review of these programs is strong. The RCS Program was enacted into law in 1978 as a part of the National Energy Act. However, by the time the RCS Program was implemented in 1980, most energy prices had begun to stabilize and the United States was in the midst of a recession. Interest in energy conservation investments had fallen off. It seems fair to say that the enthusiasm of the administration and the utilities for the program has been decidedly lukewarm throughout this period.

During years the RCS Program has been in effect, participation by eligible customers has been very disappointing. According to the Department of Energy, only 3.5 million of the 62 million eligible customers have taken advantage of RCS audits. The Department of Energy published a report evaluating the RCS on January 19, 1984, that concluded:

> Overall, the RCS Program has had success in motivating states and utilities to provide audit information to the residential sector. Response rates have been highest where the Program was promoted aggressively and where provisions went beyond the minimum required by federal law. In general, the most aggressive RCS states also face perceived high marginal costs of energy. Participation has been greatest among the group that could be described as more affluent, better educated and homeowning, and their energy savings are roughly 1.8 times those of a comparable non-participant group, considering only the investments made within one year of the audit. Nonetheless, participation to date has been less extensive or demographically broad than desired, and audit costs, now averaging $120, include certain elements that are recognized as neither necessary nor cost-effective.

I believe we should take a good hard look at the record this program has been able to achieve and at whatever reforms to the program are proposed, including those that were proposed in the House version of H.R. 5946. We can and will do that next year.

The CACS Program is estimated to cover about two-thirds of all multifamily households and about half of all commercial buildings. Despite the wide coverage of the CACS Program, the Department of Energy estimates that the annual realized energy savings will be one-tenth that of the RCS savings. By acting this year to delay the implementation of CACS, we would save utility customers the startup costs associated with this program, including hiring and training auditors, acquiring and programming required computer equipment, and preparing and mailing notices to all potential customers. I am sorry the House is unwilling to do this.

Both the RCS and CACS Programs are predicted on the notion that utility costs and electric and gas rates will be lower as a result of the programs because the need for higher priced marginal supplies of energy and new facilities will be reduced due to conservation and the use of renewable energy sources. Many question whether this is in fact what happens. Whose view is the correct one?

We need to inquire into the record of the RCS Program. Are rates lower than they would otherwise be? Or, as some program critics have claimed, are upper income customers being accorded the benefits of RCS at the expense of all other ratepayers. If this is what is happening, we need to know it, and we need to either make the program effective or repeal it. There is absolutely no justification for a program that burdens energy consumers just to squeeze marginal amounts of energy conservation from the building sector. This Nation's utility industry is in no financial condition to absorb the costs of cost-ineffective programs that we find pleasing on other grounds.

Mr. President, I look forward to working with my colleagues on these programs next year.

REGARDING THE DEBT LIMIT

Mr. WARNER. Mr. President, throughout my term in the Senate I have, with one exception, voted against increasing the debt ceiling.

But today we face this issue under circumstances which are unlike those when previous votes were cast.

With sine die adjournment moments away and the prospects of the Government running out of funds before the Congress will meet again, thereby precipitating a crisis for those dependent on Government retirement program, health care services and other benefits, this Senator finds himself in the unhappy position of having to vote to raise the debt ceiling.

Earlier today I consulted with Treasury Deputy Secretary McNamar about this matter.

He has provided me a letter regarding the effect congressional failure to pass the debt limit would have on Social Security beneficiaries, which I now ask be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY
OF THE TREASURY,
Washington, DC, October 12, 1984.

Hon. JOHN WARNER,
U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: As a follow-up to our conversation today, and your concerns that the mailing of social security checks not be interrupted in any way, I want to assure you that it is absolutely essential that Congressional act in on the debt limit be completed before the Congress adjourns sine die.

Without the authority to raise new funds from market borrowing the Treasury is rapidly depleting its cash balances and will thus be unable to meet the Government's obligations, including issuing checks to social security recipients, meeting the payroll for our men and women in the armed forces, federal retirement and other payments that are required by law.

Our cash balances decline precipitously between now and the end of the month and will clearly be exhausted before payment of social security benefits the first of November.

The Senate must act to meet the Government's obligations in an orderly manner before adjournment. Please express my concerns to your colleagues.

Sincerely,

R.T. MCNAMAR.

DEBT LIMIT INCREASE

Mr. BYRD. Mr. President, last night this body recoiled from the largest single increase in the debt ever requested, $251 billion. The rejection of the increase in the public debt, by Senators from both sides of the aisle, was tantamount to a rejection of the policies of this administration that have given us the largest budget deficits and the fastest peacetime increase in the public debt ever.

Unless this administration gets serious about a plan to control these deficits, we face a sea of red ink that the Congressional Budget Office estimates could reach $263 billion in just 5 years and a debt that could reach $3 trillion before the end of the decade.

The legislation before us would increase each American's share of the debt by $1,000. Even with this monumental increase, we would need to again raise the debt limit in just 12 months unless action is taken to reduce deficits.

Just what does this increase in the debt limit mean? For one, it means that the American people will be spending $367 million per day next year just to pay the interest on that debt. That finance charge is equal to 37 cents of every dollar paid by Americans in individual income taxes. But worse than that, it is money that does not buy one lunch for a hungry schoolchild, does not send one gifted student to college, does not provide medical care for one veteran, nor buy a stronger defense.

Interest payments are now the third largest Government spending program—behind military spending and Social Security—and the fastest growing program, faster even than the Pentagon's budget. Between 1981 and 1984, the military budget increased by some 46 percent. At the same time, the interest costs on the debt were climbing by 64 percent. If this trend continues unchanged, the CBO estimates that interest costs will nearly double over the next 5 years.

What this means for the average family of four is that their share of this debt will amount to over $30,000 and could reach $50,000 by the end of the next administration if nothing is done. Their share of the interest payments will amount to over $2,200 next year under this bill and could reach $3,500 per year by 1989.

The finance charge on our debt under this bill is double that in 1980 under the Carter administration. In fact, in just 5 short years, the Reagan administration will have doubled the public debt that it has taken 195 years and 39 administrations to accumulate.

Now we are being asked to increase the debt by $251 billion It is only fair to ask how we got to this disastrous situation. Clearly the recession had its effect. But even after adjusting for the effects of that economic downturn, the Congressional Budget Office cities two major causes of the growing debt: The administration's 1981 tax cuts and runaway spending for the Pentagon.

What is this administration doing to reduce the deficit and limit the increase in the debt? So far, Mr. Reagan appears content to pass the blame around for the cause of the deficit. He blames Congress, he blames Democrats, he even blames the Constitution for the lack of balanced budget amendment. In short, he blames everyone but his own administration.

But what he always neglects to mention is his own record. Despite frequent promises to balance the budget, first by 1982, then by 1983, then by 1984, and now with no certain date, President Reagan has never during these 4 years, submitted a balanced budget to the Congress. When reporters asked him recently what his plans for reducing the deficit would be, he referred them to his previous budgets and the proposals that Congress did not enact. Yet, he neglected to mention that not one of those budgets, even if enacted in its entirety, would have produced a balanced budget.

The deficits have reached a crisis state. The cloud the prospects for continued economic growth. They keep interest rates at high levels. They contribute to an overvalued dollar that makes American products too expensive overseas while allowing foreign countries to flood this country with cheap imports. They cost American jobs. And they make our economic policy more vulnerable to the whims of foreign investors.

Mr. President. I shall cast my vote against this legislation.

A BRIEF LOOK AT DEFICIT SPENDING

Mr. BYRD. Mr. President, a few weeks ago one of my grandsons wrote a paper titled, "A Brief Look at Deficit Spending." I ask unanimous consent that his paper on the subject be printed at this point in the RECORD.

There being no objection, the paper was ordered to be printed in RECORD, as follows:

A BRIEF LOOK AT DEFICIT SPENDING

(By Erik Fatemi)

INTRODUCTION

In recent years, there have been few economic problems which have caused as much concern among government officials and the general public alike as the escalating national debt and the enormous budget deficits that have occurred under the Reagan Administration. This report will provide a brief overview of how the government has dealt with these issues in the past, a description of the present situation, and an analysis of possible repercussions in the economy arising from deficit spending.

First, it is necessary to define some of the more frequently-used terms. The word "debt" is an ambiguous term, since there are four major ways of measuring the Federal debt: gross Federal debt, debt subject to limit, debt held by the public, and debt held by government accounts. The first three terms are all often referred to as "the Federal debt," with the debt subject to limit probably used most frequently, followed by the debt held by the public. There are, however, important distinctions. Gross Federal Debt is the most encompassing measure of Federal debt. It is the sum of the debt held by the public and the debt held by government accounts.

The debt subject to limit is used in the Congressional budget process and is increased periodically by acts of Congress. In FY 1983, this number was $1.378 trillion, 99.7 percent of the gross Federal debt, $1.382 trillion.[1] The small difference arose from the fact that not all areas of government spending are subject to limit. The debt held by the public is the amount that the Treasury or the Federal Financing Bank (FFB) borrows directly from the public.[2] In FY 1983 this figure was $1.142 trillion, 82.6 percent of gross Federal debt. *Debt held by government accounts* is the amount that some agencies within the government owe to other Federal agencies. "Public debt" and "agency debt" are still other terms measuring the Federal debt, but they are not used by the CBO.

The measurement of interest on the debt is also confusing. The most common term, and the one used by the CBO, is net interest. This figure represents the interest cost of debt held by the public.[3]

The relationship of the deficit to changes in the debt is the most complex. The budget deficit "represents the difference between the currently defined budget receipts and outlays of the Government."[4] The total deficit (a term less frequently used) is the sum of the budget deficit and off-budget outlays. The confusion exists because neither the budget deficit nor the total deficit equals yearly changes in gross Federal debt, debt subject to limit, or debt held by the public. The differences come about from internal exchanges of funds and securities.[5] The important fact is that the debt figures usually increase by an amount greater than the yearly budget deficit.

BACKGROUND

The first instance of concern over the level of federal spending came at the very beginning of the Republic. In 1789, the national debt was $78 million, which at this time was a tremendous amount.[6] Most of the debt existed in the form of certificates which had either been used for payment to Revolutionary War soldiers or had been bought by private citizens to aid the war effort. These certificates had since depreciated greatly. However, Alexander Hamilton, the first Secretary of the Treasury, pledged to reimburse the holders of the certificates at face value and have the national debt completely paid off in 30 years.[7] It was a bold plan, yet there was much public support. Tariffs, excise taxes, and the sale of public lands were the primary methods used to raise revenue. In addition, Hamilton began the practice of encouraging private investors to aid in the financing of government accounts.[8] Unfortunately, the efforts met with little immediate success. The debt remained above $50 million until 1810.[9]

Due primarily to the income received from customs duties, there were few deficits in the late eighteenth and early nineteenth centuries. Excluding periods of wars and deep recessions, there were only ten years in which there were deficits between 1789 and the Civil War.[10] In 1834, the national debt had been reduced to an all-time low of $38,000. The Civil War drove the national debt up to $2.7 billion, but budget surpluses immediately returned. From 1866 to 1893, there were 28 uninterrupted years in which budget receipts were higher than outlays.

In fact, government officials began to perceive the presence of budget surpluses as a major problem. President Grover Cleveland called this situation a "culpable betrayal of American fairness and justice."[11] The next president, Benjamin Harrison, and the "Billion Dollar Congress" quickly took care of liquifying the excess funds. In 1892, the Dependent Pension Act was passed, increasing pensions for Union Army veterans. Other handouts included the return of federal taxes paid during the Civil War to Northern states and porkbarrel projects for river and harbor improvements.[12] Needless to say, the budget surplus problem has not plagued the United States economy since that time.

The depression of the 1890's and funding for the Spanish-American War and the

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[1] Footnotes at end of article.

Panama Canal brought on a series of deficits at the end of the nineteenth century. World War I led to the highest deficit which had ever existed, $13.4 billion, in 1919. In this one year, the national debt more than doubled to $25 billion. Reacting to this increase, Administrations in the 1920's engaged in a concentrated effort in budgetary reform to reduce the debt.[13] They succeeded in bringing the level down from $24.3 billion to $16.2 billion.

The presence of large deficits during the Great Depression years began a trend which has never been fully abated. In the 54 years between FY 1931 and FY 1984, there have been only six years of budget surpluses and five years in which there was a net decrease in the national debt.[14] Since 1961, there has been only one fiscal year, 1969, in which there was a budget surplus.

Under the policies of the Reagan Administration, these problems have intensified. In FY 1981, Carter's final year in office, the deficit was $57.9 billion, up only $13 billion from Ford's final year. Under Reagan, the deficit skyrocketed $137.5 billion from FY 1981 to $195.4 billion in FY 1983. Though the deficit is expected to fall this year to $172 billion, the CBO projects that by FY 1987 deficits will rise to levels over $200 billion. In FY 1981, the debt held by the public as a percent of GNP was 27.8 percent. During the present Administration this figure has reached levels not seen since World War II. In FY 1983, it was 35.4 percent, and by FY 1989, the debt held by the public is expected to be 46 percent—nearly half—of the GNP. Furthermore, in the 192 years between 1789 and FY 1981, the debt subject to limit was $999.8 billion; in only 8 years that number is expected to triple. By FY 1989 the CBO projects that Reagan's policies will bring the debt to $3.14 trillion.

President Reagan can no longer put the blame of the enormous deficits on wasteful domestic spending. Though outlays for Social Security and Medicare have increased as a percent of GNP, overall non-defense domestic spending has decreased and it will continue to decrease under President Reagan.[15] In FY 1983, domestic spending was 15.4 percent of GNP; by FY 1989 the CBO projects it to be 12.8 percent. Federal expenditures are rising faster than revenues because of three major recent developments: the rise in defense spending, the indexation of many entitlement programs, and the rise in net interest costs.[16] In only seven years, the net interest on the national debts projected to rise 137 percent, from $90 billion in FY 1983 to $214 billion in FY 1989.

LEGISLATION

Until the Great Depression, legislation requiring a balanced budget was rare. Government officials and the general public accepted it for granted that outlays should not exceed receipts except in times of national emergency. Secondly, there were relatively few deficits which occurred. These two factors rendered most legislation calling for a mandatory balanced budget unnecessary.[17] The majority of government measures involved in reducing the deficit were indirect methods, such as budgetary and financial management reforms.

The large and continued deficits of the Great Depression led to an unending interest in requiring that budget outlays not exceed receipts. In every Congress since the 84th, legislation prohibiting budget deficits has been introduced.[18] Until 1978, Congress opted to pass legislation on income tax surcharges, expenditure ceilings, public debt legislation, and budgetary reforms.[19] However, in the 95th Congress, two provisions relating directly to the balanced budget became laws. One was an amendment by Harry Byrd tacked onto an IMF bill.[20] This amendment stated that beginning with FY 1981, budget outlays could not exceed receipts. This law has been disregarded. The Full Employment and Balanced Growth Act of 1978 (known as the Humphrey-Hawkins bill) establish a goal of a balanced budget, but set no target date.[21]

Since 1978, the movement supporting a mandatory balanced budget has accelerated. By 1982, 32 state legislatures, two short of the number required, had petitioned Congress to call a constitutional convention. In August 1982, the Senate approved an amendment of its own, but the legislation was blocked in the House. President Reagan has recently renewed his efforts at achieving passage of such an amendment.

In addition, there have been other attempts to reduce deficits. Since World War II there have been several bills introduced linking federal spending to GNP.[22] Another idea was the alternative balanced budget. According to this proposal, which has been offered at least twice, the President would be required to submit two budgets, one of which must be balanced.[23]

EFFECTS OF DEFICIT SPENDING

One reason for the tremendous grass roots support for a mandatory balanced budget is that there are many popular misconceptions surrounding the issue of deficit spending. One of the most common mistakes is comparing the Federal government to a family. Unlike a private family, the U.S. government will never go bankrupt. It can always raise revenues by taxation, and it is a fundamental rule that "no nation need ever fear defaulting on debts that call for repayment in its own currency." [24] Secondly, there is no need for the Federal government to pay off its debt; whenever some securities are paid as they mature, the Treasury can roll over the debt by replacing them with new securities. Another popular belief is that the higher taxes necessary to pay increased interest payments on the debt will burden our children and grandchildren. On the contrary, since the debt is owned by private citizens, they also receive the higher interest payments as income. The country is not suffering as a whole, since money is merely being transferred from some individuals to others. However, any interest paid on the portion of the debt that is owned by foreigners does represent a loss of American funds.[25]

Deficit spending is not always harmful to the economy. During a recession, deficit spending can serve as a stimulant for a low rate of investment. According to the "crowding-in" hypothesis, deficit spending would induce investment by creating an outlet for idle savings and the economy would expand. Resources that would otherwise be unused would be employed, and the consumers' increased demand for public goods would be satisfied.[26]

However, there are several valid problems that arise from deficit spending. The Federal government finances deficit spending by borrowing from private citizens. Government bonds compete with corporate bonds for the available funds in the money market. When the government is forced to borrow a large sum of money, it must offer attractive high interest rates on its bonds. This rise in the interest rate has many unfortunate repercussions in the economy. Since the interest rate "determines the cost at which businesses must borrow in order to get the output to invest in plant, equipment, and inventory,"[27] the higher it is, the lower the investment. Another way of looking at it is through the "crowding-out" effect. When funds are used for government bonds, there remains less money to buy private bonds. Private borrowers are "crowded out" of the market.[28]

In either case, the net result is the same. If interest rates become too high, inventories increase, production is cut back, unemployment rises, and the economy contracts. Future generations will be left with less capital and equipment, so they will have a reduced production potential. High interest rates particularly inhibit such industries as housing, which depends on public financing. The steel and rubber industries, which are already hurting, will be hampered in obtaining the funds they need in order to experiment and stay technologically competitive with the rest of the world.[29] Finally, new businesses will have difficulty getting started.

Another area in which huge deficits hurt the economy is international trade. High interest rates raise the value of the dollar as foreigners exchange their own currency for American currency. This means that imports will increase and international demand for U.S. exports will decrease. U.S. firms will have a hard time competing with imports from abroad.

Moreover, in the first quarter of 1984, net domestic private savings met only slightly more than half of the government's credit demands for financing.[30] The rest was financed by foreign capital attracted by U.S. interest rates, which are relatively high compared to other countries. These foreign inflows have risen from $11 billion in 1982 to $41 billion in 1983 and an expected $80 billion in 1984.[31] Since more U.S. debt is becoming foreign-owned, an increasing amount of U.S. funds will be lost as a result of the interest paid to foreign accounts. The U.S. already has an enormous merchandise trade deficit. This year, it is expected to reach a record-high $130 billion. Economists are predicting that soon the U.S. could be paying more to foreigners with assets in this country than it earns from investments in their countries.[32] Finally, by attracting capital out of poorer countries, higher interest rates worsen the problem of international debt management.

CONCLUSION

Several times throughout U.S. history budget deficits have posed problems for the economy, but under the Reagan Administration, the nation is experiencing the most severe such crisis to date. The CBO projects that the effects of the indexation of many entitlement programs, the rise in defense spending, and the increased interest on the national debt will more than cancel out his cuts in domestic programs. With the possible advent of the expected over-$200 billion deficits beginning in fiscal year 1987, one wonders if Reagan policies will make the deficit problem uncontrollable. By the end of this month, the debt will already have increased over $572 billion since Reagan took office. This fiscal year we will have paid $111 billion just for the interest on the debt, and the CBO expects that this figure will nearly double in only five years. The interest paid can no longer be dismissed as returning entirely to U.S. citizens, since more and more of federal obligations are held by foreign investors.

Several areas of the economic recovery will begin to slow as budget deficits cause interest rates to rise. According to the CBO, housing starts and the sales of homes will decrease. High interest rates should inhibit some of the investment incentives created by recent tax law changes. This will adversely affect business growth. Another portent of things to come occurred on September 5, when the dollar reached record levels in world foreign-exchange markets. This will cause the trade deficit to widen further and spell trouble for U.S. exports and U.S. firms competing with foreign imports. Foreigners already perceive the United States to be a safe place to invest their money. Rising interest rates only aggravate this problem and encourage foreign take-overs of American companies.

The key to stopping these problems is reducing the budget deficits. These deficits will not be magically reduced by merely supporting a balanced budget amendment, as President Reagan seems to assume. Most government outlays will have to be cut, including defense spending, and revenues will have to be increased. Reduced government spending and tax increases are not going to make anyone's life easier in the short run, but there are no effective alternatives for the long-term good of the country.

FOOTNOTES

[1] Congressional Budget Office, "The Economic and Budget Outlook: An Update," Congress of the United States, August, 1983, p. 67. All other figures after 1982 appearing in this paper come from this source unless otherwise noted.

[2] Philip D. Winters, "Federal Debt and Interest Measures Used in the Federal Budget," Congressional Research Service, The Library of Congress, report no. 83-158, August 9, 1983, p. 6.

[3] Winters, p. 14.

[4] Winters, p. 17.

[5] Winters, p. 20.

[6] Philip Winters, "Public Debt Ceiling: Its Current Status," Congressional Research Service, The Library of Congress, issue brief no. IB82081, Aug. 25, 1984, p. 1.

[7] John D. Fisk, "Legislation to Limit Federal Expenditures: Past and Present," Congressional Research Service, The Library of Congress, report no. 79-19E, Jan. 18, 1979, p. 3.

[8] John M. Blum and others, *The National Experience: A History of the United States* (New York: Harcourt Brace Jovanovich, Inc., 1981), p. 148.

[9] U.S. Department of Commerce, "Summary of Federal Government Finances-Administrative Budget" 1789-1939," *Historical Statistics of the United States: Colonial Times to 1700*, 1974, p 1104. All debt and budget deficit figures from 1789 to 1939 appearing in this paper will come from this source unless otherwise noted.

[10] Fisk, p. 2.

[11] Fisk, p. 4.

[12] Blum and others, p. 509.

[13] Fisk, p. 6.

[14] Ronald Reagan, *Economic Report of the President* (Washington: United States Government Printing Office, 1984), p. 306. All budget deficit and debt figures from 1940 to 1982 come from this source unless otherwise noted.

[15] William Cox and David Grinnell, "Budget Deficits: Causes, Effects, and Some Remedial Options," Congressional Research Service, The Library of Congress, issue brief no. IB84005, Aug. 24, 1984, p. 1.

[16] John B. Henderson, "Balanced Budget Proposal: Some macroeconomic Implications," Congressional Research Service, the Library of Congress, issue brief no. MB79229, August 24, 1984, p. 4.

[17] Fisk, p. 2.

[18] Fisk, p. 10.

[19] Fisk, p. 10.

[20] Fisk, p. 12.

[21] Fisk, p. 13.

[22] Fisk, p. 16.

[23] Fisk, p. 9.

[24] William J. Baumol and Alan S. Blinder, *Economics: Principles and Policy* (New York: Harcourt Brace Jovanovich, Inc., 1982), p. 269.

[25] Baumol and Blinder, p. 269.

[26] Baumol and Blinder, p. 265.

[27] G. Thomas Woodward, "Do Deficits Influence the Level of Interest Rates?" Congressional Research Service, the Library of Congress, report no. 83-1790E, p. 4.

[28] Baumol and Blinder, p. 264.

[29] "Does the Red Ink Matter?" *Newsweek*, Dec. 12, 1983, p. 43.

[30] Congressional Budget Office, p. 32.

[31] Congressional Budget Office, p. 32.

[32] John M. Berry, "Tide Turning Against U.S.," *The Washingtonm Post*, Dec. 18, 1983, p. F1.

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Winters, Philip D. "Federal Debt and Interest Measures Used in the Federal Budget, "Congressional Research Service, the Library of Congress, report No. 83-158, Aug. 9, 1983.

Winters, Philip D. "Public Debt Ceiling: Its Current Status," Congressional Research Service, The Library of Congress, issue brief No. IB82081, Aug. 25, 1984, p.1.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2122. An act to require the Secretary of the Interior to conduct a study of trapping in the Ozark National Scenic Riverways Area; to the Committee on Energy and Natural Resources.

H.R. 2519. An act for the relief of Audrey O. Lewis and Emerson B. Vereen; to the Committee on the Judiciary.

H.R. 3406. An act to recognize the organization known as the Daughters of Union Veterans of the Civil War 1861-1865; to the Committee on the Judiciary.

H.R. 3701. An act to designate the main channel for the project for San Leandro Marina, California, as the "Jack D. Maltester Channel" to the Committee on Environment and Public Works.

H.R. 4853. An act to authorize the creation of a record of admission for permanent residence in the cases of certain natives of Cuba and Haiti, and for other purposes; to the Committee on the Judiciary.

H.R. 6440. An act to designate the main channel for the project for San Leandro Marina, California, as the "Jack D. Maltester Channel" and for other purposes; to the Committee on Governmental Affairs.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary reported that on today, October 12, 1984, he has presented to the President of the United States the following enrolled bill and joint resolution:

S. 864. An act to amend the Volunteers in the Parks Act of 1969, and for other purposes; and

S.J. Res. 259. Joint resolution to designate the week of November 12, 1984, through November 18, 1984, as "National Reye's Syndrome Week."

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred or acted upon, as indicated:

By Mr. THURMOND:

S. Res. 481. Resolution bidding a fond farewell to Howard H. Baker, Jr.; considered and agreed to.

S. Res. 482. Resolution to commend the extraordinary cooperative conduct of the distinguished minority leader; considered and agreed to.

By Mr. THURMOND (for himself, Mr. BAKER, and Mr. BYRD):

S. Res. 483. Resolution commending William F. Hildenbrand; considered and agreed to.

S. Res. 484. Resolution to commend the exemplary service of the party secretaries and staffs, other various officers of the Senate, and their staffs; considered and agreed to.

By Mr. BAKER:

S. Res. 485. Resolution tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

S. Res. 486. Resolution authorizing the President of the Senate, the President of the Senate pro tempore, and the majority leader of the Senate to make certain appointments after the sine die adjournment of the present session; considered and agreed to.

By Mr. BYRD:

S. Res. 487. Resolution tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

By Mr. BAKER:

S. Res. 488. Resolution commending the employees in the office of the Secretary of the Senate, the Honorable William F. Hildenbrand; considered and agreed to.

S. Con. Res. 155. Concurrent resolution providing for a sine die adjournment of the Congress; considered and agreed to.

ADDITIONAL COSPONSORS

AMENDMENT NO. 6881

At the request of Mr. STAFFORD, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Maryland [Mr. SARBANES], the Senator from Florida [Mrs. HAWKINS)], the Senator from Arkansas [Mr. BUMPERS], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Michigan [Mr. RIEGLE], were added as cosponsors of amendment No. 6881 intended to be proposed to House Joint Resolution 648, A joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes.

AMENDMENTS SUBMITTED

TECHNICAL CORRECTIONS IN THE ENROLLMENT OF H.R. 5361

DOLE AMENDMENT NO. 7130

Mr. BAKER (for Mr. DOLE) proposed an amendment to the concurrent resolution (H. Con. Res. 378) correcting the enrollment of H.R. 5361; as follows:

At the end of the concurrent resolution add the following:

On page 5, line 7, strike "(I)" and insert the following: "(II)".

On page 5, strike lines 32 and 33, and insert the following: "(II) APPLICATION WITH CLAUSE (ii).—This clause shall not apply to".

On page 6, line 1, strike "subparagraph (B)" and insert the following: "clause (ii)".

On page 6, line 3, strike "subparagraph" and insert the following: "clause".

On page 6, line 14, strike "transaction" and insert the following: "transactions".

NOTICES OF HEARINGS

SUBCOMMITTEE ON DEFENSE

Mr. STEVENS. Mr. President, I wish to announce for the information of Senators that the Subcommittee on Defense of the Committee on Appropriations is planning to hold hearings during the interim between the 98th and 99th Congresses. These hearings may be held here in Washington, DC, or at other locations. Details will be provided in the final issues of the CONGRESSIONAL RECORD for the 98th Congress.

ADDITIONAL STATEMENTS

AN ACT OF HEROISM

● Mr. MOYNIHAN. Mr. President, this week in Geneva the Nansen Medal, the highest honor for humanitarian efforts on behalf of refugees, was awarded to three American seaman, Capt. Lewis M. Hiller, Mr. Jeffrey H. Kass, and Mr. Gregg Turay for their heroism in the rescue of 86 Vietnamese "boat people" off the north coast of Borneo.

The award was made by Mr. Paul Hartling, U.S. High Commissioner for Refugees, and may be said to be a statement of world opinion, or more to the point, the opinion of that portion of the world that does not drive its inhabitants to the desperate efforts of escape such as these we have witnessed from totalitarian Vietnam for a decade now. It is in order that the United States do so as well. Were we not in the closing hours of the 98th Congress, I would propose a resolution of gratitude to the captain and her valiant crew, members of the Seafarers' International Union.

If I may be allowed a personal reference, my son John McCloskey Moynihan has sailed as a member of the crew of the *Rose City,* and he has more than once described to me the quiet heroism of these merchant mariners. I am confident the Senate joins me in expressing admiration for this only most recent incident of the valor of those who go down to the sea in ships.

I submit for the RECORD an article relating to this matter:

[From the New York Times, Oct. 9, 1984]

DARING "BOAT PEOPLE" RESCUE BRINGS HONOR TO 3 AMERICANS

(By Henry Kamm)

GENEVA, October 8.—Chua Quach was not present at an awards ceremony here today at which three American seaman were honored by Paul Hartling of Denmark, the United Nations High Commissioner for Refugees.

Yet no one knows better than Mr. Quach, a Vietnamese refugee who now works as a laborer in a furniture factory in Philadelphia, what happened on the night of Sept. 23, 1983, in the stormy sea off the north coast of Borneo.

That was when Capt. Lewis M. Hiller stopped his 94,000-ton tanker, the Rose City, and went to the aid of Mr. Quach and 85 other refugees who were adrift in a small boat. Neither Mr. Quach nor the other refugees were present at the award ceremony today.

Without the heroic assistance of the Americans, Mr. Quach says, he would have died that night, together with his son. So would the other Vietnamese "boat people" adrift with him in the South China Sea—without food, with water only for the children and having burned most of their clothes in eight days and nights trying vainly to signal passing ships.

The award given to Captain Hiller and two crew members, Jeffrey H. Kass and Gregg Turay, was the Nansen Medal, the-highest honor for humanitarian efforts on behalf of refugees. It was presented at the Palace of Nations here by Mr. Hartling on behalf of a special committee. The group, similar to the one that awards the Nobel Peace Prize, is made up of representatives of Norway and other governments and international organizations.

MANY BOATS ARE IGNORED

Since Vietnamese began fleeing their country in great numbers in 1975, accounts have multiplied of their small, often disabled, boats' being ignored by merchant vessels whose masters are eager to avoid the often time consuming, and thus expensive, formalities of bringing the refugees to land.

Mr. Quach, said that "more than 10" ships had passed the refugee vessel before the American tanker stopped. He recalled that crew members on one ship waved in greeting as the ship sailed out of sight of the refugee boat.

SWAM TO SAVE 2

Mr. Quach said in an interview from the United States that he was particularly grateful to Mr. Kass, 31 years old, a seaman from Seattle whose chief activity when he is not at sea is tending an organic garden on an island off Vancouver.

Mr. Kass swam through turbulent waters at night to rescue Mr. Quach, 43, and his 8-year-old son, who had clung to a lifesaver for two hours.

"He saved not only our lives but that of my wife, who remained behind in Vietnam," Mr. Quach said, his voice choking. "She would have committed suicide if our son had drowned."

Mr. Quach said that at the time of the rescue, there was no food and little water left on the rickety boat, heavily overloaded with 36 men, 20 women and 30 children. A 16-year-old girl drowned during the rescue operation.

"NEVER DONE MY DUTY"

When he decided to escape, Mr. Quach had just been released after seven and a half years in a "re-education" camp, to which he was confined for having been a lieutenant in the South Vietnamese Army. "I had never done my duty as a father to my son," he said, "so my wife and I decided we had to do this."

Mr. Quach and his son said they hoped Mrs. Quach would soon be able to leave Vietnam and join them.

When the lights of the Rose City beckoned in the distance, Mr. Quach said, he had abandoned hope for two days and was devoting all his time to consoling his son, "to spend my time on him before we die."

"I held my son to my bosom and waited for the time to die," said Mr. Quach, a graduate of Saigon University in linguistics who speaks fluent English.

He was chosen to be the first to try to climb aboard the Rose City, which had let down rope ladders. "I was supposed to lie," he said. "I was supposed to say we were 50, because we feared we would be refused if I said we were about 90."

He never told his lie, because his son slipped out of his embrace as he tried to climb the ladder and Mr. Quach jumped into the sea after him. "I didn't think," he said "I knew I couldn't live without my son."

Fortunately, he had instructed the child before leaving Vietnam in how to stay underwater. He had made his son immerse his head fully in a tub, successively lengthening the time the child held his breath. They reached one of the life rings Captain Hiller had ordered thrown toward the refugee boat.

From his reading, Mr. Quach recalled that lifesavers had signal lights attached. "When I found it and turned it on," he said, "I felt hope and told my son we would be rescued. But time passed and nobody came. The Rose City got smaller and smaller, and I came to lose hope."

"I told my son, 'I'm very sorry I haven't done my duty as a father."

"He said, 'Don't talk about this; say something cheerful.' But I made up my mind to throw away the lifesaver and to hold my son and die quickly together."

HELP ARRIVES

At about that time, Mr. Kass, who with others of the crew had descended into the refugee boat to use it to search for survivors and had been ovecome by seasickness, spotted the father and son. He handed one end of a line to a shipmate and jumped into the choppy sea. Reaching father and son with great difficulty, he pulled the lifesaver and those holding onto it to the refugee boat.

Mr. Kass jumped into the sea a second time when Mr. Turay, 27 years old, carrying an unsecured line, swam out to rescue another survivor who was clinging to a lifesaver. All three men made it back through a heaving sea. Earlier, a human chain of seamen on the rope ladders had handed the young and old up to safety, timing their moves as the heavy waves raised the refugee boat partly up the 40-foot height difference between the vessels.

"FELT TOTALLY OBLIGED"

The principal message of the High Commissioner's speech was to plead with the maritime industry to obey the moral law of the sea that Captain Hiller said he followed without hesitation.

The moral law of the sea, which is not codified in any statute book, is to give help to those in need and has long been a tradition among seamen. But there is no stated policy per se that has been adopted toward the boat people.

"I am sad and disturbed about so many reports that ships are passing by refugees in trouble," said Captain Hiller, 55, of Lakehurst, N.J., in an interview. "I felt totally obliged to stop and offer any assistance I could."●

SENATOR DAN QUAYLE

● Mr. LUGAR. Mr. President, I would like to share with all of my colleagues an article paying tribute to Senator DAN QUAYLE of Indiana, which was recently published in the Journal of the National Association of Retail Druggists. This article brings to light the many contributions Senator QUAYLE has made to the U.S. health industry through his vigorous support of small business, tax reform, and traditional Republican values. I ask that the article be printed in the RECORD.

The article follows:

Senator Dan Quayle—Indiana's Youngest Senator Ever Is a Staunch Ally of Small Business

Dan Quayle looks too young to be a U.S. Senator, And in fact he nearly is. Elected to the Senate in 1980 at the age of 33, Quayle is the youngest U.S. Senator ever to serve the state of Indiana.

But despite his boyish good looks, Quayle is already well on his way to becoming a seasoned Capitol Hill veteran. He first ran for elected office in 1976 and upset an eight-term incumbent Democrat for Indiana's Fourth Congressional District seat in the U.S. House of Representatives. After winning re-election by the largest margin every in the District in 1978, Quayle decided to make a run for the Senate in 1980.

His opponent was a formidable one indeed—three-term Senator and two-time presidential candidate Birch Bayh. Although outspent by nearly $500,000, Quayle surprisingly prevailed as part of the Reagan landslide. His was one of the 16 GOP victories in 1980 that gave the Republicans control of the Senate for the first time in 26 years.

CURBING SPENDING

Since moving across the Capitol to the Senate, Quayle has proven himself an able legislator and guardian of traditional Republican values. Quayle has worked hard in his role on the Senate Budget Committee to curb federal spending. He has been an advocate of a freeze on discretionary domestic spending and voted in 1982 for a constitutional amendment to require a balanced federal budget. For his commitment to economy in government, Quayle has been named a "Taxpayer's Best Friend" by the National Taxpayers' Union.

In 1982 Quayle also first introduced his SELF-tax plan (for Simplicity, Efficiency, Low tax rates, and Fairness), which is designed to eliminate most deductions except the personal exemption and those for home mortgage interest payments charitable contributions and some savings incentives. The tax schedule would also be simplified so most taxpayers could complete the forms themselves, and the tax ceiling for individuals would be reduced from 50 to 30 percent.

"What we really need in this country is dramatic tax reform," Quayle said in a recent interview with the NARD Journal. "We need to undo the complications of the tax code. Those that itemze, 60 percent of them need professional help. They have to get it to understand the tax code. I think there is a perception that that is unfair. We all know the story of the guy who lives in the big house and doesn't pay any taxes or very few. He is doing that with tax dodges, shelters, and loopholes. Then you take the guy down the street who works 40 to 50 hours a week with sweat on his brow, who is paying his fair share of taxes."

But Quayle's plan would do more than make the system more equitable, he says. "If you have a simplified tax system, you also have a far more efficient system. Efficiency would attack as well the problems we are having with revenues in the underground economy, which are estimated at $100 billion a year. If you get a more efficient system, you're going to get to that underground economy, and in the long term you're going to save revenues rather than expand them," said Quayle.

Quayle has also recently been named co-chairman of the new committee formed by the Senate to study its committee system. Besides seeking ways to limit the current overload of committees and subcommittees on which senators are asked to serve, Quayle is hoping to use his position on the committee to institute reforms in the federal budget process. The current system is not only "very clumsy and awkward," he said, "it makes it very difficult to get business done in a meaningful way." For starters, Quayle would like to replace the present annual budgeting cycle with a two-year budget. That change alone, he said, would make the system more stable and make it easier on pharmacists and others who have to deal with the government frequently.

AN "INCREMENTAL" APPROACH

In keeping with his interest in tightening the government's purse strings, Quayle has also devoted considerable energy to health costs as a member of the Senate's Labor and Human Resources Committee. This past March he unveiled a package of four bills aimed at containing health expenditures. These bills reflect Quayle's cautions, "incremental" approach to the health costs problem. He prefers market incentives to federally imposed caps on costs.

"The incremental approach I advocate," the Senator said in a recent speech, "includes market-oriented policies designed to encourage consumers, hospitals, physicians, and insurers to be more cost conscious in their health care expenditures. These market-oriented initiatives should promote a healthy competition between hospitals and physicians on the delivery level and third-party payers on the financing level, while making consumers more aware of the economic implications of their health care purchasing decisions."

Two of the bills Quayle has introduced promote the use of alternative delivery systems, in particular, preferred provider organizations (PPOs). His intent, he told the Journal, is to instill "as much competition as possible in the health care system." As for the problem some independents have had in gaining access to the bidding for pharmacy services under PPOs, Quayle agreed that access should not be denied.

"If we just move from one closed door operation to another closed door operation, then we haven't made much progress," said Quayle. "What we are trying to do is open up the system. The system is too closed right now." Ideally, Quayle said, PPOs should enhance pharmacists' business opportunities rather than diminish them.

Another of Quayle's health initiatives is S. 2503, the Health Care Consumer Information Act. "For health care to be competitive," said the Senator in commenting on the bill, "consumers and insurers must have access to easily understood and relevant data on both the cost and quality of services." Quayle's bill would mandate the Department of Health and Human Services to study the effects of current consumer price information on the health care marketplace and evaluate ways to provide price and quality of service data to consumers and third-party payers.

PHARMACIST LEGEND

Along with NARD, pharmacists in Qualye's home state of Indiana have been among those in the forefront of the fight for a pharmacist-legend class of drugs to protect the public from the potentially dangerous consequences of certain Rx-to-OTC switches. "The idea of pharmacist legend is worth exploring," Quayle told the Journal. What is needed now, he said, is "a full airing of the issues" in a congressional hearing. Appropriate input from pharmacists, physicians, consumers, and others should all be part of that process, he said.

No matter what the issue, Quayle can be expected to be attuned to the interests of independents. For three consecutive sessions of Congress, he has been honored by the National Federation of Independent Business as a "Guardian of Small Business.●

RECOGNITION FOR UNUSUAL EDUCATOR—ETTA GERO

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. BRADLEY. Mr. President, I was pleased to note that the Board of Education in Passaic, NJ, recently took a highly unusual step in naming a school after someone who is still living. Never before in the history of Passaic has this ever been done. But rarely has there been a person more deserving of this honor.

The Passaic Board of Education named its newest high school for Etta Gero, who served as an attendance officer for more than 40 years and also served for three terms as a member of the Board of Education. After her impressive career in the public schools, she served without pay for another 14 years in the city's parochial schools. Miss Gero's lengthy and dedicated service is an example to all of her colleagues in the educational community and to all the students whose lives she has touched.

But Miss Gero's accomplishments have been widely recognized for a long period of time. During World War II, she was among 10 women in the country cited for her outstanding work in special services. She headed the 40 member Voluntary Girls Service Club. Miss Gero has also received the NAACP Award, the B'nai B'rith Award and the Community Service Award of the Jaycees.

Mr. President, I am pleased to join the Passaic School Board in recognizing the truly exemplary record of Etta Gero. She is an inspiration to us all.●

CLEAN WATER ACT

● Mr. MURKOWSKI. Mr. President, in prior floor statements I have discussed the severe difficulties facing two pulp mills located in Sitka and Ketchikan, AK. I have spoken at length about the need for a Clean Water Act in 1984 and the need for those two isolated communities in my State to find some way of retaining the largest taxpaying industry in Southeast Alaska.

As many of my colleagues are aware, the Environmental Protection Agency informed Senator STEVENS and me on September 19, 1984, that it had denied variance requests for our pulp mills. In the course of discussing the EPA decision, the Assistant Administrator for Water told our staffs that the EPA had not considered the adverse economic impact that the closure of the mills would have on Sitka and Ketchikan. EPA apparently felt that no testimony or proof had been offered on the community economic impact issue, and that it therefore could not consider the matter.

On this, as on other matters, the EPA was wrong. I have reviewed the final EPA decision that denied the variance requests. Also, I have read the comments and testimony that EPA is bound, by law, to review before issuing a decision. The record clearly shows that the communities forcefully and unequivocally responded on the issue of adverse economic impact. For example, in Sitka alone, the pulp mill accounts for one-third of the city's entire tax base. It takes no magical insight for a decisionmaker to realize that Sitka would be devastated if one-third of its financial base evaporated.

I have asked the EPA to reconsider its assertion that it could not have evaluated data on the economic impact issue. I hope that EPA will come to its senses and accept the inescapeable conclusions of the proffered facts.

Mr. President, in recent days I have made numerous attempts to facilitate movement on the Clean Water Bill. My staff and I, along with experts from Alaska, have met several times with my colleague from Rhode Island, Senator CHAFEE, in an attempt to describe in detail our proposed solution to the problems faced by the mills. Through these discussions, I have learned that enactment of the Clean Water Act has not been held up because of our problem in Alaska. Rather, there are serious differences between the Senate and House versions of the bill, especially in the matching grant formula and construction grant provisions of the House bill. In fact, aside from the Alaska pulp mills, there are over 40 significant differences between the bills.

As I have noted, I have gone to Senator CHAFEE on many occasions asking how I can be of assistance in furthering progress on the clean water bill. In fact, I have gone to my friend so many times recently, that if Senator CHAFEE were less of a gentleman I'm sure he would run the other way when he sees me coming.

I have also spoken recently to Congressman ROE, chairman of the Public Works and Transportation's Subcommittee on Water Resources, to see if progress can be made.

By October 3, 1984, I realized that Senator CHAFEE had concerns with my amendment to compel EPA to perform a comparison study of the Alaska mills against the model mill. That amendment would have resolved, as I have stated previously, the air, energy, and water quality problems of the Alaska mills by determining that the Alaska mills had spent as much as the model mill and issuing the mills a permit at present permit limits. Alternatively, if the Administrator found that the Alaska mills had not spent as much as the model mill the Administrator would require that the Alaska mills immediately spend that amount and issue a permit at alternative effluent levels.

Because Senator CHAFEE had problems with my initial amendment, I proposed an alternative. The new approach provides a study by the EPA Administrator of 3 years' duration to determine appropriate innovative technology for resolution of the air, energy and water quality problems impacting the Alaska mills. During the study present permit limits would remain in effect.

I am now informed, however, that my alternative will not be further considered. Therefore, despite my efforts, it appears that all alternatives we have presented to Senator CHAFEE and to commitee staff will not be acted upon this session.

This is astounding to me, Mr. President. The Clean Water Act is important to this Nation, and it should be enacted. By failing to compromise spending differences, and not assisting two communities in Alaska, those who are responsible for sheparding the clean water bills through Congress have failed to achieve an important environmental goal this session. Not accommodating our concerns in Alaska is especially ironic considering the favorable treatment given to a most serious pollution problem involving New York City where raw sewage is being dumped daily into rivers and streams.

It must not go unnoticed the few pieces of major environmental legislation have been enacted this session, including the Superfund, and the Clean Water Act. This is most disturbing because I fear that this important legislation has not progressed because of a failure to engage in meaningful negotiation and compromise. Legislating is not an "all or nothing" process, and I sincerely hope that when we revisit these issues in the next Congress, there will be a greater effort to engage in worthwhile negotiation.

Mr. President, two communities in my State are in serious economic trouble because of actions of the Environmental Protection Agency. I am exceptionally distressed over this matter because the mills have tried to meet EPA's guidelines, but they appear never to be able to satisfy the Agency unless they close down their operations. This kind of misguided Federal action only serves to enhance the mills competitors, which are located in British Columbia and South Africa and are unfettered by any environmental regulation.

Mr. President, because the House and Senate Clean Water bills cannot be reconciled, we will have no Clean Water Act this year. The Alaska pulp mill problem will, therefore, confront the Senate once again in 1985. It must be resolved, for if the mills suffer economically, then all of southeast Alaska will suffer. My colleagues must realize that the mills are supported by a variety of other enterprises, some of which are logging operations owned by native corporations.

I give notice now that I will not stand by and continue to watch economic terror grip an entire region of my State. A solution to this problem must be found in the next Congress.

When we next convene, I will once again seek to negotiate with staff of the Environment and Public Works Committee, and with Senator CHAFEE. I will expect them to work with me to resolve this nagging problem in southeast Alaska through the art of compromise.●

LOCAL GOVERNMENT ANTITRUST ACT OF 1984

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. DIXON. Mr. President, last night this body passed and sent to the President H.R. 6027, the Local Government Antitrust Act of 1984. I wholeheartedly supported that bill and applaud the Senate for its action.

I would like to address briefly one very important provision of this bill: Section 3—the section setting forth the circumstances in which the treble damage protections of the bill apply to a municipal defendant in a pending case. During last night's debate, the distinguished Senator from Ohio [Mr. METZENBAUM] made a passing reference to section 3. His remarks implied that section 3 of H.R. 6027 directs a court in a pending case to look only at two factors—the stage of the litigation and the availability of alternative relief—in determining whether it would be inequitable not to apply the legislation to a pending case.

A careful reading of section 3 of H.R. 6027 and the statement of the managers which accompanied the conference report suggest that this is not a proper interpretation of the statute. Section 3 expressly directs the court to make its determination "in light of all the circumstances" surrounding any particular pending case. The statement of the managers makes it absolutely clear that "the court is to consider all relevant circumstances"—not only the stage of the litigation and the availability of alternative relief—in determining whether to preclude a treble damage award against a city defendant in a particular pending case.

This distinction is critically important to local units of government who are defendants in pending antitrust cases, because it entitles them to bring to the court's attention equities which would argue in favor of the bill's application to a pending case. These would include: The adverse impact a treble damage award might have on a local unit of government and its citizens, whether the local unit of government acted in good faith while exercising its normal regulatory, executive, administrative, or judicial powers or providing traditional public services, and the degree to which the city's action was directed by, or predicated on, Federal law or regulation.

In short, section 3 directs a court to take into consideration all relevant circumstances before deciding that a plaintiff will be allowed to seek treble damages from a local unit of government. This will ensure that cities who are defendants in pending cases have a fair opportunity to secure the treble damage protections afforded by this legislation.●

COSTS AND BENEFITS OF IMPORT PROTECTION

● Mr. CHAFEE. Mr. President, I would like to call my colleagues' attention to an article written by Donald May of United Press International on August 17, regarding the costs and benefits of import protection.

Mr. May describes the efficiency loss to the American economy of import restrictions of a number of kinds—autos, sugar, steel, textiles. In a series of interviews with economists and others, he establishes that the costs of such protection to the economy are great. He reminds us of a sobering statistic; 20 percent of manufactured goods consumed by Americans in 1980 were covered by some kind of import restriction. This was estimated by one economist to cost consumers $58.5 billion in 1980, or a hidden tax of $1,200 each year for the average American family of four. Certainly the impact of import restrictions is now even greater: Consumers for World Trade estimates it take about $2,000 per family.

As Mr. May points out, the costs and benefits to the entire economy of proposed import restrictions are simply not given adequate consideration.

This led me to offer an amendment to the Omnibus Trade bill, H.R. 3398, when considered in the Senate several weeks ago. The amendment requires that the Council of Economic Advisers make a report to Congress and the President on the broad economic impact on American jobs and consumers of import restraint recommendations of the International Trade Commission. The amendment was accepted, then dropped in conference, partly because the Council of Economic Advisers objected on grounds that the requirement for a public report would violate its confidential relationship with the President. Recognizing the validity of this concern, we suggested to Senate conferees on the trade bill that the provision be modified to require that the International Trade Commission make the required study.

The idea had received significant support from the two economists whom Mr. May interviewed: J. Michael Finger, economist at the World Bank, and Robert Baldwin, economist at the University of Wisconsin, both well recognized experts in international trade. Each suggested that the law be changed to require that the International Trade Commission spell out both the costs and benefits to the entire economy of proposals to restrict imports. Unfortunately, the conferees did not agree with their judgment.

I ask to have printed in the RECORD the article I referred to.

The article follows:

THE WEALTH OF NATIONS

(By Donald H. May)

WASHINGTON.—Have Americans forgotten Adam Smith's homespun advice on the benefits of international trade, written in the year of our national birth?

Consider the plea of the domestic steel industry. It wants Congress to limit steel imports to 15 percent of the U.S. market for five years. This, it contends, will provide jobs for American steelworkers and bring the industry the cash needed to modernize and become more competitive.

The potential benefits have received wide national publicity; the costs have received less notice.

A recent report by the Congressional Budget Office estimates those costs.

Average steel prices in this country, it calculates, would be 10 percent higher with quotas than without. This would raise the price of all goods made of steel. In the fifth year of protection, CBO estimates the cost to American consumers of steel quotas would be $7.8 billion.

Would this be a good bargain for the nation? Would the economy as a whole gain or lose? How would it affect other industries that use steel? How do we weigh gains for steelworkers against losses for consumers?

Those questions are at the heart of current debate over restrictions of trade not only in steel but in autos, textiles, copper, wine and many other products.

Adam Smith's simple idea that nations, like households, gain from specializing in the goods they make best, is where the debate starts.

In the 19th century, David Ricardo refined this into the theory of comparative advantage—when two nations, one good at making wine, the other at cheese, each produce the one at which they are relatively best, both countries end up with more wine and more cheese and a higher standard of living through increased efficiency of production.

He showed this gain comes even to a nation with no absolute advantage at either wine or cheese, but which exports the one in which it has least disadvantage.

CBO's steel report illustrates how most economists believe the benefits and costs of restrictions trade come about.

The proposed quotas on steel imports would cause their price to rise. This would increase demand for domestic steel, and its price also would rise.

Because of the higher price, Americans would use 4 percent or 5 percent less steel. But, even so, domestic producers would sell about 6 percent more steel to fill the gap by reduced imports.

In the fifth year, 1989, there would be 34,000 more U.S. steel industry jobs as the direct effect of quotas—although CBO said other factors could be at work at the same time causing a net job decline.

The domestic industry would gain in pretax profits by $1.7 billion in the first year, rising to $4.5 billion in the fifth. Under likely tax conditions, this would give it $1.5 billion to $2.5 billion a year (in 1983 dollars) in extra cash that it could invest to modernize.

All this, CBO says, would cost American consumers $7.8 billion in the fifth year of quotas alone. This money would flow from their pockets in three different ways:

$4.5 billion of the total would go from American consumers to domestic steel producers because these firms not only would sell more steel but also collect higher prices for the steel they already sell.

$2.2 billion would, as quotas normally are administered, go to foreign steel producers who would hold the quota rights to sell steel in this country. Quotas are in effect licenses to sell a fixed amount of goods at a higher price.

$1.1 billion would simply evaporate, an efficiency loss from the fact that steel that could be bought more cheaply abroad now would be produced in this country. This is the mirror image of what Smith and Ricardo were talking about. It is the efficiency gain from trade that protection takes away.

All three are losses to consumers, but only the last two are costs to the nation. The first, and biggest, is a shift of income from consumers to the steel industry and its workers.

The Federal Trade Commission, estimating the effects of a similar 15 percent quota that Bethlehem Steel Corp. and the United Steelworkers of America want President Reagan to impose on his own authority, cited the same kinds of costs—but not nearly as big.

The FTC said the total cost to consumers would be $605 million a year. The quotas it studied would apply to only 70 percent of U.S. steel imports. Many other technical differences explain the wide range of figures.

Both of these studies indicate the consumer cost per job saved would be high. CBO's figures amount to $200,000 per job in the fifth year, the FTC's to $99,000 a year per job saved.

The FTC compared the financial cost of quotas to consumers over five years with their financial benefit to steelworkers—the earnings these workers otherwise would lose over the same period. It found that for every $1 saved by steelworkers, consumers would lose $30.

In a 1980 study, the FTC measured these costs and benefits in other U.S. industries of various kinds of trade restriction during the late 1970s.

Comparing just the efficiency loss to the economy—not the full consumer cost—against the earnings benefits to workers, over four years, it calculated the costs of protection were 3.5 times the benefits in the sugar industry, seven times the benefits in clothing and 25 times the benefits in shoes.

Other studies in this and other countries have been made:

Robert Crandall of the Brookings Institution estimated that Japan's voluntary restraint of auto exports to the United States cost American consumers $4.3 billion in 1983, or about $100,000 a year for each job saved in the auto industry.

William Cline of the Institute for International Economics, in a study for footwear retailers, said quotas proposed by the domestic shoe industry earlier this year (since rejected by the U.S. International Trade Commission) would have cost American consumers $2 billion a year or $62,400 a year per job for five years.

Based on studies of textile protection in the United States and Canada in the late 1970s, the World Bank recently reported that, if made permanent, such restrictions would cost the United States $1 for every 7 cents gained by workers. In Canada, "for every one and a half cents by which the worker would be better off, one Canadian dollar would be wasted."

The World Bank estimated in 1981 that European consumers were paying $11 billion a year extra to support domestic agricultural prices rather than import food.

Although economists agree on the nature of these costs, there is no one answer to how big they are. They depend on assumptions, which are open to dispute.

For example, if—as the U.S. steel industry argues—quotas would not raise prices as much as CBO says, while domestic production increased more, then the cost to consumers would be less, the gains to the industry and workers would be bigger.

James Collins, executive vice president of the American Iron and Steel Institute, says CBO failed to include in the balance the full "cost of imports."

Last year, he contends, steel imports in excess of 15 percent of the U.S. market—the amount the industry now wants to stop—cost the domestic industry $2.3 billion in lost sales.

He calculates that when this loss had rippled through the economy, the total effect was a $5.1 billion smaller gross national product, 62,000 jobs lost directly and indirectly, $1.1 billion in taxes lost to the government and $350 million paid out in unemployment benefits.

That assumes money Americans spent last year to import steel was "lost" to the economy. CBO analysts say much of this money would come back in orders for U.S. export goods. These, in turn, would produce jobs and economic growth.

Smith and Ricardo said money spent on imports comes back with a bonus. They were arguing against a theory called mercantilism, widely believed in their times, which held that imports were in general bad, only exports were good.

The U.S. Trade Representative's Office estimates 20 percent of manufactured goods consumed by Americans in 1980 were covered by some kind of import restriction.

Attempts to find out how much all forms of protection cost Americans have been just as subject to debate as the separate industry studies.

Michael C. Munger at Washington University in St. Louis, Mo., estimated that protection cost American consumers $58.5 billion in 1980 and said even this was not a full accounting. He called it a "hidden tax" of $1,200 a year for the average American family of four.

Consumers for World Trade, an educational group, estimates that restrictions added since 1980 and inflation may have increased Munger's figure to as high as $2,000 a year per family.

In general, all these studies look only at those costs most easily measured in computers.

They do not count the loss of benefits from international trade that many believe are even more important. For example, international competition, which forces domestic firms to invest in new products and be more efficient. They do not include possible retaliation by other countries against U.S. exports.

"The smallest costs are those that can be easily identified," U.S. Trade Representative William Brock said in an interview.

"How do you prove how much money is not being spent on research and development? . . . The more protected an industry is, the less they spend on their own future."

Another, perhaps bigger, cost not found in computers has to do with the fact that trade is part of the process by which the world economy grows.

World trade and world output always have been linked. Both spiraled down after the Smoot-Hawley tariffs of the 1920s and have mushroomed during the last 50 years of international liberalization, which brought the world unprecedented rises in living standards.

The voice of American consumers is not often heard in the debates.

One reason is plain. The benefits go to a small group—an industry and its workers. The costs are spread among millions of consumers.

A steelworkers, whose job is at stake, has a big incentive to lobby his congressman. A consumer, who may be paying pennies more for a product made of steel, doesn't take the trouble.

Doreen Brown, president of Consumers for World Trade, which has been trying since 1978 to arouse consumer awareness of the issues, says consumers often just do not know the costs.

"They have not been hearing enough about the impact on consumers of trade restrictions to feel they have an interest," she said. "What they have been hearing is the other side from well organized groups."

The benefits of protection also sometimes get a better hearing within the federal government.

The International Trade Commission, a U.S. agency that handles trade relief petitions from industries, recently recommended to Reagan import restrictions for both steel and copper.

The ITC's sole function under the law is to examine whether a domestic industry has been injured and, if so, to recommend a solution. It does not advise the president on possible costs of its recommendations.

The President is required by law to consider both benefits and costs when such cases reach his desk.

The Federal Trade Commission supplies cost-benefit figures to an inter-agency Trade Policy Committee advising the President. But the FTC is not formally a member of that panel. Normally, the administration's cost-benefit analysis is not published.

J. Michael Finger, economist at the World Bank, and Robert Baldwin, economist at the University of Wisconsin, proposed in separate interviews that the law be changed to require the ITC to clearly spell out both costs and benefits.

Brock welcomed the idea, but said he wasn't sure what agency should do the analysis.

Finger said if the United States and other nations began formally considering costs and benefits in cases to limit trade under the "escape clause" of the General Agreement on Tariffs and Trade, it could have a major effect on the amount of protection in the world.

He suggested changing GATT rules to allow such trade restrictions only if applied through procedures that weigh both the costs and the benefits.

If Americans finally decide the costs of protection as a way to deal with threatened industries are more than the benefits, they have several options.

One lies in what economists call adjustment, shifts of capital and workers from one industry to another.

These shifts are taking place in the economy all the time. Studies indicate they occur to a great extent for domestic reasons, such as changes in technology.

When imports threaten an industry, capital and workers can move to another industry that is more competitive. If it really is, free market economics says they will be rewarded with higher profits and pay.

It was exactly in this way that Adam Smith and David Ricardo saw the gains they described coming about.

These changes do not happen without time and pain. A steel worker in his 50s whose plant is closed may not find another job. One in his 40s may find work only at much less pay.

Those are the same costs the FTC measured when it calculated the earnings losses quotas could save for workers—which it found less than the costs of protection.

If the FTC is right, the costs of adjustment may be less than the cost of protection.

In other words, it could be cheaper to reimburse idled workers for the wages they lose and train them for other jobs than it would be to protect their industries.

There are big problems in this solution. Past trade adjustment assistance programs have been little more than temporary unemployment pay and have been abandoned.

Today's unemployment levels make it hard to change jobs. High pay levels in the steel and auto industries make it particularly difficult for workers to find other jobs at comparable salaries.

Despite these problems there are signs the nation may be starting to look down the adjustment road.

Congressional sponsors of proposed five-year steel quotas would require as a condition that the domestic industry take steps to become more competitive.

The ITC proposed that Reagan, if he approves steel restraints on his own, impose similar conditions. It was the first time the ITC has recommended in effect that adjustment be a requirement for protection.

Brock, a strong critic of steel quota legislation, nevertheless agrees in principle that if temporary protection is granted it should be linked to adjustment steps.

"We should," he said, "take into consideration, when an industry asks for relief, their willingness to do the tough things to guarantee that they can be competitive at the end of the relief."●

THE AMERICAN CONSERVATION CORPS

● Mr. MOYNIHAN. Mr. President, last evening's edition of Baltimore's News American contains an editorial supportive of the American Conservation Corps legislation, which was passed by the House of Representatives earlier this week and by the Senate last week.

Very soon, the ACC bill, H.R. 999, will be before the President. I hope he heeds the words of the editorial, which is entitled "Close to a New CCC." I ask that the text of the editorial be printed in the RECORD.

The editorial follows:

[From the Baltimore News American, Oct. 11, 1984]

CLOSE TO A NEW CCC

It was back in 1981 that Senators Charles McC. Mathias and New York's Daniel Patrick Moynihan introduced a bill to establish an American Conservation Corps, similar to the popular Civilian Conservation Corps that did so much good during the Depression for the country and for the young men enrolled in it. Now, after what has been called a "long and tortured" history, the bill has been passed by both the Senate and the House and will go to the White House for the President's signature.

The legislation authorizes $225 million to be spent over the next three years to improve and upgrade the country's natural and cultural resources. In Sen. Mathias' words:

"Millions of acres of public rangeland are in substandard condition, and millions more are experiencing severe soil erosion. Furthermore, national state and city parks are suffering from the effects of vastly increased public use, while the manpower and funds to deal with these effects are not available due to tightened budgets at all levels of government."

The America Conservation Corps will attempt to reverse the trend, concentrating on reforestation, erosion and flood control, reclamation of strip-mining lands, rangeland management in rural ares and harbor and port management, repair and maintenance of city parks and energy conservation in urban areas.

The bill stipulates that the vast majority of the workers employed by the corps be between the ages of 16 and 25, and special efforts will be made to enroll youths who are economically disadvantaged.

Although, because it is a money bill and, incidentally, the only important social legislation to come out of the current Congress, the administration has opposed it. That does not mean a veto is likely. It has solid support from the Republican senators and members of the House. In addition, the Interior and Agriculture departments, which will manage the corps, have recommended that the president approve the bill.

We regard the formation of the corps with enthusiasm. While providing jobs for an element of the population that desperately needs them, it should do much over the years to solve major environmental problems. The president would be making a major mistake if he fails to give the project a green light.●

WALTER MONDALE, GERALDINE FERRARO, JERRY FALWELL, AND THE SELECTION OF FEDERAL JUDGES

● Mr. GARN. Mr. President, the Democratic ticket of Walter Mondale and GERALDINE FERRARO keeps talking about the Reverend Jerry Falwell appointing Federal judges, particularly justices of the U.S. Supreme Court. The Democrats think they can gain by attacking Mr. Falwell, and they have made no secret of their purpose in doing so. The Wall Street Journal of Tuesday, October 9, 1984, page 64, outlines the Mondale-Ferraro strategy:

> The Mondale people also plan to target the Rev. Jerry Falwell, founder of the Moral Majority and a Reagan supporter, as an important "enemy." They say he has very high negative ratings in their polls.

Mr. Falwell, the Mondale-Ferraro enemy, was used again last night in the debate between the Vice Presidential candidates. Congresswoman FERRARO said that "the intrusion of politics into religion or religion into politics * * * started in 1980 when this administration was running for office the Reverend Jerry Falwell became very, very involved in the campaign."

The Vice President found it necessary to respond to this continuing canard:

> I notice that Mr. Mondale keeps talking in the debate, and now it's come up here about Mr. Falwell, and I don't know where this canard could have come from about Mr. Falwell picking the Supreme Court justices.

Ronald Reagan had made one superb, outstanding, the only one he's made, appointment to the Supreme Court. And that was Sandra Day O'Connor. And Mr. Falwell opposed her nomination. We still have respect for him, but he opposed it.

> And so I hope this lays to rest this slander against the president. We want justices who will interpret the Constitution, not legislate.

Notwithstanding the Vice President's hopes, the slander against the President will probably continue through the remainder of this campaign because Mr. Falwell has high negatives in the polls of the Democratic contenders.

After Sunday's debate between the President and the former Vice President, Mr. Mondale, I asked a number of researchers to help me find the evidence for Walter Mondale's numerous assertions that Reverend Falwell was going to get or pick justices of the Supreme Court. My researchers were unable to locate any evidence. They even called the Mondale-Ferraro headquarters but got no help there.

This morning's Washington Post provided the clue we had been looking for when it cited a February 4, 1984, article in the Post on the convention of the National Religious Broadcasters. Mr. Falwell addressed the convention, and here is the Post's account of Mr. Falwell's remarks on the Supreme Court:

> Falwell and others at the convention cited the expected vacancies on the Supreme Court, through retirement of several justices, as a key reason to work for Reagan's reelection. He expressed the hope that "in Ronald Reagan's next five years in office we will get at least two more appointments to the Supreme Court who could swing the balance to produce a 5-4 decision against legalized abortions."

Let us make two assumptions: Let us assume that Mr. Falwell was quoted accurately and let us assume that this is the evidence that Mr. Mondale relied on for his statements in the first debate.

Now: Who was Mr. Falwell referring to when he said, "in Ronald Reagan's next 5 years in office we will get at least two more appointments to the Supreme Court?" Walter Mondale tells the Nation that the utterance means that Jerry Falwell gets two justices. A fair reading of the sentence shows that Walter Mondale is misleading the country. A fair reading of the sentence supports the interpretation that the country will get two new justices, and that Ronald Reagan will appoint them.

Suppose Reverend Falwell had said, "in Ronald Reagan's second term we will get an arms reduction agreement" or "we will get new Commissioners of the FCC" or "we will get inflation down to 1 percent". Would Walter Mondale be running around the country telling the American people that Jerry Falwell was going to be writing arms control agreements, selecting FCC Commissioners, or setting monetary and fiscal policy? Well, he might, since Mr. Falwell has high negatives in the Mondale polls, but if he did, his statements would be no more true than his ongoing statements about Mr. Falwell and the Supreme Court.

Reverend Falwell's remarks were totally inoffensive, but Mr. Mondale has twisted them, and linked them to an event that followed them by more than 6 months. The result is that Mr. Mondale is seriously, and apparently intentionally, misleading the American people.

Look at what Mr. Mondale said in the first Presidential debate:

> When the Republican platform says that from here on out we are going to have a religious test for judges before they are selected for the Federal court, and then Jerry Falwell announces that that means they get at least two justices on the Supreme Court, I think that's an abuse of faith in our country.

Faith in our country was not being abused, the truth was being abused and I think Mr. Mondale knew it. But Mr. Mondale was not through:

> The platform to which the President refers, in fact, calls for a religious test in the selection of judges. And Jerry Falwell says that means we get two or three judges.

The platform does not call for a religious test, in fact, and Walter Mondale knows it. Walter Mondale was still not finished with his "high negatives" "enemy," however. Mr. Mondale asked the country,

> Does every woman in America have to present herself before some judge, picked by Jerry Falwell, to clear her personal judgment [to have an abortion]?

Walter Mondale links the Republican platform which was adopted in August with Mr. Falwell's remarks which were made in February. It sounds like cause and effect, but isn't. There is no religious test in the platform. Jerry Falwell has never said that "they"—meaning, presumably, the Moral Majority—or he would "get" or "pick" Federal judges. And Jerry Falwell's statement, such as it was, was not made with reference to the platform.

Walter Mondale's statements are wrong separately and they are wrong jointly.

Mondale is wrong about Falwell. He is wrong about the platform. He is wrong to try to connect the two. He is wrong to say that he is running a campaign of decency.

What he is running is a campaign of error and deceit with a twist of bigotry. But of course, Jerry Falwell has very high negatives in "his" polls.●

OPPOSITION FIGURES IN SOUTH AFRICA

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. KENNEDY. Mr. President, last week I had the opportunity to have lunch with the Reverend Dr. Alan Boesak, a Dutch Reformed minister and president of the World Alliance of Reformed Churches, and Bishop Desmond Tutu, an Anglican bishop and general secretary of the South African Council of Churches.

These individuals are two of the most courageous and distinguished men I have ever met. They spoke vividly of the injustices they have experienced and witnessed under the apartheid system in South Africa. They told me of the adverse effects of the Reagan administration's constructive engagement policy.

By following that disastrous policy, as Reverend Boesak emphasized, "the U.S. Government is supporting an undemocratic, oppressive government and creating a climate in which people begin to believe that Western democracy is important only as far as white people are concerned."

I share the concerns and sorrow of Reverend Boesak and Bishop Tutu over the shift in U.S. policy, and I am confident that these two men and others like them promise a bright future for South Africa once majority rule is established. While rejecting the use of violence, they recognize that lasting peace will never come to South Africa until the institutionalized racism and violence of apartheid are abolished. It is to men like Reverend Boesak and Bishop Tutu that the United States should now be turning.

Reports from South Africa in the past few days suggest that the authorities are planning to move against the United Democratic Front, the multiracial alliance of labor unions, students, community organizations, and political parties that has become the most powerful opposition force in South Africa. Under Reverend Boesak's dynamic leadership, the UDF has attracted several million supporters in little more than a year, and it succeeded in organizing an effective boycott of the August 1984 elections. Because of the UDF's influence, the South African Government has viewed it with increasing hostility, and the authorities appear to be setting the stage to impose a ban on the organization.

There have already been rumors that, in banning the UDF, the South African Government may also intend to arrest Reverend Boesak. If these reports prove true, that would be a severe setback to hopes for peaceful change in South Africa. At no time has Reverend Boesak or the UDF advocated or condoned violence; the organization's only crime is its obvious effectiveness in opposing the new constitution and in working for the peaceful elimination of apartheid. I would hope that any move by the South African Government to ban the UDF or to arrest Reverend Boesak would be met with the strongest possible response from the United States.●

NICARAGUA

● Mr. DURENBERGER. Mr. President, in the last week or so, we have witnessed the spectacle of Sandinista Companeros cavorting in the very best salons of New York and Los Angeles in order to sway the gullible that their revolution is truly a Democratic and pluralistic effort. Nearly 60 years ago, Lenin stated that so-called useful fools were essential to the success of the Bolshevik movement in the Soviet Union. Mr. President, sad to say, this appears to be the case with many sympathizers of the Sandinista movement in this country and in Europe. The lengths to which these people will go to justify Sandinista abuses and policies are truly breathtaking at times. For example, some of these people will admit to you that the Sandinistas made some minor errors in dealing with the Miskitos, the Sumus, and the Rama Indians in eastern Nicaragua, but that now things are improved. I think that a few facts are in order to understand how large these errors were. In a recent report, the International League for Human Rights has documented the scale of the conflict between the Sandinistas and the indigenous peoples of eastern Nicaragua:

> Despite the fact that there remains a major need for accountability from the Government * * * facts publicly acknowledged or supplied by the Nicaraguan Government alone are sufficient to make the case that Indian rights have been badly violated:
>
> The entire Indian leadership was arbitrarily arrested, imprisoned, and interrogated.
>
> The Indians' organization (Misurasata) was disbanded by the government.
>
> Indian rights to self-government, to land, and to resources were denied by new government policies.
>
> Up to 14,500 Indians (out of a total regional population of 150,000 people) were forcibly relocated to camps where they have been detained or denied freedom of movement.
>
> Some 16,000 additional Indians fled to refugee camps in Honduras to avoid being relocated to the camps in Nicaragua.
>
> 39 Indian villages, including livestock, personal effects, crops, fruit trees, and so forth, were completely destroyed by Nicaraguan government forces in January and February 1982.
>
> The entire Indian region has been under strict military rule, even at the village level.
>
> Many hundreds of Indians have been killed, injured, or arrested and imprisoned in an ever-deteriorating Indian crisis.

While the Sandinistas have punished some of those who were responsible for atrocities in eastern Nicaragua, the conflict between indigenous forces and the Sandinistas has, if anything, escalated. A recent article by Prof. Bernard Nietschmann of University of California at Berkeley places this conflict in better perspective. Professor Nietschmann is recognized as one of the leading specialists on indigenous peoples in Central America; Nietschmann has been involved in intensive research with Miskito, Sumu, and Rama Indians over the past 15 years. I think that his article provides a good description of the Indians' perspective on their own struggles in Nicaragua.

Mr. President, in recent weeks, we have also been able to follow the progress in the negotiations between the Sandinista junta and the leaders of the democratic opposition forces over the Presidential elections, which are scheduled for November 4. An article in today's Washington Post indicates that the democratic coordinator has tentatively agreed to the terms of the Sandinista electoral board. Nevertheless, the Sandinista junta will not postpone these elections so that the opposition might have a legitimate opportunity to campaign freely. Gioconda Belli, a high-ranking Sandinista election official, stated yesterday:

> The Sandinista front has given these people ample chance to participate. We think it is obvious that they are only trying to put the whole electoral process in jeopardy.

In other words, Arturo Cruz and the democratic coordinator have 3 weeks to create their campaign organization, raise some funds, nominate candidates, and all of the other procedures which are required in order to get elected.

Mr. President, I suppose that one can believe in miracles but I am not going to hold my breath for this one. Instead, I would urge my colleagues to take a moment to read several articles which convey a clearer perspective on the true intentions of the Sandinistas for the electoral process. Two of these articles are taken from the Economist's Foreign Report of London and include the full text of Comandante Bayardo Arce's secret speech of late June concerning the November elections. The third article is taken from today's Wall Street Journal and offers the perspective of a well-informed Venezuelan, Carlos Rangel, on this electoral process.

Mr. President, I ask that these articles as well as the article by Bernard Nietschmann on the Sandinistas conflict with the Indian peoples be printed in the RECORD.

The articles follow:

[From the Economist's Foreign Report of London, Aug. 23, 1984]

A SECRET SANDINIST SPEECH

The Sandinist government in Nicaragua has been seriously embarrassed by the publication in the Barcelona newspaper La Vanguardia of a secret speech by one of Nicaragua's nine comandantes, Bayardo Arce, to the central committee of the small Nicaraguan Socialist party (PSN)—a pro-Soviet Communist group—in Managua at the end of June. The co-ordinator of the Sandinist Junta, Daniel Ortega, has admittedly the authenticity of the speech, which was discreetly tape-recorded.

Arce's speech is reminiscent of some aspects of the secret speech of Maurice Bishop abou the goals of the revolution in Grenada (Foreign Report May 17th). Arce told the PSN representatives that the objective of Nicaragua's revolution was to establish a one-party state on orthodox Marxist-Leninist lines: he stressed the need for unity between the Sandinists and the PSN; and he suggested that the result of the presidential election on November 4th was entirely predictable. Arce said:

We believe that the election must be use—secure a vote for Sandinism, which is being questioned and stigmatised by imperialism, in order to demonstrate that the Nicaraguan people . . . are for Marxism-Leninism. They will not overturn this vote by force, as they did in Chile.

If it were not for the state of war forced on us . . . the electoral problem would be something completly out of step in terms of usefulness. What the revolution truly needs is the power to take action. And this power in take action is what constitutes the essence of the dictatorship of the proletariat . . . So the election is, from this point of view, a hindrance, like a number of other things . . . But, from a realistic point of view, these things are weapons of the revolution in forwarding the building of socialism. So it is useful for us, for example, to point to an entrepreneurial class and private production in a mixed economy, while we get on with the strategic aspects . . . The important areas (of the economy) are under state control.

We are discussing . . . first, the idea of putting an end to all this artifice of pluralism, that there is a Socialist and Communist party, a Christian Socialist and a Social Democrat party etc, which has been useful to us up to now. Now that has come to an end.

Let the people vote for all the things the revolution has done. Let them vote for literacy, adult education, confiscation, nationalisation of the banks and foreign trade, free education; let them vote for Soviet-Cuban advisers, for revolutionary internationalism. Let them vote for all that.

The important thing for us about the election is the working out of the new constitution . . . which will enable us to form the judicial and political principles for the construction of socialism. We are using an instrument, demanded by the bourgeoisie, which disarms, the international bourgeoisie, in order to form our own strategic objectives.

[From the Economist's Foreign Report of London, Sept. 6, 1984]

A SECRET SANDINIST SPEECH (2)

In our last issue (Foreign Report, August 23rd), we published extracts of a secret speech by a member of the Sandinist junta, Bayardo Arce, explaining the Sandinist strategy for Nicaragua. Arce is coordinator of the political commission of the Sandinist Front. He asked the allied Socialist party, a Marxist-Leninist group, to unite with the Sandinists after the election in November. Here are some more tape-recorded extracts of Arce's speech:

Imperialism asks us three things: that we abandon interventionism; that we abandon our strategic ties with the Soviet Union and the socialist community; and that we should be democratic. We cannot stop being internationalists without stopping being revolutionary. We cannot stop our strategic relations. This does not enter into any consideration . . .

But democracy, as they call it, bourgeois democracy, contains an element which we can manage and obtain positive elements for the construction of socialism in Nicaragua . . . The most important . . . is the elaboration of a new constitution because . . . (it) will allow us to shape judicial and political principles for the construction of socialism . . . This new judicial framework will let us adopt a new rhythm, more dynamic. That is the project which we will obtain from the electoral process.

So in this context, in which the elections will let us be more clear in a series of things, we ask what role will our allied forces play? The Socialist party is a Marxist-Leninist party . . . We have not declared ourselves in a public and official way as Marxist-Leninists . . . We say: Do we have strategic differences with the Socialist party, or does the Socialist party have differences with us? Isn't it times to make a single party? Why are we communists putting on different shirts?

We ourselves have started to discuss this, but we invite you to discuss it too. Because, if we wish, well, after the elections, we are going to drop the fiction that there is a Socialist party which is Marxist-Leninist and there are those of the Sandinist Front, who still have not taken off their shirt. The problem of identity in the electoral processs is absolutely secondary . . . We are trying to avoid changing faces too much, avoiding confusions: we don't talk about the aspect in depth . . .

This is going to be the first experience in the construction of socialism with the dollars of capitalism.

We still have not started to move the crowds (turbas)—Because the moment has not yet arrived. We are concentrating our efforts on military matters . . .

We must take advantage of this change, which the electoral press represents, to draw positive profits: the unity of the Marxist-Leninists of Nicaragua. Thank you.

[From the Wall Street Journal, Oct. 12, 1984]

THE DOUBLE LIVES OF NICARAGUA'S COMANDANTES

(By Carlos Rangel)

CARACAS, VENEZUELA.—As Comandante Daniel Ortega and his Sandinista companeros flirt with Hollywood stars, cavort with New York's jet set at the Russian Tea Room and take in baseball games, they still have found time to make their case that the Sandinistas stand for pluralism and peace in Central America. They back up this claim by referring to their coming elections and their verbal acceptance of the Contradora treaty. This verbal approval alone has been heralded by many of the U.S. as proof that the Sandinista elite are in earnest. However, the comandantes' assertions concerning

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elections and the peace process made on their home turf rip apart the current public-relations fascade that has taken in so many naive Americans.

Publicly, leaders of the Contradora countries—Mexico, Venezuela, Colombia and Panama—voice satisfaction with the new draft treaty. Privately, those same leaders admit that the letter-perfect Contadora treaty is hardly worth the paper it is written on. The painstakingly conceived document would encourage Nicaragua, El Salvador, Guatemala, Honduras and Costa Rica to be models of democracy and practitioners of good neighborly behavior. Actually, none of those countries, and least of all Nicaragua, have the slightest intention of abiding by those angelic rules.

Seen in this light, the Contadora draft treaty could be likened to all other arrangements that seek to buy "peace in our time" at the cost of one of two slices of what is seen as somebody else's flesh, when it is really our own. In the case at hand, the supposedly alien flesh is that of the Nicaraguan people. And those ready to allow the slicing are pretending to perceive the Sandinistas' verbal adherence to the Contadora draft treaty as somehow disproving the evidence that next month's Nicaraguan elections are rigged from top to bottom.

Besides everything else that is public knowledge, Sandinista cynicism about the whole electoral exercise stands revealed in a remarkable speech last spring by Bayardo Arce, one of the nine Sandinista comandantes. Mr. Arce is the director of the Sandinista political commission that is overseeing the electoral process in Nicaragua. His speech was delivered to the Central Committee of the Nicaraguan Socialist Party (NSP), an aggressively Marxist-Leninist ally of the Sandinista Front. There is no doubt about the authenticity of the speech; a tape recording exists, on which Mr. Arce's voice and manner of speaking are plainly recognizable. No denial has been issued by Managua, doubtless because of the solid proof of the recording.

Mr. Arce's speech is long, rambling and conversational. I will condense and quote the most flavorful parts. By the drift of the speech, it appears that the NSP and Mr. Arce remains unconvinced of the wisdom of holding elections at all. He starts by acknowledging that the NSP has requested an explanation as to why the Sandinista government became embroiled in the bothersome business of elections, and about "the perspective that we Communists must have on the electoral process." Mr. Arce continues:

"* * * let me remind you that back in 1979 the Organization of American States was trying to find a non-revolutionary solution [to the fall of Somoza]. In that context, we [the Sandinistas] came up with a program that made us acceptable, based on three points that we knew we could manage in a revolutionary way. These were nonalignment, a mixed economy and political pluralism. Without these negative commitments, it is true that the elections would be absolutely untimely. What a revolution needs is the executive expediency which is the essence of the dictatorship of the proletariat, and from that point of view the elections are a hindrance.

"But from the point of view of the reality we have, the elections are a tool of the revolution and a way of advancing in the building of socialism. . . . It is, for example, useful for us to be able to point out that there remains a private entrepreneurial sector, while we advance in all strategic (economic) aspects. That entrepreneurial class no longer counts. The Nicaraguan economic project is entirely in the hands of the state. In the same way, the elections have become an expedient in order to deprive our enemies of an argument.

"Imperialism asks three things of us: that we should forsake revolutionary internationalism, that we should cut our strategic links with the Soviet Union, and that we should be domocratic. Now, the formal aspects of what they call democracy, we can handle, and the elections are that. *But we could not stop being internationalists or cut our strategic relations with the U.S.S.R. and remain revolutionary. That is out of the question.* Elections, yes, because in them we have an instrument that will disarm the international bourgeoisie while we keep on going forward with the essential and strategic aspects of the revoluton" (emphasis added).

Mr. Arce goes on to explain how with the Nov. 4 elections it will appear that the Nicaraguan people (and not just the Sandinista government) "are in favor of Soviet-Cuban advance, are in favor of totalitarianism, are in favor of Marxism-Leninism, are in favor of Soviet-Cuban military advisers, are in favor of revolutionary internationalism."

In another part of his speech, Mr. Arce says that after the elections "the time will have come to think about a single party. Why should we Communists go on wearing different shirts, if anyhow socialism is being built [in Nicaragua] through the strategy of the Sandinista Front? We should think now about doing away with all this fiction of pluralism."

There is much more in Mr. Arce's secret speech to the NSP than can be gleaned in this space, but lest one believe that Mr. Arce is merely the one bad egg in the Sandinista basket, we offer the views of presidential candidate Daniel Ortega, presented in a speech two weeks ago to a crowd of supporters in Managua. Mr. Ortega warned opposition leaders that if they continued to call the growing conflict with the anti-Sandinista rebels a civil war, "they might just end up with such a civil war on their hands, and then whole classes of people will disappear. The people will obliterate some classes and then these classes will know the fury of the public."

That statement ties ominously with Mr. Arce's call to patience to the NSP: "We haven't moved the mobs [las turbas] yet, because the time is still not ripe."

It should be kept in mind that Mr. Ortega and Mr. Arce are regarded by their supporters in the U.S. as "moderates" when compared with "hard liners" like Sandinista Interior Minister Tomas Borge, who is much more open about his Marxist-Leninist expansionist ideals. What bothers Latin Americans is that gringos seem less concerned with what the comandantes are saying and doing in Nicaragua than with the stories they relate to liberal jet setters over cups of cappuccino in New York and Hollywood.

(Mr. Rangel is a Venezuelan journalist, author and television commentator. A related editorial appears in Review and Outlook.)

NICARAGUA'S OTHER WAR—INDIAN WARRIORS VS. SANDINISTAS

(By Bernard Nietschmann)

Last January I visited Nicaragua's Miskito, Sumo, and Rama Indians in refugee camps in Costa Rica and inside Nicaragua, where they are fighting the Sandinista government. This was my third unofficial trip inside Nicaragua since mid-1983 to talk with villagers and Indian military leaders. The Indian perspective is seldom sought and almost totally absent from discussions of the Indian-Sandinista conflict. I would like to share the rationale and goals of the Indians who are actively resisting the Frente Sandinista de Liberacion Nacional (FSLN), and to place these within the context of other interpretations that are often given by the media, the United States, the Sandinistas, and the Indians' supposed allies, the Fuerza Democratica Nicaraguense (FDN) and Alianza Revolucionaria Democratica (ARDE).

Miskito, Sumo, and Rama Indians have been fighting the Nicaraguan government for three years. The Indians were the first group to militarily oppose the FSLN, beginning in February 1981 (a year before the FDN and two years before the ARDE). Their resistance is widespread, long term, and determined, and operates throughout Indian territory in eastern Nicaragua and from border areas near Costa Rica and in Honduras. The Indians do not see themselves as *contras* (counterrevolutionaries) but as Indian revolutionaries fighting for Indian objectives. Their struggle is in many ways part of the overall anti-Sandinista war, but their reasons and goals are not. They are fighting to establish their rights for self-determination, to regain their traditional lands, and for autonomy. They are fighting for Indian control of Indian territory, not to overthrow the Sandinista government or to make it more democratic. As one Indian leader told me: "The *contra* groups like the FDN and ARDE are fighting for democracy and representative free elections. We are fighting for something else. We are not fighting for democracy—we never had it from any government. We are fighting for something that was taken away from us. We are fighting for our land. For an Indian, freedom is land, not democracy."

From the Indians' perspective, all governments in the Americas are anti-Indian. Indians are dying in Guatemala and in Nicaragua. Indian lands and cultures everywhere are under attack by the state, be it right wing, left wing, military junta, democratic, Marxist, or whatever. However, the Nicaraguan Indians have decided to resist rather than passively accept decisions forced upon them.

The Miskito have centuries of resistance experience and are prepared for a prolonged war. Since the sixteenth century they held off efforts to colonize Indian territory, culminating in 1800 when they expelled a Spanish force more than 20 years before other anti-Spanish wars of independence established free states in Latin America. The Treaty of Managua (1860) gave autonomy to what was called the Miskito Reservation, the eastern coast of Nicaragua, but in 1894 a Nicaraguan military force invaded the area to "reincorporate" it into the nation. During the twentieth-century dictatorships, the Miskito, Sumo, and Rama maintained control over their village communal lands and resources, but government leases given to foreign companies bypassed Indian determination over land and natural resource use in many areas of their territory. After 1979, FSLN agrarian reform aimed to expropriate under state control land deemed to be underused or misused. The Indians' ecologically adapted land use system depends on having large amounts of land lie fallow while small amounts are cultivated. Forest reserves, pasture land, and surplus land for future population growth are integral parts of each community's territory. What the FSLN saw as surplus land was transferred to state control for eventual development and redistribution. The Indians saw this as outright theft of their lands backed by a massive military presence and foreign advisors. The FSLN believed that the revolution gave them the right to "integrate" Indian lands and peoples into Nicaragua; the Indians saw that the revolution gave the FSLN the power to do so but not the right. Decisions over Indian land and peoples were an Indian right.

The Indians seek to maintain communal ownership of their village lands, which collectively constitute Indian nations, and to continue their primary allegiance to those nations as distinct peoples. The FSLN seeks to incorporate what they see to be ethnic minorities into the revolution as citizens whose allegiance is to the revolution and whose territories are to be brought under national sovereignty.

Professor John Bodley of Washington State University writes in *Victims of Progress'*, a worldwide survey of programs and peoples to control and transform indigenous peoples: "It has become fashionable to describe tribal peoples as national minorities, and as such to even speak of them as obstacles to national unity and sources of instability. Newly independent nations have been eager to politically incorporate zones that former colonial governments had left relatively undisturbed, on the theory that such zones had been deliberately perpetrated in order to create division within the country."

The war between the Indians and the Sandinistas began over who was going to control indigenous territory and peoples. As such, it is one of the many fourth World wars currently being waged on every continent. At present there are some 20 resistance movements involving indigenous peoples against states, including the Nagas, Sikhs, Misoran, and Kachims in India; the Kalinga and Muslim groups in the Philippines; the Papuans, Timorese, and Mollucans in Indonesia; the Mujahedin in Afghanistan; the Maya, Zapotec, and Mixe in Guatemala and Mexico; and the Ovimbundu, Harrah, and Bantu in South Africa and Namibia. The Miskito, Sumo, and Rama are fighting for an autonomous region similar to what the San Blas Cuna have won by force in Panama, the Naga in Assam, and the Nilotic and Sudanic peoples in Southern Sudan.

One Miskito warrior inside Nicaragua asked me, "Why do Sandinistas want to take over Indian land and my people? We don't want to go to the west coast to force our ways on them. They should have helped us develop our Indian land and people, not compel us to their ways. They started this war by coming here with their policies and military. We will end the war at the borders of our land."

The Indian resistance is hidden and misinterpreted due to the larger international situation involving Nicaragua, Cuba, the Soviet Union, the United States, and Honduras. Beneath the political rhetoric the Indian-Sandinista war is a conflict between the power of the state to impose and the capacity of the indians to resist. The Nicaraguan wars are a boxes-within-boxes conflict—Indians against state control, Nicaraguans against Marxist-Leninist control, the United States against FSLN control—which conveniently and simplistically have been interpreted as one war, one conflict, one source, one goal. The FSLN has attempted to attribute the goals of the U.S., FDN, and ARDE to the Indians, and the U.S., FDN, and ARDE have tried to align the Indian resistance to their goals.

Because the Indians' limited goals do not fit into the two-dimensional "right vs. left" analyses of the Nicaraguan conflict, they are made to fit. At the international level the Indian resistance is usually referred to paternalistically as "U.S.-backed disaffected Indian contras," as if the Indians were not fighting for their own reasons. (This is the equivalent of saying "French-backed disaffected colonists" to describe the forces that opposed the British during the American Revolution.) The United States uses the violations of Indians' human rights to discredit the Sandinista government, conveniently ignoring what the Indians are fighting for and focusing only on what has happened to them. A strong pro-indigenous stance is hardly part of U.S. domestic or international policy. The FSLN, while maintaining that the Indian opposition is externally provoked and manipulated as part of CIA-directed destabilization efforts, recently has admitted mistakes and errors in their Indian policies and has released many Indian political prisoners and announced a general ill-defined amnesty that is to date unattractive and being ignored by Indians fighting, in exile, and in refugee camps. (Although the amnesty is an important first step toward political negotiations, the Indians do not see anything to come home to. In fact, since the December '83 amnesty, Indians have continued to flee Nicaragua. To counter this embarrassment, the Nicaraguan government has falsely accused the ARDE and FDN of prohibiting Indian refugees from leaving Costa Rica and Honduras.) And the Indians' military allies—the FDN and ARDE—are unsupportive of the Indian goal of autonomous control over Indian territory, resources, and peoples. In the face of the still-unresponsive Sandinista government, the Indian resistance must continue these alliances to obtain weapons and logistical aid. Yet the Indians realize that their supposed allies are limiting support to reduce the Indians to small-scale guerrilla activities and to prevent them from becoming a well-armed army of Indian nationalists. Even if the current conflict were "solved" politically or militarily, the Indians will continue to fight if they don't regain their land and achieve self-determination. In the midst of this struggle, they actively plan for what unfortunately may be the next war, Indians versus non-Indians, eastern Nicaragua versus western Nicaragua.

As hopeless as their situation may appear, the Indians are determined to continue and they do have many advantages. Like the Afghanistan rebels, they base their resistance on the cohesive yet decentralized structure of their village societies which are cemented by strong cultural and religious identities and the centuries-old warrior tradition of the Miskito, who have never been dominated militarily in their extensive and rugged territory. This is the situation that fuels their determination to fight on: (1) one-fourth of the coast's 165,000 Indians are in military-controlled "relocation camps" or in refugee camps in Honduras or Costa Rica; (2) one-half of the Miskito and Sumo villages have been destroyed; (3) Indian rights to self-government, traditional land, and resources have been abolished; (4) subsistence cultivation, fishing, and hunting are strictly controlled, and access to staple foods is so limited that hunger is an everyday problem and starvation a probability in many communities; (5) many villages have had no medicine or doctors for over two years; (6) freedom of movement is denied or severely restricted; (7) more than 35 Indian communities have suffered massive Sandinista invasions during which civilians have been arbitrarily arrested, interrogated, tortured, killed, raped, and robbed, and had livestock and crops destroyed. These attempts to force the villages to divulge the locations of the Indian warriors' secret base camps and to terrorize them into not supporting the warriors have been unsuccessful. As bad as it was under the 43 years of Somoza dictatorships, however, the Indians have suffered much more in the four and a half years of the Sandinistas.

During their three years of armed resistance to the FSLN, the Indians have not lost a military confrontation. In addition to numerous guerrilla skirmishes, they have fought several major head-to-head battles against Sandinista forces, including the battles of San Carlos (January 1982), Seven Bank (July 4, 1982), Limbaika (August 1982), La Tronquera (May 13, 1983), Gunpoint (June 23, 1983), Haulover to Puerto Isabel (October 1983), and Waspam and Leimus (March 1984).

The October 1983 Indian-Sandinista battle in the Haulover to Puerto Isabel area was the biggest of the war and one of the major confrontations waged by anti-Sandinista forces. Sandinista soldiers who came to the warrior-controlled village of Haulover on October 1 to forcibly relocate the civilian population were met by a large resident force. Surprised by the scale of the resistance, the Sandinistas brought in several thousand more soldiers and used "push and pull" airplanes and helicopters to bomb Indian warriors and civilians (65 bombs were dropped during an 11-day period). Eleven civilians died from the bombings and 27 more died from sickness and hunger when the villagers fled for a month into the mangrove swamps to escape the bombings, strafing from coastal patrol vessels, and land battles. Running low on ammunition after several days of widespread battles, the warriors retreated into the mangrove. The Sandinista forces suffered heavy casualties. The Indians lost seven warriors.

Keeping in mind that the Indian struggle is dedicated to Indian goals, let us consider some of the possible future alternatives for the Indian-Sandinista conflict. First, the Sandinista military solution to control the Indians has not worked. After several years of fighting the Indians it should be evident to them that they cannot defeat the Indian forces permanently established inside Indian territory. Furthermore, so-called Indian "leaders" working with the Managua government do not represent Indian interests or the vast majority of Indian noncombatants, certainly not the Indians who are fighting. While these "leaders" may be important to the FSLN for seeking international support of their Indian policies, they do not represent a solution for the actual domestic conflict. Meanwhile, the Indian forces are limited by the quantity of arms they can obtain from their FDN and ARDE allies or from Sandinistas they engage in battle. As limited as they might be, however, they are willing to continue for years if necessary. But they also see that their current position—though marginal because of the military superiority of the FSLN and the control exerted by their supposed allies—actually gives them considerable leeway in future decisions.

Based on my discussions with Indian leaders about their struggle, I want to present four hypothetical situations for future actions:

1. The Indians could continue as they are, underarmed and undersupported by their allies, and simply try to wear down the Sandinistas militarily and ecomomically until the war becomes too costly for the FSLN and some sort of resolution is achieved, either independently of the FDN and ARDE position or as part of it.

2. The Indians' FDN and ARDE allies could take a strong, pro-Indian position, sign and support treaties for Indian control of Indian land, and provide greater logistical and arms support to help the Indians push the Sandinistas from eastern Nicaragua. The Indians have a potential force of 10,000 warriors and they represent the quickest way to massively expand military pressure on the FSLN.

3. Another outside interest—China, for example—could step in and provide arms and logistical support to the Indians to establish a political beachhead in the Americas.

4. Or, the FSLN could evolve a much-needed pro-Indian policy, recognizing that Indian land and self-determination aspirations are not "counterrevolutionary," and begin negotiating with authentic Indian leaders to adapt some of the revolution to the Indians, not just the Indians to the revolution. If the FSLN were to guarantee Indian control of traditional Indian land, help rebuild the destroyed villages, and arm the Indians, they would solve a military problem, isolate FDN and ARDE forces by breaking the connecting guerrilla link in eastern Nicaragua, allow the Indians to defend their territory from *contra* incusions, and thus be able to concentrate their FSLN forces on the northern and southern borders.

Of the three anti-Sandinista wars—the FDN, the ARDE, and the Indians—the Indian conflict would be for the FSLN the easiest to resolve. On the other hand, it would also be the easiest to expand. These options to shut down or open up Indian resistance will be accepted by the Indians to the extent that they see the possibilities to achieve their goals of self-determination and Indian control of Indian land.●

ELEANOR ROOSEVELT'S CENTENNIAL

● Mr. MOYNIHAN. Mr. President, yesterday, we celebrated the 100th anniversary of the birth of the "First Lady of the World," Eleanor Roosevelt. We also celebrated the official opening of Val-Kill as the first and only national historic site dedicated to the memory of a First Lady. Eleanor Roosevelt loved the cottage at Val-Kill, where she could enjoy "the peace of nature." And the furniture factory, where she later lived, is emblematic of her unwavering commitment to helping those in need.

I had the great good fortune to know this remarkable woman. In December 1961, President Kennedy established a President's Commission on the Status of Women, which he asked Mrs. Roosevelt to chair. I was an assistant to the Secretary of Labor at the time, and I represented him on the Commission. Mrs. Roosevelt, who chaired the Commission until her death on November 7, 1962, was energetic and gracious. And, she was firm-minded: she steered the Commission to its conclusion that the role of women in American economic affairs was unfairly and unwisely circumscribed. A conclusion, I might add, not without basis still.

At the suggestion of Lucille Pattison, the county executive in Dutchess County—in which Val-Kill and Springside are located—I introduced legislation on July 28, 1983, to establish an Eleanor Roosevelt Centennial Commission for the purpose of coordinating the commemorative activities of this centennial year. The number and scope of these activities have been staggering—a tribute to her influence.

Senate Joint Resolution 139 was passed by the Senate on November 2, 1983, and by the House of Representatives 2 days later. I have been honored to serve on the Commission, which has been chaired by Trude Lash. We owe a debt of gratitude to Frederica Goodman, on loan from Governor Cuomo, for dedicating so much of her time and energy to serve as the Commission's Director.

Eleanor Roosevelt set the standard for the modern political wife, and, in her own right, had an enduring impact on domestic and international affairs. Often called the "eyes and ears" of her husband, Franklin, she was more than that; she was the spirit that powered the New Deal, that built a new society. No one championed the cause of the disenfranchised and the oppressed better than she, whether at home, or the United Nations—where, as a member of the U.S. delegation, she was singulary responsible for the drafting of the Universal Declaration of Human Rights, which was adopted unanimously by the U.N. General Assembly on December 10, 1948.

Eleanor Roosevelt's idealism knew no bounds. And, she had the energy to match. She lived to do things for other people, always to do something useful and important—for in no other way, she was convinced, "can true happiness be attained." She believed that institutions existed for similar purposes.

The era of expansive, affirmative government, which she helped to usher in, is over. Existing social programs are under siege; new ones, virtually without exception, will not be established. One exception, perhaps, will be the creation of an American Conservation Corps, patterned after the Civilian Conservation Corps of the New Deal era. But I note that the Senate required 3 years to pass ACC legislation. Half a century ago, the Senate, at President Franklin Roosevelt's request, passed legislation to authorize the CCC in 1 week.

Government has changed; so, too, has our perception of its purpose and functions. But we imperil ourselves if we consign Eleanor Roosevelt's vision of government to irrelevancy. We imperil ourselves if we fail to share Eleanor Roosevelt's vision of the private citizen, his rights, and his responsibilities. As Joseph Rauh, Jr., remarked, her "golden footprints" will "always remain a compass for the caring, a compass never more needed than today."

At the age of 74, she remarked, "When you cease to make a contribution, you begin to die." I don't believe that Eleanor Roosevelt ever ceased to make a contribution. Her spirit is with us, on this centennial celebration, prodding—even goading—us to affirm the good works that individuals and institutions can—and should—do.●

WHAT THE CIVIL RIGHTS ACT OF 1984 (S. 2568) MAY MEAN FOR THE PRIVATE SECTOR

● Mr. GARN. Mr. President, fortunately, for the good of this country, the so-called Civil Rights Act of 1984 was defeated on a procedural motion in the Senate. However, I'm sure we will face this issue again in the next Congress. Hopefully, at that time we will go through the proper process and have committee hearings before the Senate as a whole considers such important and far-reaching legislation.

I supported title IX legislation when it passed Congress many years ago. I applaud the strides that have been made by and for women because of this legislation and hope next year we can pass legislation that will continue this effort. However, the bill that was before this body went way too far. In that light, I wish to refer my colleagues to an excellent analysis of this legislation prepared by Lincoln Oliphant of the Senate Republican Policy Committee. It is a detailed report of just what effect this bill would have had on the private sector. And this is just one of the problems with this bill. The long arm of the Government has been stretched far enough. It doesn't need to reach into more areas of our lives through legislation of this type.

The analysis follows:

What the Civil Rights Act of 1984 (S. 2658) May Mean for the Private Sector

I. THE INTERRELATIONSHIP OF THE STATUTES

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.*, Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681, *et seq.*, Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, and the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101, *et seq.*, each prohibit discrimination in "any program or activity receiving federal financial assistance." Respectively, the statutes prohibit discrimination on the basis of "race, color, or national origin," "sex," "handicap" ("otherwise qualified handcapped individual"), and "age." Title IX is limited to education programs.

Title VI, which is the model for the later enactments, provides:

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 42 U.S.C. 2000d (1976).

The courts have consistently held that the statutes are interrelated—that comparable language evidences a common meaning and intent. A judicial construction of one statute is often used to interpret another. *See, e.g, Northcross v. Bd. of Education,* 412 U.S. 427, 428 (1973).

In the *Grove City* case, *infra,* the Supreme Court construed the "program or activity" language of Title IX. This authoritative interpretation of Title IX is likely to control Title VI, Section 504, and Age Discrimination Act (ADA) cases as well, although we can only speculate on the precise effects.

II. THE "GROVE CITY" CASE

Grove City is a private, coeducational, liberal arts college located in Pennsylvania. It describes itself as having "both a Christian world view and a freedom philosophy" and it maintains that these positions are "interrelated."

At the time of the lawsuit, Grove City had about 2200 students. About 140 students were receiving Basic Educational Opportunity Grants (BEOGs) and about 340 students had Guaranteed Student Loans (GSLs). The grants were made directly to the students (the grants were not funneled through the college) through the Department of Education's (ED's) Alternate Disbursement Systems (ADS). (Institutions participating in ADS must make certain certifications to ED, but the Department itself calculates the awards and makes disbursements directly to eligible students. ED also operates the Regular Disbursement System (RDS). Under RDS, ED estimates the amount of money that an institution will need for grants and advances that sum to the institution, which then selects recipients, calculates, the amount of the grants, and disburses the funds.) Student loans are guaranteed by the federal government.

"Apart from this indirect assistance, Grove City has followed an unbending policy of refusing all forms of government assistance, whether federal, state or local. It was and is the policy of this small college to remain wholly independent of government assistance, recognizing—as this case well illustrates—that with acceptance of such assistance one surrenders a certain measure of the freedom that Americans always have cherished." *Grove City College v. Bell,* — U.S.—, 104 S. Ct. 1211, 1223 (1984) (Powell, J., concurring).

ED concluded that Grove City was a "recipient" of "Federal financial assistance" as those terms are defined by Title IX's regulations, 34 CFR Part 106. Grove City was informed that as a recipient it must execute an Assurance of Compliance form. Grove City refused to execute the document, and ED began administrative proceedings which resulted in an order terminating assistance to Grove City's students. The Administrative Law Judge concluded that student grants and loans constituted indirect federal financial assistance to Grove City.

The Administrative Law Judge also found that, "[T]here is not the slightest hint of any failure to comply with Title IX, save the failure to submit [the compliance form]. This refusal is obviously a matter of conscience and belief." *Id.* at 1224.

The District Court

Following the adverse administrative ruling, Grove City and four of its students commenced an action in federal district court. The district court held that the BEOGs were federal financial assistance, but it refused on several grounds to terminate the student's aid. *Grove City College v. Harris,* 500 F. Supp. 253 (1980).

Interestingly, ED had sought to terminate the students' BEOGs *and* their GSLs. The district court held that GSLs were "contract[s] of insurance or guaranty" that could not be terminated because of the express exclusion of such contracts under sec. 902 of Title IX. ED did not challenge this conclusion on appeal. However, ED's initial attempt to have GSLs declared "Federal financial aid" has important implications that will be discussed below. (Note that between the district court decision and the appellate court decision there was a change of national administration. *See also,* 104 S. Ct., at 1216 n. 10.)

The Court of Appeals

The court of appeals reversed. 687 F.2d 684 (3rd Circ. 1982). The court held that Title IX was triggered by indirect as well as direct aid and that ED could withhold grants from Grove City's students, despite the fact that Grove City had never discriminated. The appeals court recognized that Title IX is program specific, but held that the entire institution is the program:

"Where the federal government furnishes indirect or non-earmarked aid to an institution, it is apparent to us that the institution itself must be the "program." Were it otherwise, and if it had to be demonstrated that each individual component of an integrated educational institution had in fact received the particular monies for a particular purpose, no termination sanction could ever effectively be imposed." Id. at 700.

The Supreme Court

The Supreme Court held that Grove City, through its students who receive BEOGs, is a recipient of federal funds:

"The linchpin of Grove City's argument that none of its programs receives any federal assistance is a perceived distinction between direct and indirect aid, a distinction that finds no support in the text of section 901(a)" 104 S. Ct., at 1217.

[W]e have little trouble concluding that Title IX coverage is not foreclosed because federal funds are granted to Grove City's students rather than directly to one of the College's educational programs." 104 S. Ct., at 1220.

The Court also held that ED could terminate the BEOGs if Grove City failed to execute the Assurance of Compliance. Termination need not be proceded by a finding of discrimination. *Id.* at 1222.

Grove City's First Amendment defense was summarily rejected. *Id.* at 1223.

The Court was unanimous in each of the holdings above.

Six members of the court held that Title IX is indeed program specific, and that "program" does not mean an entire school:

"We conclude that the receipt of BEOGs by some of Grove City's students does not trigger institution-wide coverage under Title IX. In purpose and effect, BEOGs represent federal assistance to the College's own financial aid program, and it is that program that may properly be regulated under Title IX." *Id.* at 1222.

The reasoning of the majority's opinion is noteworthy:

"To the extent that the Court of Appeals' holding . . . rests on the possibility that federal funds received by one program or activity free up the College's own resources for use elsewhere, the court of Appeals' reasoning is doubly flawed. First, there is no evidence that the federal aid received by Grove City's students results in the diversion of funds from the College's own financial aid program to other areas within the institution. Second, and more important the Court of Appeals' assumption that Title IX applies to programs receiving a larger share of a school's own limited resources as a result of federal assistance earmarked for use elsewhere within the institution is inconsistent with the program-specific nature of the statute. Most federal educational assistance has economic ripple effects throughout the aided institution, and it would be difficult, if not impossible, to determine which programs or activities derive such benefits. Under the Court of Appeals' theory, an entire school would be subject to Title IX merely because one of its students received a small BEOG or because one of its departments received an earmarked federal grant. This result cannot be squared with Congress' intent.[11] *Id.* at 1221 (White, J., writing for the majority).

It is precisely this result that S. 2568 will reverse.

If S. 2568 is enacted, an entire school will be subject to Title IX merely because one of its students receives a small BEOG or because one of its departments receives an earmarked federal grant.

The *Grove City* majority addressed itself to a recurring question in the debate about S. 2568: Can a line be drawn between BEOGs, for example, and food stamps and similar benefits? Said the court:

"Grove City's attempt to analogize BEOGs to food stamps, Social Security benefits, welfare payments, and other forms of general-purpose governmental assistance to low-income families is unavailing. First, there is no evidence that Congress intended the receipt of federal money in this manner to trigger coverage under Title IX. Second, these general assistance programs, unlike student aid programs, were not designed to assist colleges and universities. Third, educational institutions have no control over, and indeed perhaps no knowledge of, whether they ultimately received federal funds made available to individuals under general assistance programs, but they remain free to opt out of federal student assistance programs. Fourth, individuals' eligibility for general assistance is not tied to attendance at an educational institution." *Id.* at 1218 n. 13.

The court also said, "Student financial aid programs, we believe, are *sui generis.*" *Id.* at 1221.

The court's four-part test, as useful as it is, cannot answer many of the questions that S. 2568 raises. To begin with, S. 2568 will introduce new legislative history and new statutory language. This new language treats "indirect recipients" and "ultimate beneficiaries," for just two examples, more expansively than did the old language. Second, many of the questions raised by S. 2568 do not concern food stamps, Social Security, and similar programs. Part VI of this letter discusses ten areas of the private sector that may feel the effects of S. 2568. Not one of these areas involves of a food stamp recipient or a Social Security beneficiary. Third, since student aid programs are *sui generis,* the test may also be unique. Fourth, the court's formula depends on the particular facts and purposes of the federal financial aid. In *Grove City,* by means of the four-part test, the court was able to differentiate special-purpose aid (BEOGs) from general-purpose governmental assistance. Using the same test, but applying it to different special-purpose programs (airport construction assistance, research grants, on-the-job-training programs, etc.) which have their own facts and legislative history that will be augmented by the language and legislative history of S. 2568, a different result may be reached.

III. S. 2568

Senators Kennedy and Packwood introduced S. 2568 on April 12, 1984. It was referred to the Senate Committee on Labor and Human Resources. There has been one day of hearings in a Labor subcommittee, and two days of hearings in a Judiciary subcommittee. This week, the Agriculture Committee considered its application to the farming community. The full Labor Committee may mark-up the bill this month. S. 2568 has more than 60 cosponsors.

In the House, the companioin bill (H.R. 5490) was jointly referred to the Judiciary Committee and the Education and Labor Committee. Joint hearings were held and both committes have, by unanimous votes and without amendment, ordered the bill reported. As this letter is being written, the reports are not available.

The most authoritative guide to the purposes of S. 2568 (other than the bill itself, which is not here ignored, see below) is a "Joint Explanation by Senator Kennedy and Senator Packwood of Civil Rights Act of 1984," 130 Cong. Rec. S. 4585-87 (daily ed. April 12, 1984) [hereinafter cited as "Joint Explanation"]. The quotation below is from the "Joint Explanation" and titled, "What the Bill Does":

"This bill makes three limited changes designed to restore Title IX, Title VI, Section 504, and the ADA to their intended force and coverage. Congress always intended that these crosscutting antidiscrimination statutes, and the various other federal funding statutes which contain additional prohibitions on discrimination in the particualr federally assisted programs or activites created by each law, be interpreted to have broad coverage. The changes in all four laws are consistent, to preserve the existing parallels among them.

"First, the general prohibition language in each statute is modified to delete 'program or activity' and substitute the term 'recipient.' The effect of this change is to prohibit an entire institution or entity from discriminating if any of its parts receives federal funds. With respect to Title IX, the limitation to education is retained.

"Second, a definition of the term 'recipient' is added to the four statutes. This definition is modeled on the definition currently contained in the regulations issued under these laws. These statutes have consistently been interpreted to exempt from coverage as 'recipients' the landlord whose tenant pays the rent with federal public assistance funds, the clothing store that is paid for a shirt with money from a Social Security check, and others similarly situated. This bill makes no change in this regard.

"Third, the enforcement section of each of the laws is modified to delete "program or activity" language . . . ." *Id.* at S. 4586.

The third purpose of the bill, modification of the enforcement mechanisms, will not be analyzed in this letter.

Nor will this letter dispute the frequent claim that S. 2568 "restore[s]" the statutory "force and coverage [that] Congress always intended," although this claim is doubtful. As measured by the Federal constructions of the federal courts, Congress' intent seems to have been for the phrase "program or activity" to mean program or activity, not institution. *See, e.g., Grove City College v. Bell, supra* (sex discrimination); *N. Haven Bd. of Ed. v. Bell,* 456 U.S. 512 (1982) (sex discrimination); *Hillsdale College v. Dept. of Health, Education and Welfare,* 696 F.2d 418 (6th Cir. 1982), *vacated and remanded in light of Grove City,* 52 U.S.L.W. 3700 (U.S. Mar. 26, 1984) (sex discrimination); *Rice v. President & Fellows of Harvard Coll.,* 663 F.2d 336 (1st Cir.1981), *cert. denied,* 456 U.S. 928 (1982) (sex discrimination); *Bd. of Instruction of Taylor County v. Finch,* 414 F.2d 1068 (5th Cir.1969) (race discrimination); and *Simpson v. Reynolds Metals Co,* 629 F.2d 1226 (7th Cir.1980) (handicap discrimination). The cited cases all teach that the relevant statutory language is indeed program specific. *See also,* the unsuccessful amendment of Senator Bayh, no. 398 (requiring instituoin-wide coverage), 117 Cong. Rec. 30156 (1971). The unsuccessful 1971 amendment was of course succeeded by the successful 1982 amendment, the program-specific Title IX.

"Recipients" Under S. 2568

For each of the four statutes, S. 2568 proposed to omit "program or activity" language and replace it with language broad enough to wholly encompass any recipient. For example, section 3(a) of the bill will produce the following changes in Section 504, (and the three other statutes are changed similarly) [Omit the langauge that is in brackets and insert the language that is underlined]:

"[29 U.S.C. 794] *(a)* No otherwise qualified handicapped individual in the United States, as defined in section 706(7) of this title, shall, solely by reason of [his] *such individual's* handicap, be excluded from the participation [in], be denied [the] benefits [of], or be subjected to discrimination [under any program or activity receiving] *by any recipient of* Federal financial assistance or [under any program or activity conducted] by any Executive agency or by the United States Postal Service. . . ."

There is very little dispute about the meaning of the proposed changes from "program or activity" to "recipient." Some think the change is unwise, or that it needs redrafting to solve this or that problem, but its meaning is relatively clear: It will mean at least that "an entire school would be subject to Title IX merely because one of its students received a small BEOG or because one of its departments received an earmarked federal grant." 104 S. Ct., at 1221.

There are other changes that S. 2568 proposed to make that are not so clear.

For each of the four statutes, S. 2568 proposed to define "recipient" within the statute itself. Until now, "recipients" have been defined only in the regulations. S. 2568 proposes a uniform definition of "recipient" for each of the four statutes although the regulatory definitions have differed somewhat. S. 2568 proposes:

"(b) For the purpose of this section, the term "recipient" means—

"(1) any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, or any public or private agency, institution, or organization, or other entity (including any subunit of any such State, subdivision, instrumentality, agency, institution, organization or entity), and

"(2) any successor, assignee, or transferee of any such State, subdivision, instrumentality, agency, institution, organization, or entity or of any such subunit, to which Federal financial assistance is extended (directly or through another entity or a person), or which receives support from the extension of Federal financial assistance to any of its subunits."

S. 2568, 98th Cong., 2d Sess., sec. 3(b) (1984). *See also,* S. 2568's secs. 2(b), 4(e)(3), and 5(c) with differ slightly only in the words preceding " 'recipient' means—".

Note that "recipient" includes "any . . . *private* agency, institution, or organization" which receives federal support, directly or indirectly. (Emphasis added.) S. 2568's effects on private institutions are the theme of this memorandum.

IV. ADMINISTRATIVE AND CONGRESSIONAL DEFINITIONS ARE NOT INTERCHANGEABLE

It is incorrect to assume that there would be no juridicial changes even if S. 2568's proposed statutory definition were identical to the existing administrative definitions. The same words, when uttered by different authority, do not have the same meaning. Judges know the different between administrative words and words that Congress has passed and the President has signed. A court has substantially more authority to invalidate or restrict regulations than to narrow or void a statute.

A discussion of the authority of administrative rulemakers is beyond the scope of this paper, but for some of the general rules, see Davis, Administrative Law Treatise, sec. 7:8 (2d ed. 1979), quoting *Skidmore v. Swift & Co.,* 323, U.S. 134, 140 (1944) ("We consider that the rulings, interpretations and opinions of the Administrator under this Act, while not controlling upon the courts by reason of their authority, do constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance. The weight of such a judgment in a particular case will depend upon the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which gave it power to persuade, if lacking power to control.").

For a particularly exuberant application of the general rules to a relevant case, see *Univ. of Richmond v. Bell,* 543 F.Supp. 321, 330 (1982) (invalidity of Title IX regulations).

See, also, Cooper, Administrative Agencies and the Courts, 294-297 (1951) (regulations are invalid if they exceed conferred authority, conflict with the statute, extend or modify the statute, have no reasonable relationship to the statutory purpose, or violate due process of law).

But see, Guardians Assn. v. Civil Service Comm. of the City of New York, — U.S. —, 103 S Ct. 3221 (1983) in which five justices upheld *disparate impact* regulations under Title VI although three of those justices found that proof of discriminatory *intent* is required by the statute itself. For divergent views on regulatory authority under Congressional grants of power, see the *Guardians Assn.* opinions of Justice O'Connor (concurring) and Justice Stevens (dissenting).

If we get a new statute, we are also likely to get new regulations. And new regulations will extend the new statute as the old regulations extended the old statute.

V. THE KEY DIFFERENCES BETWEEN CURRENT REGULATORY DIFINITIONS OF "RECIPIENT" AND THE PROPOSAL IN S. 2568

The language of S. 2568 is "modeled on the definition currently contained in the regulations issued under these [four] laws." "Joint Explanation," *supra*. S. 2568's definition *is* "modeled" on the regulations, but it is not identical to them (as I have heard some people say). Indeed, the regulations themselves differ so it would be impossible for S. 2568 to use one definition of "recipient"—as it does—and be identical to differing regulations.

S. 2568 takes regulatory definitions and makes them statutory. This action alone is not without juridical effect (see Part IV). But S. 2568 also changes the regulatory definitions, raising doubts about the intended effect of S. 2568: If S. 2568 is intended to do no more than return us to the status quo ante, why is the definition of "recipient" being changed? This question is at the heart of the controversy over S. 2568.

The material differences between the current definitions and the proposed definition are considered in this section. A side-by-side comparison of the definition of "recipient" as found in the current law and regulations and in S. 2568 can be seen in Appendix A. (Throughout this letter the regulations referred to are always those of the Department of Health and Human Services (HHS) or the Department of Education (ED) unless otherwise indicated. However, all federal agencies that provide federal financial assistance are responsible for enforcing nondiscrimination requirements and many have issued regulations.)

A. Deleting "program or activity"

In each of the four statutes, "program or activity" will be changed to "recipient." This single action does not by itself change the definition of "recipient," but it does change the context in which the word is found. Since words are often construed by reference to their contexts, we can expect this change, which at first glance seems not to be definitional, to affect the word's meaning:

"The first thing one has to do . . . in construing words . . . is not to take those words in vacuo, so to speak, and attribute to them what is sometimes called their natural and ordinary meaning. Few words in the English language have a natural or ordinary meaning in the sense that they must be so read that their meaning is entirely independent of their context. The method of construing statutes that I prefer is not to take particular words and attribute to them a sort of prima facie meaning which you may have to displace or modify. It is to read the statute as a whole and ask oneself the question: 'In this state, in this context, relating to this subject-matter, what is the true meaning of the word?'" *Re Bidie*, Ct. of App., 1 All E.R. 995, —— (1948).

C. Omitting "ultimate beneficiaries"

The three H.H.S. regulatory definitions, but not ED's definition, excluse from the meaning of "recipient" the "ultimate beneficiary of the assistance" (ADA and Sec. 504) and "any ultimate beneficiary under any such program" (Title VI). S. 2568 omits this phrase.

I do not believe the omission is anywhere explained.

Does the omission mean that under S. 2568 "ultimate beneficiaries" will be included within the definition of "recipient" and prohibited from discriminating? An "ultimate beneficiary" is a tenant paying a landlord with public assistance funds or a person buying a shirt with a Social Security check. *Cf, "Joint Explanation," supra.*

Regarding the meaning of "ultimate beneficiaries," the courts have said, "There are clear congressional statements that discrimination on the grounds of race, color, national origin or handicap against the ultimate beneficiaries of federal financial assistance is unlawful." *N.A.A.C.P.* v. *Wilmington Medical Center*, 453 F. Supp. 330, 339 (D. Del. 1978), *rev'd on other grounds*, 599 F. 2d 1247 (3rd Cir. 1979). The footnote to the quoted sentence cites the H.H.S. regulations and says, "An 'ultimate beneficiary' is not to be confused with a 'recipient'." *Id*, at n. 34.

"The 'ultimate beneficiary' of federal financial assistance within the meaning of Section 504, and the . . . regulations promulgated thereunder, is the intended class of beneficiaries under the Section, handicapped individuals." *Nodleman* v. *Aero Mexico*, 528 F. Supp. 475, 489 n. 21 (C.D. Calif. 1981) (handicapped person, not airline, is "ultimate beneficiary" of federal aid to airports). *See also, United States* v. *Baylor U. Medical Center*, 564 F. Supp. 1495, 1498 (N.D. Tex. 1983) (eligible Medicaid and Medicare patients, not hospital, are "ultimate recipients").

Three of the four sets of regulations have made it clear that ultimate beneficiaries, i.e., the intended class of beneficiaries, were not to be regulated. But S. 2568, which is "modeled" on the regulations, does not exclude the classes of intended beneficiaries. Does this mean they are included?

This is the kind of question that has raised serious doubts about the meaning of S. 2568.

(See also, subpart D, *infra*, receiving federal financial assistance "directly or through another entity or *a person.*")

C. Incorporating the "trickle up theory"

Under past practice, a "recipient" was any entity that received federal financial assistance either "directly or through another recipient." S. 2568 will expand this definition such that "recipient" will mean any entity receiving direct or indirect assistance "or which receives support from the extension of Federal financial assistance to any of its subunits."

Under past practice, subunits have been covered whenever the main recipient has received federal financial assistance. S. 2568 will maintain that practice (albeit enlarging the coverage from programatic to institutional) *and* cover the main recipient whenever any subunit receives federal financial assistance.

The implications of this change can be seen in cases such as *Miller* v. *Abilene Christian U. of Dallas*, 517 F. Supp. 437 (N.D. Tex. 1981), which is discussed in greater detail below. *Miller* asked whether the Dallas campus of a private university was covered under Section 504 when it had received no federal funds but the Abilene campus had. *Miller's* answer was "no."

The "trickle up theory" of S. 2568 may produce an opposite answer.

D. Redefining "indirect recipients"

In the cases that follow, no concept is more important than "indirect aid." Indirect aid is what goes to indirect recipients, and the new definition for "indirect recipient" will perhaps broaden the definition of indirect aid.

Currently, a "recipient" will receive federal financial assistance "directly or through another recipient." Under the bill, "recipients" will receive federal financial assistance "directly or through another entity or a person." Since an entity is anything that exists, the possibilities for expansive interpretations are endless.

Judges have been asked to draw lines between direct and indirect aid, between direct and indirect recipients. In the cases that follow, judges have answered with remarkable skill. They have held that a baseball team is not a recipient merely because it leases a stadium from a city that is. They have held that an airline is not a recipient although the federal government pays for air traffic controllers and airport improvements. Such questions will be problematic indeed if S. 2568 is enacted.

E. Omitting "persons"

Under current regulations, "persons" receiving federal financial assistance are covered by nondiscrimination rules; under S. 2568 they are not. This omission seems incongruous.

". . . The absence of the word "person" from the definition of recipient could reduce the scope of coverage of the statute. If a person, not incorporated as a business or as another entity, and entirely unconnected with a recipient as defined by the bill, receives federal financial assistance to conduct activities, those activities presumably are not covered by the bill. Because so much federal aid is provided to entities falling within the bill's definition of 'recipient,' this omission may not have very much practical significance. Congressional intent with respect to such 'persons' receiving federal aid, however, should be clear." Testimony of Linda Chavez, Staff Director of the U.S. Commission on Civil Rights, before the Subcommittee on the Constitution of the Senate Judiciary Committee, 98th Cong. 2d Sess. 4-5 (May 30, 1984) (mimeo).

It may be that this omission has something to do with the issue of "ultimate beneficiaries," outlined in subpart B, *supra*. If so, the connection is obscure.

Or it may be that the omission has something to do with the *Soberal-Perez* cases. *Soberal-Perez* v. *Schweiker*, 549 F. Supp. 1164 (E.D.N.Y. 1982), *aff'd Soberal-Perez v. Heckler*, 717 F. 2d 36 (2d Cir. 1983) (Title VI does not cover direct federal aid programs such as Social Security).

It may be that the omission concerns something else. Or it may be that it concerns nothing at all.

VI. IMPLICATIONS OF S. 2568 FOR 10 AREAS OF THE PRIVATE SECTOR

Recent decisions under Section 504, the ADA, Title VI, and Title IX are reviewed in this Part in order to understand the changes that might occur after passage of S. 2568. This review concentrates on cases dealing with the definition of "recipient" because S. 2568's primary effect is to change the meaning and operation of that word. As might be expected, several other issues also appear in the cases.

Nearly all of the following cases arise under Section 504. The great bulk of litigation in the relevant areas (Who is a recipient? What is federal financial aid?) is taking place under Section 504.

There is an interrelationship between the definitions of "federal financial assistance" and "recipient". Under the statutes, and the regulations, coverage is extended to agencies and institutions which receive federal financial assistance, directly or indirectly. Therefore, coverage can be enlarged by redefining *either* agencies and institutions *or* federal financial assistance *or* indirect aid, or by using any combination of redefinitions. For example, in *Angel v. Pan American Airlines, infra,* the court was asked to find that Pan American was a "recipient of federal financial assistance" because it benefits from federally-employed air traffic controllers and other federal aid. The court answered the question in the negative. An opposite result would have been reached if *either* federal aid were redefined to include the undeniable benefits obtained by airlines from air traffic controllers *or* recipients were redefined as agencies or institutions which do not receive direct federal grants but which do benefit from indirect federal expenditures which, for example, constitute unique aid to an identifiable industry. The interplay among these definitions can be seen throughout the cases.

Two regulatory definitions of "federal financial assistance" can be seen in Appendix B.

A majority of the holdings in the following cases probably would have been impossible, or at least highly unlikely, had the cases been decided under the statutory language of S. 2568. The holdings in the remaining cases are less likely to have been changed by S. 2568, but the bill will change the development of the law even in these areas. If I am right about the potential effects of S. 2568 on these cases, then the bill's impact on the private sector will be vast.

A. Professional societies, "Bachman v. Am. Soc'y of Clinical Pathologists" (577 F. Supp. 1257 (D.N.J. 1983))

The Society is a non-profit medical society organized under the laws of Illinois. The Society's Board of Registry periodically gives an examination to those candidates who have completed the educational requirements established by the Board. Successful candidates are certified by the Board. Certificates must be renewed annually.

Bachman sought certification as a medical technologist. She requested a reader and extra time for the examination because of her dyslexia which made reading difficult. The Board denied her request.

Bachman sued the Society alleging a violation of Section 504. In 1977 and 1978 the Society had received two federal grants to conduct seminars on alcohol abuse, and to publish the proceedings. The grants came during the time that Bachman complained of discrimination.

The court held that "past recipients of federal financial assistance . . . are liable for violations of the Rehabilitation Act which occurred during the time that they were recipients." *Id.* at 1262.

The court also found that the Society was a "recipient of federal financial assistance," but that the program which allegedly discriminated against Bachman was not in any way related to the program receiving federal funds. Even in the face of the Third Circuit's decision in *Grove City* (the entire institution is the program or activity), the *Bachman* court held that the seminar funds did not constitute institutional aid because "the federal grants were directly awarded for and applied to specific activities of [the Society] and were not used generally to support the organization." *Id.* at 1263.

The court emphasized that the grants were earmarked for certain purposes, that those purposes were unrelated to the alleged discrimination, and that Section 504 was program-specific.

S. 2568, which would apply Section 504 to the organization as a whole, would probably overturn *Bachman.*

(The *Bachman* court also refused to define tax exempt status as indirect federal financial assistance within the meaning of the regulations. *Id.* at 11263-65.)

See also, Nat'l Collegiate Athletic Ass'n v. Califano, 444 F. Supp. 425, 430-31 (1978), *rev'd,* 622 F. 2d 1382 (1980) (private athletic association).

B. Private education, "Miller v. Abilene Christian Univ. of Dallas" (517 F. Supp. 437 (N.D. Tex. 1981))

Miller claimed that his employment with the University's Dallas campus was ended in violation of Section 504. The University enrolled students who received various federal grants and loans, but neither Miller's department nor the Dallas campus received any direct federal aid. (The University's Abilene campus had received six federal grants for biology research, math training and social work.)

The Court held,

". . . Miller has failed to allege or raise an issue of fact that would establish that he was a participant in a program or an intended beneficiary of a program or activity that receives federal assistance. [F]ederal funds were not used to employ Miller. Nor does he allege that the discriminatory employment practices allegedly directed at him (a nonbeneficiary) affected any participants in or beneficiaries of the federal assistance." *Id.* at 439.

The *Miller* court rejected the argument that federal funds in one part of an institution "free up" funds for use elsewhere. *Cf, Id.* at 440 *with Grove City Coll. v. Bell, supra* at 1221.

S. 2568's institution-wide coverage and the "trickle up theory" implied by S. 2568's language would make a holding like *Miller's* unlikely after the bill's enactment.

Caution: The result in *Miller,* and all other Section 504 employment cases, will be affected by *Consolidated Rail Corp. v. Darrone,* — U.S.— 104, S. Ct. 1248 (1984), which held that in Section 504 employment suits the federal financial assistance need not have been provided for the primary purpose of providing employment. Still, *Darrone* seems less likely than S. 2568 to reverse *Miller.*

See, also, Garrity v. Gallen, 522 F. Supp. 171 (1981) (defining the "recipient" of federal aid as the public school which housed the federally aided program, not the entire school system) and *Ferris v. Univ. of Texas at Austin,* 558 F. Supp. 536 (W.D. Tex. 1983) (public university which received federal aid, but not its shuttle bus system which did not, was a "program" within the meaning of Section 504).

Private sector educators have raised an alarm about S. 2568. For example, Bruce C. Hafen, President of Ricks College and the American Association of Presidents of Independent Colleges and Universities; George Roche, President of Hillsdale College; and Charles S. MacKenzie, President of Grove City College have all testified against the measure. (The educators have been primarily, but not exclusively, interested in Title IX.) *See, also,* Oaks, "A Private University Looks at Government Regulation," 4 *Jn. Coll. & Univ. Law* 1 (1976).

Considering that Title IX regulations control such decisions as abortion coverage under school-provided health plans, whether a school can have separate men's and women's athletic teams, and, until recently (47 Fed. Reg. 32526 [July 28, 1982]), student dress codes, it is not surprising that private educators are showing such interest in the bill.

C. Manufacturing, "Simpson v. Reynolds Metals Co." (629 F. 2d 1226 (7th Cir. 1980))

Simpson worked at a Reynolds plant in McCook, Illinois. Simpson admits that he has an alcoholism problem that dates back to 1948. The problem was known to Reynolds.

Simpson was suspended for missing three days of work because of his drinking. He was conditionally reinstated after he reached an agreement with his employer. The agreement required Simpson to regularly attend Alcoholics Anonymous meetings and specified that any future unexcused absences would be cause for dismissal.

Plaintiff was again absent for three days because of his alcoholism and Reynolds suspended him. Simpson appealed the suspension but lost his appeal and was discharged. He sued under Section 504.

Reynolds maintained that it was not a recipient of federal financial assistance. However, Reynolds has entered into procurement contracts with the federal government and the company operates certain apprenticeship or on-the-job training programs at its McCook plant with federal funds. (Simpson was never a participant in these OJT programs.) Reynolds further said that the OJT program did not provide a benefit to it, but are benefits to the trainees. Reynolds stated that it has followed a strict policy of refusing federal financial assistance because of "the onerous reporting requirements accompaning such federal assistance." *Id.* at 1229.

Simpson asked the court to embrace what he called a "unified entity approach" in defining what constitutes "the program or activity receiving Federal financial assistance." Under the "unified entity approach," "once some part of an entity becomes involved in a program or activity receiving federal financial assistance, the employment practices of the entire institution would be subject to the coverage of Section 504." *Id.* at 1233 n. 12. The court rejected the "unified entity approach," an approach that sounds remarkably like the approach of S. 2568.

The court sustained the dismissal of the action against Reynolds because the plaintiff had failed to show a connection (a nexus) between his discharge and the federal assistance. *Id.* at 1232. Therefore, the court did not reach the question of whether the OJT programs or procurement contracts constitute federal financial assistance. Presumably, this obstacle has now been removed, *Consolidated Rail Corp. v. Darrone, supra,* and a court will have to reach the question of "recipient." S. 2568 will likely remove any additional obstacles.

Reynolds Metals shows that S. 2568 may have the unintended effect of decreasing opportunities for the very populations it seeks to serve. On the basis of the *Reynolds Metals* evidence, it appears that the company will not participate in OJT programs if such programs make the company a "recipient of Federal financial assistance."

D. Professional Sports, "Disabled in Action v. Mayor & City Council of Baltimore" (685 F. 2d 881 (4th Cir. 1982))

The City of Baltimore and the Baltimore Baseball Club (the Orioles) were sued by the certain disabled persons for failing to make modifications in Memorial Stadium. The Orioles are the primary lessee of the stadium. The modifications affected seating, ramps, parking, restroom facilities, drinking fountains and telephone booths.

The parties reached a negotiated settlement with the Maryland Commission on Human Relations. All issues were settled before the commission save one: attorneys fees. The federal court had to resolve that issue.

Defendants sought attorneys fees from the City and the Club, claiming that the Orioles were an indirect recipient of federal financial assistance under Section 504, and the district court agreed:

"The court concludes that defendant Club is included within the scope of [Section 504], as amplified by the applicable regulations, with respect to some, at least, of the facilities in question in this case. While defendant City is a direct recipient of federal financial assistance, defendant Club is an immediate indirect beneficiary of the assistance received by defendant City. The regulations state that the federal financial assistance can be received 'directly or through another recipient.' It is clear that since the Club is the major tenant of the Stadium it is the greatest and most immediate beneficiary of federal aid given to the City which is used for Stadium improvement. Therefore, defendant Club is included within the scope of [Section 504]." *Disabled in Action v. Mayor & City Council of Baltimore*, civil no. T-79-1749, at 15 (D.Md., July 14, 1981).

The Orioles are not, of course, the exclusive lessee of the stadium. (In happier times the Colts used it.) The stadium is used for other activities, public and private. Are only "major tenants" such as the Orioles "indirect recipients"? Or are other tenants "indirect recipients," too?

For now, the question is academic because the court of appeals reversed the district court.

"[I]t is plain that the City is no mere conduit of federal assistance to the Club. [T]he benefits of federal assistance has accrued both to the direct recipient . . . and to another entity . . . which shares in those benefits by virtue of business dealings with the direct recipient. If the Rehabilitation Act extends to such indirect beneficiaries of federal largesse, consistency would demand that it apply to every customer of every enterprise subsidized by the federal government. Nothing in the language or legislative history of the Act indicates a congressional intention to reach so far." 685 F., 2d, at 884-85.

Conversely, the language of S. 2568, which perhaps will be the language of a new statute, indicates that a recipient is a "private . . . organization . . . to which Federal financial assistance is extended (directly or through another entity . . .)." And while it is unlikely that S. 2568 will be construed to "apply to every customer of every enterprise subsidized by the federal government," it does not seem unlikely that it will be extended to lessees or "major tenants," for example.

E. Transportation, "Angel v. Pan American World Airways" (519 F. Supp. 1173 (D.D.C. 1981))

"Angel sued Pan American when the airline refused to transport Mr. Angel, who has cerebral palsy and is confined to a wheelchair, from Germany to the United States because he was not accompanied by an attendant.

The complaint stated three causes of action including a violation of Section 504. The airline maintained that it had not received direct federal financial assistance since 1956 when it received a mail-related subsidy.

Plaintiff claimed that Pan American receives numerous indirect federal subsidies which are sufficient to trigger the prohibitions of the Act. These indirect subsidies include air traffic controllers provided by the Federal Aviation Administration, airports constructed with the aid of federal funds, and certain technical assistance.

The court held:

". . . Subsidies to airports, to be sure, subject those locales to the broad proscription of Section 504, but this does not translate into binding law upon the users of the airports, whether they be commercial airlines or individual passengers. To hold that commercial airlines fall within Section 504 merely because of assistance provided to airports would expand improperly the accepted proposition that Section 504 is *limited to* *Id.* at 1178 (emphasis added) (citations omitted).

Of course, the current regulations implementing section 504 do not restrict its application to *direct* recipients. And S. 2568, which is "modeled" on the current regulations, does not restrict the definition to direct recipients, either. In fact, S. 2568 expressly *includes* indirect recipients.

See also, Nodleman v. Aero Mexico, 528 F. supp. 475, 488-89 (C.D.Cal.1981).

Insofar as BEOGs and Title IX are concerned, *Grove City* has denied any distinction between direct and indirect *aid*. 104 S. Ct., at 1217. This is not the same as denying a distinction between direct and indirect *beneficiaries*.

F. Food processing, "Rogers v. Frito-Lay, Inc." (433 F. Supp. 200 (N.D.Tex. 1977), aff'd 611 F. 2d 1074 (5th Cir. 1980), cert. denied, 499 U.S. 889 (1980))

A handicapped former employee brought suit against Frito-Lay alleging that her termination had been in violation of Section 504. Frito-Lay is a government contractor.

The district court held that the company was not a "recipient" of federal financial assistance because "[t]he term 'federal financial assistance' as used in [Section 504] does not comprehend government procurement contracts but rather refers to the form of grant assistance that goes primarily to public entities." 433 F. Supp., at 204.

The court of appeals affirmed on other grounds.

Government procurement contracts are treated more thoroughly in the next case.

G. Automobile rentals, "Cook v. Budget Rent-A-Car Corp." (502 F. Supp. 494 (S.D.N.Y. 1980))

Cook is handicapped, but says that his impairment does not affect his ability to drive. He has been a licensed driver since 1970. A franchisee of Budget Rent-A-Car refused to rent Cook an automobile, allegedly because of Cook's handicap. Cook sued under Section 504.

Budget receives federal funds only through rental contracts that it has with five federal agencies. The contracts for Budget's goods and services are negotiated at fair market value. Plaintiff alleges that these payments make Budget a "recipient" within the meaning of Section 504.

The court conducted a thorough inquiry into the language, and history of Section 504 and its regulations and concluded that procurement contracts do not constitute federal financial assistance within the meaning of the Act. The regulations explicitly exclude procurement contracts and the court relied heavily on this interpretive aid.

Said the court:

"As the Court reads the DHEW regulation, Budget's government contracts do not constitute 'Federal financial assistance.' Budget's agreements with federal departments and agencies are undoubtedly 'contracts' within the meaning of the regulation means by the term 'procurement contract.' The regulation makes it clear that the important question is whether Budget's contracts are arrangements by which the government 'provides or otherwise makes available assistance' to Budget. 'Assistance' is the crucial word, and is explained by the regulation in a manner which is most illuminating with respect to the present controversy. The regulation says that assistance can include a lease of government property for less than its fair market rental valued. [Citation.] Plainly, the inference to be drawn is that assistance does not include transactions where government property is leased for an amount equivalent to its fair market rental value. Since there is no 'assistance' under the regulation where the government *lets* property at its fair market rental value, it is plain to the Court that there is no 'assistance' where the government *hires* property at its fair market rental value. In view of the fact that the instant case is precisely one where the government hires property from Budget at its fair market rental value, Budget is not a recipient of Federal financial assistance under the DHEW regulation." *Id.* at 497-98 (footnotes omitted).

Budget Rent-A-Car is one of the few cases where the regulations are relied on to exclude a transaction.

In future cases similar to *Budget*, the outcome will probably depend on new regulations, if any, issued under authority of S. 2568.

H. Medical insurance, "Bernard B. v. Blue Cross & Blue Shield" 528 F. Supp. 125 (1981), aff'd mem., 679 F. 2d 7 (2nd Cir. 1982)

Bernard B. and his wife Shirley B. were covered by Blue Cross health insurance as a fringe benefit of the husband's employment. The insurance did not cover psychiatric care in a government hospital. When Shirley B. was admitted to a government hospital for psychiatric treatment, Blue Cross refused to pay her bills which were substantial.

Mr. and Mrs. B. sued Blue Cross, alleging that the failure of the insurance company to cover such psychiatric care was a violation of Section 504. Blue Cross receives Medicare, Part A funds.

Blue Cross had requested permission to include such psychiatric coverage in its contracts, but the request was denied by the Superintendent of the New York State Insurance Department who explained his decision as follows:

"Serious questions arise as to whether community-rated subscribers should be forced to shoulder these additonal burdens [for expanded maternity benefits, psychiatric coverage, and hemophiliac care when the cost of all necessities, including health insurance, has already placed a severe strain on subscribers with low and medium incomes. The problem is further complicated by the fact that there are many other important and beneficial types of medical care that are not now covered by Blue Cross. [Alcoholism treatment and pre-natal care are cited in a footnote.] Since the existing source of available financial resources—the consumer's pocketbook—is not limitless, priorities must be established. . . ." 528 F. Supp., at 128 n. 7.

There is a tendency to think that only civil rights plaintiffs act in the interests of the underprivileged. Here, of course, and elsewhere, the very action of which the plaintiffs complaint was taken to protect the interests of low and medium income subscribers.

Blue Cross moved for summary judgment on the ground that it was not a recipient. On this ground, the motion was denied.

Said the court:

"We cannot say that Blue Cross has established that no genuine issues of material fact remain on this point and that it is entitled to judgment as a matter of law. Blue Cross acts as a conduit for Medicare funds, performing various functions and ultimately distributing the funds. Blue Cross additionally receives payment for administrative expenses. Plaintiffs have raised a genuine issue of material fact concerning the intermingling of Medicare and other Blue Cross funds and lumping of expenses such that federal Medicare funds may play a part in enabling Blue Cross to carry on both Medicare and non-Medicare activities. . . ."*Id.* at 132.

Cf. United States v. Baylor Univ. Medical Center, 564 F. Supp. 1495 (N.D. Tex. 1983) (Medicare and Medicaid funds to a university hospital constitute federal financial aid not excluded by the "contracts of insurance" exemption in the statute).

Blue Cross did win summary judgment on the ground that what it had done was not "discrimination." The court said, "Reasons other than handicap account for the exclusion of the risk[,]" and the exclusion was "substantially justified." 525 F. Supp., at 132.

The court did not have to find that Blue Cross was a recipient to resolve the issues in the case. But in a future case, the court will have to say whether an insurer that receives Medicare funds is a "recipient." S. 2568 is more likely to make the answer "yes."

(For a comment on the treatment of Medicare, Parts A and B under the Age Discrimination Act, see Schuck, "The Graying of Civil Rights Law: The Age Discrimination Act of 1975," 89 *Yale L. J.* 27, 59n. 165 (1979).)

I. Broadcasting, "Gottfried v. Federal Communications Comm'n." (655 F. 2d 297 (D.C. Cir. 1981) rev'd in part, sub nom., Community Television of S. Calif. v. Gottfried —— U.S. ——, 103 S. Ct. 885 (1983))

Gottfried is hearing impaired. She petitioned the Federal Communications Commission to deny the license renewal applications of eight Los Angeles area television stations. (Seven commercial licensees and one public station.) Gottfried said that the stations had failed to meet the needs of the hearing impaired and, "as recipients of valuable federal licenses, had failed to satisfy obligations imposed on them by Section 504." The Commission denied her petitions and Gottfried appealed to the circuit court.

The court concluded that section 504 applied to the public station, and remanded that issue to the FCC for an appropriate remedy. Section 504 was held not to apply to the commercial stations "[a]lthough the Commission may still be obliged to weigh the national policy of [Section 504] within the public interest standard. . . ." 655 F. 2d., at 305.

Said the court:

"Section 504 directly imposes legal obligations only on recipients of "Federal financial assistance." Appellants correctly argue that a license to broadcast on the public airwaves is a commodity of great value. But this does not resolve the question of congressional intent: Did Congress intend broadcast licenses to count as "financial assistance" within the meaning of Section 504? We are unable to conclude that it did." *Id.* at 312 (footnote omitted).

In the footnote which is omitted, the court refers to the value of a broadcast license in Los Angeles, the country's most profitable market. (In 1964, it was estimated that the value of an *average* VHF license was $1.5 million.) The court also quotes Justice Brennan (in dissent), that a free license is functionally equivalent to "Government subsidization of broadcasters." *Id.* n. 55.

Gottfried will probably be limited to its facts, i.e., broadcasting licenses. *Cf. Hafer v. Temple University,* 524 F. Supp. 531, 540 n. 12 (1981) (*Gottfried* "not relevant" to a Title IX athletic department case).

Over the questions of two of its members, the Supreme Court reversed in part, holding that Section 504 does not require a public television station's license renewal application to be judged under a different standard than applies to commercial licensees.

J. Agriculture

"As a general rule, Farm Bureau has not become involved in civil rights legislation. However, we are concerned that the broad, vague, and all-encompassing language contained in S. 2568, particularly in the definition of 'recipient' of federal financial assistance, may be an open invitation to the federal bureaucracy and the courts to bring virtually every public activity at all levels of government under the jurisdiction of the several statutes that would be amended by this legislation.

"[T]he language in the bill may be interpreted to bring under the regulation of civil rights statutes a large portion of all private sector activity. Even individual farmers and ranchers who are recipients of various forms of public assistance or who 'receive support' from government programs may be affected.

". . . The broad language in this bill raises questions as to what impact anti-discrimination regulations would have on such benefits as loan guarantees, commodity loans and price support payments." Statement of the American Farm Bureau Federation before the Senate Comm. on Agriculture regarding S. 2568, 98th Cong., 2d Sess. 1-2 (June 12, 1984) (mimeo).

VII. CONCLUSION

Notwithstanding the length of this letter, this analysis has been very narrow. After presenting some of the background of *Grove City* and S. 2568, we looked at a very small group of cases, namely those that dealt with the meaning of "recipient of federal financial assistance" *and* that had private sector defendants *and* in which the defendants prevailed. These particular defendants prevailed in these particular cases, but would they have prevailed under S. 2568? This question provides a useful approach to an understanding of S. 2568.

The nine cases in Part VI showed applicants, employees, sports fans, travelers, renters, insured persons, and television viewers suing professional societies, employers (including universities), Orioles, common carriers, franchisors, insurance companies and federal licensees for readers and extra test time, jobs, handicapped seating and airplane seats, cars, particular health insurance coverage, and captioned television. The defendants were said to be "recipients of Federal financial assistance" because they had unrelated grants, aid at another campus, OJT programs, a stadium lease from a city, airport construction aid and air traffic controllers, procurement contracts, Medicare, and broadcast licenses. Congress is now being asked to readjust the laws that governed those cases.

The civil rights statutes are pervasive (they were intended to be), and they reach deep into the private sector. S. 2568 will extend their reach. This letter has attempted to show how, and how far, that reach might be extended.—Lincoln C. Oliphant, Counsel.*

*I wish to thank Katherine B. Smith of the Oklahoma City University School of Law and Michael A. Rosenauer of the Willamette University College of Law for their research assistance.

Appendices attached.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Present statutory language	Present regulation definition	Proposed definition—S. 2568, 98th Congress, 2d session
42 U.S.C. § 2000d (1982) Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.	45 C.F.R. § 80.13(i) (1983). The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program. [Department of Health and Human Services regulations].	Sec. 5(c). "For the purpose of this title, the term 'recipient' means— (1) any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, or any public or private agency, institution, or organization, or other entity (including any subunit of any such State, subdivision, instrumentality, agency, institution, organization, or entity), and (2) any successor, assignee, or transferee of any such State, subdivision, instrumentality, agency, institution, organization, or entity or of any such subunit, to which Federal financial assistance is extended (directly or through another entity or a person), or which receives support from the extension of Federal financial assistance to any of its subunits."

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Present statutory language	Present regulation definition	Proposed definition—S. 2568, 98th Congress, 2d session
20 U.S.C. § 1681 (1982). (a) Prohibition against discrimination; exceptions. No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. * * * (c) "Educational institution" defined. For the purposes of this chapter an educational institution means any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such term means each such school, college, or department.	34 C.F.R. § 106.2(h) (1983). (h) "Recipient" means any State or political subdivision thereof, or any intrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives or benefits from such assistance, including any subunit, successor, assignee, or transferee thereof. [Department of Education regulations]	Sec. 2(b). "For the purpose of this title, the term 'recipient' means— (A) any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, or any public or private agency, institution, or organization, or other entity (including any subunit of any such State, subdivision, instrumentality, agency, institution, organization, or entity), and (B) any successor, assignee, or transferee of any such State, subdivision, instrumentality, agency, institution, organization, or entity or of any such subunit, to which Federal financial assistance is extended (directly or through another entity or a person), or which receives support from the extension of Federal financial assistance to any of its subunits."

SECTION 504 OF THE REHABILITATION ACT OF 1973

Present statutory language	Present regulation definition	Proposed definition—S. 2568, 98th Congress, 2d session
29 U.S.C. § 794 (1982) Nondiscrimination under Federal grants and programs; promulgation of rules and regulations. No otherwise qualified handicapped individual in the United States, as defined in section 706(7) of this title, shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. * * *	45 C.F.R. § 84.3(f) (1983). (f) "Recipient" means any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee or a recipient, but excluding the ultimate beneficiary of the assistance. [Department of Health and Human Services regulations].	Sec. 3(b). "For the purpose of this section, the term 'recipient' means— (1) any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, or any public or private agency, institution, or organization, or other entity (including any subunit of any such State, subdivision, instrumentality, agency, institution, organization, or entity), and (2) any successor, assignee, or transferee of any such State, subdivision, instrumentality, agency, institution, organization, or entity or of any such subunit, to which Federal financial assistance is extended (directly or through another entity or a person), or which receives support from the extension of Federal financial assistance to any of its subunits."

THE AGE DISCRIMINATION ACT OF 1975

Present statutory language	Present regulation definition	Proposed definition—S. 2568, 98th Congress, 2d session
The Age Discrimination Act of 1975, Pub. L. 94-135, title III, § 301 et seq., (Nov. 28, 1975), 89 Stat. 728 as amended by Pub. L. 95-478, title IV, § 401(a), (Oct. 18, 1978), 92 Stat. 1555. § 302 Statement of Purpose. It is the purpose of this title to prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance, including programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.). [see note.] § 303 Prohibition of discrimination. Pursuant to regulations prescribed under section 304, and except as provided by section 304(b) and section 304(c), no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance. [Note: In the codification, at 42 U.S.C. § 6101 et seq. (1982), "Chapter 67 of title 31" was substituted for "the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.)" on authority of Pub. L. 97-258, § 4(b), (Sept. 13, 1982), 96 Stat. 1067.]	45 C.F.R. § 90.4 (1983). "Recipient" means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended, directly, or through another recipient. Recipient includes any successor, assignee, or transferee, but excludes the ultimate beneficiary of the assistance. [Department of Health and Human Services regulations.]	Sec. 4(e). "[T]he term 'recipient' means— (A) any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, or any public or private agency, institution, or organization, or other entity (including any subunit of any such State, subdivision, instrumentality, agency, institution, organization, or entity), and (B) any successor, assignee, or transferee of any such State, subdivision, instrumentality, agency, institution, organization, or entity or of any such subunit, to which Federal financial assistance is extended (directly or through another entity or a person), or which receives support from the extension of Federal financial assistance to any of its subunits."

"Federal Financial Assistance" as Defined in Regulations

45 C.F.R. § 84.3(h) (1983)

(h) "Federal financial assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:

- (1) Funds;
- (2) Services of Federal personnel; or
- (3) Real and personal property or any interest in or use of such property, including:
  - (i) Transfers or leases of such property for less than fair market value or for reduced consideration; and
  - (ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

[Department of Health and Human Services regulations implementing Section 504 of the Rehabilitation Act of 1973].

34 C.F.R. § 106.2(g) (1983)

(g) "Federal assistance" means any of the following, when authorized or extended under a law administered by the Department:

- (1) A grant or loan of Federal financial assistance, including funds made available for:
  - (i) The acquisition, construction, renovation, restoration, or repair of a building or facility or any portion thereof; and
  - (ii) Scholarships, loans, grants, wages or other funds extended to any entity for payment to or on behalf of students admitted to that entity, or extended directly to such students for payment to that entity.
- (2) A grant of Federal real or personal property or any interest therein, including surplus property, and the proceeds of the sale or transfer of such property, if the Federal share of the fair market value of the property is not, upon such sale or transfer, properly accounted for to the Federal Government.
- (3) Provision of the services of Federal personnel.
- (4) Sale or lease of Federal property or any interest therein at nominal consideration, or at consideration reduced for the purpose of assisting the recipient or in recognition of public interest to be served thereby, or permission to use Federal property or any interest therein without consideration.
- (5) Any other contract, agreement, or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty.

[Department of Education regulations implementing Title IX of the Education Amendments of 1972].●

SENATOR HOWARD H. BAKER

● Mr. STEVENS. Mr. President, as the 98th Congress draws to a close, my colleague and good friend, Senator Howard H. Baker, the majority leader is embarking on the next phase of an exceptionally distinguished career. All of us here in the Senate know that he will be successful in his new endeavors. He possesses a rare combination of personal qualities—courage, common sense, fairness, integrity, Southern courtesy, and intelligence—that guarantees success.

Howard has guided the Senate through one of the more difficult periods in its history. During his "watch," we have begun to deal with the complex issue of the national debt. Senator Baker's deep understanding of the problems and policies associated with the debt have made him an extraordinarily effective leader. He has insisted that we keep the needs of those dependent on Federal programs foremost in our minds as we have changed the course of the Federal Government.

It has been a privilege for me to serve as assistant leader with Howard, and I will miss working with him each day the Senate is in session. I expect to see him often, however, and rather than saying goodbye, I prefer to say that I look forward to seeing him again soon. So, I'll just change this to a personal message:

Catherine and I and the rest of our family wish you and Joy the best, Howard Henry. We Alaskans aren't given to public displays of our affection, but I want you to know that we honor you as a good friend. We are grateful to the people of Tennessee for sending you to the Senate.

Howard Henry Baker, you have served your home State, our Nation, and our party with great distinction. Thank you for sharing your talents with us. May God bless you and your family in the years to come.●

HOWARD BAKER

● Mr. ARMSTRONG. Gene Millikin, one of Colorado's most distinguished Senators, once said.

> The qualities that make a man respected in the U.S. Senate are the same qualities that make him respected up and down the main street of his own home town.

Howard Baker, as much as any Senator I have ever known, has demonstrated the truth of that statement throughout his distinguished career in the U.S. Senate. The qualities of integrity, leadership, vision, dedication to principle, sensitivity, respect for others, fairness, humility, and good humor are attributes that we admire, and we find them in abundance in the person of Howard Baker.

To say that we will miss Howard Baker is totally inadequate to express the consequence of his retirement from this body. The people of this country will be without the leadership talents of a man who loves the Senate, who knows how it works and how to make it function. As all of us who serve here know, this great deliberative body is a complex institution that relies heavily on leaders who know the Senate's history, its rules, its precedents, and its subtleties in order to perform its historic role in our system of checks and balances. This is not the kind of knowledge that comes quickly and easily, so the extensive understanding and deep appreciation of the Senate that Howard Baker carries with him will not be readily replaced.

I join my colleagues in wishing Howard Baker the best in his future endeavors. We know that his service to this great country will continue and that we will all be better off because of his devotion to our self-governmental system. Howard Baker has strengthened the quality of our democracy and has enriched the proud tradition of the U.S. Senate.●

TRIBUTE TO HOWARD BAKER

● Mr. LEAHY. Mr. President, I should like to take a couple of moments to speak about our distinguished majority leader.

I first saw Howard Baker as a member of an audience, watching part of the Watergate hearings.

I first met the distinguished senior Senator from Tennessee, years ago, at the Lake of the Ozarks in Missouri. I assumed, again, because I was a starry-eyed prosecutor from a small State meeting this famous person for the first time, that he would not remember. But I found that he does, indeed, remember that meeting.

The National District Attorneys Association was meeting at the Lake of the Ozarks, and he was asked to speak. We originally had invited Vice President Gerald Ford. Shortly before that meeting the Vice President suddenly became the President, and we said we wanted someone at least of that stature. President Ford said:

> I will send you someone far better than the Vice President; I will send you HOWARD BAKER.

I told Senator BAKER at that time that he was one of my heroes in Washington. I also said, in a letter I sent to him shortly after he announced he was going to retire from the Senate, that I came here with only a handful of heroes, and not all are still in that same handful. One who was a hero to me when I came to the Senate in January 1975 was HOWARD BAKER; one who remains a hero to me today is HOWARD BAKER.

I know of no person who epitomizes more of what I think a U.S. Senator should be, the ability to stand strongly for his principles, stand strongly for his party, but also at the same time to make sure that the U.S. Senate works as the conscience of the Nation. We should be the conscience of the Nation. We were intended to be the conscience of the Nation, and periodically we are, because HOWARD BAKER is one who has made it possible for us to do so.

I have seen him put aside his own personal political fortunes, time and time again, to make sure that the Senate does what is right and that the Senate allows those varying voices to be heard and to allow voices that may well disagree with him to be heard. He makes sure that all sides, conservative, liberal, Republican, and Democrat are heard. He worked to make the U.S. Senate function as the conscience of the Nation.

Mr. President, the Senate will be diminished by the loss of HOWARD BAKER, but at the same time the Senate has been improved for all time by his service as majority leader.

Each of us, again Republican and Democrat, who have had the chance to serve with him have been enhanced and improved by that service. I am gratified that I have had the chance to serve with a man who was a hero to me before I came to the U.S. Senate, remained a hero to me while I was here, and always will be a hero.●

WILLIAM F. HILDENBRAND

● Mr. MATHIAS. Mr. President, there have been 98 Congresses and 196 sessions of Congress since our National Legislature was established. During that time, there have been 1,760 U.S. Senators. But—consider this amazing fact—there have only been 23 Secretaries of the Senate in the entire history of the Senate.

These statistics underscore something that is obvious to all of us: The Secretary of the Senate is one of a rare breed.

In the person of William F. Hildenbrand, the Office of the Secretary of the Senate has found an occupant who is rare indeed. Secretaries of the Senate are "rare" in the sense of being few and far between. But Bill Hildenbrand is a rare Secretary of the Senate in another, more arcane, sense of the word.

Webster's Third New International Dictionary gives, as the secondary meaning of the word "rare," the following definition:

> 2. (a) marked by unusual quality, merit, appeal or capacity to please: DISTINCTIVE, EXCELLENT.
>
> (b) superlative or extreme of its kind: FINE, GREAT, REAL.

No one who has had the pleasure of working with Bill Hildenbrand can fail to see the appropriateness of that definition as applied to him. Certainly, Bill is "distinctive"—indeed his like may not pass this way again. Certainly, he is an "extreme of (his) kind"—what other Secretary of the Senate could return to his duties with his feistiness unimpaired after a triple bypass operation?

Admittedly, estimates of Bill Hildenbrand's "capacity to please" lie in the eye of the beholder; the nature of his job militates against a perfect score on that.

But that he is a man of "unusual quality, merit, and appeal" there can be no doubt. When Bill Hildenbrand retires as Secretary of the Senate at the end of the 98th Congress, his loss will be keenly felt. Mrs. Mathias joins me in wishing this rare human being every success in the future and in thanking him for many kindnesses and courtesies in the past.●

TRIBUTE TO SENATOR JENNINGS RANDOLPH

● Mr. SARBANES. Mr. President, no Senator is more deserving of tribute than JENNINGS RANDOLPH of West Virginia, who retires this year after 40 years of service in the Congress of the United States. This month marks the 52d anniverary of JENNINGS RANDOLPH's first election to the House of Representatives in 1932. As the only Member of the 98th Congress, just ended, who also served in the 73d Congress, which enacted the programs of the New Deal in the first 100 days of the administration of Franklin D. Roosevelt, JENNINGS RANDOLPH's contributions to American society have spanned the decades, and his adherence to the principles of fairness and opportunity for all has never wavered. We will miss his legislative skill, his unfailing courtesy, and his steadfastness of purpose.

Over the last half century, JENNINGS RANDOLPH's record of remarkable legislative achievement reflects important progress in making the principles of fairness and opportunity a reality in America. From his first days as a 30-year-old freshman Congressman, to the enactment of the Randolph-Sheppard Act in 1936, which provided and still provides opportunity for thousands of blind persons to operate their own businesses, to the creation of the National Institute of Peace in 1984, which will provide resources for the study of the peaceful resolution of conflict on which the future depends, JENNINGS RANDOLPH has been an effective and dedicated leader.

As chairman for 14 years and as ranking minority member of the Senate Committee on Environment and Public Works, JENNINGS RANDOLPH worked diligently and successfully to establish the Federal aid and interstate highway systems, opening opportunity for growth to all regions of the country. Likewise, he led the way for airport and inland waterway development, and for aviation safety. Without JENNINGS RANDOLPH, transportation in America would be vastly different.

Senator RANDOLPH also played an important role in the creation of the Economic Development Administration and the Appalachian regional development programs, which have been enormously constructive in his own State of West Virginia and its neighbors, one of which is my own State of Maryland. Through the years, EDA and ARC programs have provided opportunities in areas which otherwise would have been unable to tap their potential to contribute to America's growth and progress. The purpose of these programs, which are slotted for elimination by the Reagan administration, remains as valid today as when they were created; In Senator RANDOLPH's words, "* * * to strengthen the economy of the area so that it can become prosperous and contribute not only to the local tax base but to the tax base of the Nation."

During the 1970's, through his leadership on the Environment Committee, Senator RANDOLPH was indispensable to the enactment of our Nation's basic environmental statutes intended to protect our land, water and air from hazardous pollution.

As an active member of the Senate Committee on Labor and Human Resources, Senator RANDOLPH was in the forefront of the fight for education programs and especially for programs to expand opportunities for handicapped and disabled persons. The Education of the Handicapped Act, the Developmental Disabilities Act, and the Vocational Rehabilitation Act all bear the stamp of his leadership and cooperation. Senator RANDOLPH also applied his legislative skill to enactment of fair labor standards and measures to promote safety in the workplace. In 1969, he authored legislation creating the Black Lung Program; through his efforts, thousands of former miners with this disabling and often fatal, work-related disease, and their dependents, have received assistance.

One of Senator Randolph's most significant achievements was the enactment of legislation, later ratified as the 26th amendment to the Constitution, extending to 18-year-olds the right to vote. He first proposed such legislation in 1942; through his efforts it was finally approved by the Congress and ratified by the States in 1971.

"I'm not going to retire," Jennings Randolph has said. "I'm just changing jobs." I hope he will continue to speak out and to remind us of the true spirit of the New Deal, which has been a consistent thread running throughout his career: To bring all people into the effort to make the Nation grow, and to bring to all people the opportunity to share in the benefits of that growth.

Jennings Randolph has served West Virginia and the country with great distinction. I am honored to have served with him and to have learned from him. I join my colleagues in expressing deep admiration and thanks for his unstinting efforts over a remarkable length of time, on behalf of all the people of this Nation.●

SAILOR JOHN TOWER

● Mr. MATHIAS. Mr. President, the Navy crew is going ashore. The number of World War II Navy veterans serving in the Senate who shared the experience of sea duty, "the United States then being in a state of war," is reduced yet again by the retirement of the Senator from Texas, Mr. Tower.

John Tower enlisted in the U.S. Navy in 1942 and served for 4 years.

There is a special perspective that is gained by life at sea that is valuable throughout our lives. It is the sense of isolation, even on a crowded deck, the hours of contemplation enforced by distance from land and the sharing of a common fate with shipmates. It is more than Dr. Samuel Johnson suggested when he said that being on a ship was like being in prison with the additional danger of being drowned. There is the sense of confinement and the possibility of danger, but there is something further. It is a spirit of adventure that no other way of life affords and which survives after the end of a cruise.

I hope the spirit of adventure will last for John Tower as long as he lives and will carry him to sunny shores and safe harbors.●

A DAY OF PRAYER AND REMEMBRANCE

● Mr. BIDEN. Mr. President, we are approaching the first anniversary of a numbing, sorrowful tragedy—the terrorist truck bombing of the U.S. military barracks in Beirut which killed 240 American servicemen.

One cannot ignore the enormous bloodshed and suffering which the Lebanese people have experienced in their recent decade of civil strife. But we must pay special tribute to those brave Americans who went to Lebanon to help and then lost their lives.

A day of prayer and remembrance will be held in my home city of Wilmington, DE, on October 23, 1984, and, I would expect in many other locations around our country.

Mr. President, I ask that the full text of correspondence outlining the plans and details of that planned remembrance be printed at the conclusion of my remarks.

The material follows:

October 3, 1984.

To: Senator William V. Roth, Jr., Senator Joseph R. Biden, Congressman Thomas R. Carper.

From: Thomas L. Little.

Re information for immediate release.

Dear Bill, Joe and Tom: Tuesday, October 23, 1984, marks the first anniversary of the Lebanese massacre and will also be our day of mourning and remembrance for all service connected death or injury due to war.

This is not a political event. No politicking will be allowed. No public officials will be recognized nor mentioned. This issue is simply war and peace in prayerful remembrance, honoring our fallen American patriots and expressing our faith in God.

The agenda is as follows:

7:00-7:30 P.M.: Assemble at Rodney Square.

7:30 P.M.: Call to the colors—U.S. Marine Corps Color Guard.

Pledge of allegiance.

Introduction, Thomas L. Little (2 minutes).

Peace on earth, Sue Pine (2 minutes).

Four homilies (5 minutes each).

Rifle Salute, U.S. Marine Corps.

Taps in honor of all servicemen who were killed or injured in war (2 minutes).

Hymn—"Let There Be Peace on Earth" (4 minutes).

Close and Goodnight, Thomas L. Little (1 minute).

There will be no partisan references or comments. This does not mean that political persons are not invited, as are all citizens of Delaware and surrounding areas. We ask only that those who attend bring one candle, which will be lit during the ceremony at the appropriate time; after taps, will be the hymn.

I request you use your good office; submit this letter as an immediate release through your press secretary and use all your powers of persuasion to have it included in the Congressional Record and publicized as much as possible so that: Every village, town, city and other institutional setting, including churches, synagogues and other places of worship, universities, schools, et al., may follow the same pattern and example in a local setting. In this manner, we will give the lives of the marines and sailors who died some meaning, some real, honest meaning—for their death may now contribute to world peace.

Last year, you all asked what you could do to help. I now ask you to help by submitting this letter as an immediate release with my complete permission and enthusiastic encouragement, before the United States Senate and Congress, and announce this event wherever possible.

Please find enclosed a "Lest We Forget" button, should you wish to refer to it.

Respectfully submitted,

Thomas L. Little.

Law Offices of
Agostini & Little,
Wilmington, DE, September 20, 1984.

Re October 23, 1984.

Paul X. Kelly,
Commandant, U.S. Marine Corps, Marine Corps Headquarters, Washington, DC.

Dear Sir: My son survived the Beirut bombing, October 23, 1983, but 260 other young men were killed in the Beirut area during the Lebanon War last year.

I served as a Drill Instructor in the 50's, and encouraged my son to enlist. I am proud to be a member of the best fighting organization that ever existed.

With that out of the way, I am quite disturbed at the lack of recognition these boys are receiving, especially the ones who were killed or injured. I have every intention of holding a day of prayer and remembrance on October 23, 1984, at Rodney Square in the City of Wilmington, Delaware. Enclosed is a button that I have been passing around our community. I hope the Marine Corps under your leadership has some plan to recognize these young men.

Semper Fi,

Thomas L. Little.

September 26, 1984.

Mr. Thomas L. Little,
Attorney at Law, Agostini and Little, Wilmington, DE 19899.

Dear Mr. Little: Thank you for your letter of September 20, 1984 regarding your plans for observing the first anniversary of the bombing of the Battalion Landing Team Headquarters in Beirut.

Plans are being formulated to hold an appropriate ceremony at Camp Lejeune, North Carolina on October 23, 1984. Additionally, there will be local observations in many military and civilian communities.

Thank you for your support and interest. You may be assured that the indomitable spirit of all the Marines who served in Beirut will be recalled this October, and always.

Respectfully,

P.X. Kelley,
General, U.S. Marine Corps,
Commandant of the Marine Corps.●

LOCAL GOVERNMENT ANTITRUST ACT

● Mr. PERCY. Mr. President, I have followed with great care the development of H.R. 6027 and S. 1578, the legislation which is now the Local Government Antitrust Act. As I have earlier said, I strongly believe that the protection afforded by this legislation should be made to apply to all local governments which might otherwise be subject to a claim for damages under the Federal antitrust laws. I am pleased to see that the Committee on Conference has explicitly dealt with the question of how to apply this legislation to cases now pending. I am particularly heartened that the bill reported out of conference provides that a court should consider all the circumstances of a particular case in deciding whether the section should apply and that the Statement of the Managers directs that "a court is to consider all relevant circumstances."

I participated in the discussions which led up to the adoption of this language in the bill which passed the Senate, and I was particularly concerned that such a provision be included in the final bill—so that a court of equity might consider all the circumstances in determining whether section 3 should apply. This language directs the court in making its determination to weigh the important factors, including the stage of litigation, the availability of alternative relief under the Clayton Act, the need to protect units of local government and their taxpayers from the considerable financial liability that could result from a damage award, and the degree to which the local government's action was directed by, or predicated on, Federal law or direction, among other equitable factors which may apply in a particular case.●

TRIBUTE TO PAUL TSONGAS

● Mr. LEAHY. Mr. President, I first came to the U.S. Senate in the same year that my neighboring State of Massachusetts sent Paul Tsongas from its Fifth District to the House of Representatives. Paul has served with distinction in his home State, first as a Middlesex County commissioner and then as a Lowell city councilor.

I think the people of Massachusetts sent to the House one of their most qualified and most sensitive people. Subsequently, he came to the U.S. Senate, and again Massachusetts sent a Member who has made a vital contribution to this body.

This is the feeling, shared on both sides of the aisle, about this man of sensitivity, brilliance, dedication, compassion, and concern for his country, for his State and, most of all, concern for those who have really no voice in this body.

Senator Tsongas made a decision a few months ago to go home to Massachusetts, with his wife Niki, and children Ashley, Katina, and Mollie, because of his concern, one, for his health, but also his concern of what the Senate does to those who want to have a family life, a real life, the kind of life that all of us feel entitled but so few of us actually have.

I, for one, applaud Senator Tsongas' decision for the reasons he made it. He has done his share. He has done far more for his State and his country than most people ever have the chance to do.

Having done this, though, he realizes that his highest and ultimate duty is to his family and thus to himself.

The other duties that we try to fulfill to country, to State, and to this body, the Senate, pale if we do not fulfill our first duty to ourselves and our families. Many times when our commitments to our families have been lacking, so have our commitments to our country and State and to the Senate.

I applaud Paul for his service. I applaud him for his accomplishments during the time he spent in the House and Senate.

I do not think anyone, Republican or Democrat, doubts that Paul Tsongas would have returned to the Senate had he chosen to run again this year. The fact that he chose not to run, though, gives him greater credit because of his reasons.

He is a good friend and a good Senator. But, most importantly, he is a good person who has proved it by his actions. Like all others, I wish him Godspeed and the very best.●

TRIBUTE TO RETIRING SENATORS HOWARD BAKER, JENNINGS RANDOLPH, JOHN TOWER, AND PAUL TSONGAS

● Mr. DeCONCINI. Mr. President, the closing of the 98th Congress marks the end of service by four of our Nation's greatest assets, Senators Howard Baker, Jennings Randolph, John Tower, and Paul Tsongas. Each of these fine men have unselfishly contributed to the good of this body. Mr. President, I rise today to pay tribute to my colleagues for their accomplishments, and to thank them for their friendship.

Paul Tsongas' contributions did not begin with his election to the U.S. Senate, and I do not believe they will end with his retirement from the Senate. Senator Tsongas served as a Peace Corps volunteer in Ethiopia and the West Indies. He offered his services to the public while Deputy Assistant Attorney General and as a Member of the U.S. House of Representatives prior to his arrival in the Upper Chamber. Senator Tsongas has served the Nation while representing the fine State of Massachusetts in Congress since 1975. His congressional career has been highlighted by his foreign relations and resource management activities. He has been a thorough, determined, creative Member with unwaivering conviction. I wish him success in the future.

Next, I would like to say a few words about the distinguished Senator from Texas, John Tower. John has given of himself for nearly 24 years in this arena. He has maintained a loyal, hard-working, responsible demeanor throughout his terms, while remaining strongly consistent in his support of our country's national defense. As chairman of the Senate Armed Services Committee, Senator Tower's knowledge and understanding of military preparedness is unsurpassed. He has been a true leader of the Senate in this area of concern. In describing John Tower, one word comes to mind which, although desired by many, is applicable to very few. John Tower is an American patriot. A patriot that shall be missed as we continually struggle to preserve a way of life so dear to us all.

The stay of Jennings Randolph has been one filled with many legislative accomplishments too numerous to mention. He first ran for office in 1930 and has been a fixture here ever since. The citizenry of West Virginia, in reelecting Senator Randolph to over a half century of service, has paid him the greatest of all compliments.

Jennings Randolph has pioneered legislation benefiting the handicapped—the Randolph-Sheppard bill. He introduced the Trans-Continental Act in 1937 which later became the National Highways Act. Senator Randolph has been a leader in the area of environmental protection. He had the insight to deal with energy issues long before its continued supply was of any concern. And he has led the way in support of aviation advancements. Throughout his career, Senator Randolph has continually fought for what he believed to be best for his home State and the country, always looking to the future with optimism and fairness.

While a member of the Veterans' Affairs Committee, I have had the opportunity to experience Senator Randolph's unique qualities first hand. I have witnessed his equal-handed dealing with those of opposing views. I have seen the sensitive, caring side of Senator Randolph, striving to help individuals better themselves. Yet, while amassing these many achievements, he has never compromised the high standards of the Senate. Today, the Senate has lost one of its most valuable treasures. I only hope that he will see fit to offer us his guidance when in the future his friends and colleagues are in need.

Finally, Mr. President, I turn to the retirement of the distinguished majority leader, Howard Baker. What tribute could be recorded that would justly describe the accomplishments of Senator Baker's efforts? He has served as Senator from the great State of Tennessee for 18 years, representing his constituents with an intellectual compassion found in very few men. He has worked hard and long to better the Nation he so loves, while putting his personal political fortunes aside. Howard Baker is a party man, but one who has the wisdom to work with members of the minority on bipartisan issues. Senator Baker has often been referred to as "level headed" and "evenhanded" by representatives from either side of the aisle, willing to work with, rather than against those with opposing viewpoints, always respectful of another's position. He is a man gentle in nature, while firm in conviction. Howard Baker is a gentleman among men, a statesman among politicians, and a leader among leaders. I wish him God's speed and happiness in all his future endeavors. The U.S. Senate will truly miss Howard Baker.●

COLORADO WILDERNESS BILL

● Mr. ARMSTRONG. Mr. President, I regret that we have now reached a point in this session where it no longer appears feasible to pass a Colorado wilderness bill. Many long hours of very productive work have been invested in the development of a compromise bill by all of the members of the Colorado congressional delegation and their staffs. Major progress has been made in an undertaking which is of great importance to the future of our State and the Nation. However, it is now apparent that the limited number of remaining differences are too important to Colorado's vital interests to make passage in this session advisable.

Before discussing the differences that are still to be resolved, I would like to sketch out the truly remarkable progress that has been achieved by the Colorado delegation. We started with a series of very disparate proposals that ranged in acreage from a low of 372,483 acres in Congressman Kogovsek's bill to a high of 735,815 acres in Senator Hart's proposal. My own bill, which was based upon the Forest Service study recommendations, proposed 443,131 acres of national forest land plus 435,624 acres of national park for wilderness designation.

A myriad of issues are involved in these vast tracts of land, including: existing ditches and roads, private inholdings, livestock grazing, conflicting recreational uses, mining claims, oil leases, game habitat management, timbering conflicts, local firewood needs, power line corridors, State-owned lands and mineral interests, adjudicated water rights, major water and hydroelectric development, jeep and ski mobile tour routes, insect and fire control, scientific study areas, endangered species protection, ski area expansion, avalanche control and helicopter access to fishing lakes; as well as some important unknowns such as oil and mineral potential in areas that have not been fully explored.

Some of the proposals included large tracts of land outside of the wilderness study and further planning areas which had previously been released to multiple use management in 1980. These areas had to be studied particularly closely by the delegation's staff, since the Forest Service had not been directed to study them for wilderness designation, and for at least the past 4 years they have been managed under all the multiple use criteria—including resource development, such as mining and logging. There was also the important question of whether the new legislation would amend the 1980 Colorado Wilderness Act and adopt the policy decisions of that legislation, such as release language, buffer zones, grazing guidelines, etc.

Despite all of these conflicts a compromise agreement was effectively reached in the Senate that proposes wilderness protection from 624,300 acres of national forest and BLM lands as well as 435,624 acres of national park and monument lands. In addition, through national recreation and scenic area designation, protection would be afforded to an additional 25,000 acres for the Spanish Peaks and Oh-Be-Joyful wilderness study areas. Essential agreement on boundaries was reached on 1,084,000 acres, encompassing a major portion of each of the 18 national forest areas, 1 Bureau of Land Management areas, and the 3 national park/monument areas.

The studies conducted by the U.S. Forest Service over the past 4 years at the direction of Congress are a major contribution to this effort by providing a solid basis of information and analysis for congressional deliberations. In addition the cooperation of the Forest Service in facilitating inspection tours of the proposed areas have afforded Members and staffs first-hand, on-the-ground information of the lands being considered. My staff, and I am sure the staffs of others in the Colorado delegation, have posed thousands of questions to Forest Service personnel and have received timely and thorough responses. For these many reasons, I wish to commend the Department of Agriculture and the National Forest Service. I believe that their involvement has materially enhanced the quality of the Colorado wilderness proposal and has made it possible for the delegation to reach the boundary agreements it has to date.

I am very optimistic that a solid foundation has now been laid for this expansive Colorado wilderness compromise bill to be passed early in 1985. The intervening months between now and the next session can be used in a very productive way to arrive at solutions to the remaining issues and to involve an even broader spectrum of Colorado citizens in the decisionmaking process.

This now brings me to the most important and fundamental issue involved in the long months of discussion—water. Despite a very intensive effort in both Washington and Colorado, experts in Colorado's water and environmental communities were unable to resolve the issues and uncertainties that surround the question of water rights relating to the designation of wilderness areas.

Over the past 20 years there has been a general assumption that the designation of wilderness does not create any new or additional water rights in the Federal Government. This assumption has been given in all wilderness discussion and designation until this year. A suit filed by the Sierra Club resulted in a preliminary ruling by the Federal district court that refused to rule out the possibility of a new Federal reserved water right being created by designation of wilderness.

Consultation with Colorado's leading water experts revealed a deep concern that new reserved rights could cause havoc in Colorado's water rights system and result in years of litigation and uncertainty. For this reason, I included a provision in my wilderness bill—S. 2916—to clearly spell out congressional intent not to create a new reserved right through the designation of wildness areas. The provision does not affect any existing reserved water rights that now exist by virtue of the original creation of national forests or national parks and monuments. My purpose in including it was to preserve the status quo with regard to Federal reserved rights and to remove water as an issue in the designation of wilderness.

At my request, the reserved water rights working group of the Colorado Water Congress studied the matter closely and prepared a carefully researched memorandum for the congressional delegation which concluded that—

> . . . no Colorado wilderness areas be designated henceforth without language similar to that contained in Senator Armstrong's bill. . . .

Through extensive discussions with virtually all of the States leading water authorities, I am convinced the memorandum accurately reflects the judgment of the overwhelming majority of them. This conclusion is reinforced by the fact that Colorado's Legislative Interim Committee on Nontributary Ground Water held hearings on this question and voted to support water language in the Colorado Wilderness Act of 1984:

> Protecting water rights established pursuant to Colorado's constitution and statutes and water rights under applicable interstate compacts, and creating no new water rights in the United States. . . .

In addition, the Western States Legislative Council voted unanimously in support of the context of the water provision in S. 2916 at their annual meeting in Arizona on September 19, 1984.

Because of an obvious need to address the water issue and to bring the opposing views together, Senator Hart and I appointed a committee of four Colorado attorneys representing disparate points of view to work out compromise language if possible. After a very conscientious effort, the committee reported back on September 27, that they were unable to reach agreement. The question the committee wrestled with and the one that still confounds the delegation is how to compromise opposite points of view on the issue of whether designation of wilderness creates or does not create a new Federal water right.

Extensive discussion of this issue has precipitated one clear conclusion. Water is an issue in wilderness designation that cannot and should not be glossed over or left to the vagaries of the courts. Colorado's water rights are the most important property right in our State and the most fundamental to our State's economy and future. Any system of wilderness preservation must be established within the frame work of Colorado's water rights system.

The most encouraging aspect of this complex issue is that Colorado has already taken farsighted action to preserve the vital characteristics of wilderness that are directly related to water and the preservation of essential instream flows. Under a Colorado law enacted in 1973, sections 148-21-2 and 148-21-3 of the Colorado Revised Statutes 1963-69 Supp., as amended, the Colorado Water Conservation Board was authorized to file claims for instream flows under Colorado's water rights system. The board, on behalf of the State, has since filed for instream flow rights on over 5,000 miles of Colorado rivers and streams and has acquired minimum lake levels in over 470 Colorado lakes. I am, therefore, very confident that Colorado is not taking lightly the need to protect Colorado's water from over appropriation to the detriment of the surrounding environment and wildlife values.

Although I regret that this matter could not be resolved at this time, I believe that a solution to this wilderness water issue can be found in the coming months, and I believe that it can be done in a way to preserve critical wilderness values that are tied to water within the context of State law and interstate compacts.

I have instructed my staff to give a high priority to continued work on the wilderness legislation in the months ahead and to coordinate continuously with the other with the other delegations. The first objective of this work will be to distill the broad agreements that have been reached into specific legislation so that the investment of time and talent in this process will not be lost. The second objective will be to continue our pursuit of solid agreement in those narrow areas where thus far a consensus has eluded us.

Colorado has clearly led the Nation in designating national wilderness preservation system lands in the State, and we are still far ahead of most other States in this historic process. I am convinced that we can complete this process in a way that balances all of the conflicting interests in the fairest way possible. Colorado clearly has some of the highest wilderness values in the entire Nation, and we recognize our obligation to do the very best we can to preserve these values for all generations to come.

We now have the foundation for the successful conclusion of this phase of wilderness designation, and I intend to press it to a conclusion as soon as legislatively possible. I trust that the rest of the Colorado delegation shares my conviction.●

THE HONORABLE PAUL TSONGAS—THE RIGHT SPIRIT

● Mr. SASSER. Mr. President, in bidding farewell to Paul Tsongas, who today takes leave of his role here on the floor of the Senate and who, next January, goes on to other endeavors, I believe all of us could best describe the impact of his presence here in his own words. "The right medicine for our ailing national spirit," said the Senator from Massachusetts in 1980 when he proposed the establishment of a National Youth Service as a vehicle for involving young Americans in different ways to serve their country.

The vision and the reach of Paul Tsongas—which has always looked a little higher, stretched a little further—has indeed been "the right medicine for our ailing national spirit."

Though he leaves us at an age at which many decide to embark upon a career in public service, Paul Tsongas leaves us that legacy of vision and reach, combined with a profoundly honest intellect—a combination that made for a model Senator.

He has left his mark on a wide range of environmental and energy-related legislation, in particular the Alaska lands bill in 1979 and in subsequent amendments to that legislation.

Paul Tsongas has never stopped reaching a little further or seeing a little farther. Looking beyond the day-to-day misery of apartheid in South Africa, he proposed that the United States provide scholarships to the black youth who were victims of the educational bias of that system.

Looking beyond the legislative battles of the day, he outlined a new vision for his Democratic Party in a 1981 book: "The Road From Here, Liberalism and Reality in the 1990's." He challenged all of us and he continues to challenge us to share a part of his vision which is not limited by the conventions and biases of the past.

I and my colleagues will miss Paul Tsongas, but we will be secure in the knowledge that our colleague will always be providing the right medicine for spirits which ail, no matter where he is. We all owe Paul Tsongas our gratitude for providing our body with spirit and inspiration during his tenure here.●

ANNUAL CONGRESSIONAL CONSULTATIONS ON REFUGEE ADMISSIONS

Mr. SIMPSON. Mr. President, I ask that the following materials be printed in the Record as the substance of the annual consultations between the representatives of the President and members of the Judiciary Committees of the House and the Senate on refugee admissions for fiscal year 1985, as mandated by section 207(d) of the Refugee Act of 1980.

Mr. President, in order to conserve the printing costs of the Congressional Record, I am submitting only relevant correspondence and selected excerpts from the much more detailed and more lengthy report of the U.S. Coordinator for Refugee Affairs, entitled "Proposed Refugee Admissions and Allocations for the Fiscal Year 1985." That report should be considered to be incorporated by reference in full in these remarks. Should any of my colleagues wish to read this report, or should they have any questions about it, I would refer them either to the staff of the Subcommittee on Immigration and Refugee Policy, which I chair, or the office of the U.S. Coordinator for Refugee Affairs, Department of State, Washington, DC 20520.

The materials referred to follows:

Congress has, in the Refugee Act of 1980, stated that the U.S. resettlement program is intended for refugees of special hunanitarian concern to the United States, in accordance with a determination made by the President after appropriate consultation.

Mr. Chairman, after most careful study and reflection, the President proposes a regional refugee admissions ceiling of 70,000 for fiscal year 1985, a small reduction from the fiscal '84 level.

Within this overall ceiling of 70,000, the President is proposing a new, separate ceiling for admissions under the United Nations High Commissioner for Refugees' Orderly Departure Program from Vietnam and some adjustments in geographic ceilings.

I am here representing the President to consult with the Congress about our proposed 1985 admissions program. We are here today not only to present this proposal for your consideration, but also to answer your questions and receive your views.

We hope the 1985 admissions program will receive the same broad bipartisan support that it has enjoyed in past years. The proposed admissions ceilings for fiscal year 1985 are: 50,000 for East Asia, including 10,000 for a separate Orderly Departure Program in Vietnam; 9,000 for Eastern Europe and the Soviet Union; 5,000 for the Near East and South Asia; 3,000 for Africa; 3,000 for Latin America and the Caribbean, for a total of 70,000 worldwide.

In addition, the President is announcing two new initiatives aimed at resolving pressing refugee problems in Southeast Asia. First, the United States will accept all Asian-American children and their qualifying family members presently in Vietnam, hopefully over the next three years. Because of their undisputed ties to our country, these children and family members are of particular humanitarian concern to the United States.

Second, the United States is proposing a distinct program within the UNHCR's Orderly Departure Program from Vietnam for the resettlement of political prisoners currently and previously confined in the reeducation camp prisons in Vietnam and their qualifying family members.

Various spokesmen for the communist regime in Vietnam have claimed they would be willing to release all of these political prisoners for resettlement. But despite two years of efforts to arrange for their departure under the UNHCR's Orderly Departure Program, the Vietnamese have only released for resettlement a handful of these persecuted people.

This initiative has as its goal the departure from Vietnam of these persons for resettlement in the United States over the next two years. These current and former political prisoners are of particular humanitarian concern to the United States.

Success in both of these initiatives will require the goodwill and cooperation of the Vietnamese government. We hope the Vietnamese now will respond to this new appeal.

Mr. Chairman, there are nearly eight million refugees in the world today. In response to this tragic situation, the United States and the international community actively seek durable solutions.

In order of preference, these solutions are: voluntary repatriation to the refugees' homelands; permanent resettlement in the countries of first asylum; or resettlement in third countries, including the United States.

International refugees assistance programs, for which the United States provides about 30 percent of the funding, help provide basic care and maintenance for the refugees until one of these solutions can be achieved.

We believe that our proposed admissions program for 1985, coupled with the expected admissions programs of the other resettlement countries, should meet the requirements for resettlement in the coming year. We will continue to work closely with the UN High Commissioner for Refugees and with other countries to ensure that the responsibility for resettlement is shared equitably.

This international resettlement effort, along with the planned contributions by the U.S. and other donor countries for refugee relief abroad, should hopefully meet the basic needs of the world's refugee population.

Mr. Chairman, my statement for the record includes an impressive list of accomplishments achieved by the U.S. refugee program over the last ten years, and that is deliberately in there since I think it is important, as we look to what we should try to do in the future, to recognize that all of our efforts and the money we have spent have accomplished a lot. There are genuine achievements.

And also I think that the United States should not be hesitant to say what it has done. That is in the statement that you have for your record. But rather than dwell on these accomplishments here, I will address at this time some of the urgent tasks before us.

I would like now to discuss in detail our proposal for a new, separate ceiling for admissions under the UNHCR Orderly Departure Program. In early 1984, the number of ODP departures from Vietnam for the United States exceeded 1,000 per month for the first time since the program began.

Total departures for the United States and other resettlement countries have reached an average of 2,200 per month, and in fiscal year 1984 ODP departures to all countries will exceed the number of boat arrivals for the first time. Despite continuing problems, the UNHCR Orderly Departure Program is working and is increasingly becoming an alternative to hazardous boat escape from Vietnam.

The reason the President is proposing the establishment of a separate Orderly Departure Program ceiling for fiscal 1985 is to ensure that a growing ODP is not perceived as reducing the number of refugees admitted to the United States from first asylum countries. As you know, there is a great deal of attention, particularly in that part of the world, about the large numbers of refugees.

We estimate that this ceiling of 10,000 would permit the departure from Vietnam of some 18,000 refugees and immigrants in fiscal year 1985, some 7,000 of whom would enter the United States as refugees in fiscal year 1986 following completion of language training and cultural orientation at the Philippine Refugee Processing Center in Bataan.

At UNHCR-sponsored meetings in Geneva in October 1982 and October 1983, we urged the Vietnamese to permit an expansion of the Orderly Departure Program. We expect to meet, under UNHCR auspices, with the Vietnamese in Geneva again this October, and will present to them at that time our revised plans for the future expansion of the Orderly Departure Program.

Our revised plans include, first, a basic restructuring of the U.S. program. Rather than having one ODP program into which we combine all groups of particular concern to the United States, we would propose to divide ODP into three separate sub-programs, and to measure mutual performance against specified processing levels and guidelines for each program.

These three sub-programs would be: first, the Regular Program for spouses and children of American citizens, ex-U.S. government employees, and ethnic minorities of special humanitarian concern; second, the Asian-American Program for Asian-American children and close family members included in the same household as the child; and, third, the Political Prisoner Program for current and former political prisoners and specified family members.

For the Regular Program, we would plan to process and move from Vietnam up to 10,000 persons, refugees and immigrants, during 1985. Within the 10,000 level, we would inform the Vietnamese that we expect them to grant exit visas to a much greater proportion of persons from our special priority lists.

For the other two programs, I have already described the specific new initiatives designed to prompt the processing and movement of these much abused populations. We would set processing and movement levels for these programs sufficient to launch and maintain steady movements for each group during 1985.

Mr. Chairman, I now turn to the proposed admissions ceilings for the geographic regions of the world.

East Asia: To lessen the Indochinese refugee burden on Thailand, Malaysia, Indonesia, the Philippines and Hong Kong, the U.S. has maintained a relatively high rate of resettlement from the region.

We believe that admission of 40,000 refugees in fiscal '85 is our fair share—a level equal to the number of refugees we expect will be admitted by the rest of the refugee resettlement countries combined. This should encourage other resettlement nations to continue to participate in resettlement from Southeast Asia.

Processing by Immigration and Naturalization Service officers has been smooth and efficient during fiscal '84, thanks in part to improved case work by the voluntary agency representatives in the field and to the effect of the revised INS refugee processing guidelines issued in August 1983.

We should not lose sight of the fact that it is Hanoi's oppressive policies toward its own people and its military occupation of its neighbors that must cease before there can be a lasting solution to the Indochinese refugee crisis. It is these policies which are the root cause of the continuing exodus of refugees and the unwillingness of the people who fled Vietnam, Kampuchea and Laos to return to their homes.

I turn now to the Soviet Union and Eastern Europe. Despite its international obligation under the Helsinki Accords to allow freer immigration, the Soviet Union continues to prevent Jews and other persecuted minorities from leaving.

We have urged the Soviets to honor their agreement and to issue exit permits to those who wish to leave, and I intend to make this point with Foreign Minister Gromyko when I meet with him at the United Nations.

The severe Soviet restriction on Jewish and other immigration regrettably reduces the need again this year for proposing a large refugee admissions ceiling for Eastern Europe and the Soviet Union.

On the other hand, we want to maintain a sufficiently high ceiling to accommodate the normal flow of refugees from the countries of Eastern Europe. We estimate that a ceiling of 9,000 admissions should be adequate for this purpose.

Near East and South Asia: The Near East and South Asia region has several major refugee-producing situations, particularly in Afghanistan and Iran. In most cases, the refugees coming from this area are able to find continuing asylum in the region.

We estimate that a refugee admissions ceiling of 5,000 will be sufficient to provide for those persons requiring resettlement who are of special concern to the United States, especially persecuted Iranian religious minorities such as the Bahai's and persons from Afghanistan whose positions in former Afghan governments or association with the United States make them particular targets of persecution.

Turning to Africa, the generous hospitality of African countries of first asylum and some limited possibilities for voluntary repatriation have mitigated the need for any significant resettlement outside of Africa. However, there remains a relatively small number of African refugees for whom asylum or integration in the region is not feasible. We are proposing a ceiling of 3,000 for Africa to accommodate these special cases.

Finally, we are requesting 3,000 admissions for potential refugees from Latin America and the Caribbean who might require resettlement in the U.S. This is an increase of 2,000 over fiscal '84 and should be adequate to permit the admission of refugees for whom resettlement in the United States is the most appropriate option.

I will now discuss briefly English language training and medical programs for refugees.

Mr. Chairman, we have dedicated significant time, money and effort to developing programs to help refugees prepare for their new lives in America.

For example, in 1985 we anticipate further improvements in both the English-as-a-Second-Language and Cultural Orientation programs and in the medical screening program. The Department of State is concerned with the quality of refugees' preparation for life in the U.S. and the thoroughness with which medical problems are detected and treated. These programs have a direct impact on the success and cost of refugee resettlement in the United States, and I believe the Japanese have made some very substantial contributions in this effort.

Once refugees arrive in our country, there begins the important task of helping them become self-sufficient. During the reauthorization deliberations for the Refugee Act, it became abundantly clear that the Congress desires a strengthened role for the private sector in assisting refugees to start to build productive, self-sufficient futures in their new country. The Administration concurs wholeheartedly with this goal.

While the proposed admission of refugees in fiscal year 1985 is the focus of this hearing, it represents only one part of the U.S. refugee policies and programs and approximately one-third of the $335 million of the 1984 refugee budget. About two-thirds of that budget, $227 million, is the U.S. contribution to international assistance for the world's estimated eight million refugees.

Most U.S. assistance is channeled through international organizations. As in past years, the U.S. will contribute about 30 percent of the total budget of the UN High Commissioner for Refugees. Other contributions will be made to the International Committee of the Red Cross, the Intergovernmental Committee for Migration, the UN Relief and Works Agency for Palestinian Refugees, and the UN Border Relief Operation in Southeast Asia.

We were very pleased that the UNHCR-Thai government anti-piracy program was renewed for another year in June. We will continue to support all efforts to eliminate pirate attacks, and to ensure that the unfortunate victims of these attacks receive necessary counseling and improved medical care.

As in past years, we will provide assistance to the nearly three million Afghan refugees who have been generously given asylum by Pakistan for almost five years. In the Near East, the U.S. will continue to fund about 25 percent of the budget of the UN Relief and Works Agency for Palestinian refugees which provides education and health services to two million refugees.

President Reagan's proclamation of this past July 9th as African Refugees Relief Day symbolized a continuing commitment by the United States to assist the over two million refugees in Africa.

The recent Second International Conference on Assistance to Refugees in Africa set new goals for helping refugees in Africa to achieve self-sufficiency and for assisting African first asylum countries. The U.S. delegation to the conference led by Attorney General Smith, strongly supported these goals.

Our refugee programs in Central America support our overall objective of strengthening the forces of moderation against extremism of both the left and the right. Our assistance for El Salvador's displaced persons helps those who have fled guerrilla-infested villages for areas more firmly under government control, thereby strengthening President Duarte's government.

Our assistance for Nicaraguan refugees in Honduras and Costa Rica keeps the flame of freedom alive for people like the Miskito Indians who have fled Marxist repression. Our assistance also benefits individuals who are potential victims of right-wing violence or who are simply fleeing the depredations of vicious guerrilla conflicts.

By maintaining our first asylum policy and supporting refugee centers located in Central America, we also ease the pressure of more massive illegal immigration the United States.

The U.S. refugee program has enjoyed broad bipartisan support over the years, and under the leadership of President Reagan I can assure you that it will continue to be given high priority within the Administration.

We are indebted to the great work of many dedicated Senators and Congressmen. I would like to salute in particular the leadership of the House Judiciary Committee by Chairman Rodino and the distinguished work in the Subcommittee on Immigration, Refugees and International Law by Chairman Mazzoli and Congressmen Fish, Lungren and McCollum. The efforts there have done much to advance the cause of enlightened refugee policy in the United States.

In the Senate, I would like to express my gratitude and deep respect to you, Mr. Chairman, Senator Kennedy, and Chairman Thurmond for your work in the field of refugee affairs.

I know there are many other members of both Houses who have devoted their time and energy to the delicate and difficult task of refugee admissions and assistance, but I think it is fitting that the gentlemen I have mentioned are singled out for special praise.

On behalf of the President, I urge the Congress to continue its strong support for the refugee program and to assist in providing the budgetary and admissions resources which will be required to carry it out.

We believe the 1985 admissions program we are discussing today and the 1986 program which is currently being developed within the Administration will be sufficient to meet anticipated refugee needs and to launch the initiatives I have discussed earlier.

In order that the Congress and the Administration may continue to work jointly on the refugee program, we would be prepared at mid-year to meet with the relevant committees of both Houses to review our progress, particularly with regard to the initiatives with the Vietnamese.

We can all take justifiable pride that the United States is recognized throughout the world for its leadership in humanitarian assistance to and protection of refugees. We have given much to help the refugees of the world, but we have also benefited from the talents and hard work of the many refugees who have been accepted for resettlement in the United States.

I thank the Congress and the American people for making it possible for us to meet the awesome challenge of aiding the world's refugees. Thank you, Mr. Chairman.

OVERVIEW OF THE WORLD REFUGEE SITUATION

While there were significant changes in specific refugee situations during the past year, the overall magnitude of the numbers of refugees involved—an estimated 8,165,600 persons requiring either protection or relief and assistance—remained approximately the same. As in the past, however, those countries which have afforded asylum to the largest numbers of refugees and assistance to other displaced persons, principally in Africa, Central America, Southeast Asia, and the Near East, continue to do so as long as they receive support from the international community. Through its food and financial assistance, the United States has played a major role among the donor countries in ensuring that food, medical attention, shelter, and other relief supplies were generally adquate for refugee needs.

Within Africa, while there are encouraging developments pointing toward a resolution of the Ethiopian refugee situation, hundreds of thousands of Africans are endangered by violence. The government of Somalia formally decided to permit 400,000 Ethiopian refugees presently in UNHCR-supported camps to resettle if the international community would provide resources for their eventual self-sufficiency. As for those Ethiopian refugees located in Djibouti, UNHCR's efforts resulted in the voluntary return to Ethiopia of about two-thirds of the estimated 30,000 refugees located in that small country. There was no significant change, however, for the 400,000 Ethiopian refugees in Sudan. As a result of political events in that country, an estimated 34,000 Sudanese have sought refuge in Ethiopia. Uganda is torn by increasing political dissension and violence, and an estimated six percent of the population, about 800,000 persons, are either displaced internally or have become refugees. Similar internal strife exacerbated by drought and famine in Angola and Mozambique has led to the loss of many lives and the displacement of hundreds of thousands of people, including movement of 44,300 Mozambicans to Zimbabwe. Emergency aid from the international community has been sent to these countries.

With this situation as background, the Second International Conference on Assistance to Refugees in Africa (ICARA II) was held in Geneva, Switzerland, July 9 through 11 this year. ICARA II resulted in a declaration and program of action calling for stronger international cooperation to avert new flows of refugees in Africa. Agreement was reached that refugee assistance must be better coordinated with host country development assistance. Except where voluntary repatriation is feasible in the near term, assistance should focus on efforts to make refugees self-reliant and to assist African asylum countries with the social and economic burdens resulting from refugee populations. African governments themselves should work toward decreasing those tensions on the continent which lead to refugee flows. The United States reaffirmed its commitment to continue to respond to the needs of African refugees and asylum countries. The United States representative emphasized the government's desire to focus on establishing a process through which long-term solutions to African refugee problems could be reached and its intention to review for future funding some of the refugee-related development projects proposed in the ICARA II technical document (128 projects in 14 African asylum countries). Although ICARA II was not a pledging conference, participants agreed that it successfully focused attention on lasting solutions and elicited significant comments from both donor and recipient nations.

In East Asia, the dimensions of the Indochinese refugee problem continue to decline, yet international resettlement remains the only currently available means of reducing first asylum populations. UNHCR efforts to establish voluntary repatriation programs with the Indochinese governments have been successful only with the government of Laos, but relatively few refugees from Laos seek to return to their homeland. Only limited settlement in asylum countries has been possible, due to historic rivalries and antipathies. Within Eastern Europe, there has been a decrease in the political tension in Poland since 1982 and early 1983 when tens of thousands of persons sought asylum and refugee status in Western Europe. Thousands of Poles have been resettled in the United States, Western European countries, and elsewhere, and thousands of others remain temporarily in these countries. Earlier this year, a surge of about 25,000 persons left East Germany for the Federal Republic of Germany, far above the usual 1,000 per month permitted by East German authorities. In Central America, the international community is extending relief and assistance to refugees and to displaced persons within their own countries, El Salvador (450,000) and Guatemala (250,000). In the Near East, the status of Afghan refugees, estimated at 2.9 million in Pakistan and at 750,000 in Iran, remains unchanged, as does that of 2 million Palestinians scattered throughout the area. In Lebanon, civil war and political and religious differences have displaced an estimated 600,000 persons, and countless others have been affected by the violence.

Of the three methods to solve refugee situations—voluntary repatriation, local settlement in neighboring countries, and international resettlement (including resettlement in the United States)—the latter is utilized only when necessary. While the United States government works with the United Nations High Commissioner for Refugees and other cooperating governments in trying to facilitate the first two of these approaches, it also provides resettlement opportunities in this country for refugees of special humanitarian concern as determined by the President after consultations with the Congress.

For FY 1984, a ceiling of 72,000 admissions was authorized for Indochinese, Polish, Afghan, Ethiopian, and other refugees in whom the United States had a special interest. The Department of State estimates that actual admissions will reach 71,000 persons by the end of the fiscal year. As in past years, in order to maintain an effective program of English-as-a-Second-language and Cultural Orientation courses for Indochinese refugees, a number of these refugees approved by the Immigration and Naturalization Service (INS) in this fiscal year will enter the United States in FY 1985. New INS refugee-processing guidelines, which brought greater order and stability to the procedures, became effective on August 15, 1983. These guidelines permit the Attorney General to determine categories of persons who share common characteristics that identify them as targets for persecution in Indochina.

Fiscal Year 1984 Overseas Implementation of the Refugee Act of 1980 and the Migration and Refugee Assistance Act of 1962

1. REFUGEE RELIEF AND ASSISTANCE

During FY 1984, the United States continued to work with international organizations and other countries to alleviate the misery and suffering of refugees throughout the world. Although the UNHCR carries the principal responsibility for providing for the care and maintenance of refugees, movements of large numbers of people often outstrip its resources, and it becomes necessary to call upon the support of the World Food Program (WFP), the United Nations Relief and Works Agency for Palestinians in the Near East (UNRWA), the International Committee of the Red Cross (ICRC), the Intergovernmental Committee for Migration (ICM), other international organizations, and many American and foreign private voluntary agencies. Such assistance ranges from food and medical support which is provided for immediate needs to educational and agricultural services provided to promote refugee self-sufficiency. During the course of the year, major United States support was provided to international food relief programs in Central America, Pakistan, Somalia, Sudan, and Thailand, as well as to education, health, and other services for Palestinians in the Near East.[2]

Relief assistance in Africa has been a major factor in assisting those nations to continue their traditionally generous asylum and settlement policies toward refugees and persons fleeing political violence and civil strife. The principal amount of aid has been directed toward Ethiopian refugees in Somalia (400,000 persons), Sudan (400,000 persons), and Djibouti (13,500 persons). Other significant amounts are directed toward Ugandan refugees in Sudan (200,000 persons) and Rwanda (30,000 persons), and toward other groups of refugees in Tanzania (181,000 persons), and Zaire (301,800 persons). The United States contribution in FY 1984 to UNHCR for its African program is $43,000,000, and to ICRC, $6,300,000. Additional United States' contributions have been made through the Food for Peace program in Somalia. The emergency situations in Angola and Mozambique are handled by international agencies other than UNHCR which also receive contributions from the United States.

In East Asia, the first asylum countries of Thailand, Malaysia, Indonesia, the Philippines, and the British Crown Colony of Hong Kong continue to provide asylum to 155,300 Indochinese refugees. UNHCR, ICRC, and voluntary agencies provide care and maintenance to those refugees as well as to those refugees in Refugee Processing Centers (up to 26,000 at any one time) undergoing language training and cultural orientation, almost all of whom are destined for resettlement in the United States. Because of the relief assistance provided by the United States and other countries through the WFP and the United Nations Border Relief Operation (UNBRO), the Khmer emergency has stabilized. The emergency assistance phase of the situation within Kampuchea is over, and assistance is now being channeled through regular development agencies. Most of the displaced Khmer on the Thai-Kampuchean border, who currently number approximately 232,000 persons, receive food and medical care as well as protection. This program continues to command widespread international support. The United States provided over $12 million in 1984 for Khmer relief. The international community under the aegis of the UNHCR also funds ($2.7 million in 1983-84) the operation of a Thai government anti-piracy program to deter pirate attacks on Vietnamese boat refugees.

During 1984, UNHCR's expenditures for assistance to refugees in Latin America increased. The bulk of the program, approximately $27 million, of which the United States expects to contribute about one-third, is directed toward Central America. The total number of refugees in that region has not changed that much in the past year, except for relatively small yet significant new flows out of Nicaragua into Honduras and Costa Rica and out of Guatemala into Mexico. The UNHCR program provides assistance to most of the 118,800 Salvadoran, Nicaraguan (including Miskito Indians), and Guatemalan refugees in the area. In addition, the United States has provided other aid to an estimated 450,000 Salvadorans displaced by violence and strife within their country. The Department of State has authorized an expenditure of $7 million for this group as well as $3 million to the ICRC for its work in El Salvador. The United States Agency for International Development has initiated a three year $60 million program as well to relieve their situation. In Guatemala, an estimated 250,000 internally displaced persons are receiving relief assistance from Catholic Relief Services and the Guatemalan government.

In the Near East, the United States contributed $109 million in relief. Much of that amount was used to meet the needs of the diverse groups affected by the 1982 invasion of Lebanon. As in the past, the international community contributes major sums to UNRWA for the education, health, and relief services of 2 million Palestinian refugees under UNRWA's mandate. Eighty-eight countries, as well as the European Community, various special funds, and private organizations contributed to UNRWA's program in 1983.

In South Asia, Pakistan has been host to the world's largest refugee population, an estimated 2.9 million Afghans who have fled their homeland since the Soviet invasion in December 1979. The United States plans to contribute about $21.1 million to the ICRC and the UNHCR's 1984 budget for general care and maintenance. The WFP, in cooperation with UNHCR, is responsible for projecting the food requirements of the program and procuring commodities from donor nations to meet these needs. The United States supplied $42.5 million in food to the WFP program for Pakistan in 1982, and pledged $43 million for 1983. Additionally, 17 international voluntary agencies provide refugee relief supplies and services. During FY 1984, the United States contributed over $3 million to support voluntary agency programs and the International Committee of the Red Cross.

Pending durable solutions to the numerous refugee situations throughout the world, relief and assistance will continue to be needed to address immediate crises, and to meet long-term needs.

U.S. Senate,
Committee on the Judiciary,
Washington, DC, September 26, 1984.

The President,
The White House,
Washington, DC.

Dear Mr. President: The Committee on the Judiciary has now concluded its consultations with your representatives on the proposed refugee admissions for fiscal year 1985.

The Committee feels that the proposed level of refugee admissions for fiscal year 1984—70,000—reasonably reflects the existing international refugee situation, and will

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[2] See Table I, "United States Contibutions to International Refugee Situations, FY 1984 and FY 1985."

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still well demonstrate this nation's continuing humanitarian commitment to assist victims of persecution throughout the world. We note that of that total, not to exceed 10,000 admissions will be "earmarked" for the first time for the Orderly Departure Program from Vietnam, some of which admissions may be used to facilitate the departure of Asian-American children and those now in "re-education" camps.

The Committee commends the Administration for these new initiatives to deal with those two groups of refugees in Vietnam who are of special humanitarian concern to this country. We assume that these new Orderly Departure initiatives will contain controls sufficient to ensure that the program will meet American objectives rather than primarily those of the sending state.

We note further that the Administration also proposes to make an adjustment to permanent resident status of up to 5,000 asylees during fiscal year 1985, which action will effectively provide a total of 75,000 "slots" for permanent resettlement in the United States for those who have fled political persecution in their own homelands.

Our understanding is that as in the past, these levels represent ceilings on total admissions, not quotas, and that each case will be examined on its merits.

We trust that the Administration will be mindful of the desirability of avoiding the buildup of large backlogs of approved refugees, especially in Southeast Asia. We understand that that processing structure necessarily results in a number of refugees being "in the pipeline" at the end of a fiscal year, but we question the wisdom of intentionally approving and removing to refugee processing centers, numbers in excess of the annual ceilings. This practice has the effect of obligating admissions before they have been the subject of consultation.

These backlogs, and the pressure for additional numbers, are increased when we process in one fiscal year large numbers of refugees who are in the lowest priority category—those designated as "P-6's"—knowing there will be more refugees next year who will fall into the higher categories. This practice, which is occurring in the processing of Khmer refugees in Thailand, actually "mortgages" future resettlement numbers for refugees in high priorities and others who may have a stronger claim to America's attention.

We note finally that the Committee welcomes the opportunity to meet with Administration representatives again at mid-year to review current developments. We deeply appreciated the attendance of Secretary Shultz at the Constitution hearing.

Most sincerely,

Strom Thurmond, Chairman; Alan K. Simpson, Chairman, Subcommittee on Immigration and Refugee Policy; Joseph R. Biden, Jr., Ranking Minority Member; Edward M. Kennedy, Ranking Minority Member, Subcommittee on Immigration and Refugee Policy.

COMMITTEE ON THE JUDICIARY,
Washington, DC, September 14, 1984.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We have completed the consultative process mandated by P.L. 96-212, the Refugee Act of 1980, with regard to refugee admissions and allocations for FY 1985 as recommended by you and transmitted to us by the U.S. Coordinator for Refugee Affairs, Ambassador H. Eugene Douglas.

The proposal calls for a ceiling of 70,000 refugees to be allocated as follows: 50,000 from East Asia, of which 10,000 numbers will be used for the Orderly Departure Program from Vietnam; 3,000 from Africa; 9,000 from Eastern Europe and the Soviet Union; 3,000 from Latin America and the Caribbean; and 5,000 from the Near East and South Asia.

We are pleased to advise you that we interpose no objections to the number and allocations as recommended.

We note that, as in the past, these numbers are to be considered as ceilings rather than goals. During the course of the fiscal year, should there be a need to reallocate refugee numbers between regions, we respectfully request that we be consulted prior to effectuating any shift in numbers.

This Committee would appreciate being kept advised on a monthly basis by the U.S. Coordinator for Refugee Affairs with regard to the progress of the FY 1985 refugee admissions program.

Sincerely,

Hamilton Fish, Jr., Ranking Minority Member, Committee on the Judiciary; Daniel Lungren, Ranking Minority Member, Subcommittee on Immigration, Refugees, and International Law; Peter W. Rodino, Jr., Chairman, Committee on the Judiciary; Romano L. Mazzoli, Chairman, Subcommittee on Immigration, Refugees, and International Law.

U.S. COORDINATOR FOR
REFUGEE AFFAIRS,
Washington, DC, October 2, 1984.

Hon. ALAN K. SIMPSON,
U.S. Senate.

DEAR MR. CHAIRMAN: I am pleased to provide you with the Presidential Determination on refugee ceilings for FY 1985.

Before the President reached his decision he carefully considered Congressional views expressed during the consultation process.

Thank you for the support extended to me and to my staff. I appreciate your working closely with us in an effort to improve American refugee programs.

Sincerely,

H. EUGENE DOUGLAS,
Ambassador-at-Large.

THE WHITE HOUSE,
Washington, September 29, 1984.

Presidential Determination No. 85-1.

Memorandum for the Honorable H. Eugene Douglas, U.S. Coordinator for Refugee Affairs.

Subject: FY 1985 refugee ceilings.

In accordance with the relevant statutes and after appropriate consultations with the Congress, I have determined that:

The admission of up to 70,000 refugees to the United States during FY 1985 is justified by humanitarian concerns or is otherwise in the national interest;

The 70,000 worldwide refugee admission ceiling shall be allocated among the regions of the world as follows: 3,000 for Africa; 40,000 for first asylum from East Asia and 10,000 for the East Asian Orderly Departure Program; 9,000 for Eastern Europe and the Soviet Union; 3,000 for Latin American and the Caribbean; and 5,000 for the Near East and South Asia.

An additional 5,000 refugee admissions numbers shall be made available for the adjustment to permanent residence status of aliens who have been granted asylum in the United States, as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with provisions of the Immigration and Nationality Act and after appropriate consultations with the Congress, I specify that special circumstances exist such that, for the purposes of admission under the limits established above, the following persons, if they otherwise qualify for admission, may be considered refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence:

Persons in Vietnam with past or present ties to the United States, including Amerasian children; and

Present and former political prisoners, and persons in imminent danger of loss of life and their family members, in countries of Latin America and the Caribbean.

You will inform the appropriate committees of the Congress of these determinations.

This memorandum shall be published in the Federal Register.

RONALD REAGAN.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 which would permit Mr. Jerry M. Ray of the staff of Senator HOWELL HEFLIN to participate in a program in Taiwan, Republic of China, sponsored by the Chinese Cultural University, from November 9-15, 1984.

The committee has determined that participation by Mr. Ray in the program in Taiwan, at the expense of the Chinese Cultural University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Jo-Anne Coe, of the staff of Senator ROBERT DOLE, to participate in a program in the Republic of China, sponsored by the Chinese Culture University from November 9-15, 1984.

The committee has determined that participation by Mrs. Coe in the program in the Republic of China, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. T. Scott Bunton, a member of the staff of the

Democratic Policy Committee, to participate in a program in Ottawa and Montreal, Canada, sponsored by the Centre for Legislative Exchange of Ottawa, from October 14-17, 1984.

The committee has determined that participation by Mr. Bunton in the program in Canada, at the expense of the Centre for Legislative Exchange of Ottawa, to discuss United States-Canadian relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Sara Thomasson of the staff of Senator CHARLES GRASSLEY to participate in a program in Taiwan, sponsored by the Chinese Culture University from November 9-15, 1984.

The committee has determined that participation by Ms. Thomasson in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit A. Renee Coe, of the Subcommittee on Employment and Productivity, to participate in a conference in Canada from October 14-17, 1984.

The committee has determined that participation by Ms. Coe in the conference in Montreal and Ottawa, Canada, at the expense of the Centre for Legislative Exchange of Ottawa, to discuss United States-Canadian relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, which would permit Mr. Ian Butterfield, of the staff of Senator WILLIAM ROTH, to attend the Hal Rosenthal Memorial Seminar in Israel, November 11-21, 1984, sponsored by Project Interchange.

The committee has determined that participation by Mr. Butterfield in the seminar in Israel, at the invitation of the Leonard Davis Institute for International Relations of the Hebrew University of Jerusalem, at the expense of Project Interchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mrs. Mary McGuire of the staff of Senator FRANK MURKOWSKI and Mr. Neal J. Houston of the staff of Senator ROBERT STAFFORD, to participate in a program in the Republic of China, sponsored by the Chinese Culture University, from November 9-15, 1984.

The committee has determined that participation by Mrs. McGuire and Mr. Houston in the program in the Republic of China at the expense of the Chinese Culture University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Polly L. Gault, staff director of the Subcommittee on Education, Arts and Humanities, to participate in a program in Bonn-Berlin, West Germany, sponsored by the Konrad Adenauer Stiftung Foundation from November 10-17, 1984.

The committee has determined that participation by Ms. Gault in the program in West Germany, to attend briefings on the German Government, at the expense of the Konrad Adenauer Stiftung Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Jim Gould of the staff of Senator LLOYD BENTSEN, to participate in a program in the Republic of China, Taiwan, from November 9-15, 1984, sponsored by the Chinese Culture University.

The committee has determined that participation by Mr. Gould in the program in Taiwan, at the expense of the Chinese Culture University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.●

REPORT TO THE PEOPLE OF MISSISSIPPI FOR 1984

● Mr. STENNIS. Mr. President, it has been my practice over the years to make a special report to the people of the State of Mississippi at the end of each session. The purpose of this report is to discuss the important issues considered by the Congress and to give an account of my position on these issues. Additionally, I report to my fellow Mississippians on those matters which may be of special interest to them.

First, I express my deepest appreciation to the people of my State for their continued trust and confidence. This 2d session of the 98th Congress was my second year of a seventh term as their Senator. Over these 37 years I have reaped from these generous people a bountiful harvest of wisdom, advice, encouragement, assistance, support, and friendship to build a special reserve that I hope will continue to repay Mississippians.

I am pleased to work with the entire Mississippi congressional delegation. I am honored to serve with this outstanding delegation and appreciate very much the cooperation and assistance they have rendered over the years.

My office staff and the staffs of the committees on which I am honored to serve have been a great source of strength to me. I deeply appreciate their hard work and effective performance. Their skills and diligence, coupled with their loyalty and generous personal support made a special difference to me as I pursued the legislative tasks of this year.

I also express a special thanks to the staff members associated with this body. Their courtesies and support shown to me and my staff have always been outstanding.

A special appreciation goes to my fellow Senators and our leaders. Their counsel, wisdom, courtesies, and leadership have been a great help to me. As I said previously in the closing days of this Senate session, we have been blessed with two good leaders at the same time. Senator BAKER, from Tennessee, the majority leader, and Senator BYRD, our Democratic leader from West Virginia have added great strength to this body. They are two bright, shining lights of achievement, stability, and judgment required for the leadership demanded by their positions. The people of the United States are indeed blessed.

I am especially sorry that Senator BAKER will be leaving us. He has meant much to the country and this institution. He is highly capable. As I have told him and have said publicly on other occasions, I believe he is capable of holding any office of the United States that is within the gift of the people.

As I look back at the year 1984, I was of course not satisfied with all that was accomplished. This was especially true in the area of the budget. Despite the constant attention paid to economic and fiscal problems, it seems that a balanced budget today is as far off as it was 4 years ago.

It greatly concerns me that the Government is so deeply in debt and year after year annual Federal deficits have piled up even more debt. It is a serious situation which I believe threatens our system of government. No person, no household, no business, no government can continue to spend more money than it takes in. The priority purpose of the next Government formed by the 1984 elections should be to put forth and agree to a plan for achieving a balanced budget. The time to agree to this plan is early in the session before the Congress is distracted by other matters of importance. There will not be a better time than the coming year.

When the Congress reconvenes it will be working on the 1986 budget year which starts October 1 of 1985. 1985 will be the third year of the current economic growth period. In the opinion of most financial experts, that current growth cannot continue if Government deficit spending and borrowing continues at a high level.

Achieving a balanced budget will not be easy. The Government budget is huge and complex. It provides for many programs and services which affect most of us. Balancing the budget will mean giving up a portion of these programs and services. Balancing the budget may also require increasing revenues and, of course, when taxes are increased the question of fairness will be raised. But, as difficult as it may be, we must pull together as a government and as a nation to put our country on a sound fiscal course. The alternative would be to suffer even greater economic consequences.

On the bright side, I believe we have to look at the coming year as a window of opportunity. Inflation is down. Employment is up and the economy is growing again. The election is over and it is my hope that the newly elected President will lead the way in this effort. It is vitally important to our national security.

I will elaborate on the seriousness of this situation both from a fiscal policy standpoint and a legislative procedures standpoint in this report on 1984. I am hopeful that the history of the current Government's failure to produce a plan for achieving a balanced budget will be instructive and provide direction for the future.

APPROPRIATIONS BILLS AND BUDGET PROCEDURES

I am proud to serve as the ranking Democratic member of the Appropriations Committee and honored to have the privilege of joining the outstanding Senators who serve on this committee under the leadership of Chairman MARK HATFIELD, the distinguished Senator from Oregon. Chairman HATFIELD and I have served together for many years on this committee, and I hold him in the highest regard as a public servant, a Senator and a great patriot.

The committee's work was frustrated by a stalemate over this year's budget. It was not until the last days of the Congress on October 1 that the fiscal year 1985 budget resolution was adopted. Months of debate over the positions taken by the White House on the level of Defense spending and the size of the deficit delayed this resolution from May 15, the schedule required by law, to October 1. For a period there were many who thought that the Congress would not be able to pass a budget resolution and would violate the legal requirement set forth in the Congressional Budget Act of 1974.

Fortunately, Senator CHILES, the ranking member of the Budget Committee, using a procedure made possible by the Congressional Budget Act, objected to proceeding any further on appropriations bills until a budget resolution was adopted. Through his act the Congress was compelled to carry out its responsibilities. Although I regretted the delay and the consequent failures to act on the regular appropriated bills, I was happy that the Congress was able to preserve its budget discipline.

Because of these delays, by October 1, the start of fiscal year 1985, Congress had passed only four of its 13 regular appropriations bills: Commerce, State, Justice; judiciary; energy and water development; housing and urban development; and legislative branch. The House passed 10 of its regular appropriations measures: the Senate, 8.

In the final days before adjournment, the Congress passed a $467 billion continuing resolution that will run the Government until September 30, 1985, the end of the fiscal year.

The bill contains funds for the Departments of Agriculture, Defense, Interior, Labor, Health and Human Services, Education, Transportation, Treasury, Postal Service and funds for foreign and military construction.

The bill also contains as an amendment a major revision of the criminal code which the chairman of the Judiciary Committee, Senator THURMOND, said was the most significant crime bill since the 1968 Omnibus Crime Control and Safe Streets Act.

Altogether the appropriations bills passed by the Congress this year were $17.2 billion less than requested by the President. This continues the good record of the committee on holding the line on spending, but it is increasingly clear that there is an urgent need for the President and the Congress to pull together in an effort to bring spending and taxes more in line.

I was not happy that the appropriations measures were lumped together in this fashion. It lacks order and discipline. The experience of the past 4 years has moved me to think that the committee system and the legislative procedures, especially in the area of the budget, need to be revised to preclude last minute consideration of the main body of Government financing along with signficant changes in substantive law, such as the crime bill.

THE 1985 BUDGET

Following a pattern established in his first budget, President Reagan's original budget for fiscal year 1985 forwarded to Congress in February 1984 proposed spending restraint in most areas of Government except Defense. The budget totals also showed large deficits for fiscal year 1985—$180 billion—and following years. More recent estimates—August 1984—have lowered the expected 1985 deficit to $167 billion—Office of Management and Budget—or $178 billion—Congressional Budget Office.

In the initial budget, the President included $27.2 billion of spending and tax proposals that would have reduced the deficit projected under current law from $207.6 billion in 1985 to the President's budgeted deficit of $180.4 billion.

The President's budget request emphasized that the gap between spending and receipts had become too large. The President warned in February that growth would not cause these large annual Federal Government deficits to go away.

The President's fiscal year 1985 budget stated:

> Budget projections on a current services basis—that is, assuming no further policy actions to curb spending growth or increase receipts—indicate that deficits will remain near the $200 billion level even after the economy has returned to lower levels of the unemployment rate, below 6% in 1989. At that time economic recovery will have completed its contribution to deficit reduction. Attempts to achieve still lower levels of unemployment by monetary stimulus would be likely to lead to a reacceleration of inflation and an end to sustainable economic recovery, so projected deficits at this level of unemployment are not 'cyclical' or temporary. They are permanent or structural and will persist unless determined policy actions are taken to eliminate them.

The financial and economic community agreed with the administration's view that if no actions were taken to reduce these huge projected deficits that they would pose serious economic problems. It was generally agreed that if the deficits were financed by money creation, they would cause inflation to move to higher levels and bring about the inefficiencies, misdirection of resources, and the instability that led to the stagnant growth and recession of the previous decade.

Additionally, it was agreed that credit demands of the Federal Government would crowd out private investment and inhibit growth by hurting the homebuyers, farmers, and businesses which depend on credit by generating excessively high interest rates. Also, excessive Federal borrowing would add to the Nation's trade deficit and causes problems for U.S. exporters and for domestic industries that must compete with imports.

Both the House and the Senate responded to the President's budget with calls for greater deficit reduction. After a period of hearings on the budget, Senate Republican leaders and the President agreed in March to a larger deficit reduction plan than envisioned in the original budget. This so-called Rose Garden budget proposed revenue increases of $50 billion and spending reductions of $100 billion over 3 years. But, even though the President proposed substantially more deficit reductions in the Rose Garden plan in March than in his initial February budget, the still enormous size of the deficits and the lack of a plan to balance the budget provoked a higher controversial budget debate.

In the spring, the budget debate focused on the urgency of bringing the budget under control. Several attempts were made to bring discipline to the process. During the debate I offered along with my colleague from South Carolina, Senator HOLLINGS, former chairman of the Senate Budget

Committee, an amendment to the first budget resolution which would have virtually balanced the budget by 1989. This plan called for an across-the-board sharing of the burden of balancing the budget. This concept of shared sacrifice and early deficit reduction—nearly $40 billion in 1985—made it a do-able and realistic alternative for dealing with this deficit.

This amendment failed by a narrow margin but I believe the logic and fairness of an across-the-board approach is gaining in popularity.

Regrettable, a plan for balancing the budget was not achieved this year. After months of debate and negotiations between the White House and congressional leaders, Congress achieved a compromise budget resolution that called for less of a reduction in the deficit than I felt was necessary. The budget resolution provides insufficient relief from the staggering deficits that threaten the Nation's economic future. Election year politics seemed to stand in the way of reaching a solution.

But, in recognition of my belief that it will take bipartisanship to break the pattern established by a breakdown in leadership and discipline, I offered a proposal to establish a Bipartisan Commission on the Deficit whose objectives would be to submit to the President not later than January 10, 1985, a budget plan for fiscal years 1985 through 1990 that would result in a balanced Federal budget not later than fiscal year 1990.

It is my belief that a consensus exists in the Nation and in the Congress for balancing the budget as soon as possible. It will not be easy, but it must be done. It is a fundamental truth that no national government can continue to live off of credit year after year, without eventually destroying its economy. The serious damage which can result from the growing deficit and the growing burden of interest payments which must be paid on money borrowed by the government is widely recognized. It is up to the elected leadership to act. Clearly, we must work together as a nation to tackle this problem. It is too serious for partisan politics. It will require leadership and careful and thoughtful consideration of the economic situation. Most of all, it will require discipline and a willingness to share in the effort required to put the Nation's fiscal affairs in order.

HISTORY OF 1984 ACTIONS ON THE DEFICIT FOR FISCAL YEAR 1985–87

[In billions of dollars]

	1985	1986	1987
President's February budget	180	177	181
"Rose garden" plan in March	181	185	204
Stennis-Hollings plan	158	129	104
Compromise 1st budget resolution	181	193	207

GROWTH IN THE NATIONAL DEBT

Large annual deficits, especially in recent years, have caused the Federal debt to grow very rapidly. For example, under current law, the debt is projected to increase from $1.5 trillion in 1984 to $3.1 trillion in 1989—more than doubling in 5 years. The rapidity of growth in the debt in recent years is alarming. By way of illustration, since I have been a Member of the Senate from 1947 through 1981, which includes the administrations of Presidents Truman through Carter, $477 billion was added to the Nation's debt. In the past four annual budgets, $655 billion was added to the Nation's debt. As of the last day of the 98th Congress, the Nation's borrowing authority was raised to $1.8 trillion from the current limit of nearly $1.6 trillion.

UPDATED CBO BASELINE BUDGET PROJECTIONS OF DEBT SUBJECT TO STATUTORY LIMIT AUGUST 1984

[By fiscal year; in billions of dollars]

	1983 actual	1984 base	Projections				
			1985	1986	1987	1988	1989
Revenues	601	673	751	811	881	965	1,042
Outlays	796	845	929	1,006	1,097	1,203	1,305
Unified budget deficit	195	172	178	195	216	238	263
Debt subjected to statutory limit	1,378	1,572	1,818	2,095	2,402	2,754	3,140

GROWING BURDEN OF PAYING INTEREST ON THE NATIONAL DEBT

We are living beyond our means by borrowing against the future. The Government is borrowing the Nation's savings and the savings of foreign investors at the highest level in the Nation's history. This policy is robbing future generations of the ability to grow.

It is a policy which will sap the strength of the economy—the Nation's strength in productivity will be weakened. It is a policy of bankruptcy. It is a policy of high risk with grave economic and social consequences.

We're in a deep hole of Federal debt. The severity of our position is obvious on the face of it. For example, the tax increase and spending cut which the President signed into law in July of this year will not mean lower Federal budget deficits in the coming years because the savings achieved in this legislation will be eaten up by rising interest costs. The Deficit Reduction Act of 1984, which was finally agreed to after months of difficult bargaining, is the so-called down payment on moving the budget back toward balance. It will boost Federal taxes $10.6 billion in 1985, and $16.9 billion in 1986 while cutting spending about $4 billion each year.

But this year the Government will borrow about $175 billion—more than $1 out of every $5 that it spends, and its net interest bill will reach about $110 billion. If interest rates climb, the $110 billion forecast for each year could easily jump by $25 billion in 1985 and $35 billion in 1986.

The rise in interest payments, which must be paid, will be about as big as the increase in defense spending in 1985. The increase in interest cost alone will be as big as the total combined costs of Federal welfare payments to the elderly, and to families with dependent children, and all housing assistance programs.

The debt and interest payments on the debt are rising faster than the economy. Each year the Government has to borrow still more to pay the interest due on the money borrowed to pay interest the previous year. This is the budget equivalent of compound interest.

According to the latest projections of the Congressional Budget Office, the net interest budget category will more than double in 5 years, increasing from $111 billion in 1984 to $214 billion in 1989, an increase of 93 percent.

Congressional Budget Office, projections for net interest payments, August 1984

Net interest:	
1983 actual	90
1984	111
1985	134
1986	150
1987	169
1988	194
1989	214

This is a highly unstable situation. Higher interest rates, combined with the costs of refinancing a huge national debt have created a condition where interest payments on the debt is the fastest growing category of Government spending. The deficit is being driven by the deficit.

DEFENSE AUTHORIZATION AND APPROPRIATION BILLS

I have served on the Armed Services Committee since 1951, including 12 years as chairman. Although I relinquished the chairmanship in 1981, my interest and participation in the committee's activities have in no way diminished. I have an excellent relationship with the current chairman, Senator **Tower**, and the ranking minority member, Senator **Nunn**.

I have served on the Defense Appropriation Subcommittee since 1955 and am the ranking minority member of both this subcommittee and the committee as a whole. As a result of my assignment on these two committees, I play a unique role in the Senate as I am the only Senator who serves on both committees. I participate in the development of the basic defense plans and programs, as well as assure the appropriation of sufficient funds to execute these programs.

DEFENSE BUDGET AND DEFENSE SPENDING

This year, the President proposed substantial increases in spending for national defense as part of a $1.9 trillion 5-year program. Initially, the

President requested congressional approval of $313.8 billion for national defense in 1985. Later, as part of the so-called Rose Garden Agreement, the President lowered his request to $298.4 billion. Ultimately, the Congress approved $292.5 billion for 1985, a reduction of $21.3 billion from the original request, but an increase of $27.2 billion over the funding provided by Congress in 1984.

These increases continue to be necessary to fully meet our national security requirements, but we must continue to find ways to get more real military muscle out of the defense dollar.

In the past, we have been troubled by massive increases in the costs of major weapons systems. However, the problem seems to have abated and the costs of most major weapons systems have been restrained this year. We do have considerable evidence of major problems in the purchase of spare parts for military equipment—reports about grossly excessive prices for items such as bolts and wrenches trouble me.

I have always been for a frugal, make-do, practical approach to military programs. Now, more than ever, there must be frugality. We must continue to search out and slice away at waste, extravagance, and fraud so that our military forces are lean, trim, and ready to perform its fighting mission.

Frugality is essential for another reason—the public support of the military and the military budget will quickly evaporate if our military purchasing managers do not show real improvement in how they buy spare parts. Without a clear demonstration of frugality in our defense spending, there will be a great and justifiable pressure to restrain the defense budget.

STRATEGIC ARMS PROGRAMS

A major focal point of the debate over this year's defense budget was the decision to continue production of the MX missile. I have been a supporter of the MX missile deployment. It has been an important demonstration of our military resolve to the Soviets and it may thus contribute to efforts to control the growth of nuclear arms.

The Congress has chosen to defer the final decision on 1985 funds for production of additional MX missiles until next spring. At that time, we will be able to review our military needs as well as progress achieved on arms control. I firmly believe that it is vital for the United States to continue efforts to limit all nuclear arms. Recent statements by Soviet leaders create some hope that fruitful arms control talks might begin within the next year. Hopefully, these talks might lead to an equitable and verifiable treaty controlling and reducing the level of strategic nuclear weapons.

NATIONAL GUARD AND RESERVE

The growing importance and the growing performance of our National Guard and Reserve Forces is one of the very bright things in the present picture with reference to our military preparedness and our Armed Forces. I have been among the men and women who constitute these National Guard and Reserve units, and I find that many have had seasoned military training in the regular service. They are leaders in their communities, supporters of the schools, the churches, the civic organizations, and all the activities that make up the American way of life. They have some affinity with military life and military training because they stay with it year after year and show a fine performance.

These are not merely words. The record shows that many of these units outperform the regulars in corresponding types of military units. That is not just in easy maneuvers but also with respect to the complicated assignments.

The Guard and Reserve have not received their full share of the large increases in the Defense budget. They have not had too fine recognition from the regular services, and that is not any criticism of the regular services. They, naturally, put most of the money into their needs. But Congress is now allotting more money each year for modern equipment.

As I have stated over and over again, our Guard and Reserve Forces deserve field units with equipment that still has the factory paint on it, rather than something that is worn out and almost ready to be thrown away. Instead, the weakest link in assuring that our Guard and Reserves are fully combat ready has been the obsolescence, compatability, and shortages of equipment. I have advocated for a number of years that a long-term plan and additional funds are required to assure that essential equipment is provided to our Guard and Reserve Forces. This is the only way that our total force requirements can be met in these claims of constrained fiscal resources.

In fiscal year 1982, I proposed a $400 million long-term plan to assure that essential equipment was provided to the Army National Guard. This amendment included a requirement for an annual report by the Secretary of Defense on the equipment needs of the Guard and Reserve, which has been a good start in insuring that the equipment needs of the Guard and Reserve receive adequate consideration. This amendment also included $50 million as a down-payment for equipment needs as identified by the Guard leaders.

In fiscal year 1983, the scope of this plan was expanded from $400 million to $2.6 billion to include all the Reserve components. Congress appropriated $125 million that year to begin equipping the higher priority units of the Guard and Reserve.

In fiscal year 1984, $125 million was approved by Congress for the equipment needs of the Guard and Reserve—$100 million for the Army National Guard and $25 million for the Air National Guard. In addition, I offered an amendment, which was adopted, increasing the end strength of the Army National Guard by 3,000 above the administration request.

This year, fiscal year 1985, the defense bill includes $380 million to upgrade equipment for National Guard and Reserve Forces, a continuation of the "Stennis Plan".

With the money the Guard and Reserve have received, they are able to begin supplying new equipment to the good people in the goods units in the field. The equipment they have purchased includes Air Guard long-haul communications equipment, radios, trucks, and air defense equipment—brand new, top-of-the-line equipment for these deserving and dedicated soldiers.

NAVY SHIPBUILDING PROGRAM

The fiscal year 1985 Navy Shipbuilding Program contains several projects of interest to me. First, the bill continues the CG-47 AEGIS guided missile cruiser program. There is over $2.9 billion for procurement of three more CG-47's in this year's defense bill. The Navy plans to build 27 of these cruisers to be the backbone of the surface combatant fleet and its air defense capability. Thus far, 15 of these CG-47 cruisers are under contract and Ingalls Shipbuilding of Pascagoula is to construct 13. Ingalls built the first ship of this class, the U.S.S. *Ticonderoga,* which was commissioned in January 1983.

The bill also provides approximately $1 billion for procurement of the lead ship of the DDG-51 Arleigh Burke class guided missile destroyer. This new destroyer is being built to replace existing guided missile destroyers which are to be retired beginning in the late 1980's. The contract for this lead ship is to be awarded in 1985 and Ingalls Shipbuilding anticipates being the lead shipyard in this competition.

Another ship being funded in this year's Navy budget is the new class of amphibious assault ships, the LHD-1. The first LHD-1 was fully funded in last year's budget, with the contract being awarded to Ingalls. This year, $39.2 million was included for advance procurement of the second ship and again, Ingalls is expected to be the top bidder on this ship. The LHD-1 is similar to another class ship which Ingalls helped design and construct.

MILITARY CONSTRUCTION IN MISSISSIPPI

This year, the Senate and House Appropriations Committees agreed to a total figure for military construction of $8.4 billion. Of this amount, over $69 million was approved for more than 25 projects at military installations throughout the State of Mississippi. Major projects include $7.8 million at A.C. Thompson Field in Jackson for a ramp expansion and fuel system modification to accommodate delivery of eight C-141 aircraft for the strategic airlift mission of the Air National Guard and $8.1 million for a major rehabilitation/winterization project at Camp Shelby in Hattiesburg.

Also included are 10 projects, totalling over $21 million, for the Naval Construction Battalion Center in Gulfport. The Navy plans to increase its number of active duty naval mobile construction battalions—or Seabee battalions—above the eight it presently has. This year's budget includes money for 9th active duty Seabee battalion, which is to be homeported in Gulfport. This will bring the total number of Seabee battalions homeported there to five. Some of these military construction projects funded are in direct support of this plan. As many of you know, the Seabees have provided essential facilities to support all branches of our military services in combat operations, while in peacetime, Seabee battalions are deployed around the world training and developing their construction skills while building facilities at U.S. bases overseas.

The military installations in Mississippi for which money was appropriated for fiscal year 1985 are as follows. Those projects marked with an asterisk denote ones which I was instrumental in adding to the bill:

Fiscal year 1985 military construction—Mississippi

Navy:	
Naval Oceanographic Office, Bay St. Louis:	
Data processing center addition	$1,570,000
Naval Oceanographic Command, Bay St. Louis: Administrative office	375,000
Naval Construction Battalion Center, Gulfport:	
Seabee military training building	1,860,000
Gymnasium	1,740,000
Elevated portable water storage tank	810,000
Seabee regimental headquarters	2,590,000
Seabee battalion headquarters	2,800,000
Unaccompanied enlisted personnel housing	4,650,000
War reserves warehouse	4,460,000
Enlisted dining facility addition	1,580,000
Medical clinic addition	325,000
Pay and personnel support office	1,030,000
Meridian Naval Air Station:	
Aircraft operations building addition	[1] 1,150,000
New service roads to runway ends	[1] 750,000
Arm/dearm pads	[1] 1,300,000
Air Force:	
Keesler Air Force Base:	
Alter unaccompanied enlisted personnel housing	9,500,000
Multipurpose aircraft maintenance shop	3,100,000
Air condition composite medical facility kitchen	435,000
Energy conservation investment program—insulate buildings/alter mechanical	520,000
Alter electrical distribution system, phase III, part II	[1] 3,000,000
Columbus Air Force Base: Aircraft maintenance dock	[1] 5,000,000
Army National Guard:	
Camp Shelby:	
Land acquisition—phase III	941,000
Major rehabilitation	[1] 8,113,000
Air National Guard:	
Jackson (A.C. Thompson Field):	
Combined squadron operations/dining hall	2,400,000
Ramp expansion/fuel system modification	[1] 7,800,000
Gulfport: Munitions maintenance and storage facility	900,000
Total	68,699,000

[1] Denotes add-on.

THE ECONOMY AND SUSTAINING ECONOMIC PROGRESS

The close of this legislative year will end a second full year of growth in the national economy. These 2 years of growth were a welcome relief from the terrible suffering that occurred during the previous 2 years. Unemployment has improved from the disastrously high levels reached when the recession hit bottom in December 1982 with 11.9 million people unemployed. Currently, 8.5 million are out of work, a rate of about 7.5 percent. This is still too high and makes achieving sustained growth in the economy even more urgent.

I believe sustained growth can and must be achieved. Conditions in the economy make this a real possibility. The progress made in wage and price inflation is the basis for optimism. Prices of goods and services have slowed to a 4- to 5-percent rate from the very high level of 13.5 percent that was reached after the oil price shock of 1979 that doubled oil prices almost overnight and sent the prices soaring. While interruption of oil could occur because of some unexpected event, it is my belief that the U.S. economy has become more energy conscious and we now have, in place, programs in energy conservation and in developing energy alternatives to oil which could lessen the impact of an unexpected curtailment of oil. There seems to be sufficient supplies of oil to keep downward pressure on prices and makes the possibility of an arbitrary price hike by oil exporting nations unlikely.

The current price inflation environment was gained by paying a high price in unemployment. It did not come easily and should not be lost because of poor economic policies. In this regard, it is generally agreed by the financial and economic community that the main obstacles to sustained economic growth are unprecedented Federal budget and trade deficits. These twin deficits pose a clear danger to U.S. growth and stability. I have consulted with many financial and economic experts during the turmoil of the past decade, including the Chairman of the Federal Reserve, whose advice I value very highly, and I am advised that unless we close these gaps we risk losing all that has been gained, and we would jeopardize our future as a dominant economic nation. The Chairman of the Federal Reserve sounded the warning this year when he warned that we could become the world's largest debtor nation in the next year or two. Mr. Volcker's warning was so clearly made that it bears repeating in this report. He said in a statement to the Congress this year:

> What we have not done this past year is face up to other hazards to our prosperity and to our stability, hazards that are new to our actual experience but which have been long identified. I am referring, of course, to our twin deficits: the structural deficit in our Federal budget and the deficit in our external accounts, both at unprecedented levels and getting worse. Both of these deficits carry implications for the prospects of reducing our still historically high levels of interest rates.
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> So far, the strains have been masked by other factors of strength and by the rapidity of growth from the depths of recession. But with the passage of time and with full recovery, the predictable effects have become more obvious. They pose a clear and present danger to the sustainability of growth and the stability of markets, domestic and international. We still have time to act—but in my judgment, not much time.

The failure to act on these problems is underscored by high interest rates. It is my deep belief that high Federal budget deficits, coupled with the failure to propose a plan for achieving a balanced budget are important factors in the persistence of historically high levels of interest rates. The needed investment in the economy to meet the needs of our future, for jobs, to keep our goods and services competitive with growing international competition, will continue to be retarded. Therefore, while there is still time, I believe economic policies must focus on investing wisely, putting more into those investments which will improve the economy by improving productivity and strengthening our future generations.

I intend to continue to give special emphasis to those areas of Government investments which contribute to these objectives, with special attention to those areas that affect Mississippi.

The recession hit Mississippi hard, and the recovery has been slow in coming. Many of our industries in textiles, needleworking, shoemaking, and agriculture have been especially slow in coming. International competition has made recovery in these and other industries in the State especially hard.

The trade value of the dollar has made U.S. goods more expensive to overseas buyers and made foreign goods cheaper in this country. The high value of the dollar, which is related in large measure to high interest rates, is having a serious depressing effect on the Mississippi economy.

There are bright spots. New industries are being developed and new opportunities are being created. It is clear that Mississippi and other States in the Southeast must redouble their efforts to diversify their economies and make full use of their natural resources. As I have said for many years, in our region we have advantages. We have hard working people, a good climate, plenty of water, and excellent transportation access to the United States and to international trade.

In the following status reports on education, agriculture, forestry, water resources, industrial development bonds, the Tennessee-Tombigbee Waterway, parks and recreation, and the new Mississippi Institute of Technology, the opportunities and challenges for Mississippi's economic development are discussed further.

INDUSTRIAL DEVELOPMENT BONDS

On June 27, 1984, the Congress enacted legislation to restrict the growth and uses of private-purpose, tax-exempt bonds, often called industrial development bonds, or IDB's. This bill, signed into law on July 18, 1984, as the Deficit Reduction Act of 1984, Public Law 98-369, provides for a volume cap of $150 per capita or $200 million in each State's annual issuance of IDB's; terminates the authority of the State and local governments to issue bonds after 1987; and requires that not more than $40 million in IDB financing be outstanding for each beneficiary of the small issue bonds. The bill also prohibits the use of IDB's to finance businesses that were of questionable public purpose, such as gambling establishments, liquor stores, and massage parlors.

I agree that there were abuses by some in the use of these bonds, and I fully support those changes in the law to prohibit using these bonds for spurious and questionable projects. However, I believe these bonds have served Mississippi well and I opposed the volume ceiling imposed on the use of these financing instruments. Our State records show that the Federal Treasury received a net gain from the State of Mississippi by the use of these bonds. Mississippi's Research and Development Center in Jackson estimates that by use of these bonds 31,000 primary jobs were created from 1976 through 1983.

During consideration of this bill in the Senate, I successfully offered an amendment that would have removed the volume caps and extended the expiration date of the authority to use these bonds. However, this amendment was not fully agreed to in conference. The expiration date was extended but the restrictive volume caps remained. It is my belief that the value of these bonds as an economic development tool became more apparent to the administration and the Congress and we will successfully repeal the volume restrictions on these bonds.

WATER RESOURCES

It has been 8 years since Congress enacted any major water resources development legislation, and the need for such legislation has grown more pressing each year. There are many serious flooding problems in Mississippi that need correction, and project plans have been developed by the U.S. Army Corps of Engineers to correct these problems, but regrettably the Congress and the administration have not been able to agree on authorizing legislation.

The failure of the administration to agree to legislation stems mainly from the Congress being unwilling to accept the administration's proposals for greater sharing of the cost of construction than current policy requires. There was also strong disagreement between the administration and the Congress over increasing user's fees above those already imposed on barge operators to cover the costs of modernizing the waterways and over new revenues to dredge ports and harbors.

Omnibus water bills were reported by both the House and the Senate. These bills contained flood damage prevention projects for the Pearl River Basin and the Sowashee Creek. They also contained projects to improve the harbors at Gulfport, Vicksburg, and Greenville.

In the last days of the Congress, the House bill was attached to a stopgap spending measure, but unfortunately support was not strong enough to sustain these authorizations.

These projects are extremely important to Mississippi and will be given top priority when a new Congress reconvenes. Fortunately, we have been able to start work on the Sowashee Creek and Pearl River flood problems by appropriation of emergency funds. However, to solve these problems, and to start on harbor development, permanent comprehensive water resources projects should be authorized by congressional legislation.

TENNESSEE-TOMBIGBEE—AN OPPORTUNITY FOR ECONOMIC DEVELOPMENT

The 234-mile long Tennessee-Tombigbee Waterway is scheduled for opening to through barge traffic early next year. The opening will connect the Gulf of Mexico to 16,000 miles of inland waterways and provide a new route from the Gulf to the interior of the United States. Shipping traffic from points on the Ohio and Tennessee Rivers to Mobile, AL, is scheduled to commence on February 1, 1985, and the official dedication ceremony is planned for June 1, 1985, with major ceremonies at Columbus, MS. It will be a great day and a great year for this project, which has been under construction by the U.S. Army Corps of Engineers since 1972.

The industrial and recreational development potential along this waterway is very great. Development won't come overnight, but with the continued interest of the citizens in the communities all along the waterway, a real positive gain can be realized from its opening.

I will concentrate on helping Mississippi realize the industrial and recreational benefits along the waterway.

AGRICULTURE

Since early 1980, American farmers have been waiting for "next year." Since that time, high interest rates, high production costs, low prices for products, declining land values, and strained foreign markets have placed great economic stress on the entire agriculture industry.

In 1981, Congress passed a new farm bill that was to turn things around and make it possible for farmers to once again make a profit from farming, but it did not work. In 1983, the Payment-in-Kind Program was put into effect, not necessarily to insure a profit, but to make sure that good farmers were able to keep farming; but it did not work. Many good farmers have already lost or are on the verge of losing their lifelong livelihood.

Through the Appropriations Committee this year, I have joined with several of my colleagues in an attempt to provide the means for enabling at least some farmers to hold on until we can pass another farm bill in 1985 that will put us back on the right course.

On September 13, I joined with 14 other Democratic farm-State Senators in a letter to the President asking him to direct the Secretary of Agriculture to use his existing authority to provide credit assistance to our Nation's hard-pressed farmers. Under that authority the Farmers Home Administration could lower the interest rates for farm loans made through its major loan programs, provide loan guarantees to commercial and cooperative lenders, restructure existing debt, carry out a policy of forbearance, and work with local farm credit and management experts to resolve individual credit problems.

On September 18, the President accommodated our request and announced a new policy on agriculture credit similar to that requested by my colleagues and me. A few weeks later Congress passed and the President signed a bill which provided additional funds for fiscal year 1985 to carry out this farm credit policy.

Congress has already begun the earliest negotiations on a new farm bill, which should be passed before we adjourn next year's session. As the new year develops, so will these negotiations, which will involve not only Congress and the administration, but also farm and citizen groups from all across the country. It is my intention that Mississippi's interests will be especially well heard and considered.

FORESTRY

Mississippi has always been a leader in the forest products industry due to this great natural resource that is so abundant within our borders. This year that leadership was especially evident as Congress approved an appropriation allotting $1 million to the School of Forestry at Mississippi State University for a new program of research in wood utilization. It is anticipated that additional grants will be added to this to allow the school to focus on improved technology necessary to develop new products and new markets, both foreign and domestic.

This program is designed to help with a problem in the forest products industry which has already caused a great economic hardship on the part of that industry in the Pacific Northwest, and which signs show, may be just around the corner for the southern pine region of the Southeast. Currently, U.S. lumber and plywood mills produce more wood products than the total domestic demand requires. Nevertheless, we are a net importer of wood products. Our biggest competitor, Canada, now holds an estimated 40 to 50 percent of the U.S. domestic market.

We must become more competitive in the domestic and foreign markets and the research conducted at Mississippi State should help in this area.

Throughout my service in the Senate, I have enjoyed my role as a strong advocate of forestry programs. I am happy that I have been able to have a part in the development of new research programs through the years aimed at increasing our capabilities in the forest industry. Several of those programs, such as the McIntire-Stennis Cooperative Forestry Program, still continue; and, this year we provided a modest increase in their funding.

We were also able to increase funding for State and private forestry initiatives as well as the important Forestry Incentives Program, which I was fortunate to have had a part in starting years ago. Through this program, seedlings are made available to private tree farmers along with assistance in how to plant and nurture them. I am proud that the State of Mississippi has a sister program to this Federal program, which is providing extra assistance in building this great economic resource.

PARKS AND RECREATION

With an additional appropriation of $22.5 million for new construction in fiscal year 1985, Mississippi's premier park, the Natchez Trace Parkway, took another step toward completion.

Forty-seven years ago the National Park Service began construction on the Natchez Trace Parkway. Since that time, over $227 million has been appropriated for continued construction on this important national roadway. This money has provided for construction of 402 miles of the 449-mile parkway. Of that amount, all but 33 miles have been completed to date. I expect that Congress will appropriate the money for the remaining 47 miles within the next few years.

In addition to appropriating money for the Natchez Trace Parkway and general appropriations for other Mississippi parks, Congress passed important legislation this year establishing wilderness areas in two of our national forests. With the passage of the Mississippi wilderness bill, two areas in south Mississippi, totaling 5,440 acres, will receive wilderness designation. This means that these parts of our Nation's forests will remain in the condition in which mankind found them, both as a comparison to where we have developed, and as a refuge for those who want to temporarity get away from civilization.

Both of these areas are in the DeSoto National Forest. The largest—4,500 acres—is located in Perry County and includes 5 miles of Black Creek, which is being studied by the Forest Service for possible designation under the National Wild and Scenic River System, and Beaverdam Creek.

The other area is located in the Greene County and consists of 940 acres of creeks, sloughs, bluffs, and lakes with a great variety of bottomland and hardwood and pine timber.

EDUCATION

For the past 2 years there has been a great deal of emphasis on education in Mississippi and nationwide. At home, of course, the Education Reform Act was passed which put Mississippi in the national limelight for efforts to improve her education capabilities.

Nationally, much of the emphasis have been on the need to improve education in the field of high technology. I was in the Senate in 1957 when the Soviets launched the Sputnik, which set off a cry about our shortfall in math and science education. We responded with the National Defense Education Act which provided support in these important areas. Soon, America was clearly back in the forefront worldwide as the country with the most expertise in math and science.

For the past few years, a number of studies have set off another cry about our shortfall in education. While the studies point out the need for improvement in almost every aspect of our education system, the greatest need seems to be again in math, science, engineering, and other high technology areas.

Early last year I saw this great need and introduced legislation which would establish a partnership program between Federal Government, State and local governments, private business, and educational institutions. This would bring everyone into the business of insuring that our future is secured by proper education for our children now. Federal funds would be matched by contributions from these other sources to provide teacher training, curriculum improvements, and other innovative teaching programs, and for the purchase of much needed equipment for teaching in high technology fields.

I was joined by several other Senators and Congressmen who also introduced legislation calling for improvements in math and science education. This summer the Congress passed a comprehensive math and science education bill which incorporated my legislation, along with other programs to be operated by the Department of Education and the National Science Foundation.

In addition to our work on math and science legislation this year, we were successful in passing legislation to reauthorize several Federal education programs. One of the more notable is the Vocational Education Program. This Federal program is used to the maximum in Mississippi and I am proud that our State is recognized as one of the national leaders in this field.

MISSISSIPPI INSTITUTE OF TECHNOLOGY DEVELOPMENT

Mississippi universities have developed expertise in several highly technological fields of research and study. I have been fortunate to have seen this expertise develop over the years to the point where our State is ready to capitalize, economically, from its benefits.

Last year I was successful in adding $250,000 to a pending appropriations bill for studying the potential of an institute of technology development to be established within the State of Mississippi. At the same time this study was underway, State government officials, university officials, and leaders of the Mississippi business community were joining hands to put together a coalition for the eventual implementation of such an institute.

This past spring, the study was completed and recommended that an institute be developed, drawing from the research capabilities of the major universities in the State. The Mississippi Institute of Technology Development was established and an excellent board of directors was chosen, representing State government, private business, and the university community. This summer another appropriation was approved in the amount of $7 million for this particular institute. This will be matched by $4 million from the State of Mississippi, and at least $1 million from private business.

The primary purpose of the institute is to take the research conducted at several institutions of higher learning and develop it to the point that it can be used by industry in Mississippi. This will help our State by attracting new high technology industry and by assisting in the further development of the industry that is already here. It is anticipated that this initial $12 million will trigger about $60 million in spending by the institute.

CONTROL OF ILLICIT DRUG TRAFFIC

For several years I have had a growing concern over the transporting of illegal drugs into the United States. These drugs are coming into our country by both ship and plane, and much of the supply is being introduced in our own State.

At one time, the main point of entry for this illicit drug traffic was Florida because of its closeness to the points of origin of illegal drugs. Through the Coast Guard, we stepped up efforts to interdict the boats that were bringing the drugs into Florida. As a result of successes in Florida, the drug traffickers have moved into other States such as Mississippi, and are now coming in much more through planes. It is estimated that there are 6,000 to 7,000 illegal drug-carrying flights into the United States each year.

In an effort to decrease this growing amount of traffic, Congress appropriated additional funds this year to the Coast Guard and the Customs Service. Also, in a special appropriation, we provided $25 million for the purchase of eight high-performance aircrafts which will be used to track and intercept drug traffickers. These planes, which will be maintained in Jackson, are already being used in large numbers by the military, so we know how effective they can be.

ANTICRIME LEGISLATION

During this session, the Senate considered and passed major changes in the Criminal Code. This legislation which passed the Senate in February was called the Comprehensive Crime Control Act of 1984, and was finally adopted as an amendment to the continuing resolution for 1985.

Passage of this anticrime legislation marked the culmination of an 11-year effort to make changes to the Federal Criminal Code. The new crime law will overhaul the disparity in punishment for defendants who commit similar crimes, and will allow pretrial detention of defendants considered to be dangerous.

The new law also expands the requirement that convicted defendants forfeit the profits of their drug or organized crime enterprise to the Government to cover any assets derived illegally and reforms the insanity defense procedures. Under this law the burden is placed on the defendant to establish the lack of guilt due to insanity.

The bill also provides assistance to State and local law enforcement in the area of juvenile assistance and missing children by establishing a crime victim's assistance fund in the Treasury composed of forfeited appearance bonds, criminal fines, and funds collected from convicted defendants. The money in this fund will be distributed to the States for use in victim compensation and assistance. Currently, Mississippi has no statewide compensation program for victims of crime. Due to this legislation and the funding it will provide, plans are underway to have such a program approved through the State legislature. I feel that this direct victim compensation program, along with services provided to victims by local private and public organizations, will most certainly help in the efforts to meet the needs of many in our State who have been victimized by crime.

The crime package also deals with many new areas of crime by improving laws dealing with international money laundering, trademark counterfeiting, antiterrorism, computer fraud, and increased penalties for credit card fraud. This new law also strengthens Federal laws against labor racketeering.

Of special interest to me was the provision of this law which strengthens drug enforcement. I am hopeful that this will help bring to an end the terrible waste in our country from the use of drugs. The growing use of drugs is a special concern to me and will be a priority with me until this terrible waste of our people is stamped out.

WYOMING WILDERNESS BILL

● Mr. SIMPSON. Mr. President, the full Wyoming congressional delegation, consisting of my friends Congressman DICK CHENEY, Senator MALCOLM WALLOP and myself would wish to take an opportunity to clarify the snowmobiling issue that was thoroughly discussed and deliberated during the recent consideration of the Wyoming wilderness bill.

We have all long recognized the importance of recreational snowmobile use to the residents of the State of Wyoming and the surrounding States. This delightful and enjoyable sport is considered to be a vital and important activity that is expressly and clearly allowed under the multiple-use management activities in the national forests as well as in wilderness study areas. Knowing of the great interest in Wyoming for snowmobile activity, the members of the Wyoming congressional delegation were adamant during the deliberation and drafting of the final bill that snowmobiling would indeed continue to be a well recognized and valuable recreational activity in the wilderness study areas that were established by the passage of the measure. In particular, the High Lakes Wilderness Study Area in northwest Wyoming was very specifically and purposely designated as a "study area" in order to encourage and allow the continuation of the use of snowmobiles in that area.

It has never been the understanding of the Wyoming congressional delegation that the very specific language used in the bill regarding snowmobile use is to be construed, defined or interpreted in any way which would establish an unreasonable cap or limit on the numbers of snowmobiles or extent of snowmobile use in the High Lakes area. This language, found in section 301(c)(4) of the recently passed measure states, "within the Palisades, High Lakes, and Shoal Creek Wilderness Study Areas, snowmobiling shall continue to be allowed in the same manner and degree as was occurring previous to the date of enactment of the act." This language is intended to provide that the mere designation or description of "wilderness study area" will not be used by the appropriate Federal management agencies to decrease or limit future snowmobile use.

It is not the intention of the sponsors of the bill that this language will be used, in any way, to influence pending or future administrative or judicial decisions regarding the approval, construction, opening of or maintenance of any snow machine routes or trails that are presently used or may be used in the future for access to or from the High Lakes Study Area.

The delegation feels very strongly that the Forest Service is well qualified and very capable of adequately managing the newly established wilderness study areas in a manner that is quite compatible with their "study status" as well as providing for full and appropriate snow machine usage.●

TRIBUTE TO JENNINGS RANDOLPH

● Mr. LEAHY. Mr. President, I just said to the distinguished Democratic leader that I wanted to extoll the virtue of West Virginia and, of course, that is to extoll the distinguished senior Senator from West Virginia, my seatmate, Jennings Randolph.

It is an honor and a rare privilege to serve in the Senate. Only 100 men and women can do so at any one time.

For me, one of the greatest privileges of Senate membership has been to be the seatmate during the past Congress of the distinguished senior Senator from West Virginia. He is a man I knew long before I came here. I used to sit in the galleries as a law student at Georgetown and listen to him debate on the floor.

I used to listen to him give history lessons which, in 4 or 5 minutes, equaled a semester in college. He spoke of the history of our country, the history of the political life of our country, and the history of this great body in which we all serve.

He would do it not only with a warmth and a humanity but also with an enormous depth of understanding, and I think that part of my own love of the U.S. Senate and part of my own desire to serve here came out of hearing those speeches.

Mr. President, I must say when I sit here in this seat, as I will in the next Congress, that there will be times when there will be a little milling about in the well of the Senate as votes are coming and I will find myself getting up to start to go down and join that maelstrom of confusion. I will get part way out of my seat and I will feel the presence of Jennings Randolph beside me saying, "Now, Patrick, you are going to be put out of order if you do that. Don't be out of order even if the rest of the Senate is out of order. Vote from your seat."

Jennings, I must say I cannot tell you honestly that I will never join that herd of confusion down there. I know I will and you must forgive me for that. Realize that I have only been here 10 years, and I still do not know everything I am supposed to know. I will pledge you this, my friend, more often than not when I start to go I will hesitate and say, is this trip really necessary? And I will try to vote from my seat.

Every time I do that, it will be a sign of tribute to Jennings Randolph and a sign of tribute to the man who has upheld the highest standards of the Senate, who has shown courage and dignity and truthfulness, but also a gentle and kind spirit toward all his colleagues, Republican and Democratic, throughout those years.

I know the love my senior colleague from Vermont, Bob Stafford, expresses toward Senator Randolph. It has been this bipartisan nature and his own sense of history and his own sense of statesmanship that has enabled Jennings to serve his State so well—the State of West Virginia.

So, in closing, Mr. President, I must say that it has been a unique honor and privilege for me not only to serve with Jennings Randolph, but to be seated next to him.●

TRIBUTE TO SENATOR PAUL TSONGAS

● Mr. SARBANES. Mr. President, with the decision of Senator Paul Tsongas of Massachusetts to retire at the end of the 98th Congress, this body has lost one of its ablest and most accomplished Members.

Although only 37 years of age when elected to the Senate in 1978, Paul Tsongas had already distinguished himself as a public servant. He had served in the House of Representatives for two terms, representing the Fifth Congressional District in Massachusetts. Earlier he had served as a Peace Corps volunteer in Ethiopia and as a training instructor in the Caribbean. Born, raised and educated in the Massachusetts city of Lowell, he had returned there after college, law school, and the Peace Corps to serve as a city councillor and a commissioner of Middlesex County.

From his service at home in Lowell and abroad in the Peace Corps he brought to Congress principle, commitment, ability and experience. Paul Tsongas played an important role in assuring the revival of Lowell, which had declined precipitously from its onetime eminence and prosperity as a textile center. He was instrumental in the establishment in Lowell of our first national urban park, an initiative of great importance to the Lowell community which has become a model for many other parts of the Nation. His work as a member of the Foreign Relations Committee, where I was privileged to be his colleague, was always inspired by his sense of the world beyond our borders, by his experience of having lived in the world where poverty, hunger, ignorance, illness and violence are too often the rule rather than the exception in daily life.

In his 6 years as a Member of the U.S. Senate, Paul Tsongas served on the Committee on Energy and Natural Resources and the Committee on Small Business, on the Committee on Banking, Housing, and Urban Affairs and subsequently on the Committee on Foreign Relations. To each assignment he brought special distinction, whether the issue was renewable energy resources, or housing, or the violation of human rights, or the unreasonable obstacles to entrepreneurship. To all his assignments he brought his formidable intelligence, his quick humor and his commitment to service.

Paul Tsongas' retirement is a loss to the people of the Commonwealth of Massachusetts, to the people of the Nation and to us, his colleagues. In reaching the decision to leave the Senate, he has placed first and foremost his love and responsibility for his family, his wife, Niki, and his young daughters, Ashley, Katina, and Molly. A person of deep commitment—to his family, to his church and community, to the principles of hard work, of mutual respect and concern—he has honored those commitments in his decision. Our tributes to Senator Tsongas pale in comparison to the eloquent tribute which he, throughout his career as a public servant, has paid to the cherished values that make our Nation great.

TRIBUTE TO MSGR. CHARLES OWEN RICE

● Mr. MOYNIHAN. Mr. President, I would like to pay tribute to the golden milestone of an extraordinary man. June 19, 1984, marked the 50th anniversary of Msgr. Charles Owen Rice's ordination to the Priesthood of Jesus Christ. In a half century since, he has lived a life of devotion to his fellow man and to the teachings of his church. Foremost, a dedicated priest, Monsignor Rice has faithfully ministered to the spiritual needs of his parishioners. But his deeds extend far beyond the parishes he has served. He has been a relentless advocate for prison reform, a fearless crusader for civil rights, a leader of the labor movement, and a spokesman for world peace and brotherhood. He has helped feed the poor, house the homeless, and stand up for the rights of the disenfranchised—a rare combination, indeed, of compassion and strength.

I have been privileged to know Monsignor Rice, and I know many of my colleagues in the Senate share my sentiments. I ask that the text of a brochure from the National Conference of Catholic Bishops, marking the 50th anniversary of Monsignor Rice's ordination, be printed in the Record, so that all my colleagues may know more about this fine man.

The brochure follows:

Msgr. Charles Owen Rice

Charles Owen Rice was born Sat. Nov. 21, 1908 in New York City. He was the second son born to Anna (nee: O'Donnell) and Michael J. Rice. His brother Patrick W. Rice had been born 2 years earlier.

Anna Rice died in 1913. Shortly thereafter the boys were taken to Ireland where they were raised by family members and continued their early education.

Patrick and Charles returned to the United States in 1920 when their father remarried. They graduated from St. Mary of the Mount High School in Mt. Washington. Patrick in 1923 and Charles in 1926. It was in high school that Charles developed his life-long passion for Anglo-Irish poetry and the use of written and spoken English.

He and his brother both attended Duquesne University. Charles wrote many controversial articles for the college paper the Duquesne Duke. When he became editor of the paper in 1929, his challenging editorials attacked such sacred cows as football players, the practices of certain coaches, and various members of the faculty. His fellow students elected Charles President of the College Council and the Student Senate. He was graduated with a Bachelor of Arts degree in 1930.

After his senior year in college, Charles applied to Bishop Hugh C. Boyle of the Diocese of Pittsburgh to study for the priesthood. He joined his brother Patrick in the study of theology, scripture and canon law at St. Vincent's Seminary, Latrobe, Pa. Charles read omnivorously and continued to sharpen his writing skills. During his seminary years three of his articles were published nationally in Commonweal, and several others in Sign Magazine.

Bishop Boyle ordained Charles and 13 of his classmates to the Priesthood of Jesus Christ in St. Vincent's Archabbey Basilica, June 19, 1934. He celebrated his first Solemn Mass of Thanksgiving at St. Justin Parish, Mt. Washington. Fr. Patrick had been ordained 3 years earlier.

The newly ordained Fr. Charles Rice spent early months of his priesthood attending to the spiritual needs of the people of Immaculate Conception Parish, Bloomfield. He was then transferred to St. Agnes Parish, Oakland, where he served for 5 years.

For a year, Fr. Rice taught at Mt. Mercy College, but was relieved of these teaching duties when he joined Msgr. Carl Hensler in blazing the foundations of the Catholic Radical Alliance. Within a decade Rice was to return to the academic setting and for many years he taught at Duquesne University. When Duquesne celebrated its 100th Anniversary, Rice was the only Diocesan priest to be singled out for honors among 100 outstanding alumni.

From his earliest days in the priesthood, Fr. Rice cultivated his skills in communications. He began his radio career at Radio Station KDKA, May 15, 1936. Later he moved to Radio Station WWSW where for 44 years (1936-83) he had a regular weekly broadcast. He also served as host for a Sunday talk show on Radio Station WJAS from 1969 through 1971.

During his long radio career and in writing a column which appeared regularly in the Pittsburgh Catholic (1936-46/1959 to present) Fr. Rice openly discussed controversial topics. He was pro-labor, anti-Communist, pro-Black, anti-Vietnam War. In 1930 he met the leaders of the Irish Republican Army while visiting in Ireland. He staunchly supported their cause. Local judges quickly learned that the outspoken Rice would do battle with them over the treatment of Blacks and other minorities. In a classic case of crusader against the institution, Rice even took on J. Edgar Hoover, the founder and director of the F.B.I., over the issues of the Vietnam War and the Black Panthers. Not even churchmen were exempt from his incisive and sometimes biting commentary.

Rice had a life-long interest in prison reform. For many years he served on the Governor's Justice Commission. Governor Shapp appointed him to a Commission on Capital Punishment. He is an active member of the Allegheny County Prison Board and continues to help convicts, and visits prisons.

During the Great Depression, Fr. Rice befriended, supported and became a disciple of the well-known pacifist, Dorothy Day. Like Dorothy Day, he too sought to serve the poor in the name of Jesus Christ. In 1937 when millions were unemployed and family life was disintegrating, Rice opened St. Joseph House of Hospitality in Pittsburgh to provide food, clothing and temporary shelter for hungry and homeless men. He was resident director of the House for more than 10 years. Bed bugs and rats were a constant problem.

During the turbulent years of the Great Depression and World War II, Fr. Rice addressed thousands of groups and rallies in the cause of labor and conducted many labor schools. Despite much criticism of his direct tactics Fr. Rice always remained strongly pro-labor. He was confidant and advisor to many labor leaders including Philip Murray, the President of the United Steel Workers. To this day he may be seen at strikes and demonstrations.

An excellent administrator, Fr. Rice was appointed Area Rent Director of the Office of Price Administration during World War II; his office had the best record in the nation.

Despite his involvement in communications, labor, feeding the poor and serving the cause of social justice, he faithfully carried out his duties as a parish priest—proclaiming the Gospel, celebrating the Sacraments and caring for the spiritual needs of the people wherever he was assigned.

Fr. Rice was appointed administrator of St. Brigid's Parish, Hill District in 1950. Bishop Dearden assigned him as Pastor of St. Joseph Parish, Natrona, where he served from 1952 to 1958. The same Bishop asked him to accept the pastorate of Immaculate Conception Parish, Washington, PA, where he served from 1958 to 1966. In 1959 Bishop John Wright appointed him a member of the Diocesan Board of Consultors. In March, 1964, he was named a Domestic Prelate and installed as a Monsignor.

At his own request he was made Pastor of Holy Rosary Church, Homewood. During 10 years (1966-76) of racial strife and social unrest he was a force to be reckoned with in that community. A tireless advocate, he spoke out then—as now—for the rights of minorities to decent housing, employment and education. While in Homewood, the Monsignor sought election to the Pittsburgh City Council. He did well in the Black and Jewish wards, but the Catholic wards did not support him.

Msgr. Patrick Rice died in 1971, but Msgr. Charles Rice continues to keep close contact with his family here in Pittsburgh, Mrs. Eleanor Halloran and her children; with cousins in New York and in Counties Clare and Dublin, Ireland. He visits frequently with his family in Ireland where his cousin Rev. Patrick J. Rice is pastor at Sandymount, Dublin.

In 1976 Bishop Vicent Leonard appointed him pastor of St. Anne Parish, Castle Shannon. He continues involvement in the controversial matters. He reads widely, plays some golf, writes occasional pieces for national publications and exercises daily: running, light weights, trampoline. True to his vocation, Msgr. Charles Owen Rice continues to serve St. Anne Parish and minister to the spiritual needs of her people as he celebrates the 50th Anniversary of his ordination to the Priesthood of Jesus Christ.●

FOREST SERVICE'S OLDEST LIVING RETIREE

● Mr. MELCHER. Mr. President, there is a special event coming up in Montana in November. The occasion of a 100th birthday will be celebrated at region 1 headquarters in Missoula.

I would like to take this opportunity to honor Mr. Clyde Fickes. Mr. Fickes is, to the best of our knowledge, the USDA Forest Service's oldest living retiree. Mr. Fickes celebrates his 100th birthday on November 2. He was born in Nelson, Nuckola County, NE, in 1884 and grew up in the 1890's in Bedford County, PA, and in the city of Pittsburgh.

In the summer of 1900 he moved to his uncle's farm in Kalispell, MT, and then attended school at Ohio Northern University from 1901-03. In 1904 he returned to Kalispell where he trapped and worked on ranches and for the Bureau of Reclamation.

Mr. Fickes was appointed as a forest guard on July 6, 1907, at $720 a year. He was required to furnish his own saddle, pack horse, and food. This appointment was on the Lewis and Clark National Forest, which covered everything in western Montana north of the Clark Fork River. On July 20, Mr. Fickes took the district ranger test, passed, and was assigned the Sun River Ranger District at the time Teddy Roosevelt was President of the United States and Gifford Pinchot was the Chief of the newly formed U.S. Forest Service.

In 1908, Mr. Fickes was promoted to assistant district ranger at $1,000 a year. That same year, a major organization change occurred in the Forest Service: Six regions and numerous new national forests were established. In 1909 Mr. Fickes tried to get a transfer back to the Flathead country so he could be close to his sweetheart. He couldn't, so he resigned. Later that year he was reappointed as deputy district ranger on the Flathead National Forest and assigned to the Bear Dance Ranger District.

In 1910 he was given a $100 promotion to $1,100 per year. Again restlessness overtook him and in April of 1910 he resigned to return to Pittsburgh, where he spent a year with his father in the construction business.

In late 1911 he returned to Kalispell where he worked as an operator in the Bigfork powerhouse till 1916. During this time he completed a course in civil engineering and married Ruth McCrea. During all of these years Mr. Fickes was a member of the National Guard. In 1916 his unit was mobilized and he saw duty on the Mexican border with the cavalry and in a machine gun unit.

In 1917 he was reapponited to the Forest Service as district ranger of the Upper Gallatin Ranger District. He was exempted from further military service because it was determined that he could render greater benefits to the Nation in the Forest Service than in the military. In 1919 Mr. Fickes was promoted to deputy forest supervisor of the Nezperce National Forest in Grangeville, ID, at $1,400 a year. His principal assignment was the grazing program. In 1924 Mr. Fickes was transferred to the Madison Forest in Sheridan, MT, and in 1927 to the Pend Oreille National Forest in Sandpoint, ID. It was here he designed the prefab lookout house that become a standard fixture on mountain peaks throughout region 1.

In 1928 Mr. Fickes was moved to the operations staff in the regional office in Missoula. As a result of the extreme fire season of 1929, he conceived the idea of the region's remount depot, a central place where necessary pack and saddle stock could be located and dispatched to fires on short notice. The plan was approved and under Mr. Fickes' direction it became operational in 1930. He served as overseer of the depot until 1936.

In addition, he was responsible for Boy Scout camps at Seeley Lake and Red Lodge and the Forest Service radio station on Whitaker Hill.

In 1936 Mr. Fickes was transferred to the division of engineering. One of his key contributions there was authorizing a log construction handbook, which was later adopted and reprinted by the State of Alaska. In early 1942 he was ordered to Salinas, CA, to organize construction at the guayule rubber project, a national war effort to produce synthetic rubber.

In 1942, Mr. Fickes returned to Montana and in 1944, now making $4,200 a year, he resigned to become deputy director of the War Assets Board in Seattle. The Board's function was to dispose of surplus war property from the Pacific theater. After about a year he was reassigned to Los Angeles, where he retired from the War Assets Board in 1947.

In 1972 the Forest Service published Mr. Fickes' "Recollections," which he wrote at the request of Gifford Pinchot.

Mr. Fickes had approximately 35 years of Federal service—service during which he built bridges, trails, lookouts, and ranger stations, and installed some of the Agency's first communications equipment—service during which the very foundation of the organization was shaped.

Our Nation owes a debt of gratitude to Clyde Fickes and we thank him deeply for his contributions.

Mr. Fickes still lives in Missoula County and he is active today as he has been since his retirement. He was instrumental in building a city library as well as a new Catholic church in Missoula. He is an active member of the Elks Club and dances three times a week. He is an American citizen of which we can all be proud.●

FLORIDA'S FINEST SERVANT

● Mr. CHILES. Mr. President, I rise today to honor a man by the name of James Thomas Vocelle. When I mention his name, it immediately recounts to me fond memories of his outstanding life and career of public office. I am not the only one that appreciates his outstanding service. The Indian River County Bar Association is sponsoring a luncheon on November 29, this year in recognition of the 60 years Mr. Vocelle has practiced law in Florida. Jim is having quite a life you see; his father and uncle defended the confederacy during the period of Northern Aggression—Civil War. Jim himself was a war veteran; he fought for the U.S. Army during WWI. He served with distinction and today is an active member of the American Legion.

His professional career is noteworthy to say the least. He is a member of the Florida, Georgia, and New Mexico bar dating back to 1916 when he was admitted to the Georgia bar. He has counseled many clients over the years, and is known for his reputation for being fair and just and for helping thousands of people who could not afford counsel. Today, Jim is actively engaged in his private practice in his hometown of Vero Beach.

Jim's public service began in 1918 when he was appointed as county attorney of Camden County, GA. Two years later he was elected to the State house, and in 1922 elected to the Georgia Senate. In 1925, Jim's faithful, productive, and honest service to the State of Florida began. Jim was the first county attorney of Indian River. Subsequently, in 1941 Gov. Spessard L. Holland appointed Jim as a commissioner of Florida First Parole Commission. During his tenure on the Commission, Mr. Vocelle was elected president of the Southern State Parole and Probation Association. While there, he successfully emphasized and then introduced to the South some of the modern reforms of penology which stressed offender rehabilitation and human dignity. Governor Caldwell later appointed Jim State beverage director. In 1953 Gov. Dan McCarty appointed Mr. Vocelle chairman of the Florida Industrial Commission, the forerunner of today's Florida Department of Labor and Employment Security. He was the first State official to grasp the plight of migrant farm workers, and implemented programs in regard to the needs and rights. For those who do not know Jim Vocelle personally, it is obvious that he has always been a staunch champion of human rights, without regard to race, sex, creed, or origin, and is committed to the dignity and equality of all people.

Mr. President, it is with great pride that I shared with you the splendid life and many achievements and accomplishments of my good friend Jim Vocelle.●

COMMUNICATION WORKERS OF AMERICA—PAY EQUITY STUDY

● Mr. CRANSTON. Mr. President, on October 3, during the Senate's consideration of House Joint Resolution 648, the continuing resolution, I sought to offer an amendment to require a study of the Federal Government's wage classification system to determine whether workers in positions filled predominately by female employees are paid less than workers in positions in which male workers predominate, although the job qualifications, working conditions, and requirements are comparable. Although the pay equity study amendment, which had passed the House in June by an overwhelming bipartisan vote, was not adopted, an agreement was reached between myself and the distinguished Senator from Alaska [Mr. STEVENS], who Chairs the Subcommittee on Civil Service, Post Office and General Services of the Senate Committee on Governmental Affairs, as well as the Chairman of the House Committee on Post Office and Civil Service [Mr. FORD] and the Chair of the House Subcommittee on Compensation and Employee Benefits [Ms. OAKAR], on a series of events to take place over the next 8 months to bring about this type of review of the Federal Wage Classification System. That agreement is set forth in the CONGRESSIONAL RECORD of October 10, 1984, at 31143.

In the meantime, many similar efforts are taking place in both the public and private sectors. In this regard, I recently received a copy of a very informative special report on wage discrimination issued by the Communications Workers of America. This report, entitled "Closing the Wage Gap" was prepared by a special CWA task force on pay equity. It provides a comprehensive overview of the pay equity problem as well as possible strategies for rectifying wage discrimination. The report outlines some of the successes achieved by this union in bargaining for pay increases to help close the wage gap as well as its activities in legislative and judicial areas.

Mr. President, I ask that the CWA report be printed in the RECORD.

The report follows:

Closing the Wage Gap: Background on Wage Discrimination Guide to Equity in the Workplace

INTRODUCTION

There is a big problem in America's workplace: women earn less than men. This problem is pervasive, affecting every industry and occupation; it is persistent, dividing the sexes in spite of major economic, demographic and political changes; and it is unfair, imposing second class citizenship on half of this country's population.

The Communications Workers of America has worked to close the wage gap since the founding of the Union in 1947. That year at the first CWA Convention, delegates adopted a resolution directing the union to abolish employer practices of paying women less than the established wage rate for men performing the same job and to prevent employers from using separate wage lists for "male" and "female" jobs.

Since that day, CWA has fought for pay equity at the bargaining table, lobbied Congress and state legislatures to pass laws that would prohibit employment practices which result in the wage gap, and gone to court to remedy discriminatory wage practices.

One strategy for closing the wage gap is Pay Equity—a concept which requires paying wages based solely on job content—the skills, effort, training, responsibilities and working conditions that comprise a person's work. Researchers have indicated that Pay Equity has the potential to close half of the wage gap by revaluing the work done by women and compensating it at the proper level. Comparable Worth[1] has been called the "cutting edge" labor issue of the eighties. Every worker is bound to be affected by debate over the issue, whether directly or indirectly.

This report is for the members of the Communications Workers of America. It explains the wage gap and the causes of the gap. It lays out different strategies for closing the gap. Finally, it affirms this union's support for Pay Equity as an essential means for eliminating sex discrimination[2] from the nation's workplaces.

I. THE GENDER BASED WAGE GAP AND JOB SEGREGATION

It is a widely known fact: women in America earn less than men. A large part of the gap can be attributed to the different jobs of men and women.

The wage gap: Women earn less than men

In 1946 women who worked full time, year round were paid about 66 cents for every dollar earned by their male co-workers. Today the gap is wider. Women now earn approximately 62 cents for every dollar in wages paid to men. In 1982 the median annual income for women working full time, year round was $13,014.

TABLE 1.—WOMEN'S EARNINGS AS PERCENT OF MEN'S MEDIAN EARNINGS

Year	Women	Men	Percentage
1946	$1,710	$2,588	66.1
1956	2,827	4,466	63.1
1966	3,973	6,848	58.0
1976	8,099	13,455	60.2
1981	12,001	20,260	59.2
1982	13,014	21,077	61.9

Source: U.S. Department of Labor, 1982 and 1984.

This gender gap in wages exists for every racial and ethnic group as well. White women earn 60 percent of the income of white men. Hispanic women earn 80 percent of the income of Hispanic men. Black women earn 76 percent of the income of black men. Minority men earn significantly less than the white men, so minority females find their wages depressed twice—because they are minorities and because they are women.

TABLE 2.—WAGE GAP AFFECTS EVERY RACE AND ETHNIC GROUP

	Amount
White men	$21,178
Black men	14,984
Hispanic men	14,981
White women	12,665
Black women	11,438
Hispanic women	11,917

Source: U.S. Census Bureau, 1981.

The wage gap crosses every sector of the nation's economy. In state and local governments women receive, on the average, 72 cents to the male dollar; in the federal government that ratio is 63 cents to the dollar; and in the private sector women earn only 56 cents for every dollar earned by men.

The wage gap divides men and women in every occupation at every level of the job hierarchy. Waitresses are paid 72 percent of waiters' earnings. Female office managers are paid 66 percent of the wages paid to their male counterparts. Women attorneys earn 71 percent of the earnings of male lawyers.

The wage gap has widened over time in spite of the expansion of white collar industries and their growing demand for female labor. The gap has enlarged even though more women are working than ever before, even though their labor force experience is increasing, and even though fewer women quit their jobs to raise families.

TABLE 3.—WOMEN EARN LESS THAN MEN FOR THE SAME WORK

	Women's earnings as percent of men's
Occupation:	
Bookkeeper	69.4
Clerical workers	68.3
Computer programmer	73.6
Cook	73.4
Freight handler	78.0
Lawyer	71.0
Office manager	65.5
Social worker	79.9

Source: U.S. Department of Labor, 1981.

Job segregation and the undervaluation of women's jobs

Traditionally, women have been concentrated into a narrow range of jobs. Fully 80 percent of all women workers can be found in just 25 of 427 possible occupational titles. Men, on the other hand, are spread among many job categories, and fewer than 20 percent of all male employees are found in the ten largest male-dominated occupations. This job segregation—the division of labor into women's work and men's work—has enabled employers to discriminate against women by undervaluing their jobs.

Employers argue that they set wages according to "the going rate" and that the rate is determined by supply and demand or the market. But in fact, the market itself is permeated with discrimination, and supply and demand does not work for traditionally female jobs. The example of nursing is often used to demonstrate the frailty of the market argument. For years there has been a shortage of qualified nurses, and yet it is still considered one of the most underpaid professions. Indeed, of the top ten predominantly female job titles, only one pays more than $14,000 a year. In contrast, only one of the top ten male-dominated occupations pays less than $14,000.

TABLE 4.—WOMEN'S JOBS PAY LESS THAN MEN'S JOBS

	Percent	Median earnings
Female-dominated occupations:		
Secretaries	99.2	$12,636
Receptionists	97.5	10,764
Typists	96.6	11,804
Dressmakers (except factory)	96.4	9,204
Lodging quarters cleaners	96.2	7,384
Registered nurses	95.6	18,980
Sewers and stitchers	95.5	8,632
Keypunch operators	94.5	12,480
Bank tellers	92.0	10,348
Telephone operators	91.9	13,988
Male-dominated occupations:		
Railroad switch operators	100.0	22,828
Firefighters	99.5	20,438
Plumbers and pipefitters	99.2	21,944
Auto mechanics	99.1	15,964
Carpet installers	98.8	15,392
Surveyors	98.5	17,472
Truck drivers	97.9	17,160
Garbage collectors	97.3	12,116
Engineers	94.3	30,472
Meatcutters and butchers (except manufacturing)	93.4	17,732
Forklift and tow motor operatives	92.0	15,652

Note: The telephone operator is a good example of how women can improve their economic status by joining a union. In 1982 only 47 percent of the Nation's telephone operators were employed in the telephone communications industry where CWA members are represented. The rest are employed by other businesses, such as hotels, office and apartment buildings and other service-oriented concerns. The average wage for telephone operators under the CWA-Bell System contract in 1982 was about $373 a week, about $5,400 (or 38 percent) more annually than telephone operators nationwide.

Source: Bureau of Labor Statistics, 1982.

Several studies have revealed patterns of discriminatory practices which lead to the undervaluing of traditional women's jobs. For example:

Job descriptions for positions held mainly by men are generally more detailed than those for female-dominated jobs—making the women's jobs appear less difficult.

The physical and psychological stress caused by "women's jobs" often is not considered as important as the heavy physical work done by men.

Female-dominated titles are often not paid in proportion to the education, skills or expertise required to do the job.

Specialized skills such as shorthand and typing needed for secretarial work are often ignored by job evaluation systems.

Jobs in which workers have significant contact with the public are paid lower than jobs involving equipment, goods or money.

Researchers have found that only a small part of the difference between men's and women's wages is due to the differences in work experience, education and skill requirements. The rest of the gap cannot clearly be explained by job or worker characteristics, except for one: sex.

II. CLOSING THE WAGE GAP: A COMPREHENSIVE STRATEGY

There are two reasons for the differences in women's and men's wages. First, men and women perform different jobs, and the work done by women is underpaid. Second, women are paid less than men doing the same type of work. A comprehensive strategy for closing the wage gap is required to address the different circumstances of workers affected by discrimination.

Pay equity and job evaluation

Because men and women traditionally work in different jobs we need a strategy which compares "women's work" with "men's work." Pay Equity requires paying wages based solely on the skill, effort, training, responsibilities and working conditions of a job. The goal of Pay Equity is to raise the wages of jobs which have been underpaid because they are staffed primarily by women and minorities.

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[1] Pay Equity is also known as Comparable Worth since the process involves comparing the content of different jobs to determine their relative worth. In this report the terms are used interchangeably.

[2] Most studies to date have focused on sex bias in employment practices, yet minorities are also trapped on the lower end of the pay scale. CWA's pay equity efforts recognize the parallels between the plights of women and minorities in the job market, and are directed toward eradicating race as well as sex discrimination.

Even though one job may not be identical to another, the skills used in those jobs may have the same level of demand on the worker and the same value to the employer. Specialists in job evaluation have developed objective processes to rate features of jobs and to assign a value to each job. These specialists can also train workers to evaluate their own jobs.

There is no single plan that can rate all jobs in every workplace, but when labor and management work together to develop and implement a plan, factors can be agreed upon which respond to the values of the workers and the employers, men and women, minorities and non-minorities.

Pay Equity evaluation plans generally include all of the job titles used by an employer and measure them against a single set of factors. The factors may be different from employer to employer but usually they encompass skill, effort, responsibility, and working conditions. In order to eliminate the bias that has tended to undervalue traditional women's jobs, evaluation plans should include factors such as mental demand and manual dexterity which are major features of female-dominated jobs, as well as factors to assess the physical prowess which is associated with male-dominated jobs.

This strategy is also called Comparable Worth since it involves comparing different jobs to determine their relative value.

Nontraditional jobs and new career paths

Women workers are clustered into a narrow range of jobs which, in addition to being characterized by low wages, generally have short career ladders. Even though the jobs may be highly skilled—for example, teaching, nursing and secretarial work—there are no avenues for advancement as seniority and expertise increase. Furthermore, employers rarely structure their female or minority dominated jobs to lead to other jobs which could provide the ladder to career growth and higher wages, and they do not generally provide training programs to workers in these short-ladder jobs to provide them with the skills needed to move into established advancement opportunities.

Pay Equity will remove barriers to comparable pay by setting wages for female and minority dominated jobs at their full, unbiased worth. But to bridge the wage gap, women and minorities must move out of dead-end jobs and out of occupations that limit their career mobility.

The key to this movement is training, and education. Women and minorities must have access to training and career development programs in order to equip themselves for nontraditional jobs. For example, women in administrative support jobs are frequently overlooked for promotions and instead find themselves training their new supervisors. With proper management training these women could easily be advanced to higher level positions.

Equal pay for equal work

A 1981 study by the Bureau of Labor Statistics compared the weekly earnings of full-time men and women in 100 occupations and found that in each job category, women made less money than men. Some of the differences in these national figures may be due to the fact that men and women tend to work in different industries, differences in seniority, or other non-biased factors. But some of the differences may be due to discrimination.

For example, employers may use two different titles for the same job. Men are assigned to the higher paying job, and women are hired for the lower level title. One company hired women as plant clerks and men as line designers. The positions involved identical work, yet the plant clerk title was paid $100 a week less.

Not every instance of unequal pay for equal work is due to intentional discrimination, but some management practices may have discriminatory effects. For example, some employers base the salaries for new hires on the earnings of their previous job. While such a practice is unbiased on the surface, it has the effect of perpetuating any discrimination inherent in the pay schemes of other employers. In one case an insurance company paid its sales agents a base salary plus commissions. The base salary was calculated from the prior salary of the new hires. As a result, the average salary of the female sales agents was $175 a week less than the male sales agents.

If employers refuse to correct such inequitable practices either unilaterally or through negotiations with the union, legal action can be taken. Remedies can be sought through the grievance procedure of the union's contract using the non-discrimination clause or in the courts under the Equal Pay Act and Title VII of the Civil Rights Act.

III. ACHIEVING PAY EQUITY

The three-tiered strategy for eliminating the wage gap can be carried out in three fields of action: at the bargaining table, in the legislatures and in the courts.

Union-management negotiations

In many instances, through collective bargaining, unions and management have negotiated remedies which bring the pay of undervalued jobs up to their proper rank over a period of time. For example, in New Jersey CWA won an extra 10 percent increase for clerical workers employed by the State in order to close the wage gap between those workers and others in the unit.

CWA has also bargained for pay upgrades for telephone operators, service representatives and several clerical classifications through negotiations with AT&T and the Bell Operating Companies. As a result women in those units earn 81 percent of men's pay—a ratio far superior to the private sector where women receive 56 percent of men's wages and better than the nationwide figure of 62 percent.

CWA is continuing to use other tactics in Bell System bargaining to improve the relative pay position of women. The union negotiated to restructure the clerical classifications so that unnecessary job titles were eliminated and clerical workers would realize more substantial wage increases upon promotion. In addition, CWA has been successful in negotiating career development training programs to prepare workers for promotions to higher level jobs as well as programs designed to enhance the skills of workers whose jobs are being displaced or restructured by technology.

Finally, CWA has developed a job evaluation plan in cooperation with the former Bell System and AT&T. It ranks jobs by using 17 different factors including expression, safety skills, physical demands and mental demands. Since the divestiture of the Bell System, CWA has been negotiating with the new independent operating companies to establish joint labor management committees which will put the plan into practice.

Strategies such as these can be used in other contract negotiations where they are appropriate and if they can effectively address a wage bias problem at the particular worksite.

Legislative initiatives

In the legislatures, laws can be enacted to compel employers to eliminate wage discrimination through pay equity methods. Some states have already adopted the principle of equal pay for work of comparable value in their statutes in some manner. California, Connecticut, Hawaii, Iowa, Kentucky, Massachusetts, Minnesota, Montana, and Oregon are among the states that support pay equity. Others states have had or now have pay equity legislation under consideration. They include Missouri, Nebraska, New Jersey, Ohio and Pennsylvania.

The California law was passed in 1981 and established a policy of setting salaries for female dominated state jobs on the basis of comparable worth. This year a bill was introduced in the State Senate which would establish a special fund for pay equity wage increases. CWA is supporting that measure which would benefit the State Psychiatric Technicians in CWA Local 11555, but the bill faces strong opposition from the administration. The Republican Governor has taken the position that the subject of pay equity is the appropriate subject of collective bargaining, but that any comparable worth increases would have to be accommodated without adding to the total funds he has deemed available for employee pay. Backers of the Senate bill feel the Governor's stand would undermine support for pay equity since gains in the name of comparable worth would be made through lower increases for other employees.

In Ohio, Governor Richard Celeste established the Pay Equity Advisory Committee to review the state's job evaluation plan. A CWA member from the Ohio Council of Public Workers was appointed to the committee. In June 1984 an initial study of state jobs was released. It showed that jobs of equivalent worth had equal pay. Nevertheless, the study also found that over 75 percent of all State employees are in sex segregated jobs; that the median pay of male dominated jobs is almost 20 percent higher than the median wage for female dominated jobs; and that in classifications with more than ten employees the highest wage for male jobs is 78 percent more than the highest wage for female jobs. The Advisory Committee will now oversee a more in-depth study to determine whether the factors used in the State's evaluation plan are biased, resulting in the concentration of female dominated jobs at the lower end of the pay scale. In the meantime CWA District 4 is continuing to push for legislation to correct any inequities found through the committee's work.

In New Jersey, CWA has been influential in the introduction of legislation that would require the state to examine its pay setting process and to remedy any discriminatory practices. One bill passed both houses of legislature, but was conditionally vetoed by the Governor. The conditions included denying union participation on the committee guiding the job evaluation process, the removal of a provision that would prohibit the reduction of wages to achieve pay equity, and the elimination of time limits for achieving equal pay for work of comparable value. With strong urging and assistance from CWA District 1 representatives, a second bill was drafted, adopted by both houses, and now awaits the Governor's action (as of this writing).

Most of the state laws now in effect, as well as most of those now under consideration, require pay equity in state government employment—they do not address the issue for the private sector or other governmental units. In Hawaii, however, three resolutions were adopted requesting all employers, public and private, to adopt the conduct of equal pay for work of comparable value. Minnesota recently passed legislation requiring all local units of government to establish a process leading to pay equity. And finally, two pay equity bills pending in the Pennsylvania legislature would amend the state's Human Relations Act to provide clarification of language concerning equal pay and allocate $870,000 for the enforcement of pay equity.

CWA actively supports the passage of pay equity measures at every level of government. The Union has testified before major legislative committees and lobbied lawmakers to secure enactment of pay equity bills. Such legislation is an essential strategy for achieving comparable worth since it will set the precedent for the private sector and pave the way for pay equity efforts in collective bargaining. In addition, CWA is pressuring political candidates to adopt pay equity in their campaign platforms.

Legal remedies

In the courts strategies for closing the wage gap can be pursued under the Equal Pay Act and Title VII of the Civil Rights Act.

The Equal Pay Act requires equal wages for jobs which are substantially alike. Jobs such as janitor and maid, for example, could be compared, and an equal pay case could be established if there were wage discrepancies between those jobs. The Act allows four exceptions to the basic rule of equal pay for equal work. If the differential is based on (1) a seniority system, (2) a merit system, (3) a piece rate or wage incentive system, or (4) "any other factor other than sex," then the wage discrepancy is not discriminatory.

Title VII of the Civil Rights Act prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotion, compensation and other terms and conditions of employment. It also recognizes the four exceptions available under the Equal Pay Act.

Pay Equity provides a means of comparing dissimilar jobs under Title VII. If it can be determined that two jobs require equal, though different, skill, effort, training and responsibility, but that one job is paid less solely because it is staffed mostly by women while the other, higher paying job is staffed primarily by men, then legal remedies can be sought under Title VII.●

TRIBUTE TO SENATOR HOWARD BAKER

● Mr. SARBANES. Mr. President, with the retirement of Senator HOWARD BAKER at the conclusion of the 98th Congress, after 18 years of service to the people of Tennessee and the Nation, the Senate of the United States loses a most accomplished member and leader. One is struck by the versatility of Senator BAKER: Since his election to the 90th Congress in 1966, he has served on an impressive range of committees—Government Operations, Public Works, Commerce, the Joint Committees on the Library and on Printing, and the Joint Committee on Atomic Energy; the Select Committee on Small Business and the Select Committee on Intelligence; and two select committees whose effects long outlived their relatively short duration, the Select Committee to Study Government Operations with Respect to Intelligence Activities, and the 1973 Select Committee on Presidential Campaign Activities, better known as the Senate Watergate Committee. In the 98th Congress, Senator BAKER served on the Foreign Relations Committee, where it was my privilege to be his colleague, and the Environment and Public Works Committee and the Rules and Administration Committee, and ex officio and the Select Committee on Intelligence as well.

Apart from his extraordinary versatility, HOWARD BAKER has brought to his service in the Senate great intelligence and integrity, a strong sense of the national interest and a profound respect for and understanding of the Constitution; these qualities have served him well as the leader of his party in the Senate, and since 1981 as Senate majority leader. Senator BAKER's keen appreciation of the relationship, in our system, of the legislative to the executive and judicial branches of government; of the unique role of the Senate in the legislative branch; and of the traditions and procedures of the Senate has added luster to his leadership and won him the admiration and affection of his colleagues in both parties. We have benefited from his skill as a parliamentarian, his patience, tact, and good humor, his dedication to the Nation. Not long ago HOWARD BAKER was described in a national news article as "one of the most able Senate leaders of the century." It is a judgment widely shared by those on both sides of the aisle who have served with him. When the 99th Congress convenes, his presence will be sorely missed.●

PRESIDENTIAL AWARDS FOR EXCELLENCE IN SCIENCE AND MATHEMATICS TEACHING

● Mr. MOYNIHAN. Mr. President, a century ago, American education placed great emphasis—nearly exclusive emphasis one might say—on the written word. For some time now, and certainly well into the 21st century, rapid technological innovations require increasing attention to mathematics and the sciences.

For this reason, I am proud to recognize two of New York's math and science teachers, Mark E. Saul and Chirakkah Variyam Krishnan, as recipients of the second annual Presidential Awards for Excellence in Science and Mathematics Teaching, presented by the National Science Foundation. Mr. Saul teaches geometry and computer science at the Bronx High School of Science; Mr. Kirshnan teaches chemistry at East Islip High School. Both men have successfully conveyed their enthusiasm for math and science learning to their students. Both also have applied their considerable knowledge and talents for a wide range of activities outside the classroom. The teaching profession is honored by their commitment to excellence in math and science education. Mr. Saul and Mr. Krishnan richly deserve recognition of their distinguished careers.

I ask that an article from the New York Daily News of October 25, 1984, detailing Mr. Saul's and Mr. Krishnan's distinguished accomplishments, be printed in the RECORD.

The article follows:

TWO JOIN ELITE—TEACHERS PICKED BEST IN STATE TO COLLECT PRESIDENTIAL AWARDS

(By Judith Randal)

WASHINGTON.—Mark E. Saul, 36, of the Bronx High School of Science and Chirakkal Variyam Krishnan, 47, of Long Island's East Islip High School are the New York state winners of this year's Presidential Awards for Excellence in Science and Mathematics Teaching, the National Science Foundation announced yesterday.

They joined the other winners—two from each of the other states and two each from the District of Columbia and Puerto Rico—for a three-day stay here during which they will meet with George Keyworth, the White House science adviser, and be guests of honor at a National Academy of Sciences reception. Their schools will each receive a $5,000 grant.

"Teaching is more than just interpreting a textbook. It's a highly charged emotional experience for both the students and the teacher," Saul said yesterday when asked why he thought he had been selected for a presidential award. "I teach geometry and computer science, but what I am really interested in is getting kids motivated to be interested in a problem of a kind they've never seen before."

Saul is president of the New York City Interscholastic Mathematics League, which gives him a chance to convey his enthusiasm for math and science to youngsters and their teachers at more than 600 other elementary, junior and senior high schools.

Besides that, Saul created ABC-TV's computer graphics for the 1984 Olympics, coaches the New York City mathematics team and serves as an admissions panelist for the High School of the Performing Arts.

He and his wife, Carol, an early childhood development specialist, have three children—Susanna, 7; Michael, 4, and 10-month old Peter. They live on Amsterdam Ave. in Manhattan.

Krishnan's field is chemistry and his particular interest is teaching laboratory methods of scientific research. He also keeps his professional hand in research projects at the Brookhaven National Laboratory and the State University of New York in Stony Brook, where he often is accompanied by one or more of his students.

A native of India, Krishnan lives in Coram, L.I., with his wife, Nalini, and their son, Sayon, 8, and daughter, Mini, 16.●

JENNINGS RANDOLPH, THE SENATE'S TRUEST GENTLEMAN

● Mr. SASSER. Mr. President, I wish to pay tribute to the Senator from West Virginia who embodies all that we mean when we say the word, "gentleman."

For indeed, JENNINGS is the truest gentleman in the Senate. I choose to believe that this is the natural result of a man who's grown with, has been witness to, and taken part in much of, the significant political and governmental history of 20th century America.

"A free man. An American. A democrat. In that order," the late Lyndon Johnson once said in describing himself. So, too, would JENNINGS RANDOLPH describe himself.

But the unquenchable, vibrant spirit of this man—so often the conscience of our party and this body—grew to political maturity at about the same time his principal political mentor, Franklin Delano Roosevelt, issued his political call to arms. In his crusade to restore America to its own people. I am sure that JENNINGS listened intently on that hot Chicago night of July 2, 1932, when FDR challenged JENNINGS to choose a vision of America.

"There are two ways of viewing the Government's duty in matters affecting economic and social life. The first sees to it that a favored few are helped and hopes that some of their prosperity will leak through, sift through, to labor, to the farmer, to the small business man," said Roosevelt. But it is not and never will be the theory of the Democratic Party.

My gratitude goes out to JENNINGS RANDOLPH, for always remembering and reflecting the soul of our party. He did not forget it then, back in 1932. He did not forget it in the spring of 1933 when he joined the U.S. House of Representatives. He did not forget it back in 1958, when you joined the U.S. Senate.

And now he leaves us, the last to carry with him to the Congress of the United States the reality of the vision that was shaped the night the New Deal was born.

No, not now, not ever did he allow anyone or any force to dim the vision of that night.

When I praise JENNINGS RANDOLPH for having helped to shape so much of the progressive legislative legacy of the past half-century, I must make special mention for all that he has done for the people we both represent. JENNINGS RANDOLPH was there and worked for the creation of the Tennessee Valley Authority, the Economic Development Administration, and the Appalachian Regional Commission.

The propulsion of the people of the Tennessee Valley to economic parity with the rest of America owes much to this man. We thank JENNINGS RANDOLPH, for all that he has done to build, to improve, to create work, and to foster economic development for the people of Tennessee.

The salient characteristic that came through in all that he has done, in his more than half century of service to the people of West Virginia and the Nation, is the way he has always been a gentleman.

Yes, the gentleman from West Virginia would never let us forget about decorum, decency, and order. Never. Not even during debate over those things that most passionately involved him.

How fitting it is that in the legacy he leave us, that which will likely mean the most to the people of America reflects this characteristic. There will finally be a National Peace Academy because of JENNINGS RANDOLPH.

For once and for all, there will be an institution that teaches, researches, and promulgates the need for qualities which resolve conflicts and prevent them. An institution that will genuinely promote peace and good will among humanity. These are the qualities of a gentleman. Indeed, they are the qualities of the truest gentleman in our midst, the Honorable JENNINGS RANDOLPH. He can leave the Senate, knowing that his mark having become the standard, all of us will always have something for which we can strive.●

SENATOR JOHN TOWER

● Mr. STEVENS. Mr. President, when I first met Senator JOHN TOWER at the University of Alaska in Fairbanks, my hosts said, "We want you to meet JOHN, the TOWER of Texas." That introduction has proved to be correct time and again.

As chairman of the Armed Services Committee, Senator TOWER has been a tower of strength here in the Senate. Many times he has stood alone on this floor and successfully challenged the Senate to fulfill its constitutional duty to provide for the common defense.

As chairman of the Defense Appropriations Subcommittee, I have worked closely with JOHN TOWER over the past 4 years, and I know his record. JOHN is second to none in his commitment to the protection of our Nation and the rest of the free world. Without his leadership, the current modernization of our Armed Forces would not have been initiated. When the records of the past two decades are reviewed by historians, they will document the dramatic difference JOHN has made in the ability of the United States to defend itself.

The Senate will greatly miss JOHN TOWER's insights into the needs and capabilities of our defense forces, but I know he will continue to be an outspoken advocate for a strong national defense. Catherine and I wish JOHN and his wife Lilla the best in their future endeavors.●

TRIBUTE TO JOHN TOWER

● Mr. KENNEDY. Mr. President, the end of this session marks the departure of JOHN TOWER from the Senate, and I want to take this occasion to note his many accomplishments as a Member of this body since 1961 and as a leading force on the Senate Armed Services Committee from the day he joined the committee in 1965.

JOHN TOWER and I have had our differences over the years, but I have come to know him as a tireless and forceful advocate for America's national defense. His knowledge of the myriad, complex defense issues facing the country in unsurpassed. His training at the London School of Economics and as a college professor gave him a unique background of insight, experience and debating skills to tackle the difficult problems of American security in our changing modern world.

In my own service in the Senate over the past two decades, I was impressed every year by his mastery of the issues and his skill in presenting them on the Senate floor. And since I joined the Armed Services Committee 2 years ago, I have been equally impressed by his skillful leadership in handling the challenging business of our committee.

Though we have disagreed on many things, one vital area of fundamental agreement stands out; JOHN TOWER's unyielding commitment to the security of America, to the strength of our Armed Forces, and to the well-being of the dedicated men and women who serve in those forces. They are the true backbone of our national security and for 24 productive years, they have had a magnificent champion in Senator JOHN TOWER.●

TRIBUTE TO SENATOR JENNINGS RANDOLPH

● Mr. STEVENS. Mr. President, other Senators have enumerated Senator JENNINGS RANDOLPH's many legislative achievements. I want to make certain the RECORD reflects the personal affection members of the Senate have for Senator RANDOLPH. Throughout his years in this body, he has gone out of his way to be a good friend to all of his colleagues.

Few know of Senator RANDOLPH's efforts as a recruiting officer for the Senate prayer meetings. And even fewer know of the many times he comforted and consoled other Members of the Senate when they were faced with trouble and despair. JENNINGS' actions, however, live on in the hearts of those whom he helped.

Many of my memories of JENNINGS focus on the time we have spent together in the Senate gym. There, we have discussed life and death, victory and defeat, politics and and religion, and the role of the Senate in the life of the Nation. Through his comments and observations, JENNINGS has passed on to a new generation of Senators his vision of our country's destiny.

Thoughout his decades of public service in Washington, JENNINGS has retained a youthful enthusiasm for change and innovation. He and I were and are members of opposing political parties, but we have embraced similar proposals to improve air transportation in our country.

JENNINGS, we all are sorry to see the Randolph era in the Senate come to an end, but we look forward to seeing you here on the floor and in the gym in the years ahead. You must continue to pass on to new Senators the wisdom you have acquired during your many years of service to the people of West Virginia.●

TRIBUTE TO SENATOR TOWER

● Mr. HUMPHREY. Mr. President, it is an honor for me to pay tribute and to give personal thanks to Senator JOHN TOWER of Texas upon his retirement from the Senate.

During my first term in office, it has been a distinct pleasure for me to work along side of my friend, JOHN TOWER. I was especially glad to be able to work with JOHN TOWER on the Senate Armed Services Committee, first as a member of the minority, and then with JOHN as the committee chairman.

Working with someone is made easier when you share common positions and goals. JOHN and I believed that a strong, effective, and efficient defense posture was essential to protect our national security. JOHN TOWER worked long and hard to provide for a strong defense. The long hours spent in committee deliberations, floor debate, and conferences with the House never swayed JOHN from his beliefs. This type of devotion to duty and purpose has a big effect on the recent reversing of the readiness trends of the U.S. military forces.

Senator TOWER will be missed in the Senate in the future. Someone will have some big shoes to fill to keep the President's defense plan for improving military readiness, while modernizing our forces moving in the Senate and the Congress.

The tough, intelligent, and effective manner Senator TOWER handled the defense issues gained not only my respect, and the respect of fellow Senators, but respect here in the United States and overseas. I hope this unique talent will be used in some service to our country in the immediate future.

My service with JOHN TOWER has been beneficial to me personally also. I feel JOHN was an excellent teacher, and I was provided outstanding guidance. This guidance will assist me in the future when facing the problems of defense and national security.

I wish Senator TOWER the very best in his future endeavors, and hope that we will work together again soon.●

SENATOR PAUL TSONGAS

● Mr. STEVENS. Mr. President, I wish my friend Senator PAUL TSONGAS well as he leaves the Senate. In my home, we know PAUL best as the daddy of Molly, who was born the same summer as our daughter Lily. In the Senate, I know PAUL best as an articulate opponent of my position on the management of Federal lands in Alaska. PAUL will long be remembered in my home State for his fairness and honesty in dealing with this controversial issue.

In 1979, PAUL came to my home to discuss the Alaska lands bill. He was frank and concise. Rather than trying to stonewall us, he suggested reasonable compromises. In the course of the lands bill debate, which consumed most of my time for the next 2 years, I had many discussions off the floor with PAUL and our late friend and colleague, Senator Scoop Jackson. Scoop said many times that PAUL would always keep his word, and he was right.

PAUL, Catherine, Lily, and I wish you, Niki, Molly, Katina, and Ashley the very best in the years ahead. And we hope that you will visit us in Alaska to see the land that you came to know so well during your service in the Senate.●

TRIBUTE TO SENATOR PAUL TSONGAS

● Mr. ARMSTRONG. Mr. President, all of us who have served with Senator PAUL TSONGAS can agree that he is one of the most able Senators in this body. In the span of a single term he has had a substantial impact on the deliberations of the most important questions of our day.

He has fearlessly stood for his convictions and ably debated the issues. He has thus contributed a great deal to the policy processes of this body and challenged and stimulated the thinking of all of his colleagues.

As Senator TSONGAS returns to private life, I join his many friends in congratulating him for his outstanding tenure in the U.S. Senate. We appreciate his service to the self-governmental system and wish a wonderful and promising future for him and all best wishes.●

TRIBUTE TO SENATOR JENNINGS RANDOLPH

● Mr. ARMSTRONG. Mr. President, I wish to add my tribute to those of my colleagues to Senator JENNINGS RANDOLPH on the occasion of his retirement from the U.S. Senate. Senator RANDOLPH has been an inspiration to all of us during his long commitment to serve the people of West Virginia and the Nation. I am certain that the people of West Virginia have elected to keep JENNINGS RANDOLPH in the U.S. Senate for over a quarter of a century because they know that he is a man of the people who has studiously maintained their link to the highest representative body in the land.

Senator RANDOLPH's faith in this country and its people have been reflected in his dedicated service in this body and he has never ceased to do everything in his power to improve the Senate as an instrument of the people in forging their own destiny. I count it a privilege to have served with Senator JENNINGS RANDOLPH and I congratulate him on a long and distinguished career of public service.●

TRIBUTE TO SENATOR JOHN TOWER

● Mr. ARMSTRONG. Mr. President, I am sure that all of the people who have served in the U.S. Senate down through the two centuries of its existence have wanted to help our country and to have a major impact on its direction and policies. One who has succeeded in that purpose is JOHN TOWER.

Senator TOWER has established himself as one of our country's chief proponents of the concept of "freedom through strength" and one of the pivotal leaders in rebuilding our defense capability. JOHN TOWER has never wavered from a conviction that America is the bastion of freedom in a world populated by regimes that do not share our commitment to liberty. His conviction has been translated into both renewed military power and a rebirth in our confidence to defend ourselves and the values we cherish in this beloved country.

As Senator TOWER prepares to return to other activities, however, all of us realize that his impact has extended across the spectrum of American thought. He has been one of the formative leaders in the long-term effort to rein in the expanding powers of the Federal Government and to rebuild a society with less tax and regulatory burden on the individual. That movement has now gained great breadth and depth, and its importance is being realized by a growing majority of our population. We owe a debt to JOHN TOWER for his commitment and tenacity to a change in direction for our country that will bring renewed opportunity for generations to come.

I congratulate Senator TOWER on a distinguished career and urge that he continue to exert his considerable leadership powers in other endeavors to the lasting benefit of our Nation.●

TRIBUTE TO SENATOR HOWARD BAKER

● Mr. ARMSTRONG. Mr. President, Gene Millikin, one of Colorado's most distinguished Senators, once said:

> The qualities that make a man respected in the U.S. Senate are the same qualities that make him respected up and down the main street of his own home town.

HOWARD BAKER, as much as any Senator I have ever known, has demonstrated the truth of that statement throughout his distinguished career in the U.S. Senate. The qualities of integrity, leadership, vision, dedication to principle, sensitivity, respect for others, fairness, humility, and good humor are attributes that we admire, and we find them in abundance in the person of HOWARD BAKER.

To say that we will miss HOWARD BAKER is totally inadequate to express the consequence of his retirement from this body. His presence will be sorely missed because he is a man with great leadership talents who loves the Senate and knows how it works. As all of us who serve here know, this great deliberative body is a complex institution that relies heavily on leaders who know the Senate's history, its rules, its precedents and its subtleties who can lead it to perform its historic role in our system of checks and balances. This is not the kind of knowledge that comes quickly and easily, so the extensive understanding and deep appreciation of the Senate that HOWARD BAKER carries with him will not be readily replaced.

More fundamental, however, is HOWARD BAKER's deep an abiding faith in this country and his vision for its future that will be most deeply missed in the U.S. Senate. It is this quality, more than any other, that we seek in selecting individuals for the key leadership positions in our self-governmental system and HOWARD BAKER's vision and faith have established him as one of the great majority leaders of the U.S. Senate.

I want to join my colleagues in wishing HOWARD BAKER the best in his future endeavors. We know that his service to this great country will continue and that we will all be better off because of his devotion to our self-governmental system. HOWARD BAKER has strengthened the quality of our democracy and has enriched the proud tradition of the U.S. Senate.●

TRIBUTE TO PAUL TSONGAS

● Mr. LAUTENBERG. Mr. President, I would like to pay tribute to one of the Senate's finer members, who will not be returning. PAUL TSONGAS decided to retire from the Senate after just one term, to return to Massachusetts with his wife and children. His decision, a personal one, has enhanced the respect I am sure we all have for PAUL.

Although our paths crossed here for only 2 years, I had an opportunity to come know and highly regard the junior Senator from Massachusetts. He has applied a deep understanding and interest in foreign affairs, particularly the affairs of the Third World, in pursuit of a more effective, humane and just foreign policy for our Nation. His insight about the complex situation in Central America has been instructive to me and the entire Senate.

PAUL has also distinguished himself in seeking to chart a new path for securing continued economic growth and prosperity in Massachusetts and the United States. Massachusetts, like my own State of New Jersey, has enjoyed the growth of new industries and new employment, based in the new technologies, while coping with the gradual decline of older industries and the communities that depend on them. PAUL's service to the renewal of Lowell, MA, is a lasting contribution to his constituents. His understanding of what is needed to nurture our technology-based industries and to promote tomorrow's invention, has been an asset in the Senate. His new ideas, and fresh approach, will be missed.

Mr. President, I am consoled by the thought that while PAUL TSONGAS is retiring from the Senate, he will not retire from the debate about the important issues facing us all. His commitment and his values, will, I trust, still serve the cause of peace and justice. His insights and wisdom will, I hope, still contribute to the thinking in this great body.●

TRIBUTE TO HOWARD BAKER

● Mr. LAUTENBERG. Mr. President, when the Senate returns for the 99th Congress, there will be a new majority leader. Whoever that may be, he will have to fill big shoes. HOWARD BAKER has earned the admiration of Members of both sides of the aisle for his fairness, his equanimity, and his commitment to his word.

Unlike many of my colleagues, I have served only with HOWARD BAKER as majority leader. While I yearn for the day when my own party resumes the leadership of the Senate, HOWARD BAKER has evinced a respect for this body, its history, and its tradition that has been a lesson to new Members. The Senate can be a fractious body of 100 individuals with diverse views. Without the kind of leadership that HOWARD BAKER has provided, this would have been a much less productive place. Without his efforts to accommodate the needs of so many Members, without his deep sense of comity, this would have been a much less pleasant place.

I am pleased to count HOWARD BAKER among the friends I have made in this body. I wish HOWARD the best. His service to the Senate will be long remembered.●

RECESS UNTIL 1:30 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess until 1:30 p.m.

There being no objection, the Senate, at 12:12 p.m., recessed until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DANFORTH].

CALL OF THE ROLL

Mr. BAKER. Mr. President, I have indicated through staff and the minority leader that I intend now to suggest the absence of a quorum, which will be a live quorum. If a quorum is not present, I anticipate a motion to instruct the Sergeant at Arms, on which there will be a rollcall vote.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names.

[Quorum No. 19 Leg.]

Baker
Burdick
Byrd
Danforth
DeConcini
Dodd
Domenici
Evans
Ford
Glenn
Gorton
Hecht
Stafford

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. They yeas and nays were ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Dakota [Mr. ANDREWS], the Senator from Colorado [Mr. ARMSTRONG], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. GOLDWATER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Oregon [Mr. HATFIELD], the Senator from Florida [Mrs. HAWKINS], the Senator from North Carolina [Mr. HELMS], the Senator from Iowa [Mr. JEPSEN], the Senator from Georgia [Mr. MATTINGLY], the Senator from Idaho [Mr. MCCLURE], the Senator from Illinois [Mr. PERCY], the Senator from Idaho [Mr. SYMMS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

Mr. BYRD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Florida [Mr. CHILES], the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. DIXON], the Senator from Missouri [Mr. EAGLETON], the Senator from Colorado [Mr. HART], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Louisiana [Mr. LONG], the Senator from Ohio [Mr. METZENBAUM], the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Mr. SARBANES], and the Senator from Mississippi [Mr. STENNIS], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 62, nays 4, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—62

Abdnor
Baker
Baucus
Bentsen
Biden
Boschwitz
Burdick
Byrd
Chafee
Cochran
Cohen
Danforth
DeConcini
Denton
Dodd
Dole
Domenici
Durenberger
East
Evans
Exon
Ford
Garn
Glenn
Gorton
Hatch
Hecht
Heinz
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Laxalt
Leahy
Lugar
Mathias
Matsunaga
Melcher
Mitchell
Moynihan
Murkowski
Nickles
Packwood
Pell
Pressler
Randolph
Riegle
Roth
Rudman
Sasser
Simpson
Specter
Stafford
Stevens
Thurmond
Tower
Trible
Tsongas
Warner
Wilson
Zorinsky

NAYS—4

Nunn
Proxmire
Quayle
Weicker

NOT VOTING—34

Andrews
Armstrong
Bingaman
Boren
Bradley
Bumpers
Chiles
Cranston
D'Amato
Dixon
Eagleton
Goldwater
Grassley
Hart
Hatfield
Hawkins
Heflin
Helms
Hollings
Huddleston
Jepsen
Kennedy
Lautenberg
Levin
Long
Mattingly
McClure
Metzenbaum
Percy
Pryor
Sarbanes
Stennis
Symms
Wallop

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC DEBT LIMIT INCREASE

The Senate resumed consideration of House Joint Resolution 654.

Mr. BAKER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is House Joint Resolution 654.

The question is on agreeing to the joint resolution.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Dakota [Mr. ANDREWS], the Senator from Colorado [Mr. ARMSTRONG], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. GOLDWATER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Oregon [Mr. HATFIELD], the Senator from Florida [Mrs. HAWKINS], the Senator from North Carolina [Mr. HELMS], the Senator from Iowa [Mr. JEPSEN], the Senator from Georgia [Mr. MATTINGLY], the Senator from Idaho [Mr. MCCLURE], the Senator from Illinois [Mr. PERCY], the Senator from Idaho [Mr. SYMMS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia [Mr. MATTINGLY] would vote "nay."

On this vote, the Senator from Oregon [Mr. HATFIELD] is paired with the Senator from Iowa [Mr. GRASSLEY].

If present and voting, the Senator from Oregon would vote "yea" and the Senator from Iowa would vote "nay."

On this vote, the Senator from Wyoming [Mr. WALLOP] is paired with the Senator from North Carolina [Mr. HELMS].

If present and voting, the Senator from Wyoming would vote "yea" and the Senator from North Carolina would vote "nay."

Mr. BYRD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. DIXON], the Senator from Missouri [Mr. EAGLETON], the Senator from Colorado [Mr. HART], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Louisiana [Mr. LONG], the Senator from Ohio [Mr. METZENBAUM], the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Mr. SARBANES] and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. BOREN] and the Senator from Arkansas [Mr. PRYOR] would each vote "nay."

On this vote, the Senator from New Jersey [Mr. BRADLEY] is paired with the Senator from New Mexico [Mr. BINGAMAN].

If present and voting, the Senator from New Jersey would vote "yea" and the Senator from New Mexico would vote "nay."

The PRESIDING OFFICER (Mr. KASTEN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 37, nays 30, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—37

Abdnor
Baker
Boschwitz
Chafee
Cochran
Cohen
Danforth
Denton
Dole
Domenici
Durenberger
East
Evans
Garn
Gorton
Hatch
Hecht
Heinz
Laxalt
Lugar
Mathias
Murkowski
Packwood
Pressler
Quayle
Roth
Rudman
Simpson
Specter
Stafford
Stevens
Thurmond
Tower
Trible
Warner
Weicker
Wilson

NAYS—30

Baucus
Bentsen
Biden
Burdick
Byrd
Chiles
DeConcini
Dodd
Exon
Ford
Glenn
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Leahy
Matsunaga
Melcher
Mitchell
Moynihan
Nickles
Nunn
Pell
Proxmire
Randolph
Riegle
Sasser
Tsongas
Zorinsky

NOT VOTING—33

Andrews
Armstrong
Bingaman
Boren
Bradley
Bumpers
Cranston
D'Amato
Dixon
Eagleton
Goldwater
Grassley
Hart
Hatfield
Hawkins
Heflin
Helms
Hollings
Huddleston
Jepsen
Kennedy
Lautenberg
Levin
Long
Mattingly
McClure
Metzenbaum
Percy
Pryor
Sarbanes
Stennis
Symms
Wallop

So the joint resolution (H.J. Res. 654) was passed.

Mr. BAKER. Mr. President, this vote is not subject to reconsideration. Is that correct?

The PRESIDING OFFICER. The vote having been reversed, it is subject to reconsideration.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business until not past the hour of 2:30 p.m., under the same terms and conditions. May I say to my colleagues that there will be no more votes today. There will be no more votes this session. And there will be no more votes in my career. [Applause, and Senators rising.]

The MAJORITY LEADER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, for a brief moment I thought that was for me. But I realize it was for sine die adjournment. [Laughter.]

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes; I yield.

THE MAJORITY LEADER

Mr. BYRD. Mr. President, the majority leader's word is his bond. I have always found that, if he said this would happen or that will not happen, I could with confidence, walk off the floor and know that he would keep his word. He has said that this is the last vote today, that this is the last vote of the session, and that this is the last vote of his career. I know he means that. But I hope that some day he will come back to the Senate Chamber and join those of us who will then be in the majority. [Laughter.]

May I say one other thing? I was a little bit taken aback when Senator BAKER made a proposition to me this morning saying, "I will give you your room back if you will vote with us." [Laughter.]

BIDDING A FOND FAREWELL TO SENATOR HOWARD H. BAKER, JR.

Mr. THURMOND. Mr. President, I have a few resolutions that will not take long. I will send them to the desk. I have four of them. I ask the clerk to report.

The resolution (S. Res. 481) was read as follows:

Whereas, the end of the 98th Congress represents the completion of his four years of service as Majority Leader of the United States Senate; and

Whereas, as Majority Leader, Howard H. Baker, Jr., has unfailingly performed his duties with humor, patience, and diligence in allowing the Senate to express its will on the important issues of the day; and

Whereas, in the long tradition of leaders of the Senate, the service to the Senate and the Nation by Howard H. Baker, Jr., will stand as a benchmark for future leaders; and

Whereas, the trust and respect which Senators feel toward Howard H. Baker, Jr., is a testament to his humanity, his empathy for his fellow Senators, and his good will which he displays toward all those around him; Now therefore, be it

Resolved, That the Senate bids a fond farewell to Howard H. Baker, Jr., knowing that to have served with him will be a continuing source of pride for the Senate as a whole, and the Senate wishes to thank Howard H. Baker, Jr., the distinguished Majority Leader, for his outstanding service to the Republic.

Mr. THURMOND. Mr. President, this resolution extols the virtues of the majority leader, and the great work he has done here. I move its passage.

The resolution (S. Res. 481) was considered by unanimous consent and agreed to.

COMMENDATION OF THE EXTRAORDINARILY COOPERATIVE CONDUCT OF THE DISTINGUISHED MINORITY LEADER

Mr. THURMOND. Mr. President, I send a resolution concerning the minority leader to the desk, and ask for its immediate consideration.

The resolution (S. Res. 482) was read as follows:

Resolved, That the Senate extends its thanks to the distinguished Minority Leader, the Senator from West Virginia, the Honorable Robert Carlyle Byrd. The extremely cooperative and able manner in which the minority leader has approached his duties as protector of the rights of the minority has been duly noted and the Senate commends the minority leader for his understanding, his devotion to the rules of the Senate, and for his outstanding leadership.

Mr. THURMOND. Mr. President, this resolution commends the minority leader for the great work he has done for the Senate, and I ask that it be passed at this time.

The resolution (S. Res. 482) was considered by unanimous consent and agreed to.

COMMENDATION OF WILLIAM F. HILDENBRAND

Mr. THURMOND. Mr. President, I now send to the desk a resolution concerning Mr. William F. Hildenbrand, who is retiring as Secretary of the Senate, and I ask for its immediate consideration.

The resolution (S. Res. 483) was read, considered by unanimous consent, and agreed to as follows:

Whereas, upon the completion of the 98th Congress, William F. Hildenbrand will have fulfilled four years of service as the Secretary of the United States Senate; and

Whereas, as an elected officer of the Senate, both as Secretary for the Minority and Secretary of the Senate, the said William F. Hildenbrand has performed the duties and discharged the responsibilities of his offices with unfailing dedication and a high degree of efficiency; and

Whereas, the said William F. Hildenbrand has upheld the high standards and traditions of the Office of Secretary of the Senate with abiding devotion; and

Whereas, he has gained the trust, confidence, and respect of his associates and the Members of the United States Senate; Now, therefore, be it

Resolved, That the Senate recognizes the notable contributions of William F. Hildenbrand to the Senate and to his Country and expresses to him its appreciation and gratitude for his long, faithful, and outstanding service.

COMMENDATION OF THE EXEMPLARY SERVICE OF THE PARTY SECRETARIES AND STAFFS, OTHER VARIOUS OFFICERS OF THE SENATE, AND THEIR STAFFS

Mr. THURMOND. Mr. President, I send a resolution to the desk for myself, Mr. BAKER, and Mr. BYRD, commending the Secretary to the Majority, the Secretary to the Minority, their assistants, and other attachés in the Senate. I ask for its immediate consideration.

The resolution (S. Res. 484) was read, considered by unanimous consent, and agreed to as follows:

Resolved, That the exemplary and faithful service of the Secretary for the Majority, the Honorable Howard O. Greene, Jr.; Assistant Secretary for the Majority, John C. Tuck; Republican floor assistants Elizabeth B. Baldwin and Lynne Grant; the Secretary for the Minority, the Honorable Patrick J. Griffin; Assistant Secretary for the Minority, Patrick Hynes; Democratic floor assistants Abby Saffold, Charles Kinney, and Martin Paone; the Parliamentarian of the Senate, the Honorable Robert B. Dove, and his assistants, Alan S. Frumin and Gail M. Cowper; the other various officers of the Senate and their respective staff members; and attachés, pages, and cloakroom staffs is deserving of the commendation and appreciation of the Senate. The able manner in which each of them has attended to their duties is a source of pride to the Senate as a whole, and the thanks of the Senate are hereby tendered to each of them.

Mr. THURMOND. Mr. President, I move, en bloc, to reconsider the votes by which the Senate resolutions were agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, that is all of the resolutions.

I wish to thank the Senate for its consideration, and wish all the Senators a nice recess, and see those who will come back in January.

Again, I want to express my appreciation to the great majority leader, the great work he has done, and thank the able minority leader for the fine job he has done.

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TRIBUTE TO SENATOR HOWARD BAKER

Mr. PELL. Mr. President, so many of us leave office by way of the box, either the ballot box or a coffin. When there are exceptions to this rule, usually we regret their departure.

In this regard, Mr. President, I would be remiss if I did not pay a final au revoir to the majority leader. In my association with the majority leader, I have always found him compassionate, fair, considerate, and always showing good sense. I particularly liked, admired, and benefited from his quality of compassion, a quality which I hope his successors may emulate. We will miss him a great deal.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Rhode Island. He has been a good friend, a distinguished colleague, and a fellow member on the Foreign Relations Committee. I am especially grateful for his remarks, coming as they do at this time.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there is one other matter that addresses itself to the Senate, not to the House of Representatives.

I understand this matter has been cleared on both sides, Mr. President. I refer to Calendar No. 39 on the Executive Calendar, the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite.

If the minority leader does not object, I would like to proceed to that item.

Mr. BYRD. No objection, Mr. President.

EXECUTIVE SESSION

CONVENTION RELATING TO THE DISTRIBUTION OF PROGRAMME-CARRYING SIGNALS TRANSMITTED BY SATELLITE

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the convention will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The assistant legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, which was signed by the United States at the close of the Diplomatic Conference in Brussels on May 21, 1974.

The PRESIDING OFFICER. The question is on agreeing to Treaty Document No. 98-31, the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite. (Putting the question.)

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution of ratification was agreed to.

Mr. MATHIAS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR HOWARD BAKER

Mr. SIMPSON. Mr. President, over these last days I have listened to the outpouring of genuine tribute to and regard for HOWARD BAKER. How extraordinarily well deserved it all is. Now we are hours away from the time when he will end his service as a Member and the majority leader of this body.

Recently I had the honor and privilege to join with some distinguished company—the President and other delightful people—in "roasting" HOWARD BAKER. There was present that night a great reservoir of good humor and good will—and deepest respect—and rich and rare affection for the retiring majority leader of the U.S. Senate.

Now, the serious impact of it all comes upon us. He can never be replaced. He is unique and extraordinary in every possible description one could confer. We shall miss him dearly. He leaves a void that will be tough to fill. If I personally could describe his tenure it would be in three words—patience, patience, and patience.

Mr. President, I have served as a majority leader and majority whip of a legislative body and I can only state that of all the leadership posts I have held or seen performed by others, I have never seen a more graceful, sincere, patient, caring, or appropriate carrying out of legislative duties. HOWARD BAKER is a class act. He is the glue and the grease that has kept us moving forward in a cohesive way.

It has been a rare treat and privilege for me to be able to share some of my time in the Senate with that remarkable individual. We have worked together, campaigned together, anguished together, legislated together, and put ourselves on the line together. And now he is leaving the U.S. Senate.

He cannot be replaced—or equaled—or compared. He is as unique as a rare gem in every sense—in every facet. His judgment, balance, extraordinary kindness, patience, his savvy, and his marvelous inner gyroscope that shows him the sense of right will carry him on to new challenges and new interests.

He is a man who has come to command my deepest admiration and respect.

My wife, Ann, and I have cherished our friendship with HOWARD and Joy. And here is an extraordinary and delightful woman. Joy has been at his side through his professional and political career and she, too, serves with grace and distinction. My father, Milward L. Simpson, served in this body with Joy's father, Everett Dirksen. They were great personal friends and Lou Ella and my mother enjoyed a lovely friendship.

It has been my rare privilege to sit at the chairman's meetings on Tuesday mornings at 11:45 and share in the achievements, the frustrations, and the deliberations that shape the legislative agenda in this place. Meeting the needs of the other 99 Members of the body has not just been an idle attempt—but a genuine and real effort on HOWARD's part. I really wonder sometimes if we all are aware of how very fortunate we have been to have his steady and guiding hand. We will feel it distinctly when he is absent from us.

So it is with a personal sense of sadness that I see HOWARD BAKER depart the U.S. Senate. Yet, I know that HOWARD will eagerly embrace new challenges and new opportunities—and because of him we shall all be the better for his honest and truly caring efforts in leading us in this body.

So, let me add my voice to the large and appreciative chorus—and express my deepest thanks for HOWARD's selfless and patient service to me, to this body, and to the Nation. We wish him all of the essence of the best in his future endeavors—whatever they may be.

God bless HOWARD and Joy BAKER. The world is better for them both.

TRIBUTE TO SENATOR JENNINGS RANDOLPH

Mr. SIMPSON. Mr. President, what a great honor and privilege to join with my colleagues in a tribute to one of the most remarkable men that I have known in the U.S. Senate—or outside of it. And that is our dear friend, JENNINGS RANDOLPH. It matters not who follows him here—Democrat or Republican—the vacancy will not be possible to fill. Other fine Senators will come to this place to carve out their own niches and their own special places—both in the Senate Veterans' Affairs Committee and in the Senate Chamber—but no one will ever replace JENNINGS RANDOLPH. His is a singular presence.

What has he done here? Only everything.

It has been my consistent joy and pleasure to come to know him ever better as we have served together. I serve with him on two committees—Veterans' Affairs and Environment and Public Works. There is not one person who has been more kind to me when I came to this curious arena than JENNINGS RANDOLPH. And he was always most gracious in introducing me to other Members of the Senate and he had a special remembrance and affection for my father, Milward L. Simpson, who served with JENNINGS in the early 1960's here in the U.S. Senate.

I had been here but a few weeks when one day JENNINGS said to me in his most genuine way, "ALAN, how would you like to go to Pittsburgh with me to appear before the Amen Corner Group? I allowed as to how I really didn't know the Amen Corner from hell's half acre but since he recommended it, I said I would go—besides that, I think both of us picked up about $250 apiece! Big bucks for me then. So off we went in a chartered plane and that was one of the most delightful days and evenings I have spent in many a time. He shared with me so much about himself—his early days in coaching and as an athletic director and his traveling the country over in the dead of winter with his football team and being in Wyoming and North Dakota and Montana. He told me of his days in West Virginia and his beloved Salem College, his school, his family, and of Mary and his two fine sons. We covered it all and shared some great stories—some a bit wilder than others and most all of them quite gentle and kindly uttered.

His has been a steady voice and one always heard on the Veterans' Affairs Committee. Always reminding all of us to keep foremost a compassionate view of the individual veteran—to make certain that our hearts as well as our heads are used in our analytical powers.

He has given me remarkable counsel and advice as we deal with our Nation's veterans and especially the most seriously disabled veterans. Such advice is always in order from him. In JENNINGS it has always been offered with the warmth, wisdom, and dignity of the elder statesman and received by this chairman with the respect and appreciation accorded only to those who I most highly admire.

Of course, he is an original member of the Veterans' Affairs Committee and has much more perspective to offer to us all and is ever more valuable to those of us who are junior Members as we seek to do our jobs properly.

Not once in my time as chairman have I known JENNINGS to act from base partisan motivation. Promoting needed legislation for disabled veterans has been one of his highest priorities. For it was he that sponsored the Randolph-Shepherd Act—along with innumerable other pieces of legislation addressing the needs of handicapped, the less fortunate, blind persons, and veterans.

He was the distinguished chairman of the Subcommittee on the Handicapped from 1972 to 1981—as we all well remember. Of course he works tirelessly as the ranking minority member on the full Committee on Environment and Public Works.

On the Veterans' Affairs Committee he has always urged attention to compensation rates for the most severely handicapped blinded veterans. In the compensation bill of 1982 and yet again in this year's bill the provisions which address the severely blinded veterans are really the result of JENNINGS' introduction, persistence and his skilled advocacy. He worked diligently with all of us to make certain that all members of the committee joined with him in the support of these measures—and while there were many adjustments made along the way—we always did so.

So here am I, a man with 6 years of duty behind me in the U.S. Senate paying tribute to a man who has given nearly 53 years of his lifetime to the Congress of the United States—and I say humbly and honestly to him that if he has had the same impact on his fellows as he has had on this junior Senator from Wyoming in just 6 years, then indeed his mark in this body will never be erased.

He is a man of wit, wisdom, intelligence, surging energy, moving compassion, righteous urging, earthy humor, gentleness, gentlemanlyness—a proud, patriotic, and remarkably genteel and effective colleague. I salute you, my good friend, you have been like a second father to me.

I will miss you greatly, God bless you, JENNINGS RANDOLPH.

TRIBUTE TO SENATOR PAUL TSONGAS

Mr. SIMPSON. Mr. President, in these last hours we pay tribute to several of our colleagues who have voluntarily chosen not to pursue another Senate term. They are those who believe fully in the adage "yes, there is life after the Senate."

I want to share some thoughts and feelings with you with regard to PAUL TSONGAS. PAUL and I came to this body in the class of 1978. There are a rich and remarkable array of human beings in that class—11 Republicans and 9 Democrats—we came to enjoy each other's company greatly since indeed we comprised a new course of energy in the Senate since one-fifth of the body was brand spanking new.

All of us here remember our "classmates" who come in with us—except for our extraordinarily capable and delightful colleague from Washington who constituted the sole member of the class of 1983.

I early observed PAUL TSONGAS and what I saw was a serious and thoughtful man with a real sense of purpose and a sense of personal worth that was very obvious. I perceived him as being sharp, curious, bright-eyed, and thoroughly involved. I watched with interest as he published a book which sent a few rigors through members of the establishment. The revelations of that book have been absorbed into his party's activities and he described in that book some themes that put him well ahead of his time as a politician.

Then I heard him one morning at the Senate prayer breakfast group describe his life in the Senate and his observations about life, family, and love of fellowman. It was most moving. He is an authentic man. I watched him sink his teeth into the Alaska lands bill and when he came away from the lengthy debate he had spread before us a remarkable piece of legislation which made an honest attempt to strike a balance between the environmentalists and the developers in that extraordinary area of America. He did that with patience, good humor, and rare legislative skill.

We both do share a chuckle about a particular Cabinet Officer appointment during this administration where PAUL sought my advice and counsel. I remember his thoughtful questioning of me and his reluctance to support the person in the task and I remember the thoughtful line of inquiry and intensity of the interrogation as to an appointment that troubled him greatly. I also remember that I shared with him my own honest views of the potential appointee. After weighing the difficult issue so carefully—as is his stock and trade—PAUL finally determined to confirm the appointment. In PAUL'S mind, my endorsement didn't quite match up to the performance of the Cabinet nominee and PAUL would always josh me on that one and as we would pass in the aisle or during rollcall vote, he would say "thanks, AL. You sure led me off a cliff on that one." It was a gutsy vote for him and he took some heavy flack on that one and handled it all with his usual great grace.

I shall miss him. I have also come to know his sensitive and beautiful wife, Nicki. Coming to know them, it is much easier to see the real reason for the decision on retirement. For he would not want to abbreviate his ability to love and nurture those three sparkling children and to share in the rare privilege of parentage with Nicki. That investment will be the best one they will ever make—of either time, talent, or treasure. Paul leaves an extraordinary record of achievement and prowess in this Senate, and he will leave a lovely legacy with his children. Fortunate are the children in America who receive such an unselfish gift from parents. Paul and Nicki know exactly what they are doing in this decision—and the children will find out the full richness of it in their later years.

So, it has been a privilege to come to know Paul. A great guy. To you I wish good health, good healing, and God bless.

TRIBUTE TO SENATOR JOHN TOWER

Mr. SIMPSON. Mr. President, what can I say about John Tower? He is a human dynamo. He keeps more spheres up in the air than a medieval juggler.

He is tough and fair and when you are in a scrap with him you should bring a light lunch—for it could last a while.

He works hard. He says what he feels and feels what he says. He means what he says and says what he means. He is enthusiastic, and yes, aggressive in the most positive sense of the word. He is not exactly a "wanda wallflower"!

He is tenacious—a real bulldog on the things that he deeply believes in. When he gives his personal commitment he gives his all. He is a real scrapper and when he is going to do something and tells you he is going to do it—count on it.

He was one of the real troopers in the U.S. Senate during the time when our party was in the minority and sometimes he was a minority within the minority. He and my father served together here in the then minority party. Without his determination, parliamentary savvy and competitiveness in those years there would have been some odd bits of legislation spread on the books that would have popped our eyes.

As a member of the majority party he assumed a new and increasing responsibility and he has handled it magnificently.

It is my personal privilege to sit each Tuesday morning at 11:45 with the standing committee chairmen of the U.S. Senate. Each of us report on the areas of jurisdiction and authority. John has done an absolutely magnificent job with the Committee on Armed Services. He has been fair, precise, held the hearings required, presented his case and presented the other side—all the while keeping in mind the sense of the President's program of economic recovery and the real need for real money defense ticket items. He has done that with real legislative skill. That is not just my view. That is the view of many in Washington.

It has been a rare privilege to serve with him, to catch his enthusiasm, to know his marvelous sense of humor as he pursues the things near and dear to his heart, to watch his zeal and enthusiasm in which he pursues the things that he believes in.

John and Lilla have been very kind to Ann and to me during our time in Washington. They have given quite freely of their time and their good counsel and their friendship to me when I was a freshman 6 years ago. I wish them Godspeed.

THE SECOND SESSION OF THE 98th CONGRESS: CONTRIBUTIONS OF SENATE DEMOCRATS

Mr. BYRD. Mr. President, as the 2d session of the 98th Congress draws to a close, I would like to take a moment to review the contributions which Senate Democrats have made to the national debate on the critical issues facing our country and our world.

As the session began, the economy was in its second year of struggle to recover from the steepest economic downturn since the Great Depression of the 1930's. Although unemployment was declining, millions remained jobless. Today, 8.5 million people are still out of work, nearly half a million more than when President Reagan was elected. America's basic industries, long the envy of the world and the living symbol of our industrial might, were reeling from the combined effects of recession and the pressures of ever tougher international competition, rapid and destabilizing technological change, and the breakdown of a stable world currency system.

The administration's fiscal policies had burdened the country with the largest deficits in our Nation's history, and with a mounting pile of debt that has placed a mortgage on our children's future. The deficits had pushed real interest rates to record levels and keeps them there today. High interest rates have helped to create a dollar that is grossly overvalued, opening U.S. markets to a floodtide of cheap foreign imports and crippling the ability of American goods to compete in international markets. The trade deficit with our trading partners has broken one record after another. It is now expected to virtually double in 1984, which translates into a loss of 3 million American jobs.

When this session convened, our Nation's debt stood at $1.433 trillion. Today, as we prepare to adjourn, the debt stands at $1.573 trillion, an increase of $140 billion in just over 9 months. If the Government continues to increase its debt at this rate, by the end of this decade we will have a debt over $3 trillion, more than three times what the debt was in 1980. This year, the administration will spend 37 cents of every dollar collected in individual income taxes just to pay the net interest cost on the debt.

Senate Democrats have done their part to face these issues head on, by proposing a host of concrete policy alternatives designed to reduce the deficit, to lead our Nation back to economic preeminence in the world and to assure that in the future, America will remain second to none. In February of 1983, I asked Senator Edward Kennedy to chair a task force of Senate Democrats to look beyond the shortrun business cycle to focus on the country's long-range economic problems. The task force met regularly over a period of 9 months before presenting its report to the full conference of Democratic Senators. The Democratic Conference unanimously endorsed the proposals it contained. A steering group of Democractic Senators under the leadership of Senators Carl Levin, Tom Eagleton, and Ted Kennedy oversaw the drafting of legislation embodying the Conference proposal, which was introduced as the Economic Cooperation and Competitiveness Act of 1984, on June 27, 1984. The legislation outlines a comprehensive approach to tackling the job of modernizing America's industries and restoring our competitive edge in the world. Key provisions include a tripartite Council on Economic Cooperation and Competitiveness composed of business, labor, and government representatives; an aggressive trade policy to open new markets and assure fair treatment from our trading partners; adjustment assistance for individuals and communities to help them respond to rapidly changing economic circumstances; and increased emphasis on education, training, and research and development.

Senate Democrats have also offered their own prescriptions for bringing the Federal deficits under control. In February of 1984, President Reagan submitted a budget request to the Congress which contained a deficit next year of $197 billion, reaching $248 billion by 1989. It was a budget that was met with immediate and nearly unanimous bipartisan rejection. Faced with this crisis of confidence in its fiscal policy, the administration resorted to a series of closed meetings designed to fashion a more acceptable alternative. However, the administration insisted that the effort be limited to a downpayment on the deficit, ruling out Democratic proposals to double the amount of deficit reduction that the administration has set as its target. While Democrats initially were invited to participate in these meetings, White House representatives quickly made clear that the administration was not prepared to meet them halfway. In the end, closed door meetings from which Democrats were excluded produced a new budget proposal which was unveiled with much fanfare and dubbed the "Rose Garden" deficit plan.

That plan, however, would have actually resulted not in lower deficits, but in higher deficits each year. Rather than lend support to such a proposal, Senate Democrats, under the leadership of Senator CHILES, produced a budget plan of their own, which would have cut the deficit by $200 billion and which, unlike the administration plan, would have produced declining, rather than increasing, deficits in future years. Further, the Chiles proposal reflected a different set of priorities than the plan supported by the majority, containing fewer cuts in vital programs such as medicare and a more restrained and affordable rate of increase in the Pentagon budget. The proposal failed on a near party line vote.

In addition to the Chiles proposal, Senate Democrats worked together to modify the budget resolution and Deficit Reduction Act to protect Medicare beneficiaries from deep cuts that would have increased their out-of-pocket medical expenses and to assure that Congress would have sufficient flexibility within overall spending limits to shift funds between the Pentagon budget and domestic programs.

While much of the year was devoted to the intense debate over the administration's fiscal policy and spending priorities, Senate Democrats were also active on a host of other important fronts. Senate Democrats fought to open a seat on the Federal Reserve Board to a governor with experience in small business or agriculture. They worked to extend the Superfund Program to clean up the hundreds of toxic waste sites which pose the greatest threat to the health and safety of our citizens.

And Senate Democrats were at the forefront of efforts to overturn the Supreme Court's decision in the Grove City case, which limited the scope and effectiveness of the Title IX Program, the landmark legislation which prohibits discrimination on the basis of sex in educational institutions, and which has made such a signal contribution to the impressive victories of young American women athletes at the recent Olympic games. The Court decision in Grove City threatens to cripple not only title IX, but also three other vital statutes which forbid discrimination in American life: The Age Discrimination in Employment Act, the Civil Rights Act of 1964, and section 504 of the Rehabilitation Act, which forbids discrimination against handicapped Americans. Legislation to reverse Grove City and return the law to its status quo ante was killed on a party-line vote in the final days of this session, despite months of good-faith effort to reach a compromise with the opponents of this critically important legislation.

The major, comprehensive anticrime measure which passed the Senate on October 4, 1984, contains almost all the elements of the Democratic crime package which Senate Democrats first offered during the 97th Congress. It provides for stiffer criminal sentences, pretrial detention of dangerous criminal defendants, and a whole host of other tough anticrime measures. Our initiative on crime has had a long and arduous path. The first time our crime proposals were enacted by the Congress, the bill which contained them was vetoed by the President, primarily because he did not want to create the Cabinet-level drug czar which we thought was necessary to run a truly effective and coordinated effort to attack the massive problem of illegal narcotics traffic. Our proposals were again contained in the legislation which recently passed the Senate, and if and when the President signs the continuing resolution for fiscal year 1985, our proposals will finally become law.

The minority has supported a vigorous national security program and a strong, appropriate, defense spending level. At the same time, they have made major efforts to attack waste and abuse of the taxpayer's dollar, and focused on promoting those weapons systems which enhance the use of America's technological edge and America's traditional policy of deterrence. These attempts have had considerable success even in the face of stubborn opposition by the administration. Lastly, Senate Democrats have been concerned about the readiness of our conventional forces, particularly in the European theatre. In this case, the administration has thwarted efforts to increase the level of burden sharing in the Alliance and have frustrated attempts to reorient the administration's priorities away from overspending on redundant strategic nuclear systems.

In the conduct of American foreign policy, Democrats have insisted on a coherent and consistent approach worthy of the Nation that leads the free world. Democrats offered legislation to clarify America's role in Lebanon and define objectives in Central America. But the administration opposed these initiatives, and we were left with tragedy in Lebanon and a dangerous uncertainty in Central America.

Mr. President, in my view, this Congress has failed to address many of the pressing issues before the Nation. When compared to its immediate predecessors, it stacks up poorly.

A statistical analysis of this session and last with the 95th and 96th Congresses bears out the truth of this charge.

From 1981 to 1984, the Senate passed 45 percent fewer major bills than in the previous 4 years. In fact, in no other Presidential election year in the last 20 years did the Senate pass so few bills. Twenty-five percent fewer laws were enacted during the last 4 years than the preceding 4. At the same time, the percentage of public laws enacted which were of a nonsubstantive or administrative nature increased from only 17 percent in 1977 to a whopping 64 percent in 1984.

While the President often blames Congress for the record deficits and a myriad of other problems, he has veoted very few bills compared to other Presidents. Only President Kennedy, who served 3 years and with a Democratic House and Senate, vetoed fewer bills. One has to go back to President Harding for a President who used his veto authority even less.

I ask unanimous consent that the entire statistical analysis which I have only highlighted be inserted into the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. I further ask unanimous consent that my entire statement and insertions be printed as a Senate document.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BYRD. Let me turn now to a more detailed discussion of Democratic initiatives during the last year.

INDUSTRIAL STRATEGY

On June 27, 1984, a number of Democrats introduced the Economic Cooperation and Competitiveness Act of 1984. As I indicated earlier, the legislation was the product of a Senate Democratic conference task force that had spent months in crafting a series of proposals that will help foster long-term growth and allow America to move into the future with a highly diversified, internationally competitive industrial base. The legislation was preceded by a Senate Democratic conference publication—"Job for the Future"—that detailed the competitive challenge facing America and developed a comprehensive policy to meet it.

The American economy is now closely tied to a world economy that has become more volatile and more competitive over the last 10 years. American involvement with world markets is not just a question of imported oil or other raw materials. In most years, one in three acres is planted for overseas markets and one in six industrial jobs depends on exports. There was a time when American technology and productivity kept most of the world at bay. No longer. The bulk of American manufacturers face stiff foreign competition for domestic as well as international markets.

The Reagan administration has done nothing to meet the growing challenge of foreign competition—in fact it has made things worse. Huge budget deficits and high real interest rates have combined to create a dollar that is no longer competitive. At the same time, high real interest rates have slowed recovery overseas and exacerbated the problems of the debt-burdened developing countries. The results can be read in the trade statistics. The Reagan administration has broken one trade deficit record after another. Last year it was a record $69 billion. Recent forecasts suggest the trade deficit will roughly double in 1984—reaching $130 billion by year end. If that deficit were eliminated by American goods, produced by American workers in American factories, the country would be richer by 3 million jobs.

Industry specific figures are even more shocking. Imports have made major inroads in one American market after another—shoes, textiles, consumer electronics, autos, steel—even semiconductors. Despite some recent gains, employment in the steel industry is 200,000 below its 1978 level; employment in the auto industry is 25 percent below the 1978 figure.

The President's refusal to accept the recommendation of the International Trade Commission concerning relief and adjustment for the steel industry is a recent example of continuing administration indifference and uncertainty. Without an attempt to deal with the trade crisis in a systematic way, the administration seems content to see U.S. industry lose its world-class status. More important, it seems content to stand on the sidelines while American jobs become our number one export.

The administration has done nothing to lay the basis for a longrun competitiveness policy. They have slashed the education and research budgets—jeopardizing America's ability to excel in the industries of the future. Adjustment programs for workers and communities have either been eliminated of severely cut back. The administration has essentially abandoned programs designed to get labor, management, and government pulling together to make a more competitive America.

The Economic Cooperation and Competitiveness Act will sharply reverse that course. The act proposes a Council on Economic Cooperation and Competitiveness to produce informed, coordinated, coherent policy choices and to encourage business/labor/Government cooperation. To lay a base for long-term competitiveness, the act proposes a number of investments in the future—in education and research. The act contains a number of proposals to aid the process of adjustment to rapidly changing technology and heightened foreign competition—training programs for small businesses, a modified unemployment insurance system to open up opportunities for training, and adjustment assistance to firms and communities. The act spells out an aggressive trade policy that will help open new markets overseas and, at the same, responds effectively to the unfair trade practices of our partners. Under the act, there would be a study of capital markets, support for State development finance agencies, and the consideration of a National Development Bank.

The Economic Cooperation and Competitiveness Act is a road map for an American future of long-term growth and broad based opportunity. It will help America to meet and beat the foreign competition, create a climate for investments in our future, and ease the painful adjustments to rapid economic change. It will be high on the Democratic agenda for the 99th Congress.

MEDICARE AND SOCIAL SECURITY

In no issue area were Democrats more deeply involved during the past year than in attempting to protect the elderly from deep and damaging cuts in the Medicare Program. In his 1985 budget, the President proposed billions of dollars of Medicare cuts that would have made considerably more difficulty the plight of the elderly who now cannot afford their medical bills even with Medicare's help. The legislation on which this issue confronted the Senate was the Deficit Reduction Act of 1984. The Finance Committee included in that bill a number of the President's proposals—increasing health care costs for elderly and disabled beneficiaries by an estimated $9.9 billion over the next 5 years.

Senate Democrats led the effort to reduce these increased costs. On three separate votes Democratic efforts were defeated by the majority. In the first amendment, Senators KENNEDY and CRANSTON sought to eliminate both proposed increases in premiums paid to gain Medicare coverage of doctors' bills and proposed increases in the deductibles that Medicare beneficiaries must pay each year before Medicare will pay remaining bills. The same Senators sought to eliminate a delay in initial eligibility until the month following the month in which a person's 65th birthday falls—which would affect only sick and injured persons. When these two amendments were defeated, Senator BAUCUS proposed an amendment to eliminate the deductible increase and hold the premium increase to 1 year. This, too, was defeated.

Democrats also sought early in the year to minimize the continuing tragedy of the long-term unemployed by establishing a 2-year program of health insurance for the unemployed. The amendment, cosponsored by Senator RIEGLE, was defeated.

In August, Democrats sought again to help the victims of the recession, when Senator DIXON and others sought to add an additional $60 million to an appropriations bill for use in funding emergency food and shelters for the homeless and destitute. This time, Democrats prevailed and the additional help was made available.

One of the efforts during the past year of which I am proudest is the critical leadership and participation of Senate Democrats in efforts to reform the Social Security Disability Insurance Program. The administration used congressional directives to review the operations of this program as an excuse to indiscriminately purge the rolls of tens of thousands of disabled beneficiaries. Senator LEVIN, along with Senators SASSER, PRYOR, MOYNIHAN, and other Democrats, worked ceaselessly and diligently for over 2 years with several Senators from the other side of the aisle, including Senator COHEN, and Members of the House, to accomplish the reforms so desperately needed in this program. Just last month those efforts were successful—and we now can expect the program to be operated more humanely and carefully—for the benefit of the disabled as well as for the benefit of all taxpayers.

ENVIRONMENT AND ENERGY

Senate Democrats can be proud of the record they have established in the 98th Congress in the areas of environmental protection and energy policy. This record includes support for a responsible approach to the development of the Nation's vast oil and gas resources and support for a balanced approach to the development of alternative energy supply technologies.

The extent of the threat to public health from exposure to improperly disposed of toxic wastes is only now becoming clear. The Environmental Protection Agency estimates that there may be as many as 22,000 sites located across the Nation where toxic wastes have been dumped. Of these, as many as 2,200 may be placed on the national priority list for sites which are of sufficient concern that they are considered a priority for clean up under the Superfund Program. Senate Democrats have been at the forefront of efforts to clean up toxic waste dumps.

Senate Democrats also supported an effort to correct abuses of Federal onshore leasing procedures. Democrats support efforts to improve the approach to leasing onshore lands for oil and natural gas development. Senate Democrats voted to consider an amendment to the fiscal year 1985 continuing resolution which would have required the Secretary of the Interior to use competitive bidding for the leasing of such lands, rather than rely on a lottery system which is being abused at the expense of the Federal Government.

Democrats support a balanced approach to the development of alternative energy supply technologies. Democrats have resisted administration efforts to drastically reduce, and more narrowly focus, the budget for the Department of Energy's energy research and development programs. Senate Democrats voted to support consideration of an amendment to the fiscal year 1985 energy and water appropriations bill which increased funding for solar-thermal research, and to bring the Department of Energy's solar energy program up to a par with its recommended fiscal year 1984 funding levels.

Finally, I am proud that the Senate adopted my clean coal technology bill as an amendment to the continuing resolution. It provides $750 million for clean coal technology demonstration activities.

FEDERAL RESERVE BOARD APPOINTMENTS

Credit is the lifeline of most American businesses. That is particularly true of farmers and small business people. Local banks are the first source of credit for most farmers and small business people. Yet, local credit conditions are heavily influenced by the national monetary policy established by the Board of Governors of the Federal Reserve System. Because credit is so vital to farming and small business, it is important that when policy is set, the special needs of farming and small business be taken into account. Too often, that is not the case. To make sure that the voices of the farmer and small business person are heard, Senator PRYOR proposed a sense of the Senate resolution expressing the view that the next appointee to the Federal Reserve Board be someone with either a farming or a small business background. Despite stiff opposition, Senate Democrats succeeded in attaching the Pryor amendment to the Export Administration Act.

Despite the clearest possible expression of senatorial sentiment, the President nominated Dr. Martha Seger, an academic with banking and regulatory experience, to the next seat on the Federal Reserve Board. What she clearly did not have was any special familiarity with either agriculture or small business. Again, the Senate Democrats took the lead in stressing the importance of making sure that the needs of farmers and small business people were taken into account when monetary policy was being made. Senators BAUCUS and PRYOR proposed an amendment to the second supplemental appropriations bill expressing the sense of the Congress that the President should withdraw the recess nomination of Dr. Martha Seger and, instead, nominate a person with a small business or agricultural background. Despite overwhelming Democratic support, the Baucus-Pryor amendment was defeated.

RECESS APPOINTMENTS

The recess appointment of Dr. Martha Seger to the Federal Reserve Board also raised the question of the President's use of the recess appointment power. Dr. Seger's nomination had been sent to the Senate Banking Committee in early June. Four days of hearings were held before her nomination was approved by the committee on a 10 to 8, straight party line vote. The Democratic members of the committee had raised serious questions about Dr. Seger's qualifications and the hearings had not put those questions to rest. There was every indication that her nomination would be subject to considerable debate on the Senate floor.

At that point, the Senate adjourned for the July 4 recess and the Democratic Convention. The next Monday, the President avoided the problem of lengthy Senate advice and uncertain consent by giving Dr. Seger a recess appointment to the Federal Reserve. Under the current interpretation of the recess appointment power, Dr. Seger will be able to serve until the end of the first session of the next Congress.

In my own view and the view of most Democrats, the President violated at least the spirit, if not the letter, of the recess appointment power. As a result, 41 Democrats joined me in introducing a resolution expressing the sense of the Senate that no recess appointment should be made unless there had been a formal termination of a session of the Senate or there was a recess in excess of 30 days.

NUTRITION

The House has passed and sent to the Senate several important pieces of nutrition legislation, including reauthorization of the child nutrition programs, authorization of the Women, Infants, and Children Program, and legislation responding to the recommendations of the President's own Task Force on Hunger in the Child Nutrition and Food Stamp Programs. Two of these House bills have been placed on the calendar. Democratic Senators have introduced several pieces of legislation similar to these House bills, but none has been reported by the Senate Agriculture Committee.

Finally, under the leadership of the ranking Democrat on that committee, Senator DEE HUDDLESTON, a modest child nutrition authorization bill, concerning the WIC Program and four other nutrition programs, was reported and placed on the Senate Calendar. To date, however, the matter has unfortunately not been placed before the Senate for consideration.

EDUCATION

The most critical issue facing American education today is one of excellence. American education is simply not as good as it must be for the future of our country. Our once unchallenged preeminence in industry, science, technology, and commerce is being overtaken by our competitors throughout the world. This crisis in our public schools threatens American prosperity and security.

The Democrats in the Senate have attempted to respond to this challenge. The economic cooperation and competitiveness bill, developed by the Senate Democratic conference, included a number of specific proposals designed to upgrade the proficiency of our schools in teaching our children the math, science, computer, and foreign language skills they will need if America is to compete successfully in a rapidly changing world economic order. It also includes provisions designed to recognize and reward excellence, and to spur students to greater achievement. I am especially pleased that legislation to create a Federal Merit Scholarship Program, which I introduced on August 8, was passed by both the House and the Senate.

DEFENSE

Democrats in the Senate have attempted to bring major management reform to the Department of Defense through a series of initiatives. Those initiatives include the creation of an independent inspector General in DOD, the development of warranty requirements for new weapons systems, the establishment of a bureau of independent weapons testing and evaluation, and the creation of an effective office of Competition Advocate General in each of the services designed to increase competition in procurement contracting. In each case the administration and the Republicans in the Senate attempted to kill or water down the proposal. Fortunately, in all four situations, Democrats prevailed, and to the extent that the shameful level of waste has been revealed and reforms have begun, it has largely been to the credit of Senate Democrats.

Democrats attempted to influence our NATO allies to increase their level of defense spending to the 3-percent annual real growth level that they had promised, in order to spread the burden of the common defense. But the majority party in the Senate fought this attempt, and watered down this proposal by Senator NUNN. On June 20, 1984, the proposal was defeated, leaving the American taxpayers to fill the gap left by the shortfall of allied spending levels.

Democrats support a strong strategic defense, including the MX missile in a survivable basing mode. The President, supported by the Republican majority in the Senate, supported an indefensible and nonsurvivable basing mode which weakens our strategic defense. The overwhelming majority of Democrats supported a Chiles amendment on June 14, 1984, to refocus our strategic missile efforts toward the more survivable Midgetman missile, but were defeated by the Republican majority.

Given the shocking level of waste in Pentagon programs, Senate Democrats supported a Dixon amendment on June 14, 1984, to recommit the defense authorization bill to committee to reduce the real growth level from 7 to 5 percent, which was judged to be a responsible level of real growth—at least double the efforts of our NATO allies. The Republican majority in the Senate defeated the proposal, signalling to the Pentagon that they were not prepared to make the Pentagon live within a responsible budget level and to exert greater efforts to remove waste from Pentagon programs.

The majority of Democrats support the reinstitution of the GI bill of education benefits, one of the most successful programs ever created in the Nation. A clear majority of Republican Senators defeated this proposal on June 12, 1984. Instead, the country must be satisfied with a limited test program of 2 years in duration.

Democrats support the most advanced technologies in our defense programs as the cutting edge of deterrence against the Soviet Union. The Pentagon has attempted to reduce the level of funding for the Stealth bomber program in order to shore up support for an expanded B-1 bomber, clearly a second-rate strategic system. My efforts to protect the Stealth bomber against such reductions were successful over a 2-year period. Democrats want an effective defense, based on the best in American technology, not a cosmetic program designed more for public relations than for deterrence and defense.

FOREIGN POLICY

There probably has not been an administration in modern-day history which has had such a dismal record in the area of foreign policy.

The only achievement to which this administration can point is the successful invasion of the tiny island of Grenada, populated by 110,000 inhabitants and defended by a less than imposing Cuban force and rag-tag elements of the Grenadian security forces. I supported the invasion of Grenada, but this was certainly no big task for a superpower. However, in assessing the more relevant and important foreign policy concerns which have traditionally preoccupied the energies of our policymakers, the picture is very bleak.

Because the administration's foreign policy has been at times overreactive, overly militaristic, uncoordinated, and oftentimes incomprehensible, the Senate minority party has attempted to compel the administration to explain its policies to the American people in a coherent fashion.

Lebanon stands out as a particular case in point. In August 1982, U.S. marines were sent to Lebanon as part of a multinational force to facilitate the withdrawal of the PLO from Beirut, a mission which most in the Congress believed was attainable and a mission with which most in the Congress agreed, due to its limited scope.

However, following the massacre of Palestinian refugees in the Shatila and Sabra refugee camps on the outskirts of Beirut, the marines returned to Beirut on September 25, 1982, as part of a multinational peacekeeping force. The American people were led to believe that this would be a temporary presence in order to allow time for the Lebanese Government to exercise control over the greater Beirut area.

In September 1983, the administration requested legislation authorizing the continued participation of the U.S. Marines in the multinational peacekeeping force for another 18 months—an open-ended authorization for a President who still had not defined the role and mission of our forces in Lebanon.

Subsequently, the Democrats offered an alternative to the authorization which would have required the President to report to the Congress, under the War Powers Resolution, the circumstances necessitating the introduction of U.S. troops into Lebanon; the constitutional and legislative authority for their introduction; and the estimated scope and duration of the hostilities or their involvement. In addition, the Democrats would have required the President to describe the specific goals of U.S. policy in Lebanon, the specific roles and missions of the U.S. forces in Lebanon, and the specific criteria that were being applied to determine when they had accomplished their roles and missions. If the reports were not forthcoming, then the President would have had to withdraw the marines within 60 days.

Needless to say, the Democratic alternative was defeated 55-45 on September 29, 1983, by a straight party line vote, thereby denying the American people the information that Senate Democrats were attempting to obtain from the President.

Less than a month later, on October 23, 1983, 241 American servicemen were killed in a terrorist bombing attack on the U.S. military headquarters at the Beirut Airport. On March 30, 1984, the President announced the U.S. role in the multinational force was being terminated. Warring intercommunal factions in Lebanon, along with Syria, had forced the withdrawal of the U.S. Marines.

In the closing days of this session, the Senate voted 57-42 against an amendment offered by Senator DANIEL INOUYE to prohibit any further aid going to the Contras fighting the Nicaraguan Government. Once again, most Democrats supported the amendment. The reasons were obvious. The administration's original justification for arming and training the Contras operating from Honduran soil against Nicaragua was to interdict the alleged arms flow going from Nicaragua to the guerrillas in El Salvador. The original plan called for the training of 1,500 Nicaraguan exiles.

However, the Contra army grew to 15,000 guerrillas and the administration's rationale for supporting this army began shifting like sand. From the original, narrowly-defined purpose of arms interdiction, the objective became one of harassing the Sandinistas in the hopes of convincing them to end their support for the Salvadoran insurgency.

Now, the administration argues that continued funding for the Contras is vital to keep pressure on Nicaragua to open up its internal political processes.

Therefore, most Democrats are raising the question as to what the administration's real goals are in Nicaragua. And since the answers have not been forthcoming and the rationale continues to shift, the only option left open to most of us on the Democratic side of the aisle is to cut the funding for this operation.

Efforts on the part of Democrats to bring foreign aid spending in line with the administration's cutback in domestic programs, have also failed. Last week, the Senate, largely on a party line vote, defeated 54-46 an amendment offered by Senator DAVID PRYOR, to cut $211.5 million from the $917 million in military assistance program moneys requested by the administration. The $917 million figure represented a 600-percent increase in the MAP Program from fiscal year 1981.

Twice the minority has attempted to go on record supporting the administration's concern for international terrorism and twice we have failed. On April 4, 1984, Senator DODD's amendment to prohibit the use of any funds, directly or indirectly, for planning, directing, executing, or supporting acts of terrorism against Nicaragua, was tabled 47-43, largely along party lines. A similar amendment was defeated 53-45 recently, once again largely along party lines.

Democrats also attempted to have the Senate go on record in opposition to U.S. Government support for any individual or group in Central America which is known by our Government to have as one of its intentions the violent overthrow of any Central American government with which we have full diplomatic relations. Once again, this amendment to the supplemental appropriations for fiscal year 1984 was tabled by a vote of 51-44, largely along party lines.

Largely because of the Lebanon experience, Senate Democrats have been concerned that the War Powers Resolution needs strengthening. Since U.S. involvement in Central America has been escalating, Senator LEAHY offered an amendment on April 4, 1984, which would have amended the War Powers Resolution as it affected El Salvador. The amendment would have prohibited the introduction of U.S. Armed Forces into or over El Salvador for combat purposes unless the President first obtained a declaration of war or a specific authorization for the use of U.S. combat forces in El Salvador. The amendment was tabled 59-36, largely along party lines.

Senate Democrats remain deeply concerned that our institutional responsibilities and prerogatives under the Constitution continues to be eroded by this administration. In an effort to begin reversing this trend, Senators SASSER, INOUYE, and BINGAMAN offered an amendment to the fiscal year 1984 supplemental appropriations placing a limitation on the use of military facilities in Honduras. Some eight airfields have been ordered constructed in Honduras, all without specific congressional authorization. These airfields are being paid for with tax dollars taken from the Department of Defense's operations and maintenance account, out of which we are supposed to pay for such readiness items as spare parts, ammunition and fuel.

Also, the Sasser-Inouye-Bingaman amendment would have limited the use of the so-called temporary facilities in Honduras, financed by the Pentagon, only to training exercises. In addition, the amendment would have prohibited any Pentagon funds from being used to convert a temporary facility into a permanent base unless specifically authorized by the Congress. This was a modest attempt to bring some integrity into the congressional exercise over the power of the purse. But once again, Democratic efforts were thwarted on a party line vote of 50-44.

Mr. President, the Democrats were selective in trying to raise the national debate on matters of vital concern to us all. We were not attempting to haggle over parochial concerns. We were demanding the institutional checks and balances so laboriously constructed by our Founding Fathers to assure that a national consensus would prevail in matters of war and peace.

We Democrats believe that we have a compact with the people of this Nation, and that compact is the Constitution. We Democrats are not prepared to rend the fabric of this compact by turning over to one man, even though he be a President, the sole responsibility for making war. The people of the United States, through their votes, invest in us a trust. Democrats believe that this trust manifests itself in the instrumentalities of governance and we believe that the principal instrument of governance is law—law which is promulgated for the common good. We have attempted to manifest this concern and commitment through the only mechanism we have available to us—the legislative process.

Mr. President, in these remarks I have attempted to outline the contributions which Senate Democrats have made to the national debate during the second session of the 98th Congress. No evaluation of this Congress, however, would be complete without looking as well at the first session of the 98th Congress. I ask unanimous consent that an edited and excerpted chapter from the Democratic Policy Committee publication "Democratic Alternatives: A Look at the Record, Part III," published in March 1984, be included in the RECORD following my remarks.

There being no objection the excerpt was ordered to be printed in the RECORD, as follows:

THE FIRST SESSION OF THE 98TH CONGRESS

When the new Congress convened in January to listen to the President's State of the Union address, they heard President Reagan declare that "America is on the mend". Senate Democrats saw the picture differently. On January 27, in a speech on the Senate floor, the Senate Democratic Leader, Robert C. Byrd of West Virginia, presented his own view:

". . . the state of our nation's economy is deeply troubled. We are in the grips of the deepest and most severe recession since World War II. Twelve million of our citizens are jobless.

"Our nation desperately needs a change of course. We must act decisively to meet the human emergencies caused by this recession. We must put into place the fiscal and monetary policies which can turn the corner on this recession. And we must embark on a major cooperative effort by government, business, and labor to meet the longer term challenges posed by the profound structural changes sweeping our economy.

". . . the human side of the question is the one that, for me, is overriding.

"Every morning and night for the past several weeks, the nation's television viewers have been exposed to the true state of the Union. . . .

". . . There, we have seen the tents in Texas housing families who, two years ago, were members of the middle class in other cities in our country. There, we see the reports of the increases in suicides, in battered spouses, and in battered children. There, we see the interviews with the men and women bravely holding on—with their fingernails—to their dignity.

As Senators, we hear more of this. We meet the real State of the Union in our mail pile, on the street back home, and in visits with deeply concerned constituents . . .

. . . the nation may well be "on the mend," as the President said last night. But an Administration that still has not developed an understanding of what is fair and what is not, is not—I am sorry to say—likely to help it along the way very quickly.

Senator Byrd went on to promise that for their part, Senate Democrats would offer alternative solutions to the pressing problems confronting the nation. He said:

We will propose means of meeting the emergency human needs created by this recession and for turning around our troubled economy. We will offer proposals to help us meet the long-term economic challenges of international competition, regional economic imbalances, and the ever-accelerating pace of structural change in the American economy. We undertake this task in a constructive spirit. We welcome the opportunity to work with our colleagues on the other side of the aisle and with the President to put in place the policies and programs which are so sorely needed to restore this nation's economic health.

This document records that we met the challenges laid down a year ago by Senator Byrd. In rollcall vote after rollcall vote, we offered measures designed to help put Americans back to work, to provide health insurance for the jobless and their families to extend unemployment benefits to help those temporarily unable to meet their mortgage payments, and to stop deep and unfair budget cuts in Medicare. In nearly every case, these proposals were voted down on party line votes.

There were, to be sure, a few instances of bipartisan compromise. A limited jobs bill was passed in the early days of the 98th Congress, although only after Democratic calls for a more adequate measure were rejected out of hand by the White House. A bipartisan Social Security package passed both Houses and was signed into law, successfully ending the two year struggle by Democrats to stop the Administration all-out assault on Social Security. Bipartisan cooperation also provided the margin of support needed to pass 10 of the 13 regular appropriations bills into law.

But these rays of bipartisanship were few and far between.

TAX FAIRNESS AND THE BUDGET

Bipartisan efforts to contol the hemorrhaging federal deficits—the legacy of the Majority's reckless policies of seemingly unlimited defense spending increases, enormous tax cuts for the rich, and the recession itself—proved fruitless in the face of the President's intransigent opposition to any modification of his program. As the deficit projections broke record after record, the President continued to insist that he would block any attempt to increase defense spending at a more moderate pace, or to limit the amount of the tax cut going to those in upper income brackets. Rather than modify the huge tax breaks going to the wealthy under his program, the President proposed a standby income tax surcharge and an excise tax on oil, a tax which would have meant higher home heating bills for millions of hard-pressed citizens.

In the final weeks before the third installment of the tax cut was scheduled to take effect (on July 1, 1983), Democrats undertook a last ditch effort to restore a measure of fairness to the President's tax program, and to help staunch the flow of red ink from the Treasury by proposing to put a cap on the amount of the tax cut for higher income taxpayers. Under the bill, which passed the House on a party line vote, every taxpayer would still get a tax cut. Ninety percent would receive their scheduled tax cut in full. Only ten percent would have their tax cut capped—and even these taxpayers would still get approximately a $700 tax cut. The bill would have saved $38 billion over five years; eighty-nine percent of the revenue would have come from those earning over $50,000 a year. Despite the obvious fairness of the tax cap proposal—and the equally obvious need to stem the $200 billion deficit—the Democratic bill was overwhelmingly defeated.

THE BUDGET

In May, the Senate succeeded—just barely—in passing a compromise, bipartisan budget over the President's vehement objections. The budget passed only after six tries, however, and only after moderate Republican Senators defied the President, leader of their party, to vote for the compromise measure.

When the President's efforts to torpedo the budget itself failed, he turned his attention to preventing the legislation needed to implement the budget plan from being enacted. Repeated efforts to involve the President in devising a compromise budget plan were rebuffed by a President seemingly oblivious to the enormous deficits his policies had created. In frustration, the Senate voted down the debt ceiling bill—thereby threatening to cut off the government's borrowing authority—in an effort to send a message to the President that his continuing refusal to compromise was unacceptable. But the President remained steadfast in his intrasigent position. In the end, he was successful in stopping the Senate in its tracks. As the Congress adjourned *sine die*, the stalemate over the budget remained unbroken. The President remained on the sidelines throughout, unwilling to accept responsibility for the deficits—which even his own Chairman of the Council of Economic Advisers admitted stemmed from the Administrations's policies—and equally unwilling to join in responsible, bipartisan efforts to bring the deficits under control.

WORKING FOR A BETTER ECONOMIC FUTURE

Democrats also kept their promise to address the nations's long-term structural economic problems. As the 98th Congress convened, the recovery from the country's worst recession in 50 years was still in its infancy, born only after the Federal Reserve turned away from the Administration's longstanding policy of tight money and high interest rates. It was an effort led by Senate Democrats to enact the Balanced Monetary Policy Act of 1982, requiring the Federal Reserve to bring interest rates back into their traditional relationship with inflation, which was largely responsible for the change. In February of 1983, Democratic Leader Robert C. Byrd established a task force, chaired by Senator Edward Kennedy and charged with recommending a program to increase the competitiveness of the American economy. The group met regularly for nine months and presented a far-reaching program of policy initiatives, entitled "Jobs for the Future," which was unanimously endorsed by the Senate Democratic Conference.

These proposals represent our alternative to the aimless drift of the President's policies, which promise to mortgage our economic future to an ever-increasing mountain of national debt. In just four short years, the Administration projects it will add $846 billion to the federal debt—more than the entire debt accumulated under all previous post-war administrations. By the end of President Reagan's first four years in office, it is estimated that the per capita debt—the debt for each man, woman and child in this nation—will reach $7,733. By 1987, the President's policies will cost $60 billion each year in increased interest payments alone.

After paying this enormous price, we might expect an improvement in our long term prospects. But no such improvement is in sight. Instead, our deficit with our trading partners continues to worsen, reaching $69 billion last year and projected to reach $100 billion this year. Deficits of $200 billion stretch, in OMB Director David Stockman's words, "as far as the eye can see." Slashed education and research budgets jeopardize our ability to excel in the industries of the future. Basic industries are being destroyed by our dramatically overvalued dollar and the absence of a coherent trade policy.

Programs designed to ease the adjustment and adaptation by our firms and communities to a rapidly changing economic world have been abandoned.

The program endorsed by the Democratic Caucus contains 22 specfic recommendations in six vital areas:

1. A Council on Economic Competitiveness and Cooperation to foster business/labor/government cooperation.
2. Programs to accelerate the development and commercialization of new products and processes, and to provide strong support for basic research.
3. Finacing programs to improve investment in plant and equipment.
4. Trade programs to support the marketing of domestically produced and internationally traded goods and services.
5. Adjustment programs to facilitate the adaptation of workers, communities and industries to changing markets and technologies.
6. Education and other human resources programs to increase the creativity and productivity of U.S. workers.

During this year, the Minority will work to enact these recommendations into law. In some areas we have already begun. In March of 1983, the House passed legislation to increase support for math and science education. The bill was never brought to the floor in the Senate. That same month, during the Senate debate over the budget, Democrats sought to restore funding for vital education programs which had been deeply cut during the past two years. Four times, their efforts were turned down until finally, on the fifth rollcall vote in two days, a compromise amendment was passed.

But when it came time to enact appropriations to give life to the budget plan, Democrats were unsuccessful in two separate votes in their attempts to increase funding for these programs. This despite the fact that 1983 was a year in which the crisis of confidence in our nation's public schools reached new heights, after several commissions and blue-ribbon panels issued alarming findings about the state of America's educational system. As President Reagan's own National Commission on Excellence in Education, put it bluntly:

"The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a people."

PROTECTING AMERICA'S NATURAL HERITAGE

While much of the year was consumed by the debate over the budget and foreign policy, congressional Democrats also found themselves engaged in a running battle to protect America's precious natural heritage from the policies of EPA and James Watt's Interior Department. In late 1982, a concerned House launched an investigation into allegations that EPA had manipulated the "Superfund" toxic waste clean-up program to protect big business and advance the political interests of Republican candidates for office. The House hearings unearthed a scandal which ultimately led to the resignation of Anne Gorsuch Burford and 16 other EPA officials, and to the conviction of one of those officials, Rita Lavelle, on charges of perjury. The hearings were widely televised, and the spectacle which they spotlighted deeply shook the confidence of the American people that EPA would place the public's long-term health and safety above the pleas of special interests and big business.

Meanwhile, at the Interior Department, Secretary James Watt's stewardship of the nation's vast publicly-owned natural resources and lands proved equally controversial. The GAO charged Watt with selling coal leases at fire-sale rates. Because of his failure to respond to the congressional concern over his coal-leasing policies, the Minority in the Senate tried unsuccessfully to force a temporary suspension of further coal sales. Although the amendment failed in the face of Majority opposition, the suspension was adopted in the House and ultimately became law. Watt was forced to appoint a Commission to review the Department's policies on coal leasing. In announcing the Commission's appointment, Watt remarked that its membership was comprised of "a black, a woman, two Jews and a cripple." That remark was the last in a series of comments from James Watt that had outraged the American public and demonstrated a singular lack of fitness for public office. On September 23, 1983, Democratic Leader Robert C. Byrd introduced a resolution calling upon the President to ask for Mr. Watt's resignation. Rather than face losing a vote of confidence in the Senate, James Watt left office.

When the President nominated his close personal advisor William P. Clark, to become the new Secretary of the Interior, Senate Democrats offered an amendment to place the Senate on record that Watt's policies should be revised by the new Secretary to ensure that they conformed to congressional mandates and could regain the public's confidence. The amendment was rejected.

DEFENSE AND FOREIGN POLICY

The United States since World War II traditionally has successfully captured the high ground on arms control, particularly as it relates to the nuclear arsenals of the superpowers. Throughout this period, Democrats have been instrumental in forging a bipartisan support for nuclear arms control agreements with the Soviet Union.

Beginning with President Dwight Eisenhower, whose Administration negotiated the Antarctic Treaty with the Soviet Union to create a nuclear-free and demilitarized zone in Antarctica, the policy of the United States has been fairly consistent.

The Eisenhower Administration also initiated discussions with the Soviet Union to control nuclear testing. The Kennedy Administration followed through on these initial discussions and the Limited Test Ban Treaty was ratified in 1963.

Under the Johnson Administration, the Outer Space Treaty banning weapons of mass destruction was ratified in 1968, and the Treaty creating a nuclear-free zone in Latin America was negotiated.

The Nixon Administration continued the tradition of three previous presidents with the Seabed Arms Control Treaty which was ratified in 1972, the ABM Treaty and the SALT I interim agreement in 1972, and the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War between the United States and the Soviet Union in 1971.

The Administration of Gerald Ford negotiated the Peaceful Nuclear Explosions Treaty and the Vladivostok Accords, the latter of which established a new framework which set the stage for SALT II negotiations.

The Carter Administration negotiated the SALT II Treaty, ratification of which was withheld in the aftermath of the Soviet invasion of Afghanistan.

Throughout the post-World War II period, Democrats have been committed to policies directed at reducing the threat of nuclear war between the two superpowers limiting the nuclear arsenals of both sides, restricting the threat posed by nuclear testing, and discouraging the spread of nuclear weapons to other countries.

With the advent of the present Administration, the primary issue of concern has been whether or not those currently controlling our government are committed to achieving realistic and verifiable nuclear arms control agreements with the Soviet Union. Public speculation that then-Secretary of State Alexander Haig was considering a nuclear "demonstration shot" over Europe in order to influence potential aggressive Soviet behavior, and recent published reports stating the President admitted to a group of Congressmen his belated discovery that most Soviet intercontinental missiles were land-based, have only served to call this commitment into question.

The Administration's commitment to arms control was called into question further with the nomination this year of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency. Although the nomination was approved on April 14 by a vote of 57-42, some 83 percent of the Senate Democrats opposed Adelman after the Senate Committee on Foreign Relations failed to report the nomination favorably by a vote of 8 to 9. Senate Democrats expressed legitimate concern that Mr. Adelman lacked the stature, qualifications, and commitment to arms control necessary to be the Director of ACDA. During his confirmation hearings, Adelman demonstrated an unacceptable understanding of vital arms control issues. Democrats believed that in order to restore the credibility of the Reagan Administration's commitment to arms control, the ACDA nominee must be of greater experience and stature than Adelman. Some 92 percent of the Senate Republicans disagreed and voted to confirm the nominee.

Senate Democrats have forged a general consensus during the first three years of current Administration on board national defense policy goals. These goals include, first, a pursuit of essential modernization of weapons systems, combined with a balance between hardware procurement and readiness. Second, that in light of the soaring deficits and the waste and mismanagement in the Pentagon a more prudent annual real growth rate in defense expenditures would be 4-5 percent, rather than the 7-10 percent sought by the Administration.

The programs proposed by the Reagan Administration unfortunately have lacked balance and prioritization. Every conceivable weapons system or gleam in Secretary Weinberger's eye became eligible for the taxpayers' dollars. By requesting funding for some many expensive hardware systems, particularly in the strategic area, the out-year spending requirements can very well "bleed dry" other critical defense needs such as readiness. Included on Weinberger's supermarket shopping list are two new strategic bombers, three new strategic missiles, theater nuclear cruise missiles, and an expressed desire to begin looking at a new variety of space-based strategic systems. Yet, as these new systems move from the research and development phase into the procurement stage, cost over-runs and mismanagement may threaten U.S. military preparedness even further.

The problem of waste in the Pentagon has become a national scandal. Overpricing of spare parts, and the apparent inability or unwillingness of the current management at DOD to correct these pricing abuses, now threatens the national consensus that supports strengthening our national defense.

Democrats have offered, and pushed through the Congress a number of proposals to remedy this management crisis now engulfing the Pentagon. Included in these initiatives have been (1) the establishment of an independent Inspector General's Office for the Pentagon, (2) upgrading and reforming procurement measures, and (3) investigations into the causes of the current financial management crisis. Unfortunately, all these efforts have been opposed strongly by the Administration.

Continuing pressure is required to correct the mismanagement at the Pentagon in order to build a more efficient and stronger national defense posture. The Senate Minority will continue to press the Department of Defense to establish realistic priorities among the numerous hardware systems now under development. For example, Democrats will oppose the diversion of funds for the most advanced of American technologies—the Stealth bomber—to a less capable system such as the B-1 bomber.

The Minority does not believe that knee-jerk military responses are a substitute for a coherent foreign policy which relies upon a judicious blend of diplomacy and military force projection. These are occasions when the deployment of military force, and the commitment to use such force, is important to the achievement of our foreign policy goals. However, the crisis in Lebanon has demonstrated that military force is not any substitute for a coherent and knowledgeable policy.

In the December 12, 1983, edition of the Washington Post, House Republican Whip Trent Lott was quoted in an Evans and Novak column as saying the following about the crisis in Lebanon: "I'm not so much worried about where we are, as where we are headed." That is the very question the Democrats raised on September 29, 1983, when they opposed giving the Administration carte blanche for the continued deployment of U.S. marines in Lebanon in the absence of the President's providing the Congress with a clear statement of our objectives in that country and how those objectives could be achieved.

By a straight party line vote of 55 to 45, the Senate defeated a substitute to the Lebanon resolution offered by Democratic Leader Robert C. Byrd which would have required the President to abide by the War Powers Resolution (currently the law of the land) by submitting a report to the Congress explaining the circumstances necessitating the introduction of U.S. troops into Lebanon, the constitutional and legislative authority for their introduction and the estimated scope and duration of the hostilities or their involvement. In addition, the Minority's alternative called for describing the specific goals of U.S. policy in Lebanon, the specific roles and missions of the U.S. forces in Lebanon, and the specific criteria that were being applied to determinine when the marines has accomplished their role and mission.

Between the time the Senate voted on September 29, 1983, extending U.S. participation in the multinational peacekeeping force by 18 months and February 26, 1984, when the Marines were withdrawn, 264 Americans has lost their lives in Lebanon. However, in order to recoup the Administration suffered as a result of its failed policy, the Secretary of State went on the attack blaming Congress by the Lebanon debacle.

In blaming the Congress George Shultz charged on March 5, 1984.

". . . The congressional debate over the deployment of U.S. Marines in Lebanon just totally took the rug out under U.S. interests" thereby the Syrians to doubt U.S. resolve.

". . . congressional reluctance to deploy U.S. forces where casualties are likely has undercut the credibility of military power as an instrument of U.S. policy."

Democratic Leader Robert C. Byrd responded quickly by noting the Secretary of State "indulged in an exercise of self deception and delusion over American policy is Lebanon which was nothing short of astounding."

Senator Byrd stated "this was just another example of this Administration's attempt to rewrite history for a failed policy." He noted how fragile the policy must have been . . . if simply debating it would somehow destroy it . . ."

The Democratic Leader pointed out that American policy had failed in Lebanon because the assumption upon which it was grounded proved unworkable. "Neither the leadership of President Gemayel nor the viability of the Lebanese armed forces was up to the task of building a strong coalition . . ."

Senator Edward Zorinsky, a member of the Senate Foreign Relations Committee pointed out that the Secretary should be reminded that the eighteen months authorized by Congress for the deployment of U.S. forces in Lebanon had not run out when the President acted to withdraw the troops.

"If the Administration wanted to keep U.S. marines in Beirut, the War Powers Act is not in its way. A more powerful indictment of the functioning of democracy might be that it let us get into Lebanon rather than if forced us out."

Senator Zorinsky stated the Secretary of State should look at the real problem in Lebanon, which was a failed policy from start to finish. "At the beginning of our Lebanon fiasco, the Administration introduced U.S. troops into Lebanon with no clear idea of what mission they were intended to accomplish or how they should proceed. Consequently, it should come as no great surprise at the end of our engagement in Lebanon, that we are faced with an unmitigated disaster."

Senator Claiborne Pell, ranking Democrat on the Senate Committee on Foreign Relations, pointed out that it was a presidentially appointed Commission, headed by retired Admiral Robert Long, that criticized the Administration for its overemphasis on a military presence in Lebanon and recommended that greater priority be given to a diplomatic solution.

Senator Pell noted that the President very forthrightly took responsibility for the Beirut tragedy that claimed the lives of 264 U.S. servicemen. "The Administration should be just as forthright in accepting responsibility for U.S. policy in Lebanon instead of looking for scapegoats."

Senator Alan Cranston, also a Member of the Senate Committee on Foreign Relations, said the failure of Administration policy in Lebanon had been extremely costly.

"We have lost lives.

"We have squandered resources.

"We have weakened our prestige."

Senator Cranston pointed out that the debate in Congress over the proper role of U.S. military forces in the Lebanese civil war was an essential part of our democratic form of government.

"To suggest that this debate should have been muzzled is to strike at the very root of representative government where power are shared by the Executive and Legislature."

Senator Byrd summed up the views of his Democratic colleagues when he noted:

"Any policy which cannot withstand the scrutiny and examination of the highest representative body of this land—and the body which under the Constitution is the only body that can declare war—is not going to stand the test of time, but will, by definition, be basically flawed and will fail."

The militarization of U.S. foreign policy also is demonstrated graphically by the phenomenal growth in our overseas military programs under this Administration. Since this Administration came into office, grant military aid has grown by 179 percent, and economic aid tied to our security interests has increased by 37 percent. When Democrats joined with Republican Senator Charles McC. Mathias to limit grant military aid to a 10 percent increase in fiscal year 1984 over the amount provided in fiscal year 1983 (rather than an 87 percent increase), they were defeated 46-37, with 83 percent of the Majority voting against the initiative.

Attempts to make even modest cuts in the Administration's foreign aid requests of $100 million and $89 million and transfer those resources to fund vitally needed domestic soil conservation programs were defeated by Senate Republican majorities of 83 percent and 78 percent on each vote.

As the first session of the 98th Congress drew to a close, it was widely observed that this was a Congress which had failed to address the major issues confronting the nation. It is true that bipartisan efforts to pass a major Social Security compromise, a limited jobs bill and most of the regular appropriations bills were successful. (It is a sad state of affairs, indeed, when legislative success in the Senate is measured by the fact that we passed a goodly number of appropriations bills when, prior to 1980, the Senate always passed a like number of bills.) But despite repeated Democratic efforts, the Senate failed to respond except in the most limited way to the human emergencies caused by the recession, to the crisis facing American education, and to the need to propose an aggressive agenda to help America compete in a rapidly changing world economic order. Bipartisan efforts to enact a budget that would make headway against the deficits were ultimately sabotaged by the White House, which steadfastly refused to acknowledge responsibility for the recordbreaking flow of red ink created by its economic policies or to participate in meaningful efforts to bring the deficits under control.

A look at the public laws enacted by this Congress makes the point graphically. Of 215 bills enacted, 53 percent were of a non-substantive nature—either administrative, or designed to commemorate an event or a person, or dedicating a day, week, or month to honor some worthwhile cause. This compares to the first sessions of the 95th and 96th Congress, when only 17 percent and 26 percent, respectively, of all public laws enacted were non-substantive in nature.

EXHIBIT 1

STATISTICAL ANALYSIS OF 97TH AND 98TH CONGRESSES COMPARED WITH 95TH AND 96TH CONGRESSES

SENATE ACTIVITY—97TH AND 98TH CONGRESSES COMPARED WITH 95TH AND 96TH CONGRESSES

A comparison of the last four Congresses regarding Senate floor activity shows a definite slowing in activity and accomplishment. The 97th and 98th Congresses were in session 12 percent fewer days and 15 percent fewer hours than the 95th and 96th.

Even more dramatic is the drop in public law enacted—25 percent fewer public laws enacted from 1981-84 than from 1977-80. While the public law figure will improve some after the President signs the remaining bills sent to him, this figure is not likely to change significantly.

A comparison of the number of bills passed during other Presidential election years show that no other Senate passed so few bills.

SENATE ACTIVITY—COMPARISON OF 95TH, 96TH, 97TH, AND 98TH CONGRESSES (1977-84)

	95th (1977-78)	96th (1979-80)	97th (1981-82)	98th (1983-84) [5]
Days in session	[1] 336	[2] 333	311	280
Hours in session	2510:04	2324:11	2159:09	1947:15
Total measures passed	1,595	1,482	1,209	1,310
Rollcall votes	1,156	[3] 1,055	966	671
Rollcall votes before 12 noon	118	109	154	102
Rollcall votes after 8:00 p.m.	106	94	124	71
Public laws	633	613	473	461
Treaties	13	38	38	33
Confirmations	124,730	154,665	184 844	96,276
Senate average attendance (percent)	87.82	88.68	94.12	92.55
Saturday sessions	7	6	[4] 6	4

[1] The session which began on October 14 and extended until 7:16 p.m. on October 15 is counted as 1 day.

[2] The session which began on December 20 and extend until 3.17 a.m. on December 21 is counted as 1 day.

[3] This includes one vote taken during closed session of the Senate on Sept. 21, 1979, the result of which has not been disclosed.

[4] Includes one Sunday session.

[5] Through October 11.

BILLS PASSED BY SENATE IN PRESIDENTIAL ELECTION YEARS 1964-84

Congress and session	Bills passed	Dates
88th, second	830	Jan. 7, 1964 to Oct. 3, 1964.
90th, second	766	Jan. 15, 1968 to Oct. 14, 1968.
92d, second	767	Jan. 18, 1972 to Oct. 18, 1972.
94th, second	870	Jan. 19, 1976 to Oct. 1, 1976.
96th, second	831	Jan. 3, 1980 to Dec. 16, 1980.[1]
98th, second	[2] 715	Jan. 23, 1984 to Oct. 11, 1984.

[1] A lameduck session convened after the election.

[2] Includes bills passed through October 11, 1984.

MAJOR LEGISLATION—97TH AND 98TH CONGRESSES COMPARED WITH 95TH AND 96TH CONGRESSES

Under the Republican leadership of the Senate from 1981 to 1984 the number of major bills passed by the Senate declined a drastic 45 percent from the previous 4 years.

The attached listing gives the totals for each session and Congress.

MAJOR LEGISLATION PASSED BY THE SENATE, EXCLUDES ROUTINE APPROPRIATIONS BILLS—1977-84

95th Congress major legislation:	
1977	56
1978	54
Total passed	110
96th Congress major legislation:	
1979	69
1980	57
Total passed	126
97th Congress major legislation:	
1981	36
1982	39
Total passed	75
98th Congress major legislation:	
1983	24
1984	31
Total passed	55

MAJOR LEGISLATION PASSED BY THE SENATE

[Excludes routine appropriations bills]

Date, Bill No., and Title	Vote
1977 (Total 56)	
1-31, S. 474, Natural Gas Emergency	91-2
2-4, S. Res. 4, Senate Committee Reorganization	89-1
2-22, S. Con. Res. 10, Third Budget Resolution, 1977	72-20
3-10, S. 964, Federal Salary Increase Denial	93-1
3-10, H.R. 11, Public Works Employment	74-11
3-30, H.R. 4800, Emergency Unemployment Compensation	84-11
4-1, S. Res. 110, Senate Ethics Code	86-9
4-1, H.R. 4877, Supplemental Appropriations	69-15
4-49, H.R. 3477, Tax Reduction and Simplification	73-7
5-2, H.R. 6889, Economic Stimulus Appropriations	63-15
5-4, S. Con. Res. 19, First Budget Resolution, 1978	56-31
5-17, H.R. 5970, Military Procurement Authorization	90-3
5-18, S. 826, Department of Energy Establishment	74-10
5-20, H.R. 2, Strip Mining	58-8
5-24, S. 275, Omnibus Farm Bill	69-18
5-26, H.R. 6138, Youth Employment and Training	80-3
6-7, H.R. 6655, Housing and Community Development	79-7
6-10, H.R. 6161, Clean Air	73-7
6-13, S. 1340, ERDA Nonnuclear	79-1
6-14, H.R. 5262, International Financial Institutions	59-30
6-15, H.R. 6714, International Development Assistance—Food for Peace	59-32
6-15, H.R. 6884, International Security Assistance	67-18
6-15, H.R. 6689, State Department Authorization	64-21
6-16, H.R. 6179, Arms Control and Disarmament	82-0
6-21, S. 717, Federal Mine Safety	78-18
6-22, H.R. 5885, Rivers and Harbors—Waterway Users Fee	81-9
6-27, S. 555, Ethics in Government	74-5
6-30, H.R. 1139, Child Nutrition Programs	96-0
7-12, S. 1811, ERDA Nuclear Authorization	VV
7-15, S. 9, Outer Continental Shelf	60-18
8-3, S. 926, Campaign Financing Act Amendments	88-1
8-4, H.R. 3199, Water Pollution Control Act	96-0
9-8, H.R. 5146 (S. 977), Coal Utilization/Conversion	74-8
9-9, H. Con. Res. 341, Second Budget Resolution, 1978	63-21
9-13, H.R. 5037 (S. 2057), Energy Conservation Policy	78-4
9-14, S. 1360, Timber Sales	VV
9-15, S. 1750, Saccharin Sales Continuance	87-7
9-16, S. 995, Sex Discrimination—Pregnancy	75-11
9-16, S. 274, Military Unionization	72-3
9-30, H.R. 9290, Public Debt Limit	58-30
10-4, H.R. 5289 (S. 2104), Natural Gas Pricing/Deregulation	50-46
10-6, H.R. 4018 (S. 2114), Public Utility Rates	86-7
10-7, H.R. 3744, Minimum Wage	63-24
10-7, S. 1863, Military Procurement Supplemental	66-1
10-10, S. 1585, Child Pornography	85-1
10-12, H.R. 6666, Legal Services Corporation	77-15
10-12, S. Con. Res. 31, Auto Airbag Disapproval (Tabled)	65-31
10-17, H.R. 3387, Child Care Program	80-0
10-19, H.R. 5383, Age Discrimination in Employment	88-7
10-19, H.R. 8701, Veterans Education Benefits	91-0
10-20, H.R. 3454, Endangered Wilderness Areas	89-3
10-20, H.R. 3816, Federal Trade Commission Reform	90-0
10-25, S. 1771, OPIC	69-12
10-31, H.R. 5263, Energy Taxation	52-35
11-4, H.R. 9346, Social Security Financing	42-25

MAJOR LEGISLATION PASSED BY THE SENATE—Continued

[Excludes routine appropriations bills]

Date, Bill No., and Title	Vote
11-4, H.R. 9418, Medical Students Grants	57-2
1978 (Total 54)	
1-30, S. 1437, Criminal Code Reform	72-15
1-31, S. 1976, Redwood National Park	74-20
2-7, H.R. 8638, Nuclear Nonproliferation	88-3
3-16, Ex. N, 95-1, Panama Canal Neutrality Treaty	68-32
3-21, H.R. 6782, Emergency Agricultural Act	67-26
4-18, Ex. N, 95-1, Panama Canal Treaty	68-32
4-19, S. 2493, Airline Deregulation	83-9
4-20, S. 1566, Foreign Intelligence Surveillance	95-1
4-26, S. Con. Res. 80, First Budget Resolution, 1979	64-27
5-2, H.R. 55104, Farm Credit Improvement	92-0
5-4, H.R. 8309, Water Resources Projects—User Fees	80-13
5-15, S. Con. Res. 86, Mid-East Arms Sales	44-54
6-9, S. 2437, Dam Safety and Inspection	VV
6-26, H.R. 12222, Foreign Aid Authorization	49-30
S. 419, Oil Shale Development	61-23
6-28, H.R. 12598, State Department Authorization	64-17
6-29, H.R. 12426, New York City Loan Guarantee	53-27
7-11, H.R. 10929, Military Procurement (Vetoed)	87-2
7-13, H.R. 2777, National Consumer Cooperative Bank	60-33
7-19, S. 2899, Endangered Species	94-3
7-20, S. 3084, Housing & Community Development	81-3
7-24, H.R. 12255, Older Americans	85-2
7-26, S. 3075, International Security Assistance	73-13
7-31, H.R. 9214, IMF Witteveen Facility	69-16
H.R. 10173, Veterans Pensions	85-0
8-1, S. 3243, Local Public Works Programs	85-5
8-2, H.R. 11445, SBA Programs (Pocket Vetoed)	VV
H.R. 13385, Public Debt Limit	62-31
H.R. 7577, Economic Opportunity Act Amendments	VV
8-15, H.R. 12050, Tuition Tax Credit	65-27
8-16, S. 2539, College Opportunity Grants	68-28
8-22, H.J. Res. 554, D.C. Statehood Constitutional Amendment	67-32
8-24, H.R. 15, Elementary and Secondary Education	86-7
S. 2640, Civil Service Reform	87-1
8-25, S. 2570, CETA	66-10
9-6, H. Con. Res. 683, Second Budget Resolution	56-18
9-7, H.R. 8200, Uniform Bankruptcy Law	VV
S. 1423, Judicial Tenure	43-31
9-11, H.R. 7010, Victims of Crime	VV
9-19, H.R. 12605, Corporation for Public Broadcasting	VV
9-21, H.R. 12467, Vocational Rehabilitation	81-1
9-23, H.R. 2852, Countercyclical Revenue Sharing	44-8
9-28, S. 991, Department of Education	72-11
9-29, S. 2474, Public Health Programs	82-4
9-30, H.R. 10587, Public Grazing Lands	59-7
H.R. 11686, Department of Energy Authorization/Military	68-1
10-3, H.R. 11733, Federal Aid Highway Program	VV
10-5, H.R. 6803, Oil Spill Liability	VV
10-6, H.J. Res. 638, Equal Rights Constitutional Amendment	60-36
10-10, H.R. 13511, Omnibus Tax Act, 1978	86-4
10-11, S. 2, Sunset Review	87-1
10-12, H.R. 5285, Hospital Cost Containment	64-22
H.R. 13750, Sugar Stabilization	50-22
10-13, H.R. 50, Humphrey-Hawkins Full Employment	70-19
1979 (Total 69)	
2-22, S. Res. 61, Post Cloture Rule Changes	78-16
2-22, S. Res. 54, Aviation Fuel Decontrol	34-53
3-13, H.R. 2479, Taiwan-U.S. Relations	90-6
3-27, H.R. 2534, Balanced Budget/Public Debt	62-33
4-2, H.R. 2283, Council on Wage and Price Stability	62-22
4-26, H. Con. Res. 107, First Budget Resolution, 1980; Third Budget Resolution, 1979	64-20
4-30, S. 210, Department of Education Creation	72-21
5-1, S. 413, Aviation Safety and Noise Abatement	78-15
5-2, S. Res. 122, Emergency Building Temperature Restrictions	24-70
5-3, S. 429, Military Procurement Supplemental	77-12
5-9, S. Res. 153, Gasoline Rationing	66-30
5-14, S. 1007, Middle East Special Assistance	73-11
5-15, H.R. 3363, State Department Authorization	84-10
5-16, S. 918, SBA Authorization	VV
5-17, S. 662, Multilateral Development Banks	67-24
5-21, S. 241, LEAA Authorization	67-8
5-22, H.R. 3173, International Security Assistance	69-21
5-23, S. 292, Supplemental Food Program (WIC)	91-0
5-24, S. 640, Maritime Programs	85-2
6-4, S. 7, Veterans Health Care	VV
6-4, S. 1157, Department of Justice Authorization	77-2
6-5, S. 1030, Emergency Energy Conservation	77-13
6-7, S. 721, Civil Rights Commission Authorization	91-5
6-13, S. 428, Military Procurement Authorization	89-7
6-13, S. 1143, Endangered Species	91-5
6-14, S. 892, Rural Development—Pilot Energy Projects	VV
6-18, H.R. 3892, Veterans Benefits	VV
6-19, H.R. 3324, International Development Assistance	70-25
6-20, S. 239, VISTA (ACTION)	75-16
6-26, H.R. 4289, Supplemental Appropriations	86-8
6-26, S. Res. 191, Energy Summit	90-3
7-9, S. Res. 140, Reorganization Plan on Foreign Aid	45-51
7-13, H.R. 3875, Housing and Community Development	82-0
7-17, S. 562, Nuclear Regulatory Commission Authorization	97-1
7-21, S. 737, Export Control	74-3
7-23, H.R. 4537, Multilateral Trade Negotiations	90-4
7-23, H.R. 4057, Food Stamp Program	VV
7-26, H.R. 111, Panama Canal Implementing Legislation	64-30
7-31, S. 265, Attorneys Fees	94-3
8-1, S. 914, Economic Development Programs	83-17
8-2, H.R. 3996, Amtrak Authorization	VV
8-3, S. 566, Antirecession and Targeted Fiscal Assistance	69-23
8-3, S. Res. 220, Senate Financial Disclosure Rule	50-29
9-6, S. 643, Refugee Assistance and Admission	85-0
9-10, S. 1125, Federal Crop Insurance	64-27
9-11, S. 1403, Surface Mining	68-26
9-14, S. 14, Reclamation Reform	47-23
9-19, S. Con. Res. 36, Second Budget Resolution	62-36
9-28, H.R. 5369, Public Debt Limit	49-29
10-4, S. 1308, Energy Mobilization Board	68-25
10-12, S.J. Res. 113, Pay Raise Disapproval for Members of Congress	72-12
10-18, H.R. 5386, Higher Education	VV
10-24, H.R. 2440, Surface Transportation	VV
10-29, H.R. 3434, Social Services/Child Welfare Assistance	VV
10-30, S. 1873, Judicial Conduct and Disability	56-33
11-1, H.R. 4986, Banking Deregulation/NOW	76-9
11-20, S. 2009, Idaho Wilderness	69-18
11-26, S. 2031, Oregon Wilderness	VV
11-30, S. 1918, Defense Officer Personnel	87-0
12-3, H.R. 5269, Panama Canal Authorization	VV
12-6, S. 2076, Zimbabwe-Rhodesia Sanctions	90-0
12-14, S. 493, Deep Seabed Mining	VV
12-15, S. Res. 315, Iranian Hostages	93-0
12-17, H.R. 3919, Windfall Profit Tax	74-24
12-18, H.R. 5010, Federal Election Reform	VV
12-19, H.R. 5860, Chrysler Loan Guarantees	53-44
12-20, H.R. 3951, D.C. Metro Construction	66-23
12-20, S. Res. 316, Thailand Assistance for Cambodian Refugees	90-0
12-21, H.J. Res. 467, Chrysler Corporation Appropriations	41-35
1980 (Total 57)	
1-24, H.R. 5288, Veterans' Vocational Rehabilitation Amendments	82-4
, H. Con. Res. 204, China Trade	74-8
1-25, S. 1830, Ocean Thermal Energy Conversion	VV
1-29, H. Con. Res. 249, Summer Olympics, 1980 (USSR/Afghanistan)	88-4
S. 2012, Nicaragua and Honduras Economic Assistance	55-34
1-31, H.R. 3236, Disability Insurance	87-1
2-4, H.R. 5168, Armed Services Personnel Pay Increase	VV
2-5, S. 1648, Airport and Airway Development	VV
2-7, H.R. 2313, FTC Authorization and Rulemaking Authority	77-13
2-20, S. 1390, Truck Safety	69-16
2-28, H.R. 10, Civil Rights of Institutionalized Persons	55-36
S. 1725, Low Income Energy Assistance	75-5
3-4, S. 2269, Economic Emergency Loan Program	VV
H.R. 4612, Disabled Children/Unemployment Compensation	89-3
3-6, S. 2253, Rock Island Banktuptcy	VV
3-20, S. 2446, Patent Reexamination	VV
3-25, S. Res. 389, Senate Rules Codification	96-0
S. Res. 380, Roth Budget Resolution	56-41
3-26, S. 2427, Grain Excess Assistance (Soviet Grain Embargo)	VV
4-1, S. Res. 374, Age of Nominees for Federal Judgeships	97-0
S. 1946, Railroad Deregulation	91-4
4-15, S. 2245, Trucking Deregulation	70-20
4-22, S. 2177, Home Purchase Assistance	89-5
5-12, H. Con. Res. 307, First Budget Resolution, 1981; Revised Second Budget Resolution, 1980	68-28
5-14, H.J. Res. 545, Urgent Food Stamp Appropriation	70-18
5-15, S. 598, Soft Drink Interbrand	89-3
5-19, H.R. 6081, Nicaragua and Honduras Economic Assistance	44-35
5-22, S. 2511, Civil Rights Commission Authorization	86-5
5-28, S. 2698, Small Business Administration Programs	83-2
6-2, S. 2352, Council on Wage and Price Stability/Inflation	72-11
6-3, S. 2284, Intelligence Oversight	89-1
H.J. Res. 554, FTC Appropriation	78-16
6-4, H.R. 7428, Oil Import Fee Disapproval—Public Debt	67-20
6-6, S. 2730, Railroad Safety	VV
6-12, H.J. Res. 521, Military Registration	58-34
6-13, S. 2337, Legal Services Corporation	55-14
6-16, S. 2727, State Department Supplemental	69-10
S. 2271, International Monetary Fund (Bretton Woods)	55-25
S. 2422, Multilateral Development Banks	53-24
H.R. 6942, Internat'l Development & Security Assistance	58-32
6-19, S. 2377, Justice Department Authorization	86-3
6-21, S. 2719, Housing & Community Development	63-4
6-24, H.R. 5192, Higher Education Programs	92-4
S. 2470, Coal Conversion of Powerplants	86-7
6-25, S. 2720, Urban Mass Transportation	79-15
S. 2725, Clean Water	93-0
6-26, H.J. Res. 569, Public Debt Limit	54-39
6-30, S. 2885, Reconciliation—Spending	89-0
7-2, H.R. 6974, Military Procurement	84-3
9-4, S. 1188, Veterans' Vocational Rehabilitation	86-0
9-15, H.R. 6790, Foreign Service Reform	VV
9-17, H.R. 7765, Reconciliation—Spending and Revenue	VV
9-24, H. Con. Res. 432, Nuclear Fuel Shipments to India Disapproval	46-48
9-30, H.R. 8202, Justice Department Authorization	VV
11-19, H. Con. Res. 448, Second Budget Resolution	48-46
11-24, H.R. 7020, Superfund for Environmental Cleanup	VV
12-9, H.R. 7112, Revenue Sharing	80-3
1981 (Total 36)	
2-6, H.R. 1553, Public Debt Limit Increase	73-18
3-12, S. Res. 89-92, Pay Raise Disapprovals	90-0
3-25, S. 509, Milk Price Supports	88-5
4-2, S. Con. Res. 9, Budget Reconciliation	88-10
4-7, S. 694, Defense Supplemental Authorization	VV
4-8, S. 734, Export Trading Companies	93-0
4-29, S. 786, International Development Association	58-32
5-6, S. 533, Public Buildings	93-0
5-12, H. Con. Res. 115, First Budget Resolution, 1982; Reconciliation	78-20
5-14, S. 815, Military Procurement	92-1
5-21, H.R. 3512, Supplemental Appropriations	95-0
6-3, S. 1197, Housing and Community Development	65-24
6-10, S. 1007, Food Stamps and Commodity Distribution	77-17
6-16, H.R. 3499, Veterans Health Care	99-0
6-17, S. 1195, International Development Banks	65-27
6-18, S. 1193, State Department Authorization 1982-83	88-4
6-25, H.R. 3982, Budget Reconciliation	80-15
7-14, S. Res. 87, Social Security Benefits Taxation	98-0
7-29, H.R. 4242, Tax Cut	89-11
9-11, S. 1181, Military Pay Increase	81-0
9-18, S. 884, Farm Bill	49-32
9-29, H.J. Res. 265, Public Debt Limit Increase	64-34
10-7, S. 898, Telecommunications Competition/Deregulation	90-4
10-15, H.R. 4331, Social Security Minimum Benefits	95-0
10-22, S. 1196, Foreign Aid—Economic and Military	40-33
10-28, H. Con. Res. 194, Saudi AWACS Sale disapproval	48-52
10-29, S. 1503, Standby Petroleum Allocation	85-7
11-2, S. 1086, Older Americans—Social Security Taxation Disapproval	75-0
11-5, H.R. 3455, Military Construction Authorization	95-2
11-12, H.R. 3567, Export Administration Authorization	VV
12-7, S. Res. 236, Mortgage Interest Deductibility	83-0
12-8, S. 881, Small Business Research/Federal Reserve Appointee	90-0
12-8, S. 1700, Federal Courts Improvement	83-6
12-9, S. Con. Res. 50, Second Budget Resolution	49-48
12-9, S. Res. 218, School Lunch Program (Regulations Classifying Condiments as Vegetables)	92-0
12-16, H.R. 5159, Black Lung Benefits/Trust Fund	46-44
1982 (Total 39)	
2-10, H.J. Res. 389, CCC Urgent Supplemental Appropriations, 1982	VV
H.J. Res. 391, Unemployment Compensation Supplemental, Appropriations, 1982	95-0
3-2, S. 951, Department of Justice Authorization	57-37
3-18, H.R. 4, Agent Identities Disclosure	90-6
3-24, S. 1080, Regulatory Reform	94-0
3-30, H.R. 2330, NRC Authorization, 1982-83	97-0
3-31, S. 1629, Broadcast Deregulation	VV
4-21, S. Res. 20, Radio-TV Floor Coverage of Senate Proceedings	VV
4-27, S. 854, Foreign Missions Act	VV
4-29, S. Res. 382, Falkland Islands Policy	79-1
H.R. 3809, National Nuclear Waste Storage Policy	69-9
5-13, S. 2248, Military Procurement Authorization, FY 1983	84-8
5-18, S. Con. Res. 60, FTC Used Car Rule Disapproval Resolution	69-27
5-21, S. Con. Res. 92, First Budget Resolution, FY 1983	49-43
5-26, S. 2332, Energy Emergency Preparedness	88-7
5-27, H.R. 5922, Urgent Supplemental Appropriations, FY 1982	73-19
6-18, H.R. 3112, Voting Rights Act Extension	85-8
6-23, H.J. Res. 519, Public Debt Limit Increase	49-41
6-24, H.R. 6682, Urgent Supplemental Appropriations, FY 1982	59-26
6-29, H.R. 6685, Urgent Supplemental Appropriations, FY 1982	VV
6-30, H.R. 3663, Bus Deregulation	85-10
7-1, S. 2036, Jobs Training	95-0
7-14, H.R. 6590, Tobacco Price Supports	77-17
7-16, H.R. 5539, Reclamation Reform	49-13
7-22, H.R. 4961, Tax Increase/Medicare/Medicaid Cut	50-47
8-4, S.J. Res. 58, Balanced Budget—Tax Limitation Constitutional Amendment	69-31
8-5, H.R. 6955, Omnibus Reconciliation, FY 1982—Spending	73-23
8-11, H.R. 6863, Supplemental Appropriations, 1982	VV
8-17, S. 2222, Immigration Reform and Control	80-19
9-21, S.J. Res. 250, Railway Labor-Management Dispute (Rail Strike)	VV
9-23, H.J. Res. 520, Public Debt Limit Increase	50-41
9-30, S. 1688, Armed Career Criminals	93-1
H.R. 3963, Violent Crime and Drug Enforcement	VV
10-1, H.R. 544, Commodity Futures Trading	VV
H.R. 7140, Controlled Substances	VV
H.R. 5238, Orphan Drug Act	VV
12-2, H.R. 7093, Virgin Islands Tax Rates—Social Security Disability Benefits	70-4
12-9, H.R. 4481, Justice Assistance Act of 1982	VV
12-20, H.R. 6211, Highways—Gas Tax—Jobs Program	56-34
1983 (Total 24)	
3-1, S. 47, Shipping Antitrust	64-33
3-17, H.R. 1718, Jobs/Supplemental Appropriations	82-16
3-23, H.R. 1900, Social Security Reform	88-9
5-18, S. 529, Immigration Reform	76-18
5-19, H. Con. Res. 91, First Budget Resolution, 1984	50-49
5-25, S. Con. Res. 26, MX Basing Approval	59-39
6-8, S. 695, IMF Authorization	55-34
6-14, S. 66, Cable Telecommunications	87-9
6-16, H.R. 3069, Supplemental Appropriations 1983	64-33
6-16, H.R. 2973, Repeal of Withholding on Interest and Dividends	86-4
6-20, S. 336, Labor Management Racketeering	75-0
7-26, S. 675, Defense Authorizations	83-15
8-2, H.R. 1646, Railroad Retirement	95-2
9-13, S. 602, Radio Marti	VV
9-21, H.R. 2780, Revenue Sharing	87-6
9-29, S.J. Res. 159, Lebanon Forces—War Powers	54-46
9-30, H.R. 3929, Unemployment Compensation (FSC)	89-0
10-19, H.R. 3706, Martin Luther King, Jr. Holiday	78-22
10-20, H.R. 2915, State Department Authorization	VV
10-25, H.R. 3103, Surface Transportation Act	91-2
10-27, H.R. 2959, Supplemental Appropriations, FY 1984—IMF, Multilateral Development Banks, Export-Import Bank, and Omnibus Housing Authorizations	VV
11-14, H.R. 2230, Civil Rights Commission	78-3
11-17, H.J. Res. 308, Permanent Public Debt Limit Increase	58-40
11-18, H.R. 3391, Social Security Disability Insurance	80-0
1984 (total 31)	
1-26, S. 221, Congressional Pay Reduction	66-19
2-2, S. 1762, Comprehensive Crime Control	91-1
2-22, S. 1765, Capital Punishment	63-32
2-27, S. 774, Freedom of Information	VV
2-28, S. 2335, Credit Card Surcharges	84-0

MAJOR LEGISLATION PASSED BY THE SENATE—Continued

[Excludes routine appropriations bills]

Date, Bill No., and Title	Vote
3-1, S. 979, Export Administration Act Amendments	VV
3-22, H.R. 4072, Wheat and Other Price Supports	78-10
4-5, H.J. Res. 492, Supplemental Appropriations, 1984	76-19
4-5, H.R. 4169, Budget Reconciliation Act	67-26
4-25, H.R. 4325, Child Support Enforcement	94-0
5-17, H.R. 4170, Deficit Reduction Tax Act of 1984	74-23
5-22, H.R. 1961, Veterans—Agent Orange	VV
5-24, S. 837, Washington Wilderness	VV
5-24, H.R. 1149, Oregon Wilderness	VV
6-19, H.R. 5174, Bankruptcy Court Jurisdiction—Federal Judgeships	VV
6-20, H.R. 5167, Omnibus Defense Authorization, FY 1985	82-6
6-27, H.R. 1310, Math-Science Education—Equal Access	VV
6-29, H.R. 5953, Public Debt Limit	VV
7-25, S. 757, Solid Waste Disposal Amendments	93-0
7-26, H.R. 1904, Child Abuse Prevention, Treatment, and Adoption Reform	88-0
7-26, H.R. 1428, Social Security Cost of Living Adjustments	VV
7-31, S. 1841, R&D Antitrust	97-0
7-31, H.R. 4280, Women's Pension Equity	VV
8-7, H.R. 4209, Small Business R&D	94-0
8-8, H.R. 6040, Second Supplemental Appropriations, 1984	62-32
8-9, H.R. 1437, California Wilderness	VV
9-20, H.R. 3398, Trade and Tariff Matters	96-0
9-26, H.R. 2838, Timber Contracts	94-2
10-2, H.R. 5688, Veterans Compensation Increase	VV
10-4, S. 3024, Federal Aid Highways	VV
10-11, H.R. 5361, Imputed Interest Rates/Budget Freeze	VV

PUBLIC LAWS

97TH AND 98TH CONGRESSES COMPARED WITH 95TH AND 96TH CONGRESSES

A listing of public laws enacted during the 97th and 98th Congresses shows that more than half were of a non-substantive or administrative nature. Of the 246 laws enacted this session, 64 percent fit into this category. Most of these laws commemorate an event or person or dedicate a day, week, or month for some worthwhile cause. The 97th and 98th Congresses under Senate Republican Leadership compare very unfavorably with the two previous Congresses which were under Democratic leadership:

98th Congress (1983-84)—Out of 461 public laws, 272 or 59 percent were nonsubstantive.

97th Congress (1981-82)—Out of 473 public laws, 227 or 45 percent were nonsubstantive.

96th Congress (1979-80)—Out of 613 public laws, 219 or 36 percent were nonsubstantive.

95th Congress (1977-78)—Out of 633 public laws, 164 or 26 percent were nonsubstantive.

A look at the bills enacted this year raises the serious question whether Congress is carrying out its legislative responsibilities. Many of the bills enacted were of a cosmetic nature. Debate and passage of separate authorizations for many important programs languished on the Senate Calendar or in Committee while some high-sounding proclamation was signed into law. For this reason, Senators were compelled to try to amend the Continuing Resolution with everything from Superfund provisions to "cop-killer" bullets.

At the same time the Administration cut education programs severely, it wrote into law the "Year of Excellence in Education", and the President announced that he will send a teacher to be the first civilian in space.

While the Senate failed to assure the civil rights of women and the handicapped and other minorities with the passage of Grove City on which cloture was invoked by 92 Senators, it sent the President S.J. Res. 220, National Arts with the Handicapped Week, and S.J. Res. 227, National Women Veterans Recognition Month.

Although the Senate never got to consider ERA, it passed Women's History Week and National Women Veteran' Recognition Month.

The same occurred with regard to health programs. While pressing for cuts to public health programs, the President signed the following 15 measures:

S.J. Res. 148, National Tuberous Sclerosis Week.

S.J. Res. 198, National Nursing Home Residents Day.

S.J. Res. 225, National Eye Donor Month.

S.J. Res. 228, National Digestive Diseases Awareness Week.

S.J. Res. 232, National Physical Fitness and Sports Month.

S.J. Res. 239, Lupus Awareness Week.

S.J. Res. 322, Mental Illness Awareness Week.

S.J. Res. 244, National Asthma and Allergy Awareness Week.

S.J. Res. 261, Helen Keller Deaf-Blind Awareness Day.

S.J. Res. 254, National Down's Syndrome Month.

S.J. Res. 275, National Spina Bifada Month.

S.J. Res. 407, National Hearing Impaired Awareness Week.

S.J. Res. 432, Parkinson's Disease Awareness Week.

S.J. Res. 451, National Alzheimer's Disease Week.

S.J. Res. 587, Ostomy Awareness Month.

PUBLIC LAWS, 98TH CONGRESS (272 OUT OF 461 PUBLIC LAWS, OR 59 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)

	Public Law No., Bill No., and title	Approved
	1ST SESSION (JAN. 3, 1983-NOV. 18, 1983; 114 OUT OF 215 PUBLIC LAWS, OR 53 PERCENT WERE NONSUBSTANTIVE OR ADMINISTRATIVE)	
1	98-1, S.61, Nancy Hanks Center	Feb. 15, 1983.
2	98-2, H.J. Res. 60, Lithuanian Independence Day	Feb. 16, 1983.
3	98-3, S.J. Res. 37, Women's History Week	Mar. 8, 1983.
	98-4, H.R. 1296, Agricultural Land Diversion Tax Treatment Program (PIK).	Mar. 11, 1983.
4	98-5, S.J. Res. 15, National Eye Donor Month	Do.
5	98-6, H.R. 1572, Metropolitan Atlanta Rapid Transit Authority (MARTA).	Mar. 16, 1983.
6	98-7, S.J. Res. 21, National Child Abuse Prevention Month.	Do.
	98-8, H.R. 1718, Emergency Jobs/Supplemental Appropriations, FY 1983.	Mar. 24, 1983.
7	98-9, S.J. Res. 35, National Mental Health Counselors Week.	Do.
8	98-10, S.J. Res. 65, Afghanistan Day	Do.
	98-11, S. 271, National Scenic and Historic Trails	Mar. 28, 1983.
	98-12, H.R. 2112, Defense Production Act Extension.	Mar. 29, 1983.
	98-13, H.R. 2369, Federal Unemployment Compensation (FSC).	Do.
	98-14, H.R. 1936, Enlistment and Reenlistment Bonuses Extension.	Mar. 30, 1983.
9	98-15, S.J. Res. 64, 200th Anniversary of the Signing of the Treaty of Amity and Commerce between Sweden and the U.S.	April 4, 1983.
10	98-16, H.J. Res. 175, National Amateur Baseball Month.	Do.
	98-17, S. 926, Commercial Motor Vehicles Width Limitation.	April 5, 1983.
11	98-18, S.J. Res. 32, National Arthritis Month	Do.
12	98-19, S.J. Res. 52, National Mental Health Week	April 15, 1983.
13	98-20, H.J. Res. 80, Jewish Heritage Week	April 19, 1983.
	98-21, H.R. 1900, Social Security Reform	April 20, 1983.
	98-22, S. 89, Saccharin Study and Labeling	April 22, 1983.
14	98-23, S.J. Res. 53, National Physical Fitness and Sports Month.	April 26, 1983.
	98-24, S. 126, Alcohol and Drug Abuse Prevention Authorization, FY 1983-84.	Do.
15	98-25, S. 304, Burns Paiute Tribe Trust Lands	May 2, 1983.
16	98-26, H.J. Res. 245, Enrollment Corrections—Emergency Jobs Appropriations, FY 1983.	May 4, 1983.
17	98-27, S.J. Res. 62, National Parkinson's Disease Week.	Do.
18	98-28, H.R. 2600, Congressman Phillip Burton Golden Gate National Recreation Area.	May 10, 1983.
	98-29, S. 1011, Federal Deposit Insurance of Income Capital Certificates.	May 16, 1983.
19	98-30, S.J. Res. 51, Andrei Sakharov Day	May 18, 1983.
20	98-31, H.J. Res. 219, Soccer World Cup	May 20, 1983.
21	98-32, S. 287, Harry S. Truman National Historic Site, Missouri.	May 23, 1983.
22	98-33, S. 957, Congressional Award Board Membership Increase.	May 25, 1983.
	98-34, H.R. 2990, Public Debt Limit Permanent Increase.	May 26, 1983.
	98-35, H.J. Res. 265, Mortgage Insurance Authorities Extension.	Do.
	98-36, S. 653, Foundation for the Advancement of Military Medicine.	Do.
	98-37, S. 967, National Transportation Safety Board Authorization, FY 1984-86.	June 6, 1983.
	98-38, H.R. 2681, Securities Brokers/Dealers Required to Join National Securities Association.	Do.
23	98-39, H.J. Res. 201, Baltic Freedom Day	June 13, 1983.
24	98-40, S.J. Res. 75, National Scleroderma Week	June 14, 1983.
25	98-41, H.J. Res. 234, National Childrens' Liver Disease Awareness Week.	June 20, 1983.
26	98-42, S.J. Res. 42, Alaska Statehood Day	June 22, 1983.
	98-43, S. 639, Lebaonon Emergency Development and Military Asssitance.	June 27, 1983.
27	98-44, S. 295, Atlantic Salmon Convention—Technical Corrections.	July 12, 1983.
	98-45, H.R. 3133, HUD Appropriations, FY 1984	Do.
28	98-46, S.680, Gladys Noon Spellman Parkway	Do.
	98-47, S.273, Small Business Administration Pilot Procurement Program Extension.	July 31, 1983.
	98-48, H.R. 1746, Navajo-Hopi Indian Relocation Commission Authorization, FY 1983-84.	Do.
	98-49, H.R. 2713, Public Health Emergencies Revolving Fund.	Do.
	98-50, H.R. 3132, Energy Water Appropriations, FY 1984.	July 14, 1983.
	98-51, H.R. 3135, Legislative Appropriations, FY 1984.	Do.
	98-52, H.R. 2065, NASA Authorization, FY 1984	July 15, 1983.
	98-53, H.R. 1271, El Salvador—Presidential Certifications.	Do.
29	98-54, S.J. Res. 68, National Atomic Veterans' Day	Do.
30	98-55, S.J. Res. 18, American Business Women's Day.	July 19, 1983.
31	98-56, S.J. Res. 34, National Reye's Syndrome Week.	Do.
	98-57, S. 929, Canal Zone Biological Area Authorization.	July 22, 1983.
32	98-58, S.J. Res. 96, Helsinki Human Rights Day	July 25, 1983.
	98-59, H.R. 3392, Tobacco Price Support Freeze	Do.
33	98-60, S.J. Res. 77 National Animal Agriculture Week.	July 27, 1983.
34	98-61, S. 459, American Falls Land Relocation	July 28, 1983.
35	98-62, H.J. Res. 258 National Paralyzed Veterans Recognition Day.	July 29, 1983.
	98-63, H.R. 3069, Supplemental Appropriations, FY 1983.	July 30, 1983.
	98-64, S. 419, Per Capita Payments to Indians	Aug. 2, 1983.
	98-65, H.R. 2637, D.C. Federal Payment	Do.
	98-66, H.R. 1935, Matagorda Island National Wildlife Refuge, Texas.	Aug. 4, 1983.
	98-67, H.R. 2973, Repeal of Withholding on Interest and Dividends—Caribbean Basin Initiative.	Aug. 5, 1983.
36	98-68, S.J. Res. 56, National Child Support Enforcement Month.	Do.
37	98-69, S.J. Res. 67, National Respiratory Therapy Week.	Aug. 8, 1983.
38	98-70, S. 143, Twenty-Nine Palms Band of Luiseno Mission Indian Trust Lands.	Do.
39	98-71, H.J. Res. 139, Federal Credit Union Week	Aug. 11, 1983.
	98-72, S. 272, Small Business Access to Federal Procurement Information.	Do.
40	98-73, S. 930, Smithsonian Institution Land Purchase Authorization.	Do.
41	98-74, S. 727, Fort Berthold Reservation Judgment Funds.	Do.
42	98-75, H.J. Res. 321, 200th Anniversary of the Treaty of Paris National Celebration Day.	Do.
	98-76, H.R. 1646, Railroad Retirement Solvency	Aug. 12, 1983.
	98-77, H.R. 2355, Veterans' Emergency Job Training.	Aug. 15, 1983.
	98-78, H.R. 3329, Transportation Appropriations, FY 1984.	Do.
	98-79, H.R. 3394, Federal Student Loan Program	Do.
43	98-80, S. 1696, Additional Assistant Administrators, EPA.	Aug. 23, 1983.
44	98-81, S. 1797, Jack D. Watson Post Office Building, Fort Worth, Texas.	Do.
45	98-82, S.J. Res. 85, National Historically Black Colleges Day.	Do.
46	98-83, S.J. Res. 98, National Housing Week	Do.
47	98-84, S.J. Res. 116, Youth of America Week	Do.
48	98-85, H.R. 2895, Phillip Burton Federal Building and U.S. Courthouse, California.	Aug. 26, 1983.
49	98-86, H.R. 3232, Payment for Special Agents of Department of Justice.	Do.
50	98-87, H.J. Res. 297, Jeannine Smith Clark Appointments to Smithsonian Regents.	Do.
	98-88, H.R. 3190, Extra Long Staple Cotton	Do.
	98-89, S. 46, Marine Safety and Seaman's Welfare	Do.
	98-90, H.R. 3677, Medicare Hospice Reimbursement.	Aug. 29, 1983.
	98-91, H.R. 3549, Bankruptcy Amendments	Aug. 30, 1983.
	98-92, H.R. 3409, Federal Unemployment Compensation (FSC).	Sept. 2, 1983.
51	98-93, S.J. Res. 131, National Cystic Fibrosis Week	Sept. 20, 1983.
	98-94, S. 675, DOD Authorizations, FY 1984	Sept. 24, 1983.
	98-95, S. 1872, Challenge Grant Amendments	Sept. 26, 1983.

PUBLIC LAWS, 98TH CONGRESS (272 OUT OF 461 PUBLIC LAWS, OR 59 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)—Continued

	Public Law No., Bill No., and title	Approved
52	98-96, H.J. Res. 132, National Adult Day Care Center Week.	Sept. 27, 1983.
53	98-97, H.J. Res. 218, National Sewing Month	Do.
	98-98, H.J. Res. 353, Soviet Destruction of Korean Airliner Condemnation.	Sept. 28, 1983.
54	98-99, H.J. Res. 229, National Organ Donation Awareness Week.	Do.
	98-100, H.R. 3914, Crop Wheat and Feed Grain Program Announcement, 1984-85.	Sept. 29, 1983.
55	98-101, S. 118, Commission on the Bicentennial of the Constitution.	Do.
56	98-102, S.J. Res. 82, National Alzheimer's Disease Month.	Sept. 30, 1983.
57	98-103, S.J. Res. 119, National Drunk and Drugged Driving Awareness Week.	Do.
	98-104, S. 1625, D.C. Retirement Reform	Do.
	98-105, S. 1850, VA Medical Services in Puerto Rico and Virgin Islands.	Do.
58	98-106, H.J. Res. 284, Twenty-fifth Anniversary of NASA.	Oct. 1, 1983.
	98-107, H.J. Res. 368, Continuing Appropriations, FY 1984.	Do.
	98-108, H.R. 3962, Export Administration Act Extension.	Do.
	98-109, H.J. Res. 366, Mortgage Insurance Authorities Extension.	Do.
59	98-110, S.J. Res. 81, World Food Day	Oct. 3, 1983.
	98-111, S. 602, Radio Broadcasting to Cuba	Oct. 4, 1983.
60	98-112, S.J. Res. 142, National Productivity Improvement Week.	Do.
61	98-113, S.J. Res. 140, Myasthenia Gravis Awareness Week.	Oct. 5, 1983.
62	98-114, H.J. Res. 137, National Schoolbus Safety Week.	Oct. 7, 1983.
	98-115, H.R. 2972, Military Construction Authorization, FY 1984.	Oct. 11, 1983.
	98-116, H.R. 3263, Military Construction Appropriations, FY 1984.	Do.
	98-117, H.R. 3871, Civil Service Wage Adjustments.	Do.
	98-118, H.R. 4101, Federal Unemployment Compensation (FSC).	Do.
	98-119, S.J. Res. 159, Lebanon—Multinational Force, War Powers.	Oct. 12, 1983.
	98-120, H.R. 3813, International Coffee Agreement Implementation.	Do.
63	98-121, S. 1465, Charles A. Halleck Federal Building.	Do.
64	98-122, S. 1724, Harold L. Runnels Federal Building.	Do.
65	98-123, S. 884, Red Lake Band of Chippewa Indians Judgment Funds.	Oct. 13, 1983.
66	98-124, S. 1148, Assiniboine Tribe, Montana Tribal Funds Distribution.	Do.
	98-125, H.R. 3415, D.C. Appropriations, FY 1984	Do.
67	98-126, S.J. Res. 102, Lupus Awareness Week	Do.
	98-127, S. 216, Penalties for Crimes Involving the Tampering with Food, Drug, Cosmetic, and other Products.	Do.
68	98-128, H.R. 3379, Edwin D. Eshleman Post Office Building.	Oct. 14, 1983.
	98-129, H.R. 2840, Federal Management of Pribilof Islands Termination.	Do.
69	98-130, S.J. Res. 128, Metropolitan Opera Day	Do.
70	98-131, H.R. 3835, William A. Steiger Post Office Building.	Oct. 17, 1983.
71	98-132, S. 1894, Henry M. Jackson Foundation for the Advancement of Military Medicine.	Do.
72	98-133, H.R. 1556, Conveyance of Liberty Ship John W. Brown to John W. Brown Preservation Project.	Oct. 18, 1983.
73	98-134, S. 1499, Mashantucket Pequot Indians Claims.	Do.
	98-135, H.R. 3929, Federal Unemployment Compensation (FSC).	Oct. 24, 1983.
74	98-136, H.R. 3321, Louisiana World Exposition Commemorative Medals.	Do.
75	98-137, H.R. 1062, Land Conveyance in Lane County, Oregon.	Oct. 25, 1983. [1]
76	98-138, H.R. 3044, Connecticut River Atlantic Salmon Agreement.	Oct. 28, 1983.
	98-139, H.R. 3913, Labor-HHS-Education Appropriations, FY 1984.	Oct. 31, 1983.
	98-140, S. 96, Lee Metcalf Wilderness Area, Montana.	Do.
	98-141, H.R. 1213, Public Lands and National Parks.	Do.
77	98-142, S.J. Res. 57, National Drug Abuse Education Week.	Nov. 1, 1983.
	98-143, S.J. Res. 189, Export-Import Bank Extension.	Do.
	98-144, H.R. 3706, Martin Luther King, Jr., Holiday.	Nov. 2, 1983.
78	98-145, S.J. Res. 121, National Diabetes Month	Nov. 3, 1983.
	98-146, H.R. 3363, Interior Appropriations, FY 1984.	Nov. 4, 1983.
79	98-147, S.J. Res. 45, National Family Week	Do.
80	98-148, S. 552, George W. Whitehurst Federal Court Building.	Nov. 7, 1983.
81	98-149, S. 1944, Transfer of U.S. Submarine Albacore to Portsmouth Memorial Submarine Association.	Do.
	98-150, S. 461, Office of Government Ethics Authorization, FY 1984-89.	Nov. 11, 1983.
	98-151, H.J. Res. 413, Continuing Appropriations, FY 1984.	Nov. 14, 1983.
82	98-152, H.J. Res. 283, National Disabled Veterans Week.	Nov. 15, 1983.
83	98-153, S.J. Res. 122, National Home Care Week	Do.
84	98-154, S.J. Res. 188, National Christmas Seal Month.	Nov. 16, 1983.
85	98-155, H.J. Res. 408, Anti-Defamation League Day.	Do.
86	98-156, H.J. Res. 383, Florence Crittenton Week	Nov. 17, 1983.
87	98-157, S. 448, Belle Fourche Irrigation Project, South Dakota.	Do.
88	98-158, S.J. Res. 92, Municipal Clerk's Week	Do.
89	98-159, H.R. 3348, Gold Medal to Family of Congressman Leo J. Ryan.	Nov. 18, 1983.
	98-160, H.R. 2920, Veterans' Health Care and Programs Improvement.	Nov. 21, 1983.
	98-161, H.J. Res. 308, Public Debt Limit Permanent Increase.	Do.
90	98-162, S.J. Res. 139, Eleanor Roosevelt's Centennial Birthday Commemoration.	Do.
91	98-163, H.R. 2910, Pima Maricopa Indian Lands	Nov. 22, 1983.
	98-164, H.R. 2915, State Department Authorization, FY 1984-85.	Do.
92	98-165, H.R. 3885, Grand Ronde Tribes, Oregon	Do.
	98-166, H.R. 3222, Commerce-Justice-State-Judiciary Appropriations, FY 1984.	Nov. 28, 1983.
	98-167, S. 376, Debt Collection	Nov. 29, 1983.
	98-168, H.R. 2077, Physicians Comparability Allowances—Supplemental Civil Service Retirement for Federal Employees Covered by Social Security.	Do.
93	98-169, H.R. 2592, Catalogue of Domestic Assistance Programs, OMB-GSA.	Do.
94	98-170, S. 807, Cumberland Island National Seashore Boundaries, Georgia.	Do.
	98-171, H.R. 2590, Agricultural Adjustments: Filburts, Hazelnuts, and Potatoes.	Do.
95	98-172, H.J. Res. 93, Recognition of the Humanitarian Efforts of Danny Thomas.	Do.
96	98-173, S. 1168, Kaw Tribe, Oklahoma Trust Lands.	Do.
97	98-174, S. 1837, Henry M. Jackson Memorial Building.	Do.
98	98-175, H.R. 24, U.S. Land in New York to Become Part of the Green Mountain National Forest.	Do.
99	98-176, H.R. 594, NOAA Claims Settlement Authority.	Do.
	98-177, H.R. 4013, Small Business Development Centers.	Do.
100	98-178, H.J. Res. 168, National Tourism Week	Do.
101	98-179, H.J. Res. 421, Convening of 98th Congress, 2d Session, January 23, 1983.	Do.
	98-180, H.R. 3385, Dairy and Tobacco Program Adjustments.	Do.
	98-181, H.R. 3959, Supplemental Appropriations—IMF, Multilateral Development Banks, Export-Import Bank, and Omnibus Housing Authorizations, FY 1984.	Nov. 30, 1983.
102	98-182, S.J. Res. 44, National Surveyors Week	Do.
	98-183, H.R. 2230, Civil Rights Commission	Do.
103	98-184, H.R. 2479, Incorporation of D.C. Masonic Mutual Relief Association, Known Now as Acacia Mutual Life Insurance.	Do.
	98-185, H.R. 2780, Revenue Sharing	Do.
	98-186, S. 450, Mail Order Consumer Protection Amendments.	Do.
104	98-187, S.J. Res. 141, Carrier Alert Week	Do.
105	98-188, H.J. Res. 324, National Fetal Alcohol Syndrome Week.	Do.
	98-189, H.R. 2196, National Historical Publications and Records Commission Authorization, FY 1984-88.	Do.
106	98-190, H.R. 4294, James Van Zandt Veterans Medical Center and Carl Vinson Veterans Medical Center.	Do.
	98-191, H.R. 2293, Office of Federal Procurement Policy.	Dec. 1, 1983.
	98-192, S. 726, Tribally-Controlled Community Colleges.	Do.
	98-193, S. 1046, Product Liability Risk Retention	Do.
	98-194, S. 2129, Rural Health Clinic Reimbursement.	Do.
107	98-195, S. 1503, Release of Agricultural Lands in Delaware.	Do.
108	98-196, S. 577, Land Conveyance in Idaho	Do.
109	98-197, H.J. Res. 405, Presidential Commission for the German-American Bicentennial.	Do.
110	98-198, S.J. Res. 111, Child Health Mortality	Do.
	98-199, S. 1341, Education of the Handicapped Authorization.	Dec. 2, 1983.
	98-200, H.R. 2395, Migratory Bird Conservation Fund.	Do.
	98-201, H.R. 2785, FIFRA	Do.
	98-202, H.R. 2906, Arms Control and Disarmament Agency Authorization, FY 1984-85.	Do.
111	98-203, H.R. 3765, Las Vegas Pauite Indian Trust Lands.	Do.
	98-204, H.R. 4252, Puerto Rico Nutrition	Do.
112	98-205, S. 505, Juliette Gordon Low Federal Building, Savannah, Georgia.	Do.
113	98-206, H.J. Res. 311, National Agriculture Day	Do.
	98-207, H.R. 4476, Export Administration Extension.	Dec. 5, 1983.
114	98-208, H.J. Res. 381, Samuel Curtis Johnson Appointed to Smithsonian Board of Regents.	Do.
	98-209, S. 974, Military Justice System Improvement.	Dec. 6, 1983.
	98-210, S. 1099, NOAA Marine Fisheries Program Authorization, FY 1984.	Do.
	98-211, H.R. 1035, Education Consolidation and Improvement Act Amendments.	Dec. 8, 1983.
	98-212, H.R. 4185, Department of Defense Appropriations, FY 1984.	Do.
	98-213, S. 589, Guam Capital Improvement Projects Authorization, FY 1984.	Do.
	98-214, H.R. 2755, Federal Communications Commission Authorization, FY 1984-85.	Do.
	98-215, H.R. 2968, Intelligence Authorization, FY 1984.	Dec. 9, 1983.

2D SESSION (Jan. 23, 1984–Oct. 10, 1984; 158 out of 246 public laws, or 64 percent, were nonsubstantive or administrative)

	Public Law No., Bill No., and title	Approved
1	98-216, H.R. 2727, Money, Finance, Transportation Law Codification.	Feb. 14, 1984.
2	98-217, H.R. 3969, Secretary of Defense Participation in Panama Canal Commission.	Do.
3	98-218, H.J. Res. 290, XXIII Olympiad 1984	Feb. 17, 1984.
4	98-219, H.R. 2898, Utah Paiute Indian Trust Lands	Do.
5	98-220, S.J. Res. 146, National Energy Education Day.	Feb. 21, 1984.
	98-221, S. 1340, Vocational Rehabilitation—GI Bill	Feb. 22, 1984.
	98-222, H.R. 4956, Export Administration Act Extension.	Feb. 29, 1984.
	98-223, S. 1388, Veterans Compensation and Program Improvements.	Mar. 2, 1984.
	98-224, H.R. 4336, Civil Service Amendments	Do.
6	98-225, S.J. Res. 184, National Beta Club Week	Do.
7	98-226, S.J. Res. 193, Frozen Food Day	Mar. 5, 1984.
8	98-227, H.J. Res. 442, Women's History Week	Do.
9	98-228, H.J. Res. 292, National Theatre Week	Mar. 7, 1984.
	98-229, H.R. 4957, Interstate Highway Construction.	Mar. 9, 1984.
10	98-230, S.J. Res. 161, National Child Abuse Prevention Month.	Mar. 12, 1984.
11	98-231, S. 2354, Frank Church River of No Return Wilderness.	Mar. 14, 1984.
12	98-232, S.J. Res. 112, National Social Work Month	Do.
13	98-233, S.J. Res. 225, National Eye Donor Month	Do.
14	98-234, S.J. Res. 205, National Employ the Older Worker Week.	Mar. 16, 1984.
	98-235, H.R. 3655, Raising Retirement Age for Certain Court Judges.	Mar. 19, 1984.
	98-236, H.R. 2173, Contract Services for Drug Dependent Federal Offenders Act Authorization.	Mar. 20, 1984.
	98-237, S. 47, Shipping Antitrust	Do.
15	98-238, S.J. Res. 132, National Correctional Officers Week.	Do.
	98-239, H.R. 4194, Antitrust Exemption for Oil Companies Participating in IEP.	Mar. 20, 1984.
16	98-240, H.J. Res. 200, National Single Parents Day	Mar. 21, 1984.
	98-241, S. 820, Earthquake Hazards Reduction Authorization, FY 1984-86.	Mar. 22, 1984.
	98-242, S. 684, Water Resources Program	Do. [1]
17	98-243, S. 912, Richard B. Russell Dam and Lake Project.	Mar. 26, 1984.
	98-244, H.R. 2809, National Fish and Wildlife Foundation.	Do.
18	98-245, H.J. Res. 454, Contribution of Blacks to American Independence.	Mar. 27, 1984.
19	98-246, S.J. Res. 250, National Photo Week	Do.
20	98-247, S.J. Res. 241, Jewish Heritage Week	Mar. 28, 1984.
	98-248, H.J. Res. 493, Urgent Supplemental Appropriations—Low Income Energy Assistance.	Mar. 30, 1984.
21	98-249, S. 2507, Bankruptcy Act Extension	Mar. 31, 1984.
	98-250, S. 1530, Indian Self-Determination and Education Assistance.	April 3, 1984.
22	98-251, H.J. Res. 271, National Inventors Day	April 6, 1984.
23	98-252, H.J. Res. 443, Student Awareness of Drunk Driving Month.	Do.
24	98-253, S. 1365, Harry Porter Control Tower Designation.	Do.
25	98-254, S.J. Res. 203, National Mental Health Counselors Week.	April 9, 1984.
26	98-255, H.J. Res. 432, Parkinson's Disease Awareness Week.	Do.
27	98-256, S. 2392, FAA Appointment of Donald E. Engen.	April 10, 1984.
	98-257, H.R. 3249, National Academy of Public Administration.	Do.
	98-258, H.R. 4072, Wheat and other Price Supports.	Do.
	98-259, H.R. 4206, Income Tax Exemption of U.S. Employees Who Die Overseas.	Do.
28	98-260, H.R. 4202, John G. Fary Tower, Midway Airport, Chicago.	April 13, 1984.
29	98-261, S.J. Res. 148, National Tuberous Sclerosis Week.	Do.

PUBLIC LAWS, 98TH CONGRESS (272 OUT OF 461 PUBLIC LAWS, OR 59 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)—Continued

	Public Law No., Bill No., and title	Approved
30	98-262, S.J. Res. 171, National POW/MIA Recognition Day.	Do.
31	98-263, H.J. Res. 407, National Hearing Impaired Awareness Week.	Do.
32	98-264, H.J. Res. 520, Education Day, USA	Do.
	98-265, S. 1852,	Defense Production Act Extension April 17, 1984.
33	98-266, H.R. 4835, Clement J. Zablocki Memorial Outpatatient Facility, Krakow, Poland.	Do.
34	98-267, H.J. Res. 466, Older Americans Month,	Do.
35	98-268, S.J. Res. 173, Commendation of Historic American Buildings Survey.	Do.
36	98-269, H.R. 596, Miller Act Payment Bonds Transfer of Responsibility from Comptroller General.	April 18, 1984.
	98-270, H.R. 4169, Omnibus Reconciliation	Do.
37	98-271, S. 2570, Bankruptcy Act Extension	April 30, 1984.
38	98-272, S.J. Res. 210, Year of Excellence in Education.	May 3, 1984.
39	98-273, H.R. 3867, Perishable Agricultural Commodities.	May 7, 1984.
40	98-274, H.J. Res. 478, National Week of the Ocean.	Do.
41	98-275, S.J. Res. 136, Volunteer Firefighters Recognition Day.	May 8, 1984.
42	98-276, H.R. 5298, White House Conference on Small Business.	Do.
43	98-277, S. 2460, Edmund S. Muskie Federal Building.	Do.
44	98-278, S. 2597, Congressional Gold Medals to Harry S. Truman's Daughter, Lady Bird Johnson, and Elie Wiesel.	Do.
45	98-279, S. 2461, Margaret Chase Smith Federal Building.	Do.
	98-280, H.R. 3555, Seneca Indian Lands, New York.	May 9, 1984.
46	98-281, S.J. Res. 244, National Asthma and Allergy Awareness Week.	May 11, 1984.
	98-282, H.R. 3376, Makah Indian Trust Lands, Washington.	May 14, 1984.
47	98-283, S.J. Res. 232, National Physical Fitness and Sports Month	May 15, 1984.
48	98-284, H.R. 2733, Guayule Rubber Production	May 16, 1984.
49	98-285, H.R. 3240, Medal to the Widow of Roy Wilkins.	May 17, 1984.
50	98-286, S.J. Res. 220, National Arts with the Handicapped Week.	Do.
51	98-287, S. 597, Conveyance of Lands to Show Low, Arizona.	May 21, 1984.
	98-288, S. 1129, Community Volunteer Service	Do.
	98-289, S. 64, Irish Wilderness—Mark Twain National Forest, Missouri.	Do.
52	98-290 H.R. 4176, Southern Ute Indian Reservation, Colorado.	Do.
53	98-291, S. 1188, GAO Audit Requirements for Disabled Veterans Programs.	Do.
	98-292, H.R. 3635, Child Protection Act	Do.
54	98-293, H.J. Res. 537, Edwin B. Forsythe National Wildlife Refuge.	May 22, 1984.
55	98-294, S.J. Res. 198, National Nursing Home Residents Day.	Do.
56	98-295, S.J. Res. 228, National Digestive Diseases Awareness Week.	Do.
57	98-296, H.R. 4107, Maude R. Toulson Federal Building.	May 24, 1984.
58	98-297, H.R. 5576, Mary Woodard Lasker Center for Health Research and Education.	Do.
59	98-298, S.J. Res. 252, Missing Children Day	Do.
	98-299, H.R. 5174, Bankruptcy Act Amendments	May 25, 1984.
	98-300, H.R. 2211, Exemption of Electric and Telephone Facilities from Certain Right-of-Way Rental Payments.	Do.
60	98-301, H.R. 5515. Medal of Honor to Unknown American Who Died in Vietnam.	Do.
	98-302, H.R. 5692, Public Debt Limit Increase	Do.
61	98-303, H.J. Res. 526, National Animal Health Week.	Do.
62	98-304 S. 2079, AMVETS Charter Amendment	May 31, 1984.
	98-305, S. 422, Criminal Penalty for Robbery of a Controlled Substance.	Do.
	98-306, H.R. 2751, National Endowment for the Humanities, Arts, and the Institute of Museum Services Authorization.	Do.
63	98-307, S.J. Res. 94, Family Reunion Month	Do.
64	98-308, S.J. Res. 211, National Family Week	Do.
65	98-309, S.J. Res. 239, Lupus Awareness Week	Do.
66	98-310 H.J. Res. 451, National Alzheimer's Disease Week.	Do.
67	98-311, H.J Res. 487, D-Day National Remembrance.	Do.
	98-312, H.R. 5287, Higher Education Act Amendments.	June 12, 1984.
	98-313, S. 518, Pollution Assistance	Do.
68	98-314, S. 2413, American Gold Star Mothers Recognition.	Do.
	98-315, H.R. 3547, D.C. Loan Authority	Do.
	98-316, H.R. 5308, D.C. Federal Payment	Do.
69	98-317, S.J. Res. 285, Harmon Killebrew Day	June 15, 1984.
70	98-318, S.J. Res. 296, Baltic Freedom Day	Do.
71	98-319, S.J. Res. 289, National Child Passenger Safety Awareness Day.	June 18, 1984.
72	98-320, S.J. Res. 261, Helen Keller Deaf-Blind Awareness Day.	Do.
	98-321, H.R. 3578, Wisconsin Wilderness	June 19, 1984.
	98-322, H.R. 4198, Vermont Wilderness	Do.
	98-323, H.R. 3921, New Hampshire Wilderness	Do.
	98-324, H.R. 3960, North Carolina Wilderness	Do.
73	98-325, S. 2776, Bankruptcy Act Extension	June 20, 1984.
74	98-326, H.R. 5517, GAO Positions	June 22, 1984.
	98-327, H.R. 1723, Minnesota Valley and San Francisco Bay Wildlife Refuges.	June 25, 1984.
	98-328, H.R. 1149, Oregon Wilderness	June 26, 1984.
	98-329, H.R. 4201, Removes the Drug Methaqualone from Public Use.	June 29, 1984.
75	98-330, S.J. Res. 297, Veterans' Preference Month	June 30, 1984.
76	98-331, S.J. Res. 257, Year of the Ocean	July 2, 1984.
	98-332, H.J. Res. 492, Urgent Supplemental—Argrculture, FY 1984.	Do.
77	98-333, S.J. Res. 298, National Ice Cream Month	Do.
78	98-334, S. 1135, Goose Leg Basin Compact, Oregon.	Do.
79	98-335, S.J. Res 59, Hugo Lafayette Black Day	July 3, 1984.
80	98-336, S.J. Res. 150, Coast Guard Day	Do.
81	98-337, S.J. Res. 230, National Birds of Prey Conservation Week.	Do.
82	98-338, S.J. Res. 303, National Drunk and Drugged Driving Awareness Week.	Do.
83	98-339, S. 837, Washington National Forest Lands	Do.
84	98-340, H.R. 5565, Transportation Improvements of Federal Property.	Do.
85	98-341, S.J. Res. 270, National Duck Stamp Week	Do.
	98-342, H.R. 5953, Public Debt Limit Increase	July 6, 1984.
86	98-343, S.J. Res. 238, National Adoption Week	July 9, 1984.
87	98-344, S. 2403, Pueblo de Cochiti Trust Lands	Do.
88	98-345, H.J. Res. 555, Space Exploration Day	Do.
89	98-346, H.J. Res. 544, National Schoolage Childcare Awareness Week.	Do.
90	98-347, H.R. 4921, Bon Secour National Wildlife Refuge.	Do.
91	98-348, S.J. Res. 278, Commeration of the 100th Anniversary of BLS.	Do.
92	98-349, S.J. Res. 306, Food for Peace Day	Do.
93	98-350, H.J. Res. 566, National Neighborhood Housing Services Week.	Do.
94	98-351, H.J. Res. 604, African Refugees Relief Day	Do.
	98-352, S. 2375, Secondary Market for SBA Loans	July 10, 1984.
	98-353, H.R. 5174, Bankruptcy Act Amendments	Do.
95	98-354, H.R. 5404, William R. Gianella—Panama Canal Commission Service.	Do.
96	98-355, H.R. 5950, Quadrennial Political Party Conventions.	July 11, 1984.
97	98-356, H.J. Res. 567, Day and Year of the St. Lawrence Seaway.	Do.
98	98-357, H.R. 3825, Black Canyon Boundary, Gunnison National Monument.	July 13, 1984.
99	98-358, H.R. 4308, Compact for a System of High-Speed Intercity Rail Service.	Do.
100	98-359, H.R. 3922, Postal Savings System Statute of Limitations Act.	Do.
	98-360, H.R. 5653, Energy-Water Development Appropriations, FY 1985.	July 16, 1984.
	98-361, H.R. 5154, NASA Authorization, FY 1984	Do.
	98-362, H.R. 3075, SBA Computer Security and Education Act.	Do.
	98-363, H.R. 4616, Highway Safety Programs Encouraging Use of Child Restraint Systems, FY 1985-6.	July 16, 1984.
	98-364, H.R. 4977, Marine Mammal Protection Authorization, FY 1985-88.	Do.
	98-365, H.R. 5155, Land Remote Sensing Satellite Commercialization.	Do.
101	98-366, H.R. 5740, Barrow Gas Field Transfer Act	Do.
	98-367, H.R. 5753, Legislative Branch Appropriations, FY 1985.	Do.
102	98-368, H.J. Res. 548, President's Commission on Organized Crime to Compel Attendance and Testimony of Witnesses.	Do.
	98-369, H.R. 4170, Deficit Reduction Act of 1984	July 18, 1984.
	98-370, H.R. 3169, Renewable Energy Industry Development Act.	Do.
	98-371, H.R. 5713, HUD Appropriations, FY 1985	Do.
103	98-372, H.R. 29, Polish Legion of American Veterans.	July 23, 1984.
	98-373, S. 373, Arctic Research	July 31, 1984.
104	98-374, H.J. Res. 577, Polish-American Heritage Month.	Aug. 7, 1984.
105	98-375, H.R. 1492, Christopher Columbus Quincentenary Jubilee Act.	Do.
	98-376, H.R. 559, Insider Trading Sanctions	Aug. 10, 1984.
	98-377, H.R. 1310, Education for Economic Security Act.	Aug. 11, 1984.
	98-378, H.R. 4325, Child Support Enforcement Act	Aug. 16, 1984.
	98-379, H.R. 4952, Assistance to Indians Near MX Missile Deployment Sites.	Do.
106	98-380, S.J. Res. 302, National Sewing Month	Aug. 17, 1984.
	98-381, S. 268, Hoover Power Plant Act	Do.
107	98-382, S. 1145, Catholic War Veterans of the U.S., Inc.	Do.
108	98-383, S.J. Res. 248, Hawaii Statehood Silver Jubilee Day.	Do.
109	98-384, S.J. Res. 272, Anniversary of the Warsaw Uprising of WWII.	Do.
110	98-385, H.J. Res. 529, National Drug Abuse Education and Prevention Week.	Aug. 21, 1984.
111	98-386, H.J. Res. 574, National Community Leadership Week.	Do.
112	98-387, H.J. Res. 583, National Jerome Kern Day	Do.
113	98-388, H.J. Res. 587, Ostomy Awareness Month	Do.
114	98-389, H.J. Res. 597, Youth of America Week	Do.
115	98-390, S. 1224, Creek Indian Judgment Funds	Do.
116	98-391, S. 1806, Jewish War Veterans of the U.S.A., Inc.	Do.
	98-392, S. 2556, American Folklife Center Authorization, FY 1985-86.	Do.
117	98-393, S. 2820, Carl Albert Federal Building, Oklahoma.	Do.
118	98-394, S.J. Res. 338, Congratulations to the U.S. Olympic Athletes for the 1984 Winter Olympics in Yugoslavia, and the 1984 Summer Olympics in Los Angeles.	Do.
	98-395, S. 1429, Small Business Development Center Improvement Act.	Do.
	98-396, H.R. 6040, Second Supplemental Appropriations, FY 1984.	Do.
	98-397, H.R. 4280, Women's Pension Equity	Aug. 23, 1984.
119	98-398, S. 746, Illinois and Michigan Canal National Heritage Corridor, Illinois.	Aug. 24, 1984.
120	98-399, H.R. 5890, Martin Luther King, Jr. Holiday Commission.	Aug. 27, 1984.
121	98-400, S. 1547, Land Grant to Olathe, Colorado	Do.
122	98-401, S. 2036, Land Conveyance in Utah	Do.
123	98-402, H.R. 4596, Amendment to Section 1601 of Public Law 96-607.	Aug. 28, 1984.
	98-403, S. 2085, Cotton Classing Costs	Do.
	98-404, H.R. 1652, Reclamation Safety of Dams Amendments.	Do.
	98-405, H.R. 3787, National Trails System Amendments.	Do.
	98-406, H.R. 4707, Arizona Wilderness Lands	Do.
	98-407, H.R. 5604, Military Construction Authorizations, FY 1985.	Do.
124	98-408, S. 2201, Zuni Indian Tribe Lands	Do.
	98-409, H.R. 4214, State Mining and Mineral Resources Research Institute.	Aug. 29, 1984.
125	98-410, H.J. Res. 452, Importance of Arts to Education.	Do.
	98-411, H.R. 5712, Commerce-Justice-State and the Judiciary Appropriations, FY 1985.	Aug. 30, 1984.
126	98-412, H.J. Res. 600, Agriculture-Related Trade and Export Policies Study Commission.	Do.
127	98-413, H.J. Res. 505, National Adult Day Care Center Week.	Sept. 21, 1984.
128	98-414, H.J. Res. 545, Emergency Medicine Week	Sept. 24, 1984.
129	98-415, S.J. Res. 333, World War I Aces and Aviators Day.	Do.
130	98-416, S.J. Res. 340, National Historically Black Colleges Week.	Do.
	98-417, S. 1538, Patent Law Amendments	Do.
131	98-418, S.J. Res. 275, National Spina Bifada Month.	Sept. 25, 1984.
	98-419, S. 1546, Deepwater Port Amendments	Do.
132	98-420, H.R. 5177, Amendment to Wheeling Creek Watershed Protection and Flood Prevention District Compact.	Do.
133	98-421, S. 806, Okefenokee Rural Electric Membership.	Do.
134	98-422, S.J. Res. 25, St. Croix Island International Historic Site.	Do.
135	98-423, S.J. Res. 334, National Hospice Month	Do.
136	98-424, S.J. Res. 335, National Tourism Week	Do.
	98-425, H.R. 1437, California Wilderness	Sept. 28, 1984.
	98-426, S. 38, Longshoremen's and Harbor Workers' Compensation.	Do.
137	98-427, S. 2418, Library of Congress Deacidification Facility.	Do.
	98-428, S. 2155, Utah Wilderness	Do.
138	98-429, S.J. Res. 336, A Time of Remembrance	Do.
	98-430, H.R. 9, National Wilderness Preservation System, Florida.	Do.
139	98-431, H.J. Res. 453, National High-Tech Week	Do.
140	98-432, S. 1735, Shoalwater Bay Dexter by the Sea Indian Settlement, Washington.	Do.
141	98-433, H.J. Res. 153, National Children's Week	Do.
	98-434, H.R. 71, Groundwater Recharge Study	Do.
	98-435, H.R. 1250, Voting Accessibility for Elderly and Handicapped.	Do.
142	98-436, S.J. Res. 304, National Quality Month	Do.
143	98-437, S.J. Res. 254, National Down's Syndrome Month.	Do.
144	98-438, S.J. Res. 227, National Women Veterans Recognition Month.	Do.
145	98-439, S. 598, Land Conveyance, Arizona	Do.
	98-440, S. 2040, Secondary Mortgage Market Credit.	Oct. 3, 1984.
146	98-441, H.J. Res. 653, Continuing Appropriations, FY 1985 (2-day extension).	Do.
147	98-442, H.J. Res. 392, National Pearl Harbor Remembrance Day.	Do.
	98-443, H.R. 5297, Civil Aeronautics Board Sunset Act.	Do.
148	98-444, S. 2732, Ausable River/Lamprey Eel Control on Pere Marguette River, Mich.	Oct. 4, 1984.
	98-445, H.R. 5147, Eastern Pacific Ocean Tuna Fishery Agreement Implementation.	Do.

PUBLIC LAWS, 98TH CONGRESS (272 OUT OF 461 PUBLIC LAWS, OR 59 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)—Continued

	Public Law No., Bill No., and title	Approved
149	98-446, H.J. Res. 554, Women in Agriculture Week	Do.
150	98-447, H.J. Res. 605, U.S. Opposition to Torture by Foreign Governments.	Do.
151	98-448, H.J. Res. 606, National Housing Week	Do.
	98-449, S. 2614, Indian Financing Act Amendments.	Do.
152	98-450, S. 32, Audio-Visual Materials Rental	Do.
	98-451, S. 2000, Variable Interest Rates for Indian Trust Funds.	Do.
153	98-452, S. 1770, Extension of Federal Oil and Gas Lease U-39711.	Do.
154	98-453, H.J. Res. 656, Continuing Appropriations, FY 1985 (4-day extension).	Oct. 5, 1984.
	98-454, H.R. 5561, Guam, Virgin Islands, American Samoa, and Northern Mariana Islands Economic Development.	Do.
155	98-455, H.J. Res. 659, Continuing Appropriations, FY 1985 (2-day extension).	Oct. 6, 1984.
156	98-456, H.J. Res. 649, Changing the Date for Counting Electoral Votes.	Oct. 9, 1984.
	98-457, H.R. 1904, Child Abuse Amendments	Do.
157	98-458, S.J. Res. 322, Mental Illness Awareness Week.	Do.
	98-459, S. 2603, Older Americans Act Amendments.	Do.
	98-460, H.R. 3755, Social Security Disability Benefits Reform.	Do.
158	98-461, H.J. Res. 663, Continuing Appropriations, FY 1985 (2-day extension).	Oct. 10, 1984.

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[1] Without approval.

PUBLIC LAWS, 97TH CONGRESS (227 OUT OF 473 PUBLIC LAWS, OR 48 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)

	Public Law No., Bill No., and title	Approved

1ST SESSION (JAN. 3, 1981—DEC. 16, 1981; 61 OUT OF 145 PUBLIC LAWS, OR 42 PERCENT, WERE NONSUBSTANTTIVE OR ADMINISTRATIVE)

	Public Law No., Bill No., and title	Approved
1	97-1, S.J. Res. 16, Day of Thanksgiving to Honor Returned Iranian Hostages.	Jan. 26, 1981.
	97-2, H.R. 153, Public Debt Limit Increase	Feb. 7, 1981.
2	97-3, S. 253, Commission on Wartime Relocation and Internment of Civilians.	Feb. 10, 1981.
3	97-4, S. 272, Joint Committee on Printing Membership Increase.	Feb.17, 1981.
	97-5, H.R. 2166, Antitrust Exemption for Oil Company Participation in IEP.	Mar. 13, 1981.
	97-6, S. 509, Milk Price Supports	Mar. 31, 1981.
	97-7, S. 840, Justice Department FY 1981 Authorization.	Apr. 9, 1981.
4	97-8, S.J. Res. 61, African Refugee Relief Day	Do.
5	97-9, H.J. Res. 182, National Recognition Day for Veterans of the Vietnam Era.	Apr. 14, 1981.
6	97-10, H.J. Res. 155, Jewish Heritage Week	May 1, 1981.
	97-11, S. 730, Crop Insurance	May 22, 1981.
	97-12, H.R. 3512, Supplemental Appropriations and Rescissions, 1981.	June 5, 1981.
7	97-13, S.J. Res. 50, POW-MIA Day	June 12, 1981.
	97-14, S. 1070, CETA-Youth Employment Demonstration Programs.	June 16, 1981.
	97-15, H.R. 2156, VA Medical Schools	June 17, 1981.
	97-16, S. 1213, Ocean Dumping Authorization, FY 1982.	June 23, 1981.
8	97-17, H.J. Res. 288, Correcting Public Law 97-12.	June 29, 1981.
	97-18, H.R. 3991, Food Stamps Authorization Increase, FY 1981.	June 30, 1981.
9	97-19, S. 1123, Senate Office Equipment	July 6, 1981.
10	97-20, S. 1124, Senate Computer Programming Services Contracts.	Do.
	97-21, H.J. Res. 238, Virgin Islands Constitution	July 9, 1981.
11	97-22, H.R. 3807, Defense Officer Personnel Management Act/Technical Corrections.	July 10, 1981.
	97-23, H.R. 3520, Steelmaking Facilities Compliance with Clean Air Act.	July 17, 1981.
	97-24, S. 1395, Wheat Marketing Quota	July 23, 1981.
	97-25, H.R. 31, Cash Discounts; Credit Card Surcharge Ban.	July 27, 1981.
	97-26, H.J. Res. 308, Health and Human Services Urgent Supplemental, FY 1981.	July 29, 1981.
12	97-27, H.J. Res. 84, National Diabetes Week	Aug. 4, 1981.
13	97-28, S.J. Res. 28, Women's History Week	Do.
14	97-29, H.J. Res. 191, National Children's Day	Aug. 6, 1981.
	97-30, S. 1040, Federal Payment to D.C.	Do.
15	97-31, H.R. 4074, Maritime Administration Transfer from Commerce to Transportation Department.	Do.
16	97-32, S.J. Res. 64, National Blinded Veterans Recognition Day.	Do.
	97-33, S. 1104, International Investment Survey Authorization, FY 1982.	Aug. 7, 1981.
	97-34, H.R. 4242, Tax Cut (Economic Recovery Tax Act—ERTA).	Aug. 13, 1981.
	97-35, H.R. 3982, Omnibus Budget Reconciliation, FY 1981-Spending Committees.	Do.
17	97-36, H.J. Res. 141, Schoolbus Safety Week	Aug. 14, 1981.
	97-37, H.R. 1100, Prisoners of War Benefits and Health Care Services.	Do.
18	97-38, S. 547, Siletz Indians	Do.
	97-39, S. 694, Military Procurement and Construction Supplemental Authorization, FY 1981.	Do.
	97-40, S. 640, D.C. Borrowing Authority	Do.
19	97-41, S. 875, Palo Verde Irrigation District Diversion Dam.	Do.
	97-42, S. 1278, Saccharine Study and Labeling	Do.
20	97-43, S.J. Res. 87, Commodore John Barry Day	Aug. 20, 1981.
21	97-44, S.J. Res. 62, Cystic Fibrosis Week	Sept. 17, 1981.
	97-45, H.R. 2120, Product Liability Risk Retention	Sept. 25, 1981.
	97-46, H.R. 4416, Emergency Agricultural Assistance.	Do.
	97-47, H.R. 2903, Defense Production Extension	Sept. 30, 1981.
	97-48, H.J. Res. 266, Public Debt Limit Increase	Do.
	97-49, H.J. Res. 265, Public Debt Limit Increase	Do.
	97-50, S. 1475, Antitrust Exemption for Oil Company Participation in IEP.	Do.
	97-51, H.J. Res. 325, Continuing Appropriations, FY 1982.	Oct. 1, 1981.
22	97-52, S.J. Res. 78, American Enterprise Day	Oct. 2, 1981.
23	97-53, S.J. Res. 103, National Port Week	Do.
24	97-54, S.J. Res. 65, Raoul Wallenberg Honorary Citizenship.	Oct. 5, 1981.
25	97-55, H.R. 618, Land Conveyance	Oct. 6, 1981.
26	97-56, H.R. 2218, Land Conveyance	Do.
27	97-57, H.J. Res. 263, Nurses Recognition Day	Oct. 9, 1981.
	97-58, H.R. 4084, Marine Mammal Protection	Do.
28	97-59, S. 1033, North and South Carolina Lateral Seaward Boundary Agreement.	Do.
	97-60, S. 1181, Military Pay Increase	Oct. 14, 1981.
29	97-61, S.J. Res. 98, World Food Day	Do.
	97-62, S. 1712, Wheat Marketing Quota Referendum.	Do.
30	97-63, S. 304, National Tourism Policy	Oct. 16, 1981.
31	97-64, H.R. 4048, Kansas/Missouri Boundary Agreement.	Do.
	97-65, H.R. 3136, OPIC Authorization	Do.
	97-66, S. 917, Veteran's Disability Compensation, Housing, and Memorial Benefits.	Oct. 17, 1981.
	97-67, H.R. 4612, Milk Price Supports	Oct. 20, 1981.
32	97-68, S. 1191, Commercial Fishermen Reimbursements.	Oct. 26, 1981.
	97-69, S. 1224, Congressional Franking Law	Do.
33	97-70, S. 1687, International Investment Survey Act/Technical Corrections.	Do.
34	97-71, H.J. Res. 268, Hungarian Freedom Fighters Day.	Do.
	97-72, H.R. 3499, Veterans Health Care	Nov. 3, 1981.
	97-73, S. 1209, Kennedy Center Authorization	Do.
	97-74, S. 1000, Transportation Safety Board Authorization, FY 1982-83; Supplemental, FY 1981.	Do.
35	97-75, S.J. Res. 4, National Family Week	Do.
	97-76, H.R. 4608, Justice Department Authorization, FY 1981.	Nov. 5, 1981.
	97-77, S. 1322, Milk Price Supports; Wheat and Cotton Marketing Quota Referendum Extensions; Robey Wentworth Harned Laboratory.	Nov. 13, 1981.
	97-78, H.R. 3975, Oil Production from Tar Sands	Nov. 16, 1981.
	97-79, S. 736, Control of Illegally-Taken Fish and Wildlife.	Do.
	97-80, S. 999, Federal Fire Prevention and Control; Earthquake Hazard Reduction; and Multi-Hazard Resources Planning and Mitigation Authorizations, FY 1982.	Nov. 20, 1981.
	97-81, H.R. 4792, Military Justice System Improvement.	Do.
36	97-82, H.R. 4734, Italian-American War Veterans Federal Charter.	Do.
37	97-83, S. 195, U.S. Submarine Veterans of WW II Federal Charter.	Do.
38	97-84, S. 1672, Holocaust Memorial Council	Do.
	97-85, H.J. Res. 368, Continuing Appropriations, FY 1982.	Nov. 23, 1981.
	97-86, S. 815, Military Procurement Authorization, FY 1982.	Dec. 1, 1981.
	97-87, S. 1133, National Advisory Committee on Oceans and Atmosphere Authorization, FY 1982.	Do.
	97-88, H.R. 4144, Energy-Water Appropriations, FY 1982.	Dec. 4, 1981.
	97-89, H.R. 3454, Intelligence Activities Authorizations, FY 1982.	Do.
	97-90, H.R. 3413, Energy National Security Authorization, FY 1982-83.	Do.
	97-91, H.R. 4522, D.C. Appropriations, FY 1982	Do.
	97-92, H.J. Res. 370, Continuing Appropriations, 1982.	Dec. 15, 1981.
	97-93, S.J. Res. 115, Alaska Natural Gas Transportation System.	Do.
	97-94, H.R. 4591, Mineral Leasing Laws	Dec. 17, 1981.
39	97-95, S.J. Res. 136, San Carlos Indian Tribe of Arizona Judgment Funds.	Do.
	97-96, S. 1098, NASA Authorization, FY 1982	Dec. 21, 1981.
40	97-97, H.R. 4845, Robert V. Denney Federal Building and Courthouse.	Do.
	97-98, S. 884, Omnibus Farm Bill-Price Supports	Dec. 22, 1981.
	97-99, H.R. 3455, Military Construction Authorization, FY 1982.	Dec. 23, 1981.
	97-100, H.R. 4035, Interior Appropriations, FY 1982.	Do.
	97-101, H.R. 4034, HUD Appropriations, FY 1982	Do.
	97-102, H.R. 4209, Transportation Appropriations, FY 1982.	Do.
	97-103, H.R. 4119, Agriculture Appropriations, FY 1982.	Do.
41	97-104, H.R. 3484, George Washington Commemorative Coins.	Do.
	97-105, H.R. 4910, D.C. Bond Authority	Do.
	97-106, H.R. 4241, Military Construction Appropriations, FY 1982.	Do.
42	97-107, H.R. 5273, George Washington University Revenue Bonds.	Do.
	97-108, H.R. 1465, CBO Cost Estimates on Reported Legislation Having Economic Consequences on State and Local Governments.	Do.
	97-109, S. 1003, Marine Protection, Research and Sanctuaries Authorization, FY 1982-83,.	Dec. 26, 1981
	97-110, H.R. 4879, International Banking Facility Deposit Insurance.	Do.
43	97-111, S. 1948, Farm Credit Administration Borrowing Authority.	Do.
44	97-112, H.R. 4894, Lac Courte Orielles Indians Trust Funds.	Dec. 29, 1981
	97-113, S. 1196, Foreign Assistance Authorization, 1982.	Do.
	97-114, H.R. 4995, Defense Appropriations, FY 1982.	Do.
	97-115, S. 1086, Older Americans	Do.
	97-116, H.R. 4327, Immigration and Nationality Laws.	Do.
	97-117, H.R. 4503, Municipal Wastewater Treatment Construction Authorization, FY 1982-85.	Do.
45	97-118, H.R. 4506, Melvin Price Lock and Dam	Do.
	97-119, H.R. 5159, Black Lung Benefits	Do.
46	97-120, S. 657, Herbert Clark Hoover Department of Commerce Building.	Do.
	97-121, H.R. 4559, Foreign Aid Appropriations, FY 1982.	Do.
47	97-122, H.R. 4431, Michael E. Roll Post Office	Do.
	97-123, H.R. 4331, Social Security Minimum Benefits.	Do.
	97-124, H.R. 3799, National Guard Tort Claims	Do.
48	97-125, S. 1192 Union Station Redevelopment	Do.
49	97-126, H.R. 2494, John Archibald Campbell U.S. Courthouse.	Do.
50	97-127, S. 1946, Czechoslovakian Claims Settlement.	Do.
51	97-128, S. 1493, Army Corps of Engineers Water Resource Projects Deauthorization.	Do.
	97-129, S. 1211, Toxic Substances Control Authorizatrion, FY 1982.	Do.
	97-130, S. 271, International Record Carrier Competrition (Western Union).	Do.
52	97-131, S.J. Res. 34, National Patriotism Week	Do.
	97-132, S.J. Res. 100, Mideast Peace Treaty International Force.	Do.
53	97-133, H.J. Res. 377, Convening of 2d Session, 97th Congress.	Do.
	97-134, H.R. 3210, Federal Aid Highway Authorization, FY 1982-85.	Do.
54	97-135, S.J. Res. 57, National Schleroderma Week	Do.
	97-136, S. 831, Coast Guard Authorization, FY 1982.	Do.
55	97-137, H.R. 2241, Bandom Marsh National Wildlife Refuge, Oregon.	Do.
56	97-138, S.J. Res. 84, National Energy Education Day.	Do.
57	97-139, S.J. Res. 121, Bicentennial Year of the American Bold Eagle; Bold Eagle Day.	Do.
58	97-140, H.R. 779, Benbrook Dam, Texas Municipal Water Storage.	Do.
	97-141, S. 1551, Physician Comparability Contracts	Do.
59	97-142, H.R. 4926, Osage Indian Mineral Interests	Do.
60	97-143, S. 1976, U.S. Capitol Grounds Regulations	Do.
61	97-144 S.J. Res. 117, National Jaycees Week	Do.
	97-145, H.R. 3567, Export Administration Authorization, FY 1982-83.	Do.

2D SESSION (JAN. 25, 1982—DEC. 23, 1982; 166 OUT OF 328 PUBLIC LAWS, OR 51 PERCENT WERE NON-SUBSTANTIVE OR ADMINISTRATIVE)

	Public Law No., Bill No., and title	Approved
	97-146, H.J. Res. 382, ICA Film Broadcast Authorization.	Jan. 30, 1982.
	97-147, H.J. Res. 389, Urgent Agriculture Supplemental Appropriations, 1982.	Feb. 15, 1982.
	97-148, H.J. Res. 391, Urgent Labor Supplemental Appropriations, 1982.	Feb. 22, 1982.
	97-149, S.J. Res. 134, Year of Disabled Persons	Feb. 26, 1982.
3	97-150, S.J. Res. 122, National Construction Industry Week.	Mar. 1, 1982.
4	97-151, S.J. Res. 142, Afghanistan Day	Mar. 10, 1982.
5	97-152, H.R. 5021, Commission on Wartime Relocation and Internment of Civilians Reporting Extension.	Mar. 16, 1982.
6	97-153, S.J. Res. 91, National Peach Month	Do.
7	97-154, S.J. Res. 105, National PTA Membership Month.	Do.
8	97-155, H.R. 4625, Transfer of German Art Works	Mar. 17, 1982.
9	97-156, S.J. Res. 148, Agriculture Day	Mar. 18, 1982.
	97-157, H.J. Res. 373, Soviet Persecution of Soviet Jews.	Mar. 22, 1982.

PUBLIC LAWS, 97TH CONGRESS (227 OUT OF 473 PUBLIC LAWS, OR 48 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)—Continued

	Public Law No., Bill No., and title	Approved
10	97-158, H.J. Res. 348, Gold Medal/Queen Beatrix	Do.
11	97-159, S. 2166, ICA Slide Show-Montana; The People Speak.	Mar. 24, 1982
	97-160, S. 2254, Federal Flexitime Extension	Mar. 26, 1982.
	97-161, H.J. Res. 409, Continuing Appropriations, 1982.	Mar. 31, 1982.
	97-162, S. 892, Federal Grants and Cooperative Agreements.	April 1, 1982.
	97-163, S. 1937, Antitrust Exemption for Oil Company Participation in IEP.	Do.
	97-164, H.R. 4482, Federal Courts Improvement	April 2, 1982.
12	97-165, H.J. Res., 272, Medic Alert Week	April 3, 1982.
13	97-166, H.J. Res 447, National Day of Reflection	Do.
14	97-167, H.J. Res. 435, American Salute to Cabanantaun Prisoner of War Memorial Day.	April 6, 1982.
15	97-168, S. 634, Idaho/Wyoming Land Conveyance	Do.
16	97-169, S.J. Res. 102, Parliamentary Emphasis Month.	Do.
17	97-170, H.J. Res. 410, Dutch-American Friendship Day.	April 12, 1982.
18	97-171, S. 2333, Charitable Contributions from Tax Exempt Organizations to Government Employees Injured During Assassination Attempts.	April 13, 1982.
19	97-172, S.J. Res. 67, Nurse-Midwifery Week	April 16, 1982.
20	97-173, H.J. Res. 448, Jewish Heritage Week	April 28, 1982.
	97-174, S. 266, VA-DOD Medical Resources Sharing.	May 4, 1982.
	97-175, S. 2373, White Sands Space Harbor	May 11, 1982.
	97-176, S. 2244, Northern Pacific Ocean and Bering Sea Halibut Fishery Protection.	May 17, 1982.
	97-177, S. 1131, Interest Penalty for Late Federal Payments.	May 21, 1982.
21	97-178, H.J. Res. 412, Amelia Earhart Day	Do.
	97-179, H.R. 2863, Public Lands Sale	May 24, 1982.
	97-180, S. 691, Piracy and Counterfeiting of Records, Tapes and Films.	Do.
22	97-181, H.J. Res. 361, International Ballet Competition, Jackson, Mississippi.	Do.
23	97-182, S.J. Res. 170, National Hospice Week	Do.
24	97-183, S.J. Res. 145, National Orchestra Week	Do.
25	97-184, S. 146, Historic Preservation of Camden, South Carolina.	Do.
	97-185, H.R. 6038, Mortgage Insurance Authorities Extension.	Do.
26	97-186, S. 1611, Lands Leased to Foreign Governments for Legations.	May 25, 1982.
27	97-187, S.J. Res. 53, Working Mothers Day	June 1, 1982.
28	97-188, S.J. Res. 59, Designation of Square Dance as U.S. National Folk Dance.	Do.
29	97-189, S.J. Res. 160, POW-MIA Recognition Day	Do.
	97-190, S. 2575, Antitrust Exemption for Oil Company Participation in IEP.	Do.
	97-191, S. 2575, Foreign Fish Processing in Internal Waters.	Do.
30	97-192, H.R. 4769, American Council of Learned Societies.	Do.
31	97-193, S.J. Res. 149, National Child Abuse Prevention Week.	June 15, 1982.
32	97-194, S.J. Res. 131, National Theatre Week	June 16, 1982.
33	97-195, S. 1808, Under Secretary of Commerce for Economic Affairs.	Do.
34	97-196, S.J. Res. 201, Baltic Freedom Day	June 18, 1982.
35	97-197 S. 896, Omlie Tower	June 21, 1982.
36	97-198, S.J. Res. 140, National Inventors Day	Do.
37	97-199, H.R., 6132, Smithsonian Institution Interest Rate Adjustment.	June 22, 1982.
	97-200, H.R. 4, Agent Identities Disclosure	June 23, 1982.
38	97-201, H.R. 5432, Admiral Rickover Gold Medal	Do.
	97-202, H.R. 5566, Kennedy Center Authorization, FY 1983.	June 24, 1982
	97-203, H.R. 5659, Museum of African Art/Center for Eastern Art Construction.	Do.
	97-204, H.J. Res. 519, Public Debt Limit Increase	June 28, 1982.
	97-205, H.R. 3112, Voting Rights Act Extension	June 29, 1982.
	97-206, H.R. 3863, Turkey Processing and Inspection.	June 30, 1982.
39	97-207, H.R. 4569, William R. Cotter Federal Building.	Do.
	97-208, H.R. 6631, Lebanon Emergency Relief Authorization.	Do.
40	97-209, H.J. Res. 230, Soviet Emigration of Gluzman Family.	Do.
41	97-210, H.J. Res. 518, NCO/Petty Officer Week	Do.
	97-211, S. 1519, Florida Keys Wilderness	Do.
	97-212, H.R. 3816, Fishermen's Contingency Fund	Do.
42	97-213, H.R. 4903, Mississippi/Louisiana Rapid Rail Transit Service Compact.	Do.
	97-214, H.R. 6451, Military Construction and Family Housing.	July 12, 1982.
	97-215, H.R. 6198, Copyright Law Manufacturing Clause Extension.	July 13, 1982
	97-216, H.R. 6685, Urgent Supplemental Appropriations, 1982.	July 18, 1982.
	97-217, S. 2651, Antitrust Exemption for Oil Company Participation in IEP.	July 19, 1982.
	97-218, H.R. 6590, Tobacco Price Supports	July 20, 1982.
	97-219, S. 881, Small Business Innovation Research.	July 22, 1982.
43	97-220, S. 1230, Olympic Coins	Do.
	97-221, S. 2240, Federal Flexitime Extension	July 23, 1982.
	97-222, H.R. 4935, Bankruptcy Laws	July 27, 1982.
44	97-223, H.J. Res. 225, Management Week in America.	Do.
45	97-224, S.J. Res. 95, Franklin D. Roosevelt Memorial.	July 28, 1982.
46	97-225, H.J. Res. 444, National Navaho Code Talkers Day.	Do.
	97-226, H.R. 4688, Military Personnel and Civilian Employees Claims.	Do.
	97-227, H.R. 6663, Federal Rules of Civil Procedure.	Aug. 2, 1982.
47	97-228, H.J. Res. 526, National Purple Heart Week	Do.
	97-229, S. 2332, Energy Emergency Preparedness	Aug. 3, 1982.
	97-230, S. 2706, U.S. Magistrates Bar Membership Requirements.	Aug. 6, 1982.
48	97-231, S. 2317, National Federal of Music Clubs Federal Charter.	Aug. 9, 1982.
	97-232, S. 2218, Gateway National Recreation Area Improvement.	Do.
	97-233, H.J. Res. 494, El Salvador—Presidential Certifications.	Aug. 10, 1982.
49	97-234, H.R. 5380, American Ex-Prisoners of War Federal Charter.	Do.
50	97-235, S.J. Res. 190, National Family Week	Aug. 16, 1982.
51	97-236, S.J. Res. 183, Lupus Awareness Week	Aug. 17, 1982.
52	97-237, H.J. Res. 541, Space Shuttle Program Commendation.	Aug. 20, 1982.
53	97-238, S. 2154, Land Conveyance	Do.
54	97-239, H.J. Res. 516, National Coin Week	Do.
55	97-240, S.J. Res. 123, National Disabled Veterans Week.	Do.
	97-241, S. 1193, State Department Authorization, FY 1982-83.	Aug. 24, 1982.
56	97-242, S. 2073, USPS Size and Weight Limitations.	Do.
	97-243, H.R. 6530, Mt. Saint Helens National Volcanic Area.	Aug. 26, 1982.
	97-244, H.R. 2160, Potato Research and Promotion	Do.
57	97-245, H.R. 6033, Congressional Cemetery Preservation.	Do.
58	97-246, H.R. 4647, Fred Waring, Louis L'Amour, and Mrs. Joe Lewis Gold Medals.	Do.
	97-247, H.R. 6260, Patent and Trademark Office Authorization, FY 1983-85; Supplemental FY 1982.	Aug. 27, 1982.
	97-248, H.R. 4961, Tax Increase; Medicare-Medicaid Cut (Tax Equity and Fiscal Responsibility Act, TEFRA).	Sept. 3, 1982.
	97-249, H.R. 6732, International Safe Container Amendments.	Sept. 8, 1982.
59	97-250, S. 1119, Crater Lake National Park Boundary.	Do.
	97-251, H.R. 6350, VA Nurse Recruitment	Do.
	97-252, S. 2248, Military Procurement Authorization, FY 1983.	Do.
	97-253, H.R. 6955, Omnibus Budget Reconciliation, FY 1982-Spending Committees.	Do.
60	97-254, H.R. 6409, Louisiana World Exposition, 1984.	Do.
	97-255, H.R. 1526, Federal Financial Integrity	Do.
	97-256, H.R. 3345, Civil Rights of Institutionalized Persons; Patent and Trademark Laws.	Do.
	97-257, H.R. 6863, Supplemental Appropriations, FY 1982.	Sept. 10, 1982.
	97-258, H.R. 6128, U.S. Code Revisions and Codifications (Money and Finance).	Sept. 13, 1982.
	97-259, H.R. 3239, National Telecommunications and Information Administration Authorization.	Do.
61	97-260, S.J. Res. 194, Smithsonian Institutional Board of Regents.	Sept. 18, 1982.
	97-261, H.R. 3663, Bus Deregulation	Sept. 20, 1982.
	97-262, S.J. Res. 250, Railway Labor Management Dispute (Rail Strike).	Sept. 22, 1982.
62	97-263, H.R. 1710, Franking Privileges—House of Representatives Law Revision Counsel.	Sept. 24, 1982.
63	97-264, S. 2582, Oliver Wendell Homes Devise Fund.	Do.
64	97-265, S.J. Res. 186, National Cystic Fibrosis Week.	Do.
65	97-266, S.J. Res. 205, National Sewing Month	Do.
	97-267, S. 923, Pretrial Services	Sept. 27, 1982.
	97-268, H.R. 3620, Federal Property Transfer	Do.
	97-269, H.R. 6068, DOD Intelligence Activities Authorizaiton, FY 1983.	Do.
	97-270, H.J. Res. 520, Public Debt Limit Increase	Sept. 30, 1982.
	97-271, H.R. 3517, Virgin Islands Nomimmigrant Aliens.	Do.
	97-272, H.R. 6956, HUD Appropriations, FY 1983	Do.
	97-273, H.R. 4347, South Dakota Water Resource Development (WEB Rural Water Project).	Do.
	97-274, H.R. 7065, Community Services Block Grants.	Do.
	97-275, S. 1628, Bureau of Reclamation Emergency Fund.	Oct. 1, 1982.
	97-276, H.J. Res. 599, Continuing Appropriations, FY 1983.	Oct. 2, 1982.
66	97-277, H.J. Res 496, Alzheimer's Disease Week	Oct. 4, 1982.
67	97-278, H.R. 5288, Solid Waste Disposal—New Hampshire/Vermont Interstate Compact.	Do.
68	97-279, S.J. Res. 193, Respiratory Therapy Week	Do.
69	97-280, S.J. Res. 165, Year of the Bible	Do.
70	97-281, H.J. Res. 568, Spinal Cord Injury Month	Oct. 5, 1982.
71	97-282, S.J. Res. 174, World Food Day	Do.
72	97-283, S. 2405, Cibola National Forest-Sandia Wilderness Boundary.	Do.
73	97-284, H.J. Res. 486, Schoolbus Safety Week of 1982.	Do.
74	97-285, S. 907, Penalties for Crimes Against Cabinet Members..	Oct. 6, 1982.
	97-286, S. 2271, National Bureau of Standards/National Technical Information Service Authorization, FY 1983.	Do.
74	97-287, H.R. 3589, Navajo Tribe/BLM Land Exchange.	Do.
75	97-288, H.R. 5081, Washoe Indian Tribe Land Transfer.	Do.
76	97-289, H.J. Res. 612, Housing and Community Development Insurance Programs Temporary Extension.	Do.
	97-290, S. 734, Export Trade	Oct. 8, 1982.
	97-291, S. 2420, Victims Protection	Oct. 12, 1982.
	97-292, H.R. 6976, Missing Children and Deceased Persons Computer Information System.	Do.
	97-293, S. 1409, Reclamation Reform; Buffalo Bill Dam and Reservoir; Papago Indians Water Rights.	Do.
77	97-294, S.J. Res. 239, Newspaper Carriers Appreciation Day.	Do.
78	97-295, H.R. 4623, Military Laws Codifications	Do.
	97-296, H.R. 5154, Lanham Trademark Act Amendments.	Do.
	97-297, H.R.6168, Penalties for Threats Against Former President, Presidential Candidates, and Their Families.	Do.
	97-298, H.R. 6454, Anti-Arson Act	Do.
79	97-299, H.J Res. 207, Joseph Rosenthal Plaque	Do.
	97-300, S. 2036, Jobs Training	Oct. 13, 1982.
	97-301, S. 2852, Guaranteed Student Loans (Sallie Mae).	Do.
80	97-302, H.R. 3881, Land Conveyance	Do.
	97-303, H.R. 6156, SEC Jurisdiction	Do.
	97-304 H.R. 6133, Endangered Species Research Authorization, FY 1983-85.	Do.
81	97-305, S. 188, Land Conveyance	Oct. 14, 1982.
	97-306 H.R. 6782, Veterans' Disability Compensation and Survivors' Benefits.	Do.
82	97-307, S. 2874, Migratory Bird and Conservation Stamp Contest.	Do.
	97-308, H.R. 4468, Secret Service Protection Zones.	Do.
	97-309, H.R. 5930, Federal Aviation Insurance	Do.
83	97-310, H.R. 7293, Wolf Trap Foundation Authorization.	Do.
84	97-311, H.R. 6422, Land Conveyance	Do.
	97-312, H.R. 2035, Animal Quarantine Law Enforcement.	Do.
	97-313, H.R. 5658, Citizenship Program Educational Block Grants.	Do.
85	97-314, H.R. 5941, Clement Haynsworth, Jr. Federal Building and U.S. Courthouse.	Do.
86	97-315, H.J. Res. 588, Head Start Awareness Month.	Do.
87	97-316, S.J. Res. 113, Home Health Care Week	Do.
88	97-317, S.J. Res. 197, Myasthenia Gravis Awareness Week.	Do.
89	97-318, S.J. Res. 235, Agriculture Day	Do.
90	97-319, S.J. Res. 249, Spinal Cord Injury Month	Do.
	97-320, H.R. 6267, Depository Institutions	Oct. 15, 1982.
	97-321, S. 2586, Military Construction Authorization, FY 1982.	Do.
	97-322, S. 2252, Coast Guard Authorization, FY 1983-84.	Do.
	97-323, H.R. 6968, Military Construction Appropriations, FY 1983.	Do.
	97-334, H.R. 5890, NASA Authorization, FY 1983	Do.
	97-325, H.R. 6164, Agreement on International Carriage of Perishable Foodstuffs Implementing Legislation.	Do.
	97-326, S. 2386, Geographical Distribution of Federal Funds.	Do.
	97-327, S. 2574, Federal-Aid Highway Authorization, FY 1983-86.	Do.
	97-328, H.R. 6276, District of Columbia Educational Revenue Bonds,.	Do.
91	97-329, S. 246, Mary McLeod Bethune Council House National Historic Site.	Do.
92	97-3330, H.R. 4476, Administrative Conference of the U.S. Authorization, FY 1983-86.	Do.
	97-331, H.R. 6273, National Traffic and Motor Vehicle Programs Authorization, FY 1983-85.	Do.
	97-332, H.R. 2528, Interagency Contract Procedures.	Do.
	97-333, H.R. 1486, Protection Island National Wildlife Refuge.	Do.
	97-334, H.R. 2457, District of Columbia Federal Payments.	Do.
93	97-335, S. 1777, Acadia National Park Permanent Boundary.	Do.
	97-336, S. 2375, Defense Production Act Extension	Do.
	97-337, H.R. 3278, Military Retirees Health Facilities Reapportionment.	Do.
	97-338, H.R. 6188, Nebraska Water Resource Development.	Do.
	97-339, H.R. 3467, Arms Control and Disarmament Agency Authorization.	Do.
94	97-340, H.R. 1281, Land Conveyance	Do.

PUBLIC LAWS, 97TH CONGRESS (227 OUT OF 473 PUBLIC LAWS, OR 48 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)—Continued

	Public Law No., Bill No., and title	Approved
95	97-341, S. 1872 Capitol Reef National Park, Utah—Grazing Privileges.	Do.
96	97-342, H.R. 7115, Naval Vessels Transfer	Do.
97	97-343, S.J. Res. 241, Drunk and Drugged Driving Awareness Week.	Do.
98	97-344, S. 478, Indian Lands Partitioning	Do.
99	97-345, S. 1573, Lake Oswego, Oregon	Do.
	97-346, H.R. 5145, Capitol Architect/Botanic Garden Employee Training; FY 1982 Omnibus Reconciliation Civil Service Provisions Clarifications.	Do.
	97-347, H.R. 5662, Fish and Wildlife Programs Extension.	Oct. 18, 1982.
	97-348, S. 1018, Coastal Barrier Resources Conservation.	Do.
100	97-349, S.J. Res. 261, National Housing Week	Do.
	97-350, S. 1210, Environmental Quality Improvement Authorization, FY 1983-84.	Do.
	97-351, H.R. 5228, Convention on the Physical Protection of Nuclear Material Implementing Legislation.	Do.
	97-352, H.R. 6865, Perishable Agricultural Commodities Marketing Practices.	Do.
101	97-353, S.J. Res. 257, National Diabetes Month	Oct. 19, 1982.
	97-354, H.R. 6055, Small Business Corporations Tax Law Revisions.	Do.
102	97-355, S.J. Res. 262, National Christmas Seal Month.	Do.
103	97-356, H.R. 6029, Indiana Dunes National Lakeshore Land Exchange.	Do.
	97-357, H.R. 5139, U.S. Territories Authorization	Do.
	97-358, H.R. 6142, Surplus Agricultural Commodities Disposal.	Oct. 21, 1982.
	97-359, S. 1698, Child Immigration—Preferential Treatment of Amerasians.	Oct. 22, 1982.
	97-360, H.R. 4828, Naval Vessels Set-Aside Program.	Do.
	97-361, H.R. 3787, Sleeping Bear Dunes National Lakeshore, Michigan.	Do.
	97-362, H.R. 4717, Miscellaneous Revenue Act	Oct. 25, 1982.
	97-363, H.R. 5879, Refugee Assistance	Do.
	97-364, H.R. 6170, State Alcohol Traffic Safety Programs.	Do.
	97-365, H.R. 4613, Debt Collection	Do.
104	97-366, H.R. 4441, Library of Congress Copyright Office Fees.	Do.
105	97-367, H.R. 792, White House Conference on Productivity.	Do.
106	97-368, H.J. Res. 595, Fiorello H. LaGuardia Memorial Day.	Dec. 17, 1982.
	97-369, H.R. 7019, Transportation Appropriations, FY 1983.	Dec. 18, 1982.
	97-370, H.R. 7072, Agriculture Appropriations, FY 1983.	Do.
107	97-371, H.R. 6403, Wyandot Indian Judgment Funds.	Dec. 20, 1982.
108	97-372, H.R. 5795, Shawnee Tribe Judgment Funds.	Do.
	97-373, S. 2177, Colorado River Basin Project	Do.
109	97-374, S. 764, John Sack Cabin	Do.
	97-375, H.R. 6005, Federal Agency Reporting Requirements.	Dec. 21, 1982.
110	97-376, H.R. 5553, Miami Indian Judgment Funds	Do.
	97-377, H.J. Res. 631, Continuing Appropriations, FY 1983.	Do.
	97-378, H.R. 7144, D.C. Appropriations, FY 1983	Dec. 22, 1982.
111	97-379, H.R. 6417, Capitol Grounds Boundary Revision.	Do.
112	97-380, S. 1444, Federal Surplus Property Donations.	Do.
113	97-381, S. 1681, Robert B. Griffin Water Project	Do.
	97-382, S. 1894, Indian Tribal Mineral Resources	Do.
114	97-383, S. 2034, Robert F. Henry Lock and Dam	Do.
	97-384, S. 2710, Charles C. Deam Wilderness Area	Do.
115	97-385, H.R. 2329, Cherokee, Chickasaw and Choctaw Indians Lands Claims.	Dec. 23, 1982.
116	97-386, H.R. 4364, Pascua Yaqui Trust Lands	Do.
117	97-387, S. 2611, Peace Corps Volunteers Minimum Monthly Readjustment Allowance.	Do.
118	97-388, S. 3073, USIA Film Distribution Authorization.	Do.
	97-389, H.R. 3942, Commercial Fisheries Research and Development.	Dec. 29, 1982.
119	97-390, H.R. 6204, Supreme Court Police	Do.
120	97-391, H.R. 6588, Cow Creek Band of Umpqua Tribe Recognition.	Do.
	97-392, H.R. 6758, Defense Sales	Do.
	97-393, S. 816, Antitrust Reciprocity	Do.
	97-394, H.R. 7356, Interior Appropriations, FY 1983.	Dec. 30, 1982
121	97-395, S. 823, Tris Claims	Do.
	97-396, H.R. 1952, Military Reserations and Public Lands Conservation Programs Authorization, FY 1983-85.	Dec. 31, 1982.
122	97-397, H.R. 5204, Sycuan Band of Mission Indians.	Do.
	97-398, H.R. 6946, Penalties for False Identification Related Crimes.	Do.
123	97-399, H.R. 7155, Florida Indian Land Claims Settlement.	Do.
124	97-400, H.R. 7377, Joe Poole Lake	Do.
125	97-401, S. 187, Land Conveyance	Do.
126	97-402, S. 1340, Clallam Indian Judgment Funds	Do.
127	97-403, S. 1735, Pembina Chippewa Judgment Funds.	Do.
128	97-404, S. 3113, Jobs Training-Technical Amendments.	Do.
129	97-405, S. 625, Voyageurs National Park Boundary	Jan. 3, 1983
	97-406, S. 1501, Educational Mining	Do.
	97-407, S. 1965, Paddy Creek Wilderness	Do.
130	97-408, S. 1986, Indian Tribe Funds Use and Distribution.	Do.
131	97-409, S. 2059, Ethics in Government-Special Prosecutor Appointments.	Do.
	97-410, S. 2355, Telephone Service for the Hearing Impaired.	Do.
	97-411, S. 2955, Cheaha Wilderness, Alabama	Do.
132	97-412, S. 3103, Executive Exchange Program Participation Fees.	Do.
133	97-413, S.J. Res. 270, Air and Space Flight Bicentennial.	Do.
	97-414, H.R. 5238, Incentives for Development of Drugs for Rare Diseases or Conditions (Orphan Drugs).	Jan. 4, 1983.
	97-415, H.R. 2330, Nuclear Regulatory Commission Authorization, FY 1982-83.	Do.
	97-416, H.R. 6120, Deep Seabed Hard Minerals Resources, FY 1983-85.	Do.
	97-417, H.R. 6804, Coast Guard Officer Candidate Program Subsistance Allowances.	Do.
	97-418, H.R. 6254, Secret Service Uniformed Division-Protection of Foreign Diplomatic Missions.	Do.
134	97-419, S.J. Res. 258 Closed Caption Television Month.	Do.
135	97-420, H.J. Res. 619, Public Employees Appreciation Day.	Do.
136	97-421, H.J. Res. 683, Green County Missouri 150th Anniversary.	Do.
137	97-422, H.R. 7420, Don H. Clausen Fish Hatchery	Do.
138	97-423, H.R. 7406, Paul Findley Building	Do.
	97-424, H.R. 6211, Highways-Gas Tax-Jobs Program.	Jan. 6, 1983.
	97-425, H.R. 3809, Nuclear Waste Policy	Jan. 7, 1983
139	97-426, H.R. 2475, Withdrawal of Certain Lands	Jan. 8, 1983
140	97-427, H.R. 7423, Recognition of Organization of Former Members of Congress.	Do.
141	97-428, H.R. 4001, Navajo Trust Lands	Do.
142	97-429, H.R. 4496, Texas Band of Kickapoo Indians Tribal Recognition.	Do.
143	97-430, H.R. 5027, Walter E. Hoffmann U.S. Courthouse.	Do.
144	97-431, H.R. 4568, Land Conveyance	Do.
145	97-432, H.R. 5456, Plant Quarantine Act—Elimination of Public Hearing Requirements.	Do.
	97-433, H.R. 7316, National Park System Visitor Facilities Fund.	Do.
146	97-434, H.R. 5916, Ramah Band of Navajo Tribe Trust Lands.	Do.
147	97-435, H.R. 6419, Land Conveyance	Do.
148	97-436, H.R. 6243, Warm Springs Indian Judgment Funds.	Do.
149	97-437, H.R. 6519, Internal Revenue Service Internships.	Do.
	97-438, H.R. 7143, Agricultural and Productive Credit and Self-Help Community Development Programs Extension.	Do.
	97-439, H.R. 7005, Turf Seed Mixture Labelling and Importation.	Do.
	97-440, H.R. 7159, Water Pollution Control	Do.
150	97-441, S.J. Res. 101, High School Activities Week	Do.
151	97-442, S.J. Res. 240, Jacee Week	Do.
152	97-443, S.J. Res. 264, Children and Television Week.	Do.
	97-444, H.R. 5447, Commodity Futures Trading Commission.	Jan. 11, 1983.
153	97-445, H.J. Res. 459, American Indian Day	Jan. 12, 1983.
	97-446, H.R. 4566, Tariff Schedule Revisions	Do.
154	97-447, H.R. 4491, U.S. Capitol Historical Society Tax Exemption.	Do.
155	97-448, H.R. 6056, Tax Law Technical Corrections	Do.
	97-449, H.R. 6993, Transportation Law Revisions	Do.
156	97-450, H.R. 5029, B.F. Sisk Federal Building	Do.
	97-451, H.R. 5121, Oil and Gas Royalty Management.	Do.
157	97-452, H.R. 7378, U.S. Code Revisions and Codifications (Money and Finance).	Do.
	97-453, H.R. 5002, Fishery Conservation and Management.	Do.
	97-454, H.R. 7410, FTC Quarterly Financial Report—Transferring Responsibility to Secretary of Commerce.	Do.
	97-455, H.R. 7093, Tax Rates; Social Security Disability Benefits/Medicare Coverage.	Do.
	97-456, H.R. 6094, U.S. International Trade Commission, U.S. Trade Representative, U.S. Customs Service Authorizations, FY 1983.	Do.
158	97-457, S.J. Res. 271, Banking Laws Technical Corrections.	Do.
159	97-458, H.R. 3731, Indian Tribe Funds Use and Distribution.	Do.
160	97-459, S. 503, Devils Lake Sioux Indian Tribe Lands.	Do.
161	97-460, S. 1540, Saratoga National Historical Park Boundary.	Do.
	97-461, H.R. 6679, Livestock and Plant Disease Control.	Do.
	97-462, H.R. 7154, Federal Rules of Civil Procedure.	Do.
162	97-463, S. 2863, Federal Jurors—Compensation Benefits.	Do.
	97-464, S. 2273, Earthquake Hazard Reduction Authorization, FY 1983.	Do.
163	97-465, S. 705, Land Conveyance	Do.
	97-466, H.R. 5161, Cranberry Wilderness, West Virginia.	Jan. 13, 1983.
164	97-467, H.R. 6538, Tennyson-Guyer Federal Building.	Jan. 14, 1983.
	97-468, H.R. 3420, Natural Gas and Hazardous Liquid Pipeline Safety Authorization, FY 1982-83.	Do.
165	97-469, H.J. Res. 635, Budget and Economic Report Submission Deadline.	Do.
	97-470, H.R. 7102, Migrant and Seasonal Agricultural Workers Protection.	Do.
	97-471, S. 3105, West Virginia Judicial Districts Realignments.	Do.
166	97-472, S.J. Res. 260, Tricentennial Year of German Settlement in America.	Do.
	97-473, H.R. 5470, Periodic Payment Settlements; Virgin Islands Source Income Reduction; Highway Trust Fund Tax Collection Extension.	Do.

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[1] Without approval.

PUBLIC LAWS, 96TH CONGRESS (219 OUT OF 613 PUBLIC LAWS, OR 36 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)

	Public Law No., Bill No., and Title	Approved
	1ST SESSION (JAN. 15, 1979–DEC. 20, 1979; 50 OUT OF 187 PUBLIC LAWS, OR 27 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)	
1	96-1, H.J. Res. 1, President's Economic Report	Jan. 22, 1979.
2	96-2, H.R. 1902, Carson City Silver Dollars	Mar. 7, 1979.
3	96-3, S. 37, Financial Privacy Notification Repeal	Do.
	96-4, H.R. 2301, District Court Realignment	Mar. 30, 1979.
	96-5, H.R. 2534, Public Debt Limit Extension—Balanced Budget.	Apr. 2, 1979.
	96-6, H.R. 1147, Countervailing Duty Extension	Apr. 3, 1979.
	96-7, H.R. 2439, First Budget Rescission, 1979	Apr. 9, 1979.
	96-8, H.R. 2479, U.S.-Taiwan Relations	Apr. 10, 1979.
	96-9, H.J. Res. 283, NATO Support	Apr. 19, 1979.
	96-10, H.R. 2283, Council on Wage and Price Stability.	May 10, 1979.
4	96-11, H.J. Res. 262, Museum Day	May 18, 1979.
	96-12, S.J. Res. 80, Three Mile Island Commission	May 23, 1979.
5	96-13, S.J. Res. 71, Historic Preservation Week	May 24, 1979.
6	96-14, S. 532, President's Commission on Pension Policy.	Do.
7	96-15, S. 631, Gold Medal: John Wayne	May 26, 1979.
	96-16, H.R. 1787, NASA Supplemental Authorization, 1979.	June 4, 1979.
	96-17, H.R. 2520, Ocean Pollution Research and Development Authorization, 1980.	Do.
	96-18, H.R. 3404, Federal Reserve Bank's Purchase of U.S. Obligations.	June 8, 1979.
	96-19, H.R. 2805, Ethics in Government Amendments.	June 13, 1979.
8	96-20, S. 348, Gold Medal: Transatlantic Balloonists.	Do.
9	96-21, S. 613, Gold Medal: Hubert H. Humphrey	Do.
	96-22, S. 7, Veterans' Health Care	Do.
	96-23, S. 709, Coast Guard Authorization, 1980	Do.
	96-24, H.R. 3915, Employee Retirement Income Security (ERISA).	June 19, 1979.
	96-25, S. 199, Shipping Rebate Practices	Do.
	96-26, H.R. 3577, National Advisory Committee on Oceans and Atmosphere Authorization, 1980–1981.	June 21, 1979.
	96-27, H.R. 3879, D.C. Temporary Commission on Financial Oversight.	Do.
	96-28, S. 869, Ethics in Government Amendments	June 22, 1979.
	96-29, S. 429, Military Procurement Supplemental Authorization, 1979.	June 27, 1979.
	96-30, S. 1317, Oil Company Participation in IEP	June 30, 1979.
	96-31, S. 984, Peanut Marketing Penalty Reduction	July 7, 1979.
10	96-32, S.J. Res. 14, Printing Error in Public Law 96-613.	July 10, 1979.
	96-33, H.R. 4556, State Health Planning Agencies	July 16, 1979.
11	96-34, H.J. Res. 353, United States Space Observance.	July 17, 1979.
	96-35, S. 1007, Mideast Arms Sales	July 20, 1979.
	96-36, S. 927, Smithsonian Authorization, 1980	Do.
	96-37, H.R. 3978, Savings and Loan Exemptions from FTC.	July 23, 1979.
	96-38, H.R. 4289, Supplemental Appropriations, 1979.	July 25, 1979.
	96-39, H.R. 4537, Multilateral Trade Agreements	July 26, 1979.
	96-40, H.R. 3661, Navajo-Hopi Relocation Commission.	July 30, 1979.
	96-41, H.R. 2154, National Defense Stockpile	Do.

PUBLIC LAWS, 96TH CONGRESS (219 OUT OF 613 PUBLIC LAWS, OR 36 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)—Continued

	Public Law No., Bill No., and Title	Approved
	96-42, H.R. 4712, Federal Rules of Criminal Procedure and Evidence.	July 31, 1979.
	96-43, S. 961, Speedy Trials	Aug. 2, 1979.
	96-44, H.R. 2729, National Science Foundation Authorization, 1980.	Do.
12	96-45, H.J. Res. 373, Polish Resistance During World War II.	Aug. 3, 1979.
13	96-46, H.R. 4591, Education Technical Amendments.	Aug. 6, 1979.
	96-47, S. 976, International Affairs of Treasury Authorization, 1980.	Aug. 8, 1979.
	96-48, H.R. 1786, NASA Authorization 1980	Do.
	96-49, H.R. 4476, Higher Education Amendments	Aug. 13, 1979.
14	96-50, H.J. Res. 19, Lupus Week	Do.
15	96-51, H.J. Res. 209, Diabetes Week	Do.
	96-52, S. 1318, 1980 Census	Do.
	96-53, H.R. 3324, Foreign Aid—Development Assistance Authorization 1980.	Aug. 14, 1979.
16	96-54, H.R. 4616, Title V—United States Code/ Technical and Clerical Changes.	Do.
17	96-55, H.R. 4811, Land Conveyance: Nenana, Alaska.	Do.
	96-56, H.R. 2807, Bankruptcy Code Treatment of Student Loans.	Do.
	96-57, H.R. 3914, District of Columbia Metro Construction.	Do.
	96-58, H.R. 4057, Food Stamp Program	Do.
18	96-59, S. 41, Land Conveyance: Bell County, Kentucky.	Do.
	96-60, H.R. 3360, State Department Authorization, 1980-1981; Supplemental, 1979.	Aug. 15, 1979.
	96-61, S. 917, Fishery Conservation and Management Authorization, 1980-1982.	Do.
19	96-62, H.R. Res. 244, Grandparents Day	Sep. 6, 1979.
	96-63, S. 1146, Safe Drinking Water Authorization, 1980-1982.	Do.
	96-64, S. 1646, Foreign Banks Insurance	Sep. 14, 1979.
20	96-65, H.J. Res. 367, Meals on Wheels Week	Sept. 19, 1979.
	96-66, H.R. 2774, Arms Control and Disarmament Agency Authorization, 1980-1981.	Sep. 21, 1979
	96-67, S. 1019, Ugandan Aid	Do.
	96-68, H.R. 4392, State-Justice-Commerce Appropriations, 1980.	Sep. 24, 1979.
	96-69, H.R. 4388, Energy-Water Appropriations, 1980.	Sep. 25, 1979.
	96-70, H.R. 111, Panama Canal Implemental Legislation.	Sep. 27, 1979.
	96-71, S.J. Res. 105, Mortgage Insurance Authorities Extention.	Sep. 28, 1979.
	96-72, S. 737, Export Control	Sep. 29, 1979.
	96-73, H.R. 3996, Amtrak Authorization, 1980-1982.	Do.
	96-74, H.R. 4393, Treasury-Postal Service Appropriations, 1980.	Do.
	96-75, H.R. 5380, Justice Department Authorization Extension, 1980.	Do.
	96-76, S. 230, Nurse Training Authorization, 1980	Do.
	96-77, H.J. Res. 406, Defense Production Extension	Do.
	96-78, H.R. 5369, Public Debt Limit Extension	Do.
	96-79, S. 544, Health Planning Authorization, 1980-1982.	Oct. 4, 1979.
21	96-80, H.J. Res. 303, Port Week	Oct. 6, 1979.
	96-81, S. 721, Civil Rights Commission Authorization, 1980.	Do.
	96-82, S. 237, U.S. Magistrates Jurisdication	Oct. 10, 1979.
	96-83, S. 756, Federal Procurement Policy Authorization, 1980-1982.	Do.
	96-84, H.R. 3920, Unemployment Compensation Commission.	Do.
	96-85, S. 233, U.S. Travel Service	Do.
	96-86, H.J. Res. 412, Continuing Appropriations, 1980.	Oct. 12, 1979.
22	96-87, H.R. 5419, Goodloe Byron Memorial—Frederick Law Olmsted National Historic Site.	Do.
	96-88, S. 210, Department of Education	Oct. 17, 1979.
	96-89, S. 817, Smithsonian Canal Zone Biological Area.	Oct. 19, 1979.
	96-90, H.R. 1301, Lottery Export	Oct. 13, 1979.
	96-91, S. 567, U.S. Attorney's for Eastern District, New York.	Oct. 25, 1979.
	96-92, H.R. 3173, Foreign Aid—Security Assistance Authorization, 1980.	Oct. 29, 1979.
	96-93, H.R. 4580, District of Columbia Appropriations, 1980.	Oct. 30, 1979.
	96-94, H.R. 5506, Oil Company Participation in IEP	Oct. 31, 1979.
	96-95, H.R. 1825, Archaeological Resources Protection.	Do.
	96-96, H.R. 5386, Higher Education Amendments	Do.
	96-97, S. 436, Tennessee Valley Authority Debt Limit.	Do.
	96-98, H.R. 3923, National Historical Publications and Records Commission.	Nov. 1, 1979.
23	96-99, H.J. Res. 3, Will Rogers Day	Nov. 2, 1979.
	96-100, S. 975, Intelligence Activities Authorization, 1980; Supplemental Authorization, 1979.	Do.
	96-101, S. 1905, Milwaukee Railroad	Nov. 4, 1979.
	96-102, S. 1030, Emergency Energy Conservation—Gasoline Rationing.	Nov. 5, 1979.
	96-103, H.R. 4394, HUD Appropations, 1980	Do.
	96-104, H.R. 2515, Agricultural Loan Limitations	Do.
	96-105, S.J. Res. 117, Mortgage Insurance Authorities Extension.	Nov. 8, 1979.
	96-106, H.R. 4249, Transportation Laws Amendments—Uranium Mill Tailings.	Nov. 9, 1979.
	96-107, S. 428, Military Procurement Authorization, 1980.	Do.
	96-108, H.R. 4387, Agriculture Appropriations, 1980.	Do.
	96-109, H.R. 5218, Caribbean Hurricane Relief Assistance.	Do.
	96-110, H.R. 4955, Refugee and Migration Assistance for Southeast Asia.	Nov. 13, 1979.
	96-111, S. 1281, U.S. Cruise Vessels	Nov. 15, 1979.
	96-112, S. 640, Maritime Authorization, 1980	Nov. 16, 1979.
24	96-113, H.R. 998, Marketing Quota Penalties Exemption for State Prison Farms.	Do.
25	96-114, H.R. 2196, Congressional Award Program	Do.
26	96-115, H.J. Res. 68, Family Week	Do.
27	96-116, H.R. 5279, ICA George Meany Film	Do.
28	96-117, H.J. Res. 199, Technical Corection: Santa Ana Pueblo Indians Land Trust.	Do.
	96-118, S. 838, Anadromous Fish Conservation Act Authorization, 1980-1982.	Do.
29	96-119, H.J. Res. 428, Child Abuse Prevention Month.	Do.
30	96-120, S. 1728, Wood Federal Courthouse	Do.
	96-121, S. 1160, Federal Fire Prevention and Control Authorization.	Do.
	96-122, S. 1037, District of Columbia Retirement Reform.	Nov. 17, 1979.
	96-123, H.J. Res. 440, Continuing Appropriations, 1980.	Nov. 20, 1979.
	96-124, H.R. 5811, District of Columbia Interest Rates.	Do.
	96-125, S. 1319, Military Construction Authorization, 1980.	Nov. 26, 1979.
	96-126, H.R. 4930, Interior Appropriations, 1980	Nov. 27, 1979.
	96-127, H.R. 4167, Milk Price Supports	Nov. 28, 1979.
	96-128, H.R. 2282, Veterans' and Survivors' Benefits.	Do.
	96-129, S. 411, Pipeline Safety	Nov. 30, 1979.
	96-130, H.R. 4391, Military Construction Appropriations, 1980.	Do.
	96-131, H.R. 4440, Transportation Appropriations, 1980.	Do.
	96-132, S. 1157, Justice Appropriations, 1980	Do.
	96-133, S. 1871, Oil Company Participation in IEP	Do.
31	96-134, S. 1686, Boggs Building	Dec. 5, 1979.
	96-135, H.R. 1885, Indian Preference Laws	Do.
32	96-136, H.J. Res. 448, Scouting Recognition Week	Dec. 7, 1979.
	96-137, H.R. 3354, Naval Petroleum and Oil Shale Reserves.	Dec. 12, 1979.
33	96-138, H.R. 4259, Gold Metal: American Red Cross.	Do.
34	96-139, S. 1491, Parkinson Federal Building	Do.
35	96-140, S. 1535, Keating Federal Building	Do.
36	96-141, S. 1655, Perkins Department of Labor Building.	Do.
	96-142, S. 497, Emergency Medical Assistance Authorization, 1980-1982—Sudden Infant Death.	Do.
	96-143, S. 239, Domestic Volunteer Services (ACTION).	Dec. 13, 1979.
	96-144, H.R. 5871, Interstate System Apportionments.	Do.
37	96-145, H.R. 3407, Army Awards	Dec. 14, 1979.
38	96-146, H.R. 4732, Architect of the Capitol Pay	Do.
39	96-147, H.J. Res. 458, Unity Day	Dec. 16, 1979.
	96-148, S. 901, Industrial Cost Recovery Payment Moratorium.	Do.
	96-149, S. 1788, Consumer Cooperative Bank	Do.
40	96-150, H.R. 5163, Naval Vessel Sale	Dec. 20, 1979.
	96-151, H.R. 3892, Veterans' Health Resources Programs Extension.	Do.
41	96-152, H.R. 5651, Capitol Police Chief	Do.
	96-153, H.R. 3875, Housing and Community Development.	Dec. 21, 1979.
	96-154, H.R. 5359, Defense Appropriations, 1980	Do.
42	96-155, S. 1874, American Legion Membership	Do.
	96-156, S. 716, Federal Employees Health Benefits	Dec. 27, 1979.
	96-157, S. 241, LEAA Appropriations, 1980-83	Do.
43	96-158, H.R. 5645, Land Conveyance Little Sisters of the Poor.	Do.
	96-159, S. 1143, Endangered Species Appropriations, 1980-1982.	Dec. 28, 1979.
	96-160, H.R. 5537, District of Columbia Borrowing Authority.	Do.
	96-161, H.R. 4998, Banking Institutions Authorities—State Usury Laws.	Do.
	96-162, S. 585, Yakima River Basin Feasibility Study.	Do.
44	96-163, H.R. 4943, Interstate Industrial Development Compact: New York-New Jersey Port Authority.	Do.
	96-164, S. 673, Department of Energy Military Appropriations, 1980	Dec. 29, 1979.
45	96-165, H.R. 600, Federal Charter: United Service Organizations, Inc.	Do.
	96-166, H.R. 5015, Federal Physicians' Comparability Allowance.	Do.
	96-167, H.R. 5224, Tax Treatment of Fringe Benefits.	Do.
46	96-168, H.J. Res. 462, White House Preservation Fund.	Do.
47	96-169, H.R. 5079, Energy Expo 1982	Do.
	96-170, H.R. 3343, District of Columbia Civil Suits for Civil Rights Violations.	Do.
48	96-171, H.R. 3948, Pilots' Mandatory Age Retirement Study.	Do.
49	96-172, H.R. 2771, Lake Texana	Do.
	96-173, H.R. 5025, CHAMPUS	Do.
	96-174, H.R. 5174, White House Fellows and Executive Exchange Programs.	Do.
	96-175 H.R. 595, National Defense Stockpile Acquisitions and Disposals: Tin and Industrial Diamonds.	Do.
	96-176, H.R. 5523, Extra Long Staple Cotton Loan Levels.	Dec. 31, 1979
	96-177, H.R. 2727, Beef and Veal Import Quotas	Do.
	96-178, H.R. 3091, Tax Treatment of State Legislators' Residences-Social Services Amendments.	Jan. 2, 1980
	96-179, H.R. 2584, Civil Service Annuities	Do.
	96-180, S. 440, Alcohol Abuse and Alcoholism Prevention Programs Authorization, 1980-1981.	Do.
	96-181, S. 525, Drug Abuse and Treatment Programs Authorization, 1980-1981.	Do.
	96-182, H.R. 2043, Waterbank Program Payment Adjustments.	Do
	96-183, H.J. Res. 467, Chrysler Appropriations	Do.
	96-184, H.R. 3951, District of Columbia Metro Construction.	Jan. 3, 1980
	96-185, H.R. 5860, Chrysler Loan Guarantee	Jan. 7, 1980
50	96-186, H.J. Res. 468, President's Economic Report.	Jan. 8, 1980
	96-187, H.R. 5010, Federal Election Campaign Reform.	Do.

2D SESSION (JAN. 2, 1980-DEC. 28, 1980; 169 OUT OF 426 PUBLIC LAWS, OR 40 PERCENT, WERE NON-SUBSTANTIVE OR ADMINISTRATIVE)

	96-188, H.J. Res. 478, Defense Production Extension.	Jan. 28, 1980.
1	96-189, H.R. 4320, Bear River Compact	Feb. 8, 1980.
	96-190, S. 423, Consumer Controversies	Feb. 12, 1980.
2	96-191, H.R. 5176, GAO Personnel System	Feb. 15, 1980.
	96-192, S. 1300, International Air Fares	Do.
	96-193, H.R. 2440, Aviation Safety and Noise Abatement	Feb. 18, 1980.
3	96-194, S.J. Res. 108, Indian Judgment Funds	Feb. 21, 1980.
	96-195, S. 1452, War Risk Insurance	Feb. 25, 1980.
4	96-196, H.J. Res. 469, Iwo Jima Commemoration Day.	Feb. 28, 1980.
5	96-197, H.J. Res. 477, Disneyland Silver Anniversary.	Do.
6	96-198, H.J. Res. 267, Teacher Day	Mar. 5, 1980.
7	96-199, H.R. 3757, Channel Islands National Park	Do.
8	96-200, S.J. Res. 109, American Enterprise Day	Mar. 6, 1980.
9	96-201, H.R. 6374, Gold Medal: Ambassador Kenneth Taylor.	Do.
10	96-202, S.J. Res. 43, Energy Education Day	Mar. 8, 1980.
11	96-203, S. 1850, Land Conveyance: Hot Springs, Arkansas.	Mar. 10, 1980.
12	96-204, H.J. Res. 434, Medic Alert Week	Mar. 11, 1980.
	96-205, H.R. 3756, Omnibus Territories	Mar. 12, 1980.
13	96-206, S.J. Res. 149, USS Carl Vinson	Mar. 13, 1980.
14	96-207, H.J. Res. 493, Smithsonian Institution Board of Regents Appointment: William G. Bowen.	Do.
15	96-208, H.J. Res. 494, Smithsonian Institution Board of Regents Appointment: Carisle H. Humelsine.	Do.
16	96-209, H.R. 4337, Foreign Claims Settlement Commission.	Mar. 14, 1980.
	96-210, H.R. 5913, Shipbuilding Contracts	Mar. 17, 1980.
17	96-211, S. 1792, Gold Medal: Simon Wiesenthal	Do.
	96-212, S. 643, Refugee Assistance and Admission	Do.
	96-213, H.R. 3398, Target Prices for Wheat and Corn.	Mar. 18, 1980.
18	96-214, S. 2225, Senate Sales	Mar. 24, 1980.
	96-215, S. 1454, NOAA Corps Status Equalization	Mar. 25, 1980.
19	96-216, S. 1682, Indian Lands Restriction	Mar. 27, 1980.
20	96-217, S. 2222, Indian Tribal Claims	Do.
21	96-218, H.J. Res. 414, Bicycling Day	Mar. 28, 1980.
	96-219, H.J. Res. 514, FTC Funding, 1980	Do.
	96-220, S. 2269, Economic Emergency Loan Program.	Mar. 30, 1980.
	96-221, H.R. 4986, Banking Institutions—"NOW" Accounts.	Mar. 31, 1980.
22	96-222, H.R. 2797, Technical Corrections—Targeted Jobs Credit.	Apr. 1, 1980.
	96-223, H.R. 3919, Windfall Profit Tax	Apr. 2, 1980.
23	96-224, H.J. Res. 463, Diabetes Week	Do.
	96-225, H.J. Res. 520, Defense Production Extension.	Apr. 3, 1980.
	96-226, H.R. 24, GAO Audit of Unvouchered Expenses.	Do.
24	96-227, H.R. 4996, Paiute Indian Tribe Restoration	Do.
25	96-228, S. 1515, Bicentennial Medals	Do.
	96-229, H.R. 2676, EPA Authorization, 1980	Apr. 7, 1980.
	96-230, H.R. 6585, Reorganization Authority Extension.	Apr. 8, 1980.
26	96-231, S.J. Res. 131, ORT Centennial Day	Do.
27	96-232, H.R. 5794, Denton Building	Apr. 10, 1980.
28	96-233, S.J. Res. 97, Victims of the Holocaust	Do.
	96-234, S. 2427, Grain Reserves	Apr. 11, 1980.

PUBLIC LAWS, 96TH CONGRESS (219 OUT OF 613 PUBLIC LAWS, OR 36 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)—Continued

	Public Law No., Bill No., and Title	Approved
	96-235, H.R. 3824, D.C. Housing Revenue Bonds	Apr. 12, 1980
	96-236, H.R. 6029, International Sugar Agreement Implementing Legislation.	Apr. 22, 1980.
29	96-237, H.J. Res. 474, Jewish Heritage Week	Apr. 24, 1980.
30	96-238, H.R. 6464, Michigan Land Transfer: Lance Army Missile Plant.	Apr. 24, 1980.
	96-239, H.R. 7140, Employee Retirement Income Security.	Apr. 30, 1980.
	96-240, H.J. Res. 541, FTC Funding, 1980	May 1, 1980.
31	96-241, S. 2637, Secretary of State Salary	May 3, 1980.
	96-242, H.R. 4197, Wool Products Labeling	May 5, 1980.
	96-243, H.J. Res. 545, Urgent Food Stamp Supplemental Appropriation, 1980.	May 16, 1980.
	96-244, H.R. 126, National Park Service Funds	May 19, 1980.
32	96-245, H.R. 5673, National Labor Relations Board Mailings.	May 21, 1980.
	96-246, H.R. 6839, Endangered Species Section 6 Authorization.	May 23, 1980.
	96-247, H.R. 10, Civil Rights of Institutionalized Persons.	Do.
33	96-248, H.R. 3928, Cibola National Forest	Do.
	96-249, S. 1309, Food Stamp Program	May 26, 1980.
	96-250, S.J. Res. 175, Defense Production Extension.	Do.
34	96-251, S. 668, Cow Creek Band of Umpqua Indians.	Do.
	96-252, H.R. 2313, Federal Trade Commission Authorization, 1980-82.	May 28, 1980
	96-253, S. 2648, Federal Election Commission Authorization, 1981.	May 29, 1980.
	96-254, S. 2253, Rock Island Bankruptcy	May 30, 1980.
	96-255, H.R. 6615, Ocean Pollution Research and Development.	Do.
	96-256, H.R. 7471, Public Debt Limit Extension	Do.
	96-257, H.R. 6081, Nicaragua and Honduras Economic Assistance.	May 31, 1980.
35	96-258, H.R. 3807, Transportation Laws Codifications.	June 3, 1980.
	96-259, S. 662, Multilateral Development Banks	Do.
36	96-260, H.R. 4088, Vessels Sale	June 3, 1980.
	96-261, H.J. Res. 554, Federal Trade Commission Appropriations, 1980.	June 4, 1980.
	96-262, H.R. 4890, Commercial Fisheries	June 5, 1980.
	96-263, H.R. 3789, Great Plains Conservation	June 6, 1980.
	96-264, H.R. 7428, Public Debt Limit Extension—Oil Import Fee Disapproval.	Do.[1]
	96-265, H.R. 3236, Disability Insurance	June 9, 1980.
37	96-266, H.J. REs. 445, Cystic Fibrosis Week	Do.
	96-267, H.R. 6727, Bon Secour Wildlife Refuge	Do.
	96-268, S. 1786, Smithsonian Authorization, 1981—Museum Serices.	June 13, 1980.
38	96-269, S. 2517, Library of Congress Buildings	Do.
	96-270, S. 1658, Asbestos Hazard Detection	June 14, 1980.
	96-271, S. 2666, Rubber Agreement Implementation Legislation.	June 16, 1980.
	96-272, H.R. 3434, Child Adoption Assistance and Welfare—Social Services.	June 17, 1980.
	96-273, H.R. 4453, Saccharin Usage	Do.
39	96-274, H.R. 2102, Standing Rock Sioux Land Inheritance.	Do.
	96-275, H.R. 6842, Shipper's Export Declarations	Do.
	96-276, H.R. 6285, Egg Research and Consumer Information—Silver Commodities.	Do.
	96-277, H.R. 3979, Indian Trade	Do.
40	96-278, S.J. Res. 127, Helen Keller Day	Do.
41	96-279, H.J. Res. 442, Athletic Boosters Week	June 18, 1980.
	96-280, S.J. Res. 89, Low-Enriched Uranium Exports.	Do.
42	96-281, S.J. Res. 183, Sons of Italy	June 19, 1980.
	96-282, H.J. Res. 521, Military Registration, 1980	June 27, 1980.
	96-283, H.R. 2759, Deep Seabed Mining	June 28, 1980.
	96-284, S. 2460, Uniformed Services Health Professionals Special Pay.	Do.
	96-285, H.R. 6022, Tensas River Wildlife Refuge	Do.
	96-286, H.J. Res. 569, Public Debt Limit Extension	Do.
	96-287, H.R. 5926, Biscayne and Valley Forge National Parks—Fort Jefferson National Monument.	Do.
	96-288, H.R. 6169, Bogue Chitto Wildlife Refuge	Do.
	96-289, H.R. 6614, National Sea Grant Program	Do.
	96-290, H.R. 4887, San Francisco Bay Wildlife Refuge.	Do.
	96-291, H.R. 4889, Great Dismal Swamp Wildlife Refuge.	Do.
43	96-292, H.R. 5259, Montoya Federal Building and U.S. Courthouse—Water Resources Project.	Do.
	96-293, H.R. 7685, Employee Retirement Income Security.	June 30, 1980.
	96-294, S. 932, Synfuels—Energy Security	Do.
	96-295, S. 562, Nuclear Regulatory Commission Authorization, 1980.	Do.
	96-296, S. 2245, Trucking Deregulation	July 1, 1980.
	96-297, S.J. Res. 119, Vietnam Veterans Memorial	Do.
	96-298, H.R. 7477, Aviation Excise Taxes Extension.	Do.
44	96-299, S.J. Res. 115, Porcelain Art Month	July 2, 1980.
45	96-300, S.J. Res. 188, National Commission on Air Quality.	Do.
	96-301, H.R. 5751, Archeological Resources Protection.	Do.
	96-302, S. 2698, Small Business Administration Authorization, 1981-82.	Do.
	96-303, H.R. 5997, U.S. Government Code of Ethics.	July 3, 1980.
	96-304, H.R. 7542, Supplemental Appropriations, 1980.	July 8, 1980.
	96-305, S. 751, Navajo-Hopi Relocation	Do.
46	96-306, H.R. 7482, Summer Olympic Team Medals, 1980.	Do.
47	96-307, S.J. Res. 168, POW-MIA Recognition Day	Do.
	96-308, S. 598, Soft Drink Interbrand	July 9, 1980.
48	96-309, S. 2546, Bessemer Ditch, Colorado	Do.
	96-310, H.R. 7474, Ocean Thermal Energy Conversion.	July 17, 1980.
49	96-311, H.R. 7573, Cook Inlet Land Exchange	Do.
	96-312, S. 2009, Idaho Wilderness	July 23, 1980.
50	96-313, S.J. Res. 180, Smithsonian Board of Regents Appointment: William A.M. Bunde.	July 25, 1980.
51	96-314, S.J. Res. 181, Smithsonian Board of Regents Appointment: Murray Gell-Mann.	Do.
	96-315, S. 2382, Tinicum National Environmental Center.	Do.
	96-316, S. 2240, NASA Authorization, 1981	July 30, 1980.
	96-317, S. 1647, Commission on Wartime Relocation and Internment of Civilians.	July 31, 1980.
52	96-318, S. 1466, Delaware Indian Judgment Funds	Aug. 1, 1980.
53	96-319, S. 2508, Gila River Pima-Maricopa Indian Judgment Distribution.	Do.
	96-320, S. 2492, Ocean Thermal Energy Conversion.	Aug. 3, 1980.
	96-321, S. 2995, Heat Crisis Program	Aug. 4, 1980.
	96-322, H.R. 6666, Coast Guard Reserve	Do.
	96-323, H.R. 5580, NATO Support	Do.
	96-324, H.R. 1198, Coast Guard Authority to Establish Lines of Demarcation.	Aug. 8, 1980.
	96-325, H.R. 6613, Maritime Labor Agreements	Do.
54	96-326, H.R. 827, Postal Service Dispute Resolution.	Do.
	96-327, S. 1916, OPIC Authorization—China	Do.
	96-328, H.R. 5748, National Guard Accountability Standards.	Do.
55	96-329, H.R. 7786, Secret Service Protection of Candidates Spouses.	Aug. 11, 1980.
	96-330, H.R. 7102, Veterans' Health Care	Aug. 26, 1980.[1]
56	96-331, S. 1863, NS Savannah	Aug. 28, 1980.
	96-332, S. 1140, Marine Protection	Aug. 29, 1980.
57	96-333, S. 1730, Ramah Band of Navajos	Do.
	96-334, H.J. Res. 589, Export-Import Bank Funds Extension, 1980	Do.
	96-335, H.R. 507, Trinity River Fish Habitat	Sept. 4, 1980.
	96-336, S. 496, Colorado River Basin Salinity Control.	Do.
58	96-337, S.J. Res. 83, Campfire Girls Memorial	Do.
59	96-338, S. 1998, Tule River Indian Tribe	Do.
	96-339, S. 2549, Atlantic Tunas Conservation Commission.	Do.
60	96-340, S. 2055, Siletz Indians	Do.
61	96-341, H.R. 8010, Clements Job Corps Center	Sept. 8, 1980.
	96-342, H.R. 6974, Military Procurement Authorization, 1981.	Do.
	96-343, H.R. 5168, Defense Officer Personnel Management.	Do.
	96-344, S. 2680, Historic Sites	Do.
	96-345, H.R. 5892, Wind Energy Commercialization	Do.
	96-346, H.R. 7072, Federal Employees Travel Expenses.	Sept. 10, 1980.
	96-347, H.R. 1781, Civilian Air Traffic Controllers Retirement.	Sept. 12, 1980.
62	96-348, H.R. 1967, White River National Forest	Do.
	96-349, S. 390, Antitrust Procedural Improvements	Do.
	96-350, H.R. 2538, Coast Guard Enforcement of Drug Laws.	Sept. 15, 1980.
	96-351, H.R. 4627, Armed Forces Enlistments of Citizens of Northern Marianas.	Do.
	96-352, H.J. Res. 607, Urgent VA and Census Bureau Supplemental Appropriations, 1980.	Sept. 17, 1980.
63	96-353, H.J. Res. 594, Brumidi Day	Sept. 19, 1980.
	96-354, S. 299, Federal Rulemaking	Do.
	96-355, S. 670, Rural Development Policy	Sept. 24, 1980.
64	96-356, S. 1625, Hay Transportation	Do.
	96-357, H.R. 5766, ROTC Scholarships	Do.
	96-358, S. 261, Agricultural Subterminal Storage Facilities.	Sept. 25, 1980.
	96-359, H.R. 6940, Infant Formula	Sept. 26, 1980.
65	96-360, H.R. 3210, Las Vegas Valley Water District, Nevada.	Do.
66	96-361, H.R. 6511, Staggers Federal Building	Do.
	96-362, S. 1650, Aquaculture Policy	Do.
67	96-363, S. 2223, Indian Land Inheritance	Do.
	96-364, H.R. 3904, Employee Income Retirement Security.	Do.
	96-365, S. 1125, Crop Insurance	Do.
	96-366, H.R. 3292, Fish and Wildlife Conservation	Sept. 29 1980.
	96-367, H.R. 7590, Energy-Water Appropriations, 1981.	Oct. 1, 1980.
	96-368, S. 2443, High Level Nuclear Waste Management Project, New York.	Do.
	96-369, H.J. Res. 610, Continuing Appropriations, 1981.	Do.
	96-370, H.R. 7825, Ice Age National Scenic Trail	Oct. 3, 1980.
68	96-371, H.J. Res. 551, Port Week	Do.
	96-372, S.J. Res. 209, Mortgage Insurance Authorities Extension.	Do.
	96-373, H.R. 6395, Consumer Product Safety Commission Postemployment Rules.	Do.
	96-374, H.R. 5192, Higher Education Programs, Authorization, 1981-85.	Do.
	96-375, H.R. 5278, Feasibility Investigations	Do.
	96-376, S. 2489, Coast Guard Authorization, 1981	Do.
	96-377, H.R. 7478, Public Debt Limit Management	Do.
	96-378, H.R. 5164, Vessel Inspection and Manning Laws.	Oct. 6, 1980.
69	96-379, S. 1895, Santa Rosa Lake and Dam-Clarks Hill Dam and Lake.	Do.
70	96-380, H.R. 6242, Towing Safety Advisory Committee.	Do.
	96-381, S. 1123, Ocean Pollution	Do.
	96-382, H.R. 3748, Maritime Tort Claims	Do.
71	96-383, H.R. 8018, Harsha Lake and Dam	Do.
72	96-384, H.R. 8024, Roberts Lake	Do.
	96-385, H.R. 7511, Veterans' Disability Compensation and Housing Benefits.	Oct. 7, 1980.
	96-386, H.R. 6308, Magnetic Fusion	Do.
73	96-387, S. 1442, Vessel Documentation	Do.
74	96-388, H.R. 8081, Holocaust Memorial Council	Do.
	96-389, S. 2271, International Monetary Fund (Bretton Woods).	Do.
75	96-390, H.R. 4792, Casey Federal Building—U.S. Courthouse.	Do.
	96-391, H.R. 5410, Civil Service Annuities—Secret Service Retirement.	Do.
76	96-392, H.R. 5732, Fisher Federal Building	Do.
77	96-393, H.R. 6531, Minton-Capehart Federal Building.	Do.
78	96-394, H.R. 7414, Jones Federal Building	Do.
79	96-395, H.R. 7450, Monagan Federal Building	Do.
80	96-396, H.R. 7782, Secret Service Pay	Do.
	96-397, H.R. 8202, Justice Department Authorization, 1980.	Do.
	96-398, S. 1177, Mental Health Systems	Do.
	96-399, S. 2719, Housing and Community Development.	Oct. 8, 1980
	96-400, H.R. 7831, Transportation Appropriations, 1981.	Oct. 9, 1980
81	96-401, S. 2126, Cheyenne Indian Reservation Coal Leases.	Do.
	96-402, S. 91, Veterans Survivors' Benefits	Do.
	96-403, H.R. 7670, Social Security Tax Adjustments.	Do.
82	96-404, S. 341, Fort Berthold Reservation Claim	Do.
83	96-405, S. 1795, Blackfeet and Gros Ventre Tribal Claim.	Do.
84	96-406, S. 2398, Umatilla and Wallowa National Forests.	Do.
85	96-407, H.R. 3956, Congressional Consent of Honorary Consul of Honduras.	Do.
86	96-408, H.R. 7130, Hanley Federal Building	Do.
87	96-409, H.R. 7309, Green-Wyatt Federal Building	Do.
88	96-410, H.R. 7544, Giaimo Federal Building	Do.
89	96-411, H.R. 7588, Cleveland Federal Building	Do.
90	96-412, H.R. 7770, Briedenback Environmental Research Center.	Do.
91	96-413, H.R. 8161, Moorhead Federal Building	Do.
92	96-414, H.J. Res. 472, 200th Anniversary of Surrender of Lord Cornwallis.	Do.
93	96-415, S. 2801, Albert Indian Health Facility	Do.
94	96-416, H.J. Res. 560, Agriculture Day	Do.
95	96-417, S. 1654, Customs Court	Oct. 10, 1980
	96-418, H.R. 7301, Military Construction Authorization, 1981.	Do.
96	96-419, S.J. Res. 201, Lupus Week	Do.
97	96-420, H.R. 7919, Indian Claims Settlement, Maine.	Do.
98	96-421, S.J. Res. 82, Patriotism Week	Do.
	96-422, H.R. 7859, Refugee Educational Assistance (Cubans and Haitians).	Do.
	96-423, S. 2730, Railroad Safety	Do.
	96-424, S. 3180, Refugee Educational Assistance (Cubans and Haitians).	Do.
	96-425, S. 2475, Automobile Efficiency—Fuel Economy.	Do.
99	96-426, S. 3148, Carlson Federal Building	Do.
	96-427, H.R. 7666, Federal Employees' Life Insurance.	Do.
100	96-428, H.R. 7218, Martin Luther King, Jr. Historic Site.	Do.
101	96-429, S. 3044, Ribicoff Federal Building	Do.
102	96-430, H.R. 7434, Boston African American National Historic Site.	Do.
	96-431, H.R. 6065, Military Leave	Do.
103	96-432, H.R. 6331, Capitol Grounds	Do.
	96-433, H.R. 7939, Securities Investor Protection	Do.
104	96-434, S. 1796, Assiniboine Tribal Claim	Do.
105	96-435, H.R. 7411, Adams National Historic Site	Do.
	96-436, H.R. 7592, Military Construction Appropriations, 1981.	Oct. 13, 1980
106	96-437, H.R. 5546, Grain Export Weighing	Do.
	96-438, S. 985, Consolidated Farm and Rural Development Loans.	Do.
	96-439, H.R. 7779, Tax Court Judges	Do.
	96-440, S. 1790, Privacy Protection	Do.
	96-441, H.R. 8103, National Museums of American Art and American History.	Do.
107	96-442, H.R. 5048, Manassas National Battlefield Park.	Do.

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PUBLIC LAWS, 96TH CONGRESS (219 OUT OF 613 PUBLIC LAWS, OR 36 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)—Continued

	Public Law No., Bill No., and Title	Approved
108	96-443, H.J. Res. 568, Italian-American Heritage Week.	Do.
109	96-444, S. 2936, Capitol Employees	Do.
110	96-445, H.R. 6440, China Claims	Do.
111	96-446, S. 2185, Federal Use of Bequests	Do.
	96-447, S. 2511, Civil Rights Commission Authorization, 1981.	Do.
	96-448, S. 1946, Railroad Deregulation	Oct. 14, 1980
	96-449, H.R. 7085, Iranian Hostage Relief	Do.
	96-450, S. 2597, Intelligence Activities Authorization—Intelligence Oversight.	Do.
	96-451, H.R. 4310, Boating Safety	Do.
	96-452, H.R. 7665, Circuit Court Division	Do.
	96-453, H.R. 5451, Maritime Education and Training.	Oct. 15, 1980
	96-454, S. 1798, Household Moving Industry	Do.
112	96-455, H.R. 4273, Trademark Trial and Appeal Board.	Do.
113	96-456, S. 1482, Classified Information Procedures	Do.
	96-457, S. 1640, Water Resource Research—Saline Water Conversion.	Do.
	96-458, S. 1873, Judicial Conduct and Disability	Do.
	96-459, H.R. 6554, Maritime Authorization, 1981	Do.
	96-460, H.R. 4417, Chesapeake Bay Research	Do.
	96-461, S. 2320, National Bureau of Standards Authorization, 1981-82.	Do.
	96-462, H.R. 8178, District Court Realignment	Do.
	96-463, S. 2412, Waste Oil Recycling	Do.
	96-464, S. 2622, Coastal Zone Management	Oct. 17, 1980.
	96-465, H.R. 6790, Foreign Service Reform	Do.
	96-466, H.R. 5288, Veterans' Vocational Rehabilitation—GI Bill Amendments.	Do.
	96-467, H.R. 3122, Duty Suspensions	Do.
	96-468, H.R. 6593, Swine Health Protection	Do.
	96-469, S. 2043, Animal Cancer Research	Do.
	96-470, H.R. 6686, Agency Reorting Requirements	Oct. 19, 1980.
	96-471, H.R. 6883, Installment Sales Revision	Do.
	96-472, S. 1393, Earthquake Hazard Reduction	Do.
	96-473, H.R. 5295, Social Security Benefits	Do.
114	96-474, H.R. 5326, Land Conveyance: Lousiana	Do.
	96-475, H.R. 6816, Federal Coal Leases	Do.
	96-476, S. 3072, Rattlesnake Wilderness	Do.
	96-477, H.R. 7554, Small Business lvestment Incentives—SEC Authorization.	Oct. 21, 1980.
	96-478, H.R. 6665, Ocean Pollutioni (MARPOL) Implementing Legislation.	Do.
	96-479, H.R. 2743, Materials and Minerals Policy	Do.
115	96-480, S. 1250, Office of Industrial Technology	Do.
	96-481, H.R. 5612, Small Business Administration Minority Business Expansion—Export Expansion—Attorney Fees.	Do.
	96-482, S. 1156, Solid Waste Disposal	Do.
	96-483, S. 2725, Clean Water	Do.
116	96-484, H.R. 7212, Pamunkey Tribe/Southern Railway Land Settlement.	Nov. 24, 1980.
117	96-485, S.J. Res. 156, Family Week	Nov. 26, 1980.
	96-486, S. 2357, Federal Question Jurisdiction	Dec. 1, 1980.
	96-487, H.R. 39, Alaksa Lands	Dec. 2, 1980.
118	96-488, H.R. 8329, USS Intrepid Memorial Museum.	Do.
119	96-489, S. 43, Federal Charter: National Ski Patrol System.	Do.
	96-490, H.R. 7942, Customs Valuation Agreement	Do.
120	96-491, S. 1135, Moapa Indian Reservation	Do.
121	96-492, H.R. 8112, Ute Indians	Do.
	96-493, S. 2251, Gasohol Competition	Do.
	96-494, H.R. 3765, Walnuts and Olives Marketing—Wheat and Feed Grains Price Supports.	Dec. 3, 1980.
122	96-495, H.R. 4084, Suisun Marsh, California	Do.
	96-496, S. 1386, National Foundation on the Arts and Humanities—Museum Service Authorization, 1981-85.	Dec. 4. 1980.
123	96-497, S. 1179, Federal Charter: Gold Star Wives, Inc,.	Do.
124	96-498, S. 3193, Javits Federal Building	Do.
	96-499, H.R. 7765, Budget Reconciliation—Spending and Revenue.	Dec. 5, 1980.
	96-500, H.R. 2510, Disability Retirement Determinations Review.	Do.
	96-501, S. 885, Pacific Northwest Power Planning and Conservation.	Do.
	96-502, H.R. 8117, Safe Drinking Water	Do.
125	96-503, H.J. Res. 634, Secret Service Protection for Vice President and Mrs. Mondale.	Do.
	96-504, H.R. 2583, Federal Judges Annuities	Do.
126	96-505, H.R. 5108, Alaskan Native Roll	Do.
	96-506, S. 3152, Public Works—EDA	Dec. 8, 1980.
	96-507, H.R. 4892, LEA Act Repeal	Do.
	96-508, S. 2352, Council on Wage and Price Stability.	Do.
	96-509, S. 2441, Juvenile Justice and Delinquency Prevention.	Do.
	96-510, H.R. 7020, Superfund for Environment Cleanup.	Dec. 11 1980.
	96-511, H.R. 6410, Paperwork Reduction	Do.
	96-512, H.R. 6889, Methane Transportation Research, Development and Demonstration.	Dec. 12, 1980.
	96-513, S. 1918, Defense Officer Personnel Management.	Do.
	96-514, H.R. 7724, Interior Appropriations, 1981	Do.
	96-515, H.R. 5496, National Historic Preservation	Do.
	96-516, S. 568, National Science Foundation Authorization, 1981.	Do.
	96-517, H.R. 6933, Patent and Trademark Laws	Do.
127	96-518, S.J. Res. 213, Magnuson Clinical Center	Do.
	96-519, H.R. 6086, Civilian and Military Claims	Do.
128	96-520, H.R. 8228, Non-Navigable Waters	Do.
129	96-521, H.R. 6211, New Mexico Patents	Do.
130	96-522, H.R. 7805, American Folklife Center	Do.
	96-523, H.R. 7466, Handicapped Employees—Congressional Campaign Committees Employees Retirement.	Do.
131	96-524, H.R. 7815, Post Office Designations	Do.
	96-525, H.R. 8388, Italian Earthquake Assistance	Do.
	96-526, H.R. 7631, HUD Appropriations, 1981	Dec. 15, 1980.
	96-527, H.R. 8105, Defense Appropriations, 1981	Do.
	96-528, H.R. 7591, Agriculture Appropriations, 1981.	Do.
132	96-529, H.J. Res. 205, Bunche Monument	Do.
	96-530, H.R. 8061, District of Columbia Appropriations, 1981.	Do.
133	96-531, H.R. 6243, Heard Park	Do.
134	96-532, S. 2134, Supreme Court Grounds	Do.
	96-533, H.R. 6942, Foreign Aid—Security and Development Assistance Authorization, 1981.	Dec. 16, 1980.
135	96-534, S. 1835, Joint Funding Simplification	Do.
136	96-535, H.R. 5856, Virgin Islands National Guard	Do.
	96-536, H.J. Res. 644, Continuing Appropriations, 1981.	Do.
	96-537, S. 2728, Indian Health Care	Dec. 17, 1980.
137	96-538, S. 988, Health Sciences Promotion	Do.
	96-539, H.R. 7018, FIFRA	Do.
	96-540, S. 3074, DOE Military Authorization, 1981	Do.
	96-541, H.R. 6975, Tax Treatment Extensions	Do.
	96-542, S. 3235, Customs Courts	Do.
138	96-543, H.R. 7385, Bureau of Mines Facilities Transfers.	Do.
	96-544, H.J. Res. 601, International Monetary Fund Appropriations, 1981.	Do
139	96-545, H.R. 1298, Christie Federal Building—Appalachian Child Development Programs.	Dec. 18, 1980.
140	96-546, H.R. 8173, ICA LBJ Films	Do.
	96-547, S. 1391, Climate Program	Do.
141	96-548, H.R. 8404, Moss Federal Building—U.S. Courthouse.	Do.
142	96-549, S. 1972, Sangre de Cristo Development Corporation.	Do.
	96-550, H.R. 8298, New Mexico Wilderness	Dec. 19, 1980.
143	96-551, H.R. 8235, Interstate Compact: Tahoe Regional Planning.	Do.
	96-552, H.R. 3551, CHAMPUS	Do.
	96-553, S. 2318, Crater Lake National Park	Do.
	96-554, S. 1996, Wood Utilization	Do.
144	96-555, H.R. 5182, Chesapeake and Ohio Canal National Historical Park Commission.	Do.
	96-556, H.J. Res. 570, Public Debt Limit Extension	Do.
145	96-557, H.R. 7147, Mdewakanton Sioux Indians	Do.
146	96-558, S. 2069, Architect of the Capitol: Contracting Authority.	Do.
147	96-559, H.R. 2170, Legal Expenses Reimbursement for Fairfax, Virginia.	Dec. 22, 1980.
	96-560, H.R. 5487, Colorado Wilderness	Do.
	96-561, S. 2163, Salmon and Steelhead Resources Conservation.	Do.
148	96-562, S. 1824, Larkins Federal Building	Do.
149	96-563, H.J. Res. 615, Smithsonian Institution Board of Regents Appointment: David C. Acheson.	Do.
150	96-564, S. 2227, Interstate Compact: Red River	Do.
	96-565, H.R. 7217, Kaluapapa National Historical Park.	Do.
151	96-566, H.J. Res. 642, Adjournment Resolution	Do.
	96-567, H.R. 7865, Nuclear Reactor Safety	Do.
	96-568, S. 3027, Disaster Relief Programs	Do.
	96-569, S. 2726, EPA Authorization, 1981	Do.
152	96-570, H.R. 2111, Central Valley Project, California.	Do.
	96-571, S. 1784, Alaska Federal-Civilian Energy Efficiency.	Do.
	96-572, S. 1148, Ocean Pollution	Do.
	96-573, S. 2189, Nuclear Waste Policy	Do.
	96-574, H.R. 999, Plant Variety Protection	Do.
153	96-575, H.R. 4941, North San Gabriel Dam/Lake Georgetown-Public Buildings.	Do.
154	96-576, H.R. 8345, McEwen U.S. Customs House—President Pro Tempore Appointees.	Do.
155	96-577, H.J. Res. 377, Inventors Day	Do.
	96-578, H.R. 7709, Cigarette Duties	Dec. 23, 1980.
	96-579, H.R. 7626, Military Pay and Allowances	Do.
156	96-580, S. 3096, St. Croix Scenic Riverway	Do.
157	96-581, S. 1985, Land Conveyance	Do.
	96-582, H.R. 8195, Railroad Retirement Fund	Do.
	96-583, H.R. 6796, CETA	Do.
	96-584, H.R. 7682, Armed Forces Reserves	Do.
158	96-585, H.R. 7814, Fire Island Wilderness	Do.
159	96-586, H.R. 7306, Tahoe Basin	Do.
	96-587, S. 1142, Kennedy Center Authorization, 1980-81.	Do.
160	96-588, S. 3212, McIntyre Federal Building—Colomery O'Neil VA Medical Center Wyman Forest Experiment Station.	Dec. 24, 1980.
	96-589, H.R. 5043, Bankruptcy Tax Rules	Do.
	96-590, S. 3261, Communications Act Amendment—Hawaii.	Do.
161	96-591, H.R. 6671, Inland Navigation	Do.
	96-592, S. 1465, Farm Credit System	Do.
	96-593, H.R. 4774, Labor Organizations—Conscientious Objectors.	Do.
162	96-594, H.R. 1196, Vessel Documentation	Do.
163	96-595, H.R. 4968, Real Estate Investment Trust Net Operating Loss Carryover.	Do.
	96-596, H.R. 5391, Second Tier Excise Taxes	Do.
	96-597, H.R. 8444, Omnibus Territories	Do.
	96-598, H.R. 3317, Excise Tax Treatment of Tread Rubber and Wine—Tax Treatment on Sale of Residence and Entertainment Expenses.	Do.
164	96-599, H.R. 3637, International Coffee Agreement Implementing Legislation.	Do
165	96-600, H.R. 7694, Guam, Virgin Islands, and Puerto Rico DOD Civilian Employees.	Do.
166	96-601, H.R. 5505, Administrative Tax Provisions	Do.
167	96-602, S. 1803, Cibola National Forest	Dec. 28, 1980.
	96-603, H.R. 4155, Student Loan Default Disclosure.	Do.
	96-604, H.R. 7112, Revenue Sharing	Do.
	96-605, H.R. 7956, Miscellaneous Revenue Act	Do.
	96-606, H.R. 5737, Vietnam Claims Settlement	Do.
	96-607, S. 2363, National Parks and Historic Site	Do.
	96-608, H.R. 5973, Tax Treatment of Americans Abroad.	Do.
	96-609, H.R. 5047, Duty Suspensions	Do.
168	96-610, S. 2729, National Visitor Center (Union Station).	Do.
	96-611, H.R. 8406, Pneumonia Vaccine Foster Care and Adoption Assistance AFDC and SSI Benefits—Parental Kidnaping.	Do.
169	96-612, S. 2261, Indiana Dunes National Lakeshore.	Do.
	96-613, H.R. 7171, Miscellaneous Tax Law Changes.	Do.

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[1] Without approval.

PUBLIC LAWS, 95TH CONGRESS (164 OUT OF 633 PUBLIC LAWS, OR 26 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)

	Public Law No., Bill No., and title	Approved
	1ST SESSION (JAN. 4, 1977-DEC. 15, 1977; 37 OUT OF 223 PUBLIC LAWS, OR 17 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)	
	95-1, S.J. Res. 12, Secret Service Protection of Former Federal Officials,.	Jan. 19, 1977.
	95-2, S. 474, Natural Gas Emergency	Feb. 2, 1977.
	95-3, H.J. Res. 277, Urgent Power Supplemental Appropriations, 1977.	Feb. 16, 1977.
1	95-4, S. 649, Senate Staff Employee Pay	Do.
	95-5, S.J. Res. 10, American Indian Policy Review Commission.	Feb. 17, 1977.
	95-6, H.J. Res. 240, Fishery Conservation Zone Transition.	Feb. 21, 1977.
2	95-7, H.J. Res. 239, President's Joint Economic Report.	Feb. 23, 1977.
	95-8, H.R. 3753, Fishery Conservation Zone Transition.	Mar. 3, 1977.
3	95-9, H.J. Res. 132, Marian Anderson Medal	Mar. 9, 1977.
	95-10, H.R. 3347, Budget Rescission—Helium Purchases.	Mar. 10, 1977.
4	95-11, S. 776, William O. Douglas Memorial	Mar. 15, 1977.
	95-12, H.R. 1746, Rhodesian Chrome	Mar. 18, 1977.
	95-13, H.J. Res. 269, Urgent Disaster Supplemental Appropriations, 1977.	Mar. 21, 1977.
	95-14, H.R. 2647, Small Business Loan Ceilings	Mar. 24, 1977.
	95-15, H.R. 3839, Second Budget Rescission, 1978	Mar. 25, 1977.
	95-16, H.J. Res. 351, Continuing Appropriations, 1977.	April 1, 1977.
	95-17, S. 626, Presidential Reorganization Authority.	April 6, 1977.
	95-18, S. 925, Drought Emergency Authority	April 7, 1977.
	95-19, H.R. 4800, Emergency Unemployment Compensation.	April 12, 1977.
	95-20, S. 1025, Securities and Exchange Commission Authorization, 1977.	April 13, 1977.
	95-21, H.R. 5717, Romanian Earthquake Authorization.	April 18, 1977.
	95-22, H.R. 3365, Regulation Q—Federal Credit Unions.	April 19, 1977.
	95-23, S. 489, Portugal—Military Assistance	April 30, 1977.
	95-24, H.R. 3843, Supplemental Housing Authorization, 1977.	Do.
5	95-25, S. 385, Gerald R. Ford Building	May 4, 1977.
	95-26, H.R. 4877, Supplemental Appropriations, 1977.	Do.
6	95-27, S.J. Res. 44, Printing Resolution	Do.
	95-28, H.R. 11, Public Works Employment—Water Resource Projects.	May 13, 1977.
	95-29, H.R. 4876, Economic Stimulus Appropriations, 1977.	Do.
	95-30, H.R. 3477, Tax Reduction and Simplification, 1977.	May 23, 1977.

PUBLIC LAWS, 95TH CONGRESS (164 OUT OF 633 PUBLIC LAWS, OR 26 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)—Continued

	Public Law No., Bill No., and title	Approved
	95-31, S. 1279, Drought Emergency Relief	Do.
7	95-32, H.R. 5562, Eleanor Roosevelt National Historic Site.	May 26, 1977.
	95-33, H.R. 6205, Atlantic Tunas	Do.
	95-34, H.J. Res. 424, Kennedy Presidential Library	Do.
8	95-35, H.R. 3662, Mississippi-Louisiana Bridge Construction Compact.	June 1, 1977.
	95-36, H.R. 6401, Deepwater Ports	Do.
	95-37, S. 853, Defense Production Extension	Do.
	95-38, S. 1433, Privacy Protection Study Commission Extension.	Do.
	95-39, S. 36, ERDA Nonnuclear Authorization—Civilian, 1977.	June 3, 1977.
	95-40, H.R. 3437, Vocational Education Amendments.	Do.
	95-41, H.R. 6752, River Basins	June 6, 1977.
	95-42, H.R. 5306, Land and Water Conservation Fund.	June 10, 1977.
	95-43, H.R. 6774, Higher Education Amendments	June 15, 1977.
	95-44, H.R. 2992, CETA	Do.
	95-45, H.R. 5040, State Department Supplemental Authorization, 1977.	Do.
	95-46, H.R. 4390, Reclamation Projects	Do.
	95-47, S. 955, Federal Crop Insurance Corporation Capital.	July 16, 1977.
	95-48, S. 1240, Wheat Referendum	June 17, 1977.
	95-49, H.R. 6692, Education of the Handicapped	Do.
	95-50, S. 521, Kennedy Center Authorization, 1978	June 20, 1977.
	95-51, H.R. 6197, Disaster Relief Programs	Do.
	95-52, H.R. 5840, Export Administration—Arab Boycott.	June 22, 1977.
	95-53, H.R. 6206, Commercial Fisheries	Do.
	95-54, H.R. 3416, Tobacco Quotas	June 25, 1977.
9	95-55, H.R. 7606, Bull Run Reserve	Do.
10	95-56, S.J. Res. 63, Federal Home Loan Bank Board Members.	June 29, 1977.
	95-57, H.R. 583, Military Enlistment and Reenlistment Bonuses.	Do.
	95-58, H.R. 4301, Sea Grant Program	Do.
	95-59, H.R. 1404, Smith College Carillon—Social Services Programs Extensions.	June 30, 1977.
	95-60, H.J. Res. 525, Mortgage Insurance	Do.
	95-61, H.R. 6823, Coast Guard Authorization, 1978	July 1, 1977.
	95-62, H.R. 3695, Veterans' Care in State Homes	July 5, 1977.
	95-63, H.R. 3849, National Advisory Committee on Oceans and Atmosphere.	Do.
11	95-64, H.J. Res. 539, Indian Claims	July 11, 1977.
	95-65, H.R. 6668, Nutrition Programs for the Elderly—Age Discrimination Report.	Do.
	95-66, S. 964, Federal Comparability Increases	Do.
	95-67, H.R. 6893, State Taxation of Members of Congress.	July 19, 1977.
	95-68, H.R. 4992, Indian Business Development Programs.	July 20, 1977.
	95-69, H.R. 4585, Indian Claims Commission	Do.
	95-70, S. 1468, Federal Energy Administration Authorization, 1978.	July 21, 1977.
12	95-71, H.R. 1551, Sabine River Compact	July 23, 1977.
13	95-72, H.J. Res. 24, Lupus Week	July 25, 1977.
	95-73, H.R. 5638, Fishery Agreement With Canada	July 26, 1977.
	95-74, H.R. 7636, Interior Appropriations, 1978	Do.
	95-75, H.R. 186, Regulations to Prevent Collisions at Sea.	July 27, 1977.
	95-76, H.R. 4088, NASA Authorization, 1978	July 30, 1977.
	95-77, H.R. 2502, Federal Oil and Gas Leases	Do.
	95-78, H.R. 5864, Federal Rules of Criminal Procedure.	Do.
	95-79, H.R. 5970, Military Procurement Authorization, 1978.	Do.
	95-80, S.J. Res. 77, Mortgage Insurance	July 31, 1977.
	95-81, H.R. 7552, Treasury-Postal Service Appropriations, 1978.	Do.
	95-82, S. 1474, Military Construction Authorization, 1978.	Aug. 1, 1977.
	95-83, H.R. 4975, Public Health Programs—Biomedical Research.	Do.
	95-84, H.R. 4746, Water Research and Development—Saline Water Conversion.	Aug. 2, 1977.
	95-85, H.R. 7557, Transportation Appropriations, 1978.	Do.
	95-86, H.R. 7556, State-Justice-Commerce Appropriations, 1978.	Do.
	95-87, H.R. 2, Strip Mining Control and Reclamation.	Aug. 3, 1977.
	95-88, H.R. 6714, International Development Assistance—Food for Peace.	Do.
	95-89, H.R. 692, Small Business Amendments—Disaster Relief Loans.	Aug. 4, 1977.
	95-90, S.J. Res. 79, Federal Home Loan Bank Board Members.	Do.
	95-91, S. 826, Department of Energy	Do.
	95-92, H.R. 6884, International Security Assistance	Do.
	95-93, H.R. 6138, Youth Employment and Training	Aug. 5, 1977.
	95-94, H.R. 7932, Legislative Appropriations, 1978	Do.
	95-95, H.R. 6161, Clean Air	Aug. 7, 1977
	95-96, H.R. 7553, Public Works—Energy Research Appropriations, 1978.	Do.
	95-97, H.R. 7558, Agriculture Appropriations, 1978	Aug. 12, 1977.
14	95-98, H.R. 1952, AMVETS	Aug. 15, 1977.
	95-99, H.R. 4991, National Science Foundation Authorization, 1978.	Do.
15	95-100, H.J. Res. 372, Family Week	Do.
	95-101, H.R. 7589, Military Construction Appropriations, 1978.	Do.
	95-102, S. 1235, Peace Corps Authorization, 1978	Do.
16	95-103, S. 1377, Indian Claims	Do.
	95-104, S. 2110, River Basins	Do.
	95-105, H.R. 6689, State Department Authorization, 1978.	Aug. 17, 1977.
	95-106, H.R. 6370, International Trade Commission Authorization, 1978.	Do.
	95-107, S. 1935, Drought Emergency Authority	Do.
	95-108, H.R. 6179, Arms Control and Disarmament Agency.	Do.
	95-109, H.R. 5294, Debt Collection Practices	Sept. 20, 1977.
	95-110, S. 1153, Joint Committee on Atomic Energy Abolishment.	Do.
	95-111, H.R. 7933, Defense Appropriations, 1978	Sept. 21, 1977.
	95-112, S. 1752, Elementary and Secondary Education.	Sept. 24, 1977.
	95-113, S. 275, Omnibus Farm Bill	Sept. 29, 1977.
	95-114, S. 1731, Medical Personnel Special Pay	Sept. 30, 1977.
	95-115, H.R. 6111, Juvenile Justice	Oct. 30, 1977.
17	95-116, H.R. 6502, World War I Veterans Auto Allowance.	Do.
	95-117, H.R. 1862, Veterans' Disability Compensation and Survivors Benefits.	Do.
	95-118, H.R. 5262, International Financial Institutions.	Do.
	95-119, H.R. 7554, HUD Appropriations, 1978	Oct. 4, 1977.
	95-120, H.R. 9290, Public Debt Limit	Do.
	95-121, H.R. 6951, Council on Wage and Price Stability.	Oct. 6, 1977.
	95-122, S. 1322, D.C. Water and Sewer Payment by Federal Government.	Do.
	95-123, S. 602, Library Services and Construction	Oct. 7, 1977.
	95-124, S. 126, Earthquake Hazards Reduction	Do.
	95-125, S. 213, GAO Audit of IRS and ATF	Do.
	95-126, S. 1307, Vietnam Veterans Discharges and Benefits.	Oct. 8, 1977.
	95-127, S. 1435, Federal Election Commission Authorization, 1978.	Oct. 12, 1977.
	95-128, H.R. 6655, Housing and Community Development.	Do.
18	95-129, S. 1331, Center for the Book	Oct. 13, 1977.
	95-130, H.J. Res. 626, Continuing Appropriations, 1978.	Do.
	95-131, H.R. 6530, D.C. Borrowing Authority	Do.
	95-132, H.R. 5645, Civil Rights Commission Authorization, 1978.	Do.
19	95-133, S. 667, Te-Moak Shoshone Land	Oct. 15, 1977.
	95-134, H.R. 6550, U.S. Territories	Do.
20	95-135, S.J. Res. 89, Technical Corrections to Enrollment of Public Law 95-134.	Do.
	95-136, S. 1522, Marine Mammal Protection	Oct. 18, 1977.
	95-137, H.R. 5742, Drug Enforcement Administration.	Do.
	95-138, H.R. 9354, Former Presidents' Staff Allowance.	Do.
21	95-139, S. 2089, Associate Attorney General	Oct. 19, 1977.
22	95-140, S. 1372, Deputy and Under Secretaries of Defense.	Oct. 21, 1977.
23	95-141, S. 2169, Hubert H. Humphrey Building	Oct. 23, 1977.
	95-142, H.R. 3, Medicare-Medicaid Anti-Fraud	Oct. 25, 1977.
	95-143, H.R. 6415, Export-Import Bank	Oct. 26, 1977.
	95-144, S. 1682, Prisoner Exchange with Canada and Mexico.	Oct. 28, 1977.
	95-145, H.R. 7769, Indochina Refugee Assistance	Do.
24	95-146, H.R. 4836, Commission on New Technological Uses of Copyrighted Works.	Do.
	95-147, H.R. 5675, Tax and Loan Accounts—IMF—ESF.	Do.
	95-148, H.R. 7797, Foreign Aid Appropriations, 1978.	Oct. 31, 1977.
25	95-149, H.J. Res. 573, General Thaddeus Kosciuszko.	Nov. 1, 1977.
	95-150, S. 393, Montana Wilderness Area Study	Do.
	95-151, H.R. 3744, Minimum Wage Increase	Do.
	95-152, H.R. 2817, Tinicum National Environmental Center.	Nov. 4, 1977.
	95-153, H.R. 4297, Ocean Dumping	Do.
	95-154, H.J. Res. 611, Federal Reserve Banks Purchase of U.S. Obligations.	Nov. 7, 1977.
	95-155, H.R. 5101, EPA Authorization, 1978	Nov. 8, 1977.
	95-156, H.R. 9090, Agricultural Disaster Loan Exemptions.	Do.
	95-157, S. 2149, Northern Marianas District Court	Do.
	95-158, H.J. Res. 621, Alaska Pipeline (AlCan)	Do.
	95-159, H.R. 3259, Duty Suspension on Horses, Canadian Crude Oil and Doxorubicin Hydrochloride.	Do.
	95-160, H.R. 2850, Duty Suspension on Latex Sheets and Synthetic Rutile.	Do.
	95-161, H.R. 2982, Duty Suspension on Synthetic Tantalum, Poppy Straw, Bicycle Parts.	Do.
	95-162, H.R. 3903, Duty Suspension on Copy Lathes, Wool and Istle Fibre.	Do.
	95-163, H.R. 6010, Aircraft Insurance and Other Aviation Amendments.	Nov. 9, 1977.
	95-164, S. 717, Mine Safety and Health	Do.
	95-165, H.J. Res. 643, Continuing Appropriations, 1978.	Do.
	95-166, H.R. 1139, School Lunch and Child Nutrition.	Nov. 10, 1977.
26	95-167, S. 2208, Big Brothers-Big Sisters of America.	Nov. 11, 1977.
27	95-168, S. 810, Daughters of the Confederacy Patent Renewal.	Do.
28	95-169, H.R. 2527, Land Conveyance—California	Nov. 12, 1977.
	95-170, H.R. 2849, Duty Suspension on Mattress Blanks and Bobsleds and Luges; Private Foundations Donations.	Do.
	95-171, H.R. 3387, Child Care Program Extension	Do.
	95-172, H.R. 3373, Duty Suspension on Silk Yarns—Communications Excise Tax.	Do.
	95-173, S. 1019, Maritime Authorization, 1978	Do.
29	95-174, S. 2118, Land Conveyance—Alaska	Do.
30	95-175, S. 2052, Capitol Police Jurisdiction	Nov. 14, 1977.
	95-176, H.R. 4458, Excise Tax on Distilled Spirits	Do.
	95-177, H.R. 7278, National Defense Reserve Fleet	Nov. 15, 1977.
	95-178, H.R. 8499, Alaskan Native Claims	Do.
31	95-179, H.R. 8992, Executive Protective Service Name Change.	Do.
	95-180, H.R. 9512, Higher Education in the Trust Territory of the Pacific.	Do.
	95-181, H.R. 9704, Federal Crop Insurance	Do.
32	95-182, H.R. 9836, Fogler Shakesperare Library	Do.
	95-183, S. 1339, ERDA Nuclear Authorization—Military, 1977.-78.	Do.
	95-184, S. 1863, Military Procurement Supplemental Authorization, 1978.	Do.
33	95-185, S. 1062, D.C. Armory Board	Do.
	95-186, H.R. 9019, Third Budget Rescission, 1978	Nov. 16, 1977.
	95-187, H.R. 8346, Commuter Rail Services	Do.
	95-188, H.R. 9710 Regulation Q	Do.
	95-189, S. 2281, River Basins	Do.
	95-190, S. 1528, Safe Drinking Water	Do.
34	95-191, H.R. 6348, Ely Indian Land	Nov. 18, 1977.
	95-192, S. 106, Land and Water Resources Conservation.	Do.
	95-193, H.R. 8777, Appalachian Child Development Programs.	Do.
	95-194, S. 1184, Fisherman's Protection Reimbursement Program.	Do.
	95-195, S. 1560, Siletz Indian Tribe Restoration	Do.
	95-196, H.R. 2770, Courts of Appeals Judicial Accommodations.	Nov. 19, 1977.
35	95-197, S.J. Res. 81, Day of Prayer	Nov. 21, 1977.
	95-198, H.R. 422, Duty Suspension on Aircraft Engines.	Nov. 23, 1977.
	95-199, H.R. 4049, Rail Reorganization	Do.
36	95-200, H.R. 7074, Bull Run Reserve	Do.
	95-201, H.R. 8175, Veterans' Physician and Dentist Comparability Pay.	Do.
	95-202, H.R. 8701, G.I. Education Benefits	Do.
	95-203, S. 1750, Saccharin Study	Do.
	95-204, H.R. 7345, Veterans' and Survivors' Pension Adjustment.	Dec. 2, 1977.
	95-205, H.J. Res. 662, Labor-HEW-D.C. Continuing Appropriations, 1978.	Dec. 9, 1977.
	95-206, H.R. 1904, Duty Suspension on Intravenous Fat Emulsion, Color Couplers and Glasses.	Dec. 12, 1977.
	95-207, H.R. 7, Career Education Incentives	Dec. 19, 1977.
	95-208, H.R. 8159, Safe Container Regulations	Do.
	95-209, S. 1131, Nuclear Regulatory Commission Authorization, 1978.	Do.
	95-210, H.R. 8422, Medicare Coverage for Rural Health Clinics—NOSH.	Do.
	95-211, H.R. 3722, Securities and Exchange Commission Authorization, 1978.	Dec. 19, 1977.
	95-212, S. 1316, Endangered Species	Do.
	95-213, S. 305, Foreign Corporate and Domestic Disclosure.	Do.
	95-214, H.R. 9378, Employees Retirement Benefits Plan Insurance.	Do.
	95-215, H.R. 9418, Medical School Grants	Do.
	95-216, H.R. 9346, Social Security Financing	Dec. 20, 1977.
	95-217, H.R. 3199, Clean Water	Dec. 27, 1977.
	95-218, S. 1063, D.C. Bonds	Dec. 28, 1977.
	95-219, H.R. 9794, Fishery Agreement with Mexico	Do.
	95-220, S. 904, Federal Assistance Programs information.	Do.
37	95-221, H.R. 674, Convening of Second Session of 95th Congress.	Do.
	95-222, H.R. 6666, Legal Services Corporation	Do.
	95-223, H.R. 7738, International Emergency Economic Powers.	Do.

2D SESS. (JAN. 19, 1984-OCT. 15, 1984; 127 OUT OF 410 PUBLIC LAWS, OR 31 PERCENT, WERE NONSUBSTANTIVE OR ADMINISTRATIVE)

	95-224, H.R. 7691, Federal Grants and Cooperative Agreements.	Feb. 3, 1978.
	95-225, S. 1585, Child Pornography	Feb. 6, 1978.
	95-226, H.R. 10532, Drought Emergency Relief	Feb. 7, 1978.
	95-227, H.R. 5322, Black Lung Trust Funds	Feb. 10, 1978.
	95-228, H.R. 5054, Executive Branch Appointments	Do.
1	95-229, H.J. Res. 386, American Revolution Bicentennial Medals.	Feb. 14, 1978.
2	95-230, H.R. 2719, Pueblo Lands Maintenance Charges.	Feb. 15, 1978.
3	95-231, H.R. 5798, Office of Rail Public Counsel	Do.
4	95-232, S. 1509, Pueblo Indian Lands	Feb. 17, 1978.
	95-233, S. 1360, Timber Sales	Feb. 20, 1978.
	95-234, H.R. 7442, Utility Pole Attachments	Feb. 21, 1978.

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Public Law No., Bill No., and title	Approved
5 95-235, H.R. 7766, D.C. Union Station—Post Office Bridge.	Do.
95-236, S. 266, Radiation Exposure	Do.
95-237, H.R. 3454, Endangered Wilderness	Feb. 24, 1978.
95-238, S. 1340, ERDA Nuclear/Nonnuclear Authorization—Civilian, 1978.	Feb. 25, 1978.
95-239, H.R. 4544, Black Lung Benefits	Mar. 1, 1978.
95-240, H.R. 9375, Supplemental Appropriations, 1978.	Mar. 7, 1978.
95-241, H.R. 10368, Aircraft Registration	Mar. 8, 1978.
95-242, H.R. 8638, Nuclear Nonproliferation	Mar. 10, 1978.
6 95-243, S. 838, Sioux Black Hills Claim	Mar. 13, 1978.
7 95-244, S. 2076, Grand Canyon National Park School Aid.	Mar. 14, 1978.
95-245, H.R. 9851, Air Cargo Service	Do.
95-246, H.J. Res. 746, Urgent Power Supplemental Appropriations, 1978.	Mar. 15, 1978.
8 95-247, S. 773, Wichita Tribal Land Claim	Mar. 21, 1978.
95-248, H.R. 8803, Appalachian Trail	Do.
95-249, S. 1671, Absaroka-Beartooth Wilderness	Mar. 27, 1978.
9 95-250, H.R. 3813, Redwood National Park Expansion.	Do.
95-251, H.R. 6975, Administrative Law Judges	Do.
95-252, H.R. 11518, Public Debt Limit	Do.
10 95-253, H.J. Res. 715, Sun Day	Do.
95-254, H.R. 10982, First Budget Rescission, 1978.	Apr. 4, 1978.
95-255, H.J. Res. 796, Urgent Disaster Supplemental Appropriations, 1978.	Do.
95-256, H.R. 5383, Age Discrimination in Employment.	Apr. 6, 1978.
95-257, H.R. 9169, Fishing Vessel Loan Guarantees.	Apr. 7, 1978.
95-258, H.R. 11055, Tax Treatment of Crop Payments and Legislator's Residence.	Do.
11 95-259, H.R. 5981, American Folklife Preservation	Apr. 17, 1978.
12 95-260, H.R. 2960, Declaration of Independence Signers.	Do.
13 95-261, H.R. 8358, Depository Libraries	Do.
14 95-262, H.J. Res. 770, Education Day	Do.
15 95-263, S.J. Res. 124, Oceans Week	Do.
16 95-264, H.R. 2540, Umatilla Indian Lands	Apr. 18, 1978.
17 95-265, H.R. 4979, Land Conveyance, Nevada	Apr. 24, 1978.
95-266, H.R. 6693, Child Adoption and Child Abuse Prevention.	Do.
18 95-267, H.J. Res. 578, Architectural Barrier Awareness Week.	Do.
95-268, H.R. 9179, OPIC	Do.
95-269, H.R. 7744, River and Harbor Dredging	Apr. 26, 1978
19 95-270, S. 2452, Humphrey Institute and Dirksen Research Center.	Apr. 27, 1978.
20 95-271, S. 2597, District Court Relocations	Apr. 28, 1978.
21 95-272, H.J. Res. 649, White House Conference on Arts and Humanities.	May 3, 1978.
95-273, S. 1617, Ocean Pollution Research	May 8, 1978.
22 95-274, S.J. Res. 106, Smithsonian Board of Regents Appointment.	May 10, 1978.
23 95-275, S.J. Res. 107, Smithsonian Board of Regents Appointment.	Do.
24 95-276, S.J. Res. 108, Smithsonian Board of Regents Appointment.	Do.
25 95-277, S. 2220, Library of Congress Trust Fund Board.	May 12, 1978.
26 95-278, S. 917, Land Conveyance-University of Nevada.	Do.
95-279, H.R. 6782, Emergency Agricultural Act	May 15, 1978.
27 95-280, S. 482, Zuni Indian Lands	Do.
28 95-281, S. 661, Oklahoma Indian Tribes	Do.
95-282, H.J. Res. 859, U.S. Railway Association Supplemental Appropriations, 1978.	May 19, 1978.
95-283, H.R. 8331, Securities Investor Protection	May 21, 1978.
95-284, H.J. Res. 873, Urgent Disaster and Employment and Training Supplemental Appropriations, 1978.	Do.
29 95-285, S. 1568, Lake Herbert G. West	May 25, 1978
30 95-286, H.R. 10392, Hubert H. Humphrey Fellowship.	May 26, 1978.
95-287, S.J. Res. 137, NATO	May 30, 1978.
95-288, H.R. 9005, D.C. Appropriations, 1978	June 5, 1978.
95-289, S. 2370, Forest Service Volunteer Programs.	Do.
95-290, H.R. 11662, Lowell National Historical Park.	Do.
95-291, H.R. 11370, Social Services Retroactive Claims.	June 12, 1978.
95-292, H.R. 8423, Renal Disease Program	June 13, 1978.
95-293, S. 1792, Administrative Conference	Do.
31 95-294, S.J. Res. 140, American University Press Day.	June 14, 1978.
32 95-295, H.R. 11657, Central, Western and South Pacific Fisheries.	June 16, 1978.
95-296, S. 1640, Mike Monroney Aeronautical Center.	June 19, 1978.
95-297, H.R. 130, Petroleum Marketing Practices	Do.
95-298, S. 2553, Maritime Authorization, 1979	June 26, 1978.
95-299, H.R. 5493, Wildlife Refuges	Do.
95-300, H.R. 10884, Council on Environmental Quality.	Do.
95-301, H.J. Res. 944, Urgent Grain Inspection Supplemental Appropriation, 1978.	Do.
95-302, S. 2380, Marine Pollution	Do.
95-303, H.R. 5176, Duty Reduction on Levulose	June 29, 1978.
95-304, H.R. 10823, National Advisory Committee on Oceans and Atmosphere.	Do.
95-305, S. 2973, Kennedy Center Authorization, 1979.	Do.
95-306, H.R. 11779, Renewable Resources	June 30, 1978.
95-307, H.R. 11778, Forest and Rangeland Renewable Resources.	Do.
95-308, H.R. 11465, Coast Guard Authorization, 1979.	Do.
33 95-309, H.J. Res. 995, Brotherhood Day	Do.
34 95-310, S. 2033, Land Conveyance—Wenatchee Forest, Washington.	Do.
35 95-311, S. 2351, John L. McClellan Veterans' Hospital.	Do.
36 95-312, S.J. Res. 128, Free Enterprise Day	Do.
37 95-313, H.R. 11777, Cooperative Forestry Assistants.	July 1, 1978.
95-314, H.R. 12571, Fishery Agreement with Canada.	Do.
95-315, H.R. 11713, Small Business Energy Loans	July 4, 1978.
95-316, H.R. 10730, Marine Mammal Protection	July 10, 1978.
38 95-317, H.R. 3447, Survivor Annuities	Do.
39 95-318, H.R. 3755, Survivor Annuities	Do.
95-319, S. 2401, Insulation Safety Standards	July 11, 1978.
95-320, H.R. 2176, GAO Audits of Federal Banks	July 21, 1978.
95-321, H.R. 9757, Grazing Fee Moratorium	Do.
95-322, H.R. 11232, Standard Reference Data and National Bureau of Standards.	Do.
40 95-323, H.R. 3489, Merchant Marine Academy Appointments.	July 29, 1978.
41 95-324, H.R. 4270, Federico Degetau Federal Building.	Do.
42 95-325, H.J. Res. 613, Grandparents Day	Do.
95-326, H.R. 12637, North Pacific Fisheries	Do.
43 95-327, S. 1291, Cheyenne-Arapaho Indian Lands	Do.
44 95-328, S. 1582, Ak-Chin Indian Water Settlement	Do.
49 95-329, S. 947, Creek Indian Nation Lands	Do.
95-330, H.J. Res. 1024, Urgent Agriculture Supplemental Appropriations, 1978.	July 31, 1978.
95-331, H.R. 11877, Peace Corps Authorization, 1979.	Aug. 2, 1978.
95-332, H.J. Res. 945, Urgent Black Lung Supplemental Appropriations, 1978.	Do.
95-333, H.R. 13385, Public Debt Limit	Aug. 3, 1978
95-334, H.R. 11504, Agricultural Credit	Aug. 4, 1978.
95-335, H.R. 12933, Transportation Appropriations, 1979.	Do.
95-336, H.R. 10569, Alcohol and Drug Abuse Education.	Do.
46 95-337, S. 785, Fallon Paiute and Shoshone Tribal Land.	Do.
95-338, H.R. 11832, Arms Control and Disarmament Agency.	Aug. 8, 1978.
95-339, H.R. 12426, New York City Loan	Do.
47 95-340, H.R. 12138, Chet Holifield Building	Aug. 11, 1978.
95-341, S.J. Res. 102, American Indian Religious Freedom.	Do.
95-342, S. 920, Lake Murray Recreational Demonstration Area Projects Disposal.	Do.
95-343, S. 2463, Strip Mining Programs Authorizations.	Do.
95-344, H.R. 8336, Chattahoochee River Recreation Area.	Aug. 15, 1978.
95-345, H.R. 7581, Tax Exemption of Telephone Cooperatives; Tax Treatment of Loaned Securities and Tobacco Cooperatives.	Do.
48 95-346, S. 2424, American Legion Membership	Aug. 17, 1978.
49 95-347, H.J. Res. 946, National Guard Day	Aug. 18, 1978.
95-348, S. 2821, Guam and Other U.S. Territories Public Works.	Do.
50 95-349, H.J. Res. 963, POW-MIA Recognition Day	Do.
51 95-350, H.J. Res. 682, Lupus Week	Do.
95-351, H.R. 2777, National Consumer Cooperative Bank.	Aug. 20, 1978.
95-352, H.R. 10787, Bureau of Land Management Authorization, 1979-82.	Do.
52 95-353, H.R. 11579, Olin E. Teague Veterans Center and other VA Hospital Designations.	Aug. 28, 1978.
95-354, H.R. 10732, Fishery Conservation and Management.	Do.
95-355, H.R. 13467, Second Supplemental Appropriations, 1978.	Sept. 8, 1978.
95-356, H.R. 12602, Military Construction Authorization, 1979.	Do.
53 95-357, H.R. 3532, Naval Observatory Publication Name Change.	Do.
95-358, H.R. 7161, Jr. Reserve Officers' Training Corps.	Do.
54 95-359, H.R. 8471, USS Wyoming Silver Service	Do.
95-360, S. 2543, Fraudulent Mail Solicitations	Sept. 9, 1978.
55 95-361, H.R. 8397, Papago Indian Land	Sept. 10, 1978.
56 95-362, H.R. 185, Coast Guard Employees Transportation.	Sept. 11, 1978.
95-363, H.R. 12106, Independent Safety Board	Do.
57 95-364, H.J. Res. 773, Port Week	Sept. 15, 1978.
95-365, H.R. 8342, Federal Employees Withholding of Local Taxes.	Do.
95-366, H.R. 8771, Civil Service Retirement Fund Payments.	Do.
95-367, H.R. 6669, Climate Program	Sept. 17, 1978.
95-368, H.R. 2931, Federal Employee Health Benefits.	Do.
95-369, H.R. 10899, International Banking	Do.
95-370, H.R. 12240, Intelligence Activities Authorization, 1979.	Do.
58 95-371, H.J. Res. 1014, Victims of the Holocaust	Sept. 18, 1978.
95-372, S. 9, Outer Continental Shelf	Do.
95-373, H.R. 13468, D.C. Appropriations, 1979	Do.
95-374, H.R. 12927, Military Construction Appropriations, 1979.	Do.
59 95-375, S. 1633, Pascua Yaqui Indian Tribe	Do.
95-376, H.R. 10878, Fisherman's Protection Reimbursement Program.	Do.
95-377, S. 3454, Military Personnel Practices Extension.	Sept. 19, 1978.
60 95-378, H.R. 8112, Federal Records Council Abolishment.	Sept. 22, 1978.
61 95-379, H.R. 12915, National Archives Trust Fund Board.	Do.
95-380, H.R. Substitute Treasury Checks	Do.
95-381, S. 2928, Foreign Investment Survey	Do.
95-382, Civil Service Retirement for Japanese-American Internees of W.W. II.	Do.
95-383, S. 3107, Referees of Bankruptcy Employees.	Do.
95-384, S. 3075, International Security Assistance	Sept. 26, 1978.
95-385, S. 3119, D.C. Redevelopment Land Agency	Do.
95-386, S. 3120, D.C. Audit	Do.
95-387, S. 1103, D.C. Reciprocal Tax Collection	Sept. 27, 1978.
62 95-388, S. 2556, D.C. Bail Agency Name Change	Do.
63 95-389, S.J. Res. 133, Good Neighbor Day	Sept. 19, 1978.
95-390, H.R. 7814, Federal Employees Flexible and Compressed Work Schedules.	Do.
95-391, H.R. 12935, Legislative Appropriations, 1979.	Sept. 30, 1978.
95-392, H.R. 12936, HUD Appropriations, 1979	Do.
95-393, H.R. 7819, Diplomatic Immunity	Do.
64 95-394, H.R. 12772, Land Conveyance—Oregon	Do.
65 95-395, H.R. 12860, Rhode Island Indian Claims Settlement.	Do.
95-396, S. 1678, F.I.F.R.A	Do.
95-397, H.R. 3702, Survivors Benefits of Retired Military Personnel.	Do.
66 95-398, S. 3069, Sisseton-Wahpeton Sioux Indian Land.	Do.
67 95-399, S. 3002, Salt River Pima-Maricopa Indian Reservaton.	Do.
95-400, S. 3271, Food Stamp Workfare Pilot Project.	Do.
95-401, H.R. 11401, NASA Authorization, 1979	Do.
95-402, S. 3468, Upland Cotton Price Supports	Do.
95-403, S. 1896, Hazardous Materials Transportation.	Do.
95-404, S. 2701, Water Resources Planning	Do.
95-405, S. 2391, Commodity Futures Trading Commission.	Do.
95-406, S.J. Res. 165, Mortgage Insurance	Do.
95-407, H.J. Res. 1140, Export-Import Bank	Do.
95-408, S. 3375, District Court Relocations	Oct. 2, 1978
95-409, S. 3272, Livestock Sales	Do.
68 95-410, H.R. 8149, Customs Procedural Reform	Oct. 3, 1978
95-411, S.J. Res. 154, International Petroleum Exposition.	Oct. 5, 1978
95-412, H.R. 12443, Immigration Ceiling	Do.
95-413, S. 3342, Standing Bear and Glenn Cunningham Lakes.	Do.
69 95-414, S. 2507, Smithsonian Acquisition of Museum of African Art.	Do.
95-415, H.J. Res. 1088, New York City Appropriations.	Do.
70 95-416, S. 1265, Documents Transfer	Do.
95-417, H.R. 12508, Immigration and Naturalization of Adopted Children.	Do.
71 95-418, H.R. 8812, E.C. "Took" Gathings Building	Do.
72 95-419, H.J. Res. 1007, Asian Pacific American Heritage Week.	Do.
95-420, 13745, Military and Other Public Lands Conservation.	Do.
95-421, S. 3040, Amtrak Authorization	Do.
95-422, H.R. 11291, Fire Prevention and Control	Do.
95-423, H.R. 1920, Excise Tax on the Loss of Alcoholic Beverages.	Oct. 6, 1978
95-424, H.R. 12222, International Development Assistance—Food for Peace.	Do.
95-425, H.R. 11567, Securities and Exchange Commission Authorization, 1979-80.	Do.
95-426, H.R. 12598, State Department Authorization, 1979.	Do.
95-427, H.R. 12841, Tax Treatment of Fringe Benefits.	Do.
95-428, H.R. 10822, National Sea Grant Program	Do.
95-429, H.R. 12930, Treasury-Postal Service Appropriations, 1979.	Oct. 10, 1978
95-430, H.R. 11005, International Trade Commission Authorization, 1979.	Do.
95-431, H.R. 12934, State-Justice-Commerce Appropriations, 1979.	Do.
95-432, H.R. 13349, Expatriation Statutes Repeal	Do.
73 95-433, H.R. 10581, Yakima and Mescelero Indian Judgment Funds.	Do.
95-434, H.R. 11400, National Science Foundation Authorization, 1979.	Do.
95-435, H.R. 9214, International Monetary Fund—Bretton Woods.	Do.

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	Public Law No., Bill No., and title	Approved
74	95-436, S. 409, Roman L. Hruska Animal Meat Research Center.	Do.
	95-437, H.R. 10126, Federal Employees Part-Time Career Employment.	Do.
75	95-438, S. 425, Lieutenant General Ira C. Eaker Gold Medal.	Do.
	95-439, S. 286, Animal and Plant Quarantine Notices.	Do.
76	95-440, S. 1267, Federal Records Schedules	Do.
	95-441, S. 2946, Agricultural Lands	Do.
77	95-442, S. 2951, Department of Agriculture Gift Acceptance.	Do.
	95-443, S. 3045, Farm Credit Loans for Aquatic Products.	Do.
	95-444, S. 3067, Civil Rights Commission Authorization.	Do.
	95-445, S. 3092, Livestock Slaughtering	Do.
78	95-446, S. 3274, Carl Hayden Bee Research Center.	Do.
79	95-447, S. 3036, Susan B. Anthony Dollar	Do.
	95-448, H.R. 13125, Agriculture Appropriations, 1978.	Oct. 11, 1978
80	95-449, S.J. Res. 29, Family Week	Do.
	95-450, H.R. 12026, Indian Peaks and Oregon Wilderness.	Do.
81	95-451, S. 3467, W.R. "Bob" Poage Pecan Field Station.	Do.
	95-452, H.R. 8588, Offices of Inspector and Auditor General.	Oct. 12, 1978
	95-453, H.R. 9945, Indian Claims Commission	Do.
	95-454, S. 2640, Civil Service Reform	Oct. 13, 1978
82	95-455, H.R. 12603, Great Lakes Pilot Licenses	Do.
	95-456, S. 2249, Rate Discrimination	Do.
	95-457, H.R. 13635, Defense Appropriations, 1979	Do.
	95-458, H.R. 1337, Excise Tax on Trucks—Other Tax Amendments.	Oct. 14, 1978
83	95-459, H.R. 13991, Susanville Indian Rancheria	Do.
	95-460, S. 3384, Agricultural Foreign Investment Information.	Do.
	95-461, S. 2916, Drug Abuse Prevention and Treatment.	Do.
84	95-462, H.R. 13692, Chattahoochee Compact	Do.
85	95-463, H.J. Res. 685, Fire Prevention Week; Jogging Day; Inventors' Day.	Do.
	95-464, S. 415, Anadromous Fish Conservation	Oct. 17, 1978.
	95-465, H.R. 12932, Interior Appropriations, 1979	Do.
86	95-466, S.J. Res. 16, Jefferson F. Davis Citizenship	Do.
	95-467, S. 2704, Water Research and Development—Saline Water Conversion.	Do.
87	95-468, S. 2801, Henry R. Koen Forest Service Building.	Do.
	95-469, H.R. 8394, Wildlife Refuge Revenue Sharing.	Dc.
	95-470, S. 2376, Payroll Deductions for Charitable Contributions.	Do.
	95-471, S. 1215, Indian Education	Do.
	95-472, H.R. 8811, Tax Court Judges Retirement—Estate Taxes.	Do.
	95-473, H.R. 10965, Transportation Codification	Do.
	95-474, S. 682, Tanker and Port Safety	Do.
	95-475, H.R. 6503, Intercoastal Shipping	Oct. 18, 1978.
	95-476, H.R. 12028, Veterans' Housing Benefits and Burial Allowances.	Do.
	95-477, H.R. 11302, EPA Authorization, 1979	Do.
	95-478, H.R. 12255, Older Americans	Do.
	95-479, H.R. 11886, Veterans' Disability Compensation and Survivors' Benefits.	Do.
	95-480, H.R. 12929, Labor-HEW Appropriations, 1979.	Do.
	95-481, H.R. 12931, Foreign Aid Appropriations, 1979.	Do.
	95-482, H.J. Res. 1139, Continuing Appropriations, 1979.	Do.
	95-483, H.R. 9998, Ocean Shipping	Do.
88	95-484, H.R. 13797, Fort Scott National Historic Site.	Oct. 19, 1978.
	95-485, S. 3486, Military Procurement Authorization, 1979.	Oct. 20, 1978.
	95-486, H.R. 7483, Omnibus Judgeships	Do.
	95-487, H.R. 14026, Alaskan Natives	Do.
	95-488, H.R. 13167, Black Lung Trust Funds	Do.
89	95-489, H.R. 13803, Columbia Slough, Oregon Navigation Project Termination.	Do.
90	95-490, S. 1318, Hawaiian Revenue Proceeds Disposition.	Do.
	95-491, S. 3259, Federal Information Centers	Do.
91	95-492, S. 3373, Girl Scouts International Transportation.	Do.
92	95-493, H.R. 11035, U.S. Capitol Historical Society	Do.
	95-494, H.R. 12264, Wisconsin Wilderness	Oct. 21, 1978.
	95-495, H.R. 12250, Boundary Waters Canoe Area Wilderness.	Do.
93	95-496, S. 1081, Osage Tribe	Do.
	95-497, H.R. 12051, New York Pension Funds	Do.
94	95-498, S. 2588, Pueblo of Santa Ana Land	Do.
95	95-499, S. 2358, Pueblo of Zia Land	Do.
	95-500, H.R. 8755, Duty Suspension on Ball Bearings, Yankee Drying Cylinders, and Plastic Necklaces.	Do.
	95-501, S. 3447, Agricultural Exports	Do.
	95-502, H.R. 8533, Waterway User Fee—Taxation of Bingo Games.	Do.
96	95-503, S. 2411, U.S. Marshals Transportation Expenses.	Oct. 24, 1978.
	95-504, S. 2493, Airline Deregulation	Do.
97	95-505, H.R. 11658, Great Lakes Vessel Speed	Do.
	95-506, H.R. 13767, Federal Motor Pool Vehicles	Do.
	95-507, H.R. 11318, Small Business Minority Investment Companies.	Do.
	95-508, H.R. 12165, Duty Suspension on Metal Waste and Scrap and Red Peppers.	Do.
	95-509, H.R. 11686, Department of Energy—Military.	Do.
	95-510, H.R. 13418, Small Business Volunteer Counseling Programs.	Do.
	95-511, S. 1566, Foreign Intelligence Surveillance	Oct. 25, 1978.
98	95-512, S. 3412, Annuity Adjustments for Comptroller General.	Do.
	95-513, H.J. Res. 1147, Vietnam Veterans Week	Do.
	95-514, H.R. 10587, Grazing Fees	Do.
	95-515, S. 1185 Horseracing Bets	Do.
	95-516, H.R. 10161, Duty Suspension on Graphite	Do.
99	95-517, H.R. 11945, Nazi War Paintings	Do.
100	95-518, H.R. 12112, Gaithright Dam and Lake Moomaw.	Do.
101	95-519, S. 1626, Librarian of Congress	Do.
	95-520, H.R. 5029, Philippine Veterans' Benefits	Oct. 26, 1978.
	95-521, S. 555, Ethics in Government	Do.
102	95-522, H.R. 13481, Frederick G. Payne Building	Oct. 27, 1978.
	95-523, H.R. 50, Humphrey-Hawkins Full Employment.	Do.
	95-524, S. 2570, CETA	Do.
103	95-525, H.R. 7296, Charles A. Lindbergh Federal Building.	Do.
	95-526, H.R. 12116, D.C. Home Rule Amendments	Do.
104	95-527, H.R. 7305, William L. Springer Building	Do.
105	95-528, H.R. 13808, Omar Burleson Federal Building.	Do.
106	95-529, H.R. 13809, George C. Mahon Federal Building.	Do.
	95-530, H.R. 13892, Northern Marianas Attorneys and Marshals.	Do.
107	95-531, H.R. 14223, Leslie C. Arends Building	Do.
108	95-532, H.R. 14295, Paul G. Rogers Federal Building.	Do.
109	95-533, H.J. Res. 747, State of New Mexico Constitutional Amendment.	Do.
	95-534, H.J. Res. 816, Federal Reserve Banks Purchase of U.S. Obligations.	Do.
	95-535, S. 2049, Witness Fees and Expenses	Do.
110	95-536, S. 2403, New Hampshire-Vermont Interstate School Compact.	Do.
	95-537, S. 3336, Drug Dependent Federal Offenders.	Do.
111	95-538, S. 3540, William O. Douglas Federal Building.	Do.
	95-539, S. 1315, Bilingual Court Proceedings	Oct. 28, 1978.
	95-540, H.R. 4727, Rape Victims	Do.
	95-541, H.R. 7749, Antarctic Conservation	Do.
112	95-542, H.R. 11671, C. Bascom Slemp Building	Do.
113	95-543, H.R. 12634, Joe Skubitz Social Security Administration Center.	Do.
114	95-544, H.R. 13187, John J. Flynt, Jr. Federal Building.	Do.
115	95-545, H.R. 13514, Joe Waggoner Federal Building.	Do.
	95-546, H.R. 13972, Montana Wilderness Extension	Do.
	95-547, H.R. 13989, Agricultural Research Formulas for Land Grant Colleges.	Do.
116	95-548, S. 3112, Library of Congress James Madison Building.	Oct. 30, 1978
	95-549, H.R. 12509, Nazi War Criminals—Indochina Refugee Assistance.	Do.
117	95-550, S. 1403, University of New Mexico Land Conveyance.	Do.
	95-551, H.R. 13416, United States Military Academy.	Do.
118	95-552, H.R. 13372, Duck Stamp	Do.
	95-553, S. 3551, North Pacific Fisheries Act of 1954.	Do.
	95-554, S. 3189, Coal Leasing	Do.
	95-555, S. 995, Sex Discrimination on Basis of Pregnancy.	Oct. 31, 1978.
	95-556, H.R. 13702, Congressional Delegate from American Samoa.	Do.
	95-557, S. 3084, Housing and Community Development.	Do.
	95-558, S. 3595, Federal Trade Commission Report	Nov. 1, 1978.
	95-559, S. 2534, Health Maintenance Organizations	Do.
119	95-560, H.R. 8389, Robert F. Kennedy Medal	Do.
	95-561, H.R. 15, Elementary and Secondary Education.	Do.
	95-562, S. 976, Perishable Agricultural Commodities.	Do.
	95-563, H.R. 11002, Government Contracts Disputes.	Do.
	95-564, H.R. 11209, Maritime Satellite Telecommunications.	Do.
	95-565, S. 2788, ConRail Stock	Do.
	95-566, S. 2539, Middle-Income Student Assistance.	Do.
	95-567, H.R. 12605, Corporation for Public Broadcasting.	Nov. 2, 1978.
	95-568, H.R. 7577, Economic Opportunity	Do.
	95-569, S. 1029, Smithsonian Museum Support Facilities.	Do.
	95-570, H.R. 11003, White House Personnel Authorization.	Do.
120	95-571, H.R. 14224, Minnesota Chippewa Indian Land.	Do.
	95-572, S. 2075, Jurors' Fees	Do.
	95-573, H.R. 14145, District Court Relocations	Do.
	95-574, S. 3081, Railroad Safety	Do.
	95-575, S. 1487, Cigarette Racketeering	Do.
	95-576, H.R. 12140, Water Pollution—Hazardous Substances Control.	Do.
121	95-577, H.R. 13597, Solar Collector Installation in Rayburn Building.	Do.
	95-578, S. 2820, Dam Safety and Inspection	Do.
122	95-579, S. 2257, Immigration Nationality Act, Eugenia Cortes.	Do.
	95-580, S. 1835, Rural Transportation Advisory Task Force.	Do.
	95-581, H.R. 10343, Marine Corps Retirement	Do.
	95-582, H.R. 12393, False Claims Act—Illegal Alien Transport.	Do.
	95-583, H.R. 4319, Federal Employee Life Insurance & Health Benefits.	Do.
	95-584, S. 3371, Religious Corporation Land	Do.
	95-585, H.R. 3185, Government Contracts	Do.
123	95-586, H.R. 7971, Land Conveyances	Nov. 3, 1978.
124	95-587, H.R. 7101, Land Claims—California	Do.
	95-588, H.R. 10173, Veterans' Pensions,	Nov. 4, 1978.
	95-589, H.R. 13903, Uniformed Services University of Health Sciences Board.	Do.
	95-590, H.R. 12874, Solar Photovoltaic Energy	Do.
	95-591, H.R. 13500, Presidential Papers	Do.
	95-592, S. 1816, Guayule Rubber Production—Maryland Tobacco.	Do.
	95-593, S. 703, Overseas Citizens Voting Rights	Do.
125	95-594, H.J. Res. 1173, House Adjournment Resolution.	Do.
	95-595, H.R. 9701, Federal Pension Plan Reporting	Do.
	95-596, S.J. Res. 160, Pension Building Restoration.	Do.
	95-597, H.R. 5646, ConRail Employee Benefits	Do.
	95-598, H.R. 8200, Bankruptcy Reform	Nov. 6, 1978.
	95-599, H.R. 11733, Highways—Mass Transit	Do.
	95-600, H.R. 13511, Tax Reduction, 1978	Do.
	95-601, S. 2584, Nuclear Regulatory Commission Authorization, 1979.	Do.
	95-602, H.R. 12467, Vocational Rehabilitation	Do.
	95-603, S. 990, Federal Physicians Comparability Allowance.	Do.
	95-604, H.R. 13650, Uranium Mill Tailings	Do.
	95-605, S. 2774, Toiyable National Park	Nov. 8, 1978.
126	95-606, S. 2727, Amateur sports	Do.
	95-607, S. 2981, Local Rail Services	Do.
	95-608, S. 1214, Indian Child Welfare	Do.
	95-609, S. 3083, Noise Control	Do.
	95-610 S. 274, Military Unionization	Do.
	95-611, H.R. 10898, U.S. Railway Association	Do.
	95-512, S. 2093, Exchange Stabilization Fund	Do.
	95-613, S. 2522, Family Planning and Sudden Infant Death.	Do.
127	95-614, S. 553, Cibola National Forest	Do.
	95-615, H.R. 9251, Tax Treatment of American Abroad.	Do.
	95-616, H.R. 2329, Fish and Wildlife Programs—Sea Level Canal Study.	Do.
	95-617, H.R. 4018, Public Utility Rates	Nov. 9, 1978.
	95-618, H.R. 5263, Energy Taxes	Do.
	95-619, H.R. 5037, Energy Conservation Policy	Do.
	95-620, H.R. 5146, Coal Conversion	Do.
	95-621, H.R. 5289, Natural Gas Pricing	Do.
	95-622, S. 2450, Public Health Services—Biomedical Research.	Do.
	95-623, S. 2466, Health Research	Do.
	95-624, S. 3151, Justice Department Authorization, 1979.	Do.
	95-625, S. 791, Omnibus Parks	Nov. 10, 1978.
	95-626, S. 2474, Public Health Programs	Do.
	95-627, S. 3085, School Lunch and Child Nutrition	Do.
	95-628, H.R. 7320, Miscellaneous Timing Requirements.	Do.
	95-629, S. 1829, Pennsylvania Avenue Development Corporation—San Antonio Missions—Historical Camden.	Do.
	95-630, H.R. 14279, Financial Institutions Regulatory Agencies—Regulation Q—Export-Import Bank.	Do.
	95-631, S. 2796, Consumer Product Safety	Do.
	95-632, S. 2899, Endangered Species	Do.
	95-633, S. 2399, Psychotropic Substances	Do.

PRESIDENTIAL VETOES

97TH AND 98TH CONGRESSES COMPARED WITH 95TH AND 96TH CONGRESSES

Although President Reagan often blames Congress for the record deficits and a myriad of other problems, a look at history shows that he has vetoed very few bills compared to other Presidents.

Only President Kennedy who served with a Democratic House and Senate vetoed fewer bills. One has to go back to President Harding for a President who used his veto authority even less.

COMPARATIVE PRESIDENTIAL VETO RECORD

President	Years served	Vetoes	Override votes	Overrides
Reagan	4	24	4	4
Carter	4	31	4	2
Ford	2½	66	29	12
Nixon	5½	43	20	5
Johnson	5	30	0	0
Kennedy	3	21	0	0
Eisenhower	8	181	11	2
Truman	8	250	24	12
Roosevelt	12	635	17	9
Hoover	4	37	9	3
Coolidge	5½	50	7	4
Harding	2½	6	1	0
Wilson	8	44	16	6
Taft	4	39	10	1
Roosevelt	7½	82	2	1
McKinley	4½	42	0	0

THE RETIREMENT OF SENATOR JOHN TOWER

Mr. BYRD. Mr. President, it is a privilege for me to take these moments to express my regards for JOHN TOWER.

The Senate will miss his talents and tenacity in pursuing with great energy the causes close to his heart. The Senate executes no more vital duty than the vigorous and responsible protection of our Nation's basic national security—her military prowess, her alliances with friends, the deterrence of her adversaries. JOHN TOWER has, as chairman of the Armed Services Committee these last 4 years, executed that duty with great diligence.

Of course, Senator TOWER's Senate career spans six times that period of time—24 years. During that time, in addition to his long service on the Armed Services Committee, Senator TOWER has acquitted himself in workman-like fashion on the Banking Committee, the Budget Committee, and as chairman of the Republican Policy Committee.

I may not have agreed always with JOHN's particular point of view on a given subject, but I could never accuse him of failing to make it crystal clear how and why he took a particular position.

I have noted one report wherein one of Senator TOWER's high school classmates, and college roommate, Mr. David Switzer, recounted that, as far as he knew JOHN was the only freshman in Southwestern University in the class of 1942 who read Karl Marx's "Das Kapital" just for pleasure. I think it is safe to say there is nothing I have seen the Senator from Texas do, or say, to indicate that any of Marx rubbed off on him. Quite the contrary, he behaves very much as if he did not believe a word of it.

The range of JOHN TOWER's knowledge on defense matters and the hard-working way he has managed the very complicated legislation which funds our defense programs deserve our thanks.

I am certain that Senator TOWER will bring those same talents and energy into all of his furture enterprises, and I wish him well.

Mr. RANDOLPH addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

SENATOR RANDOLPH THANKS HIS COLLEAGUES

Mr. RANDOLPH. Mr. President, in these closing minutes of the current Congress, I wish to express my personal appreciation to each and every Member, the 99 Members on both sides of the center aisle, with whom I have been privileged to serve. I hope that it is not inappropriate for me to say that I mean every word.

I have had a tremendously wonderful experience here in the Senate. Of course, as you do know, I came to this historic Hill and was sworn in as a Member of the House of Representatives on March 9, 1933. That was the day when we cast our first rollcall. It was not a rollcall perhaps of importance to discuss now. We selected Henry T. Rainey, of Illinois, to be the Speaker of the House of Representatives. Shortly thereafter, we voted on the Emergency Banking Act. The vote for the passage of that legislation was without a dissent by any Member of the House of Representatives. A little later the Senate voted 73 to 7 for the Emergency Banking Act.

So that was the beginning of the process of voting here on Capitol Hill.

I have just now cast my 10,753d vote. That is quite a number of votes.

Mr. President, I do want to indicate that, as I sat here, I was thinking of the closeness of some of the votes that I have cast. I go back now in memory to the night of August 12, 1941. We were voting in the House of Representatives on the extension of the Selective Service Act. That was the continuance of the draft.

I recall the somewhat bitter debate between certain forces in the House. "We did not need to continue the draft," they said.

I voted with the 203 for continuance rather than with the 202 against. Continuance of that law was responsible in rather substantial degree for the program of manpower which allowed us to prosecute successfully the conflict in which we were to engage over the next 4 years.

Remembering I have now cast my last vote, I will say to both of the leaders—to the majority leader, HOWARD BAKER, and to the minority leader, ROBERT BYRD—that in all of these years—and I think of them how they rise before me now in retrospect—I have never served under two leaders with whom I have felt more comfortable than the two who are now sitting at their desks.

I have enjoyed these cherished associations. I have profited by not only their personal consideration of me, but also I have profited by watching their work, work worthy of the positions to which they have been entrusted.

Senator BYRD of West Virginia made reference to Senator BAKER coming back here again. I believe the minority leader indicated if HOWARD came back he might be in the minority. But I can tell you I will not be back. This closes out my membership in the Senate of the United States.

The experience, to be born on Main Street in a little town, Salem, WV, and then, through all the years to work with others—to be helped by others, stimulated by others, inspired by others—and then to serve for 40 years in the Congress, 14 in the House and 26 in the Senate in this Capitol of the United States, has been something that I shall never forget.

Mr. President, this is the last comment I shall make: To work with friends, to, hopefully, accomplish with friends, this has instilled in me a feeling which will never leave me. This is a land which I love. This is a country in which I believe regardless of the problems that face us; this is a country that will continue to be the leader in bringing peace and understanding to the peoples of the world.

I thank the Chair.

[Applause, Senators rising.]

Mr. BAKER. Mr. President, I sat in rapt attention as my friend and colleague [Mr. RANDOLPH] made those moving remarks. I would like to repeat something I have said many times from this place and on the floor of the Senate over many years: I still think of JENNINGS RANDOLPH as my chairman. Even though he is now the ranking minority member of the Environment and Public Works Committee, I recall so clearly his chairmanship when I first came to the Senate.

I freely acknowledge that what little I may know about the Senate and about procedures of this body, and certainly about committee work, I learned first from JENNINGS RANDOLPH. He is a great chairman, a great friend, he has been a great Senator and a great part of the deliberations of this body for a very long time.

JENNINGS RANDOLPH was elected to the Congress of the United States on the same day that my late father-in-law, Senator Everett McKinley Dirksen, was elected to the House of Representatives in 1932. He has served during a tumultuous time in the history of the Republic. He has served with great intelligence, forbearance, and effectiveness.

JENNINGS, well done.

Mr. BYRD. Mr. President, JENNINGS RANDOLPH and I campaigned for the Senate together in 1958. We won together. Throughout these 26 years, we have worked together in the Senate, and we have, I would like to think, represented the majority of the people of West Virginia in a way they can be proud of.

I shall miss JENNINGS RANDOLPH. He has always been very supportive of me as I have tended to serve in the leadership on this side of the aisle. My service on this side of the aisle in one leadership capacity or another now totals 18 years. For 4 years, I was Secretary of the Democratic Conference; for 6 years, majority whip; for 4 years as majority leader, and 4 years minority leader.

I have said many times, and I say once more for the record here, that were all Senators as understanding and cooperative as JENNINGS RANDOLPH has been in his working relationship with me, the burden that goes with the leadership would have been much lighter and, certainly, the office would have been much more enjoyable.

I thank JENNINGS RANDOLPH, my senior colleague, for his many kindnesses. I have always respected him, and I shall continue to think of him as my friend and I want him to feel that I am his.

The Senate has appropriately recognized my senior colleague by its demonstration after demonstration, statement after statement, and word after word of warmth and affection and I know that those expressions by my colleagues have come from the heart.

JENNINGS RANDOLPH is innately a very warm, gracious, thoughtful, considerate, and charitable individual. I do not think I shall again see the likes of JENNINGS RANDOLPH as I have worked with him and, perhaps more than any other Senator, come to know him. I do not think the Senate will see the likes of JENNINGS RANDOLPH again, at least in my time.

I want to speak a final tribute to Senator BAKER. He leaves this body as my friend. He leaves this body knowing that I am his friend. I must say there are few persons whom I have ever called my friend. That should perhaps be explained.

I have thousands of friends in West Virginia. I have a good many friends here. But I have been careful in my use of the word "friend," as those who know me—my staff and my family—well know.

I suppose it is a bit like the man who, on his death-bed, expressed a desire that he be buried at 3 o'clock in the morning. So one cold, wintry night, at 3 o'clock in the morning he was buried on a high mountain.

At the opening of his last will and testament, he said that he wanted his great wealth to be distributed among those who had attended his funeral. Only three persons had attended his funeral. Those were his true friends. The man who departed from this life certainly knew how to leave his wealth to his real friends.

I have often thought that, one day, those of us who get wrapped up in our little worlds so easily should just take pause and think about the final hours that will come to each and, hopefully, we will be in our clear minds when the end is near.

As we more or less look at ourselves from time to time, we should perhaps try to project ourselves into those final sobering, leveling moments when at first the flowers will come and the postcards and the letters and the telegrams and visitors. We will have the needles in our arms and intravenous feeding will constitute our meals. After a couple of weeks, we will become less popular, the number of baskets of flowers will decrease, the letters will diminish, and fewer and fewer people will take the time to come around. The Moon will rise and go down, the Sun will shine and be followed by the night, the seasons will still come and go, the tides will continue to rise and fall, the traffic on the Theodore Roosevelt Bridge and the 14th Street Bridge and all the other bridges will be congested at rush hour, the planes will fly in and fly out of National Airport, and things will go on pretty much as ever. And in those last hours, there will be four walls around us and the ceiling overhead, our families and maybe one or two friends who remember will be there at our bedside. Then it is not long until one is forgotten around here. The Senate will go on, just as it has for 195 years. The CONGRESSIONAL RECORD will be printed every night, as it is now, and there will be the speeches that we make. I wish at times that I could have been one of the astronauts who went to the Moon so that I could have looked back upon this planet Earth and seen how small it is and how infinitely infinitesimal I am. However, although this picture will unfold as I have attempted to draw it, those who serve here will have to make the sacrifice. We all pay to serve in this body. My sacrifice has been that I was not able to be with my two daughters as they were growing up in that most impressionable stage of life. I was in a campaign for this office or another office, and so they sacrificed, my wife sacrificed, I sacrificed. I cannot ever recall the years back. I never had the opportunity to spend time as I should have with my wonderful grandson. I wish I could yet have the chance to live those days over when he was alive and I could be with him more. There was once when he said, "Pa Pa, you are not with us often on the 4th of July anymore." If I could call time back in its flight, I would be with him more, but he has gone on to meet God.

Those are the sacrifices that we all make here, and even though we may reflect, as I have reflected, indeed we do perform a service, and it is that service which brings happiness to widows and orphans, the elderly and the young, and which helps our Nation to become a better Nation for them and for their children. We should perhaps not overly minimize the good that we may do here in public service.

So for my friends HOWARD BAKER and JENNINGS RANDOLPH, I close by attempting to remember a bit of verse at this time of their departure from the Senate we love so much.

> If a man does a deed that you really admire, don't leave a kind word unsaid, for fear to do so might make him vain, and cause him to lose his head. So reach out your hand and tell him well done and see how his gratitude swells; it isn't the flowers we strew on the grave, it's the word to the living that tells.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. As always, Mr. President, the minority leader is not only eloquent and touching, but he embodies the spirit of this institution.

There is one more official act that I am called upon to perform and that is to wait upon the President of the United States by telephone and to advise him that the Senate is prepared to adjourn sine die and to inquire of him if he has further requests or requirements. At this time in order to do that, in conjunction with my friend and my colleague, the minority leaders, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is ordered.

EXPRESSIONS OF APPRECIATION

Mr. BYRD. Mr. President, I spoke the other day and expressed my own personal gratitude to the staff and officers of the Senate. I have an additional statement concerning the pages that was written by one of our cloakroom aides. I think it is well done.

Mr. President, since the Senate reconvened September 5, after the August recess, we have seen many a difficult hour. The sessions during this time have been very long and laborious; and indeed all those involved must be quite weary from this recent furious legislative pace.

However, Mr. President, I wish to draw the attention of the Senate and its observers to the "center of the ring," so to speak; and that is to the rostrum where the Senate pages are stationed.

As surely as those strong marble pillars behind the Presiding Officer's desk hold up our national motto "E Pluribus Unum," this youthful group of pages has rendered unsurpassed support for the Members and staff of the Senate.

I have noticed with no small amount of pride the fine example of American youth portrayed by these young men and women who have so diligently served the U.S. Senate.

Numerically, this is a smaller group of pages than usual and they only began their term of service at the beginning of this past September. But despite their relative inexperience and proportionally increased work load, they have demonstrated truly unique dedication, aptitude, and ability. They have been quick to learn and eager to assist, no matter how complex, urgent, or demanding the task.

Therefore, I congratulate the families and sponsors of these fine high school students who have so tirelessly made our work here all that much easier. On behalf of the Senate and the 98th Congress, I express our sincere gratitude for their exemplary contribution and I list here their names in the RECORD:

Gwen Newton, Sally Klemperer, Kim Gross, Victoria Yates, Debora Reck, James McKinzie, and Chris Bailey.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. BAKER. Mr. President, I am happy to report that we have completed our conversation with the President of the United States by telephone. Senator BYRD and I advised him that the Senate had completed its work for this Congress and we inquired of the President if he had further requests or requirement, and he indicated he did not.

He asked that we express his gratitude and appreciation to the Members of Congress, to the Senate in particular, for their faithful performance over the past years and to wish them well in their future endeavor.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have a series of resolutions now that I wish to propose.

THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. BAKER. Mr. President, I first send to the desk a resolution now and ask for its immediate consideration.

The resolution (S. Res. 485) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the thanks of the Senate are hereby tendered to the Honorable George H.W. Bush, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the Ninety-Eighth Congress.

AUTHORITY TO MAKE CERTAIN APPOINTMENTS AFTER THE SINE DIE ADJOURNMENT OF THE PRESENT SESSION

Mr. BAKER. Mr. President, I send another resolution to the desk and ask for its immediate consideration.

The resolution (S. Res. 486) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That notwithstanding the sine die adjournment of the present session of the Congress, the President of the Senate, the President of the Senate pro tempore, and the Majority Leader of the Senate be, and they are hereby, authorized to make appointments to commissions or committees authorized by law, by concurrent action of the two Houses, or by order of the Senate.

THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. BYRD. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The resolution (S. Res. 487) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the Ninety-Eighth Congress.

THANKS OF THE SENATE TO THE SECRETARY COMMENDING THE EMPLOYEES IN THE OFFICE OF THE SECRETARY

Mr. BAKER. Mr. President, I send another resolution to the desk and ask for its immediate consideration.

The resolution (S. Res. 488) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Senate hereby commends those faithful employees who have labored under the able direction of the Secretary of the Senate, the Honorable William F. Hildenbrand, and thereby expresses it collective vote of gratitude to those employees at the desk and behind the scenes who are available around the clock in order to assure the orderly running of the Senate.

EXPRESSIONS OF THANKS, APPRECIATION, AND CONGRATULATIONS

Mr. BAKER. Mr. President, I will not take but just a moment. Let me take this opportunity to extend my thanks, appreciation, and congratulations to certain people who have made it possible for the Senate to function effectively and efficiently over the past many months and during this session of Congress and those preceding.

First, Mr. President, I extend my appreciation and gratitude to our distinguished Chaplain, Reverend Halverson, Reverend Halverson has been with us diligently. We have listened with great interest to his opening prayers, and I know at some point they will be compiled and published as they should be.

I hope he will forgive me sometimes for the remarks that I made in respect to those prayers but at least it is proof positive that I have listened.

Mr. President, the secretary of the majority, Howard Greene, supervises a staff of considerable proportions, and he does so with skill and dignity. He is one of the most remarkable men I have ever known, and I wish to congratulate him for his career thus far and predict for him great things in the future.

John Tuck is his assistant. John Tuck is a relative newcomer to the Senate and the staff on the Republican side, and he has shown his talents and his ability very promptly. He has come to be an indispensable part of the Republican organization. He has shown us many things about the rules and procedure of the House of Representatives from where he came as a staff person and has been invaluable in his insight and advice.

Elizabeth Baldwin, known to most of us as Liz, is perhaps the busiest person in the Senate. She is the one who sits at the desk in the well on this side and tries diligently and without complaint to make sense out of the overlapping requests, demands, and requirements that we put upon her almost unceasingly in trying to clear the calendar for action on routine matters, to obtain unanimous-consent clearances, and otherwise to make our life at least to give it a semblance of orderliness.

Cindy Oravecz is invaluable on the Republican cloakroom staff. John Doney is invaluable on the Republican cloakroom staff, as are Ann Haldeman and Mary Arnold. They, too, have an extraordinarily difficult job, and they handle it with great skill. They have my special thanks and appreciation of gratitude for the job well done.

Also, the Republican scheduling staff, located in S. 123, comprised of Cindy Oravecz and Lynne Grant are to be commended for their performance. Their assistance in scheduling presiding officers for the chair and attending to the legislative interests of our Republican Senators and their staffs is invaluable.

I know, Mr. President, that there have been formal resolutions in respect to the officers of the Senate, but it would be unseemly of me to complete this day without expressing my personal congratulations to the Sergeant at Arms, Larry Smith, and his entire staff, to the Secretary of the Senate, Bill Hildenbrand, to his Assistant Secretary, Marilyn Courtot, to Bob Dove, our Parliamentarian, and Alan Frumin, his assistant, and Gail Cowper, the Assistant Parliamentarian as well and Sally Goffinet, an executive assistant. To Bill Farmer, the Legislative Clerk, to Scott Bates, the Assistant Legislative Clerk, Jim Thorndike, the Journal Clerk, and Bill Lackey, the Assistant Journal Clerk, I express my appreciation as well. Also to Vince Del Balzo, the bill clerk, Jennifer Smith, the assistant bill clerk, and the executive clerks, Gerald Hackett and David Tinsley, as well as the enrolling clerks, Fred Sparrow and Brian Hallen, his assistant.

I express my appreciation to the official reporters of debates who record and process our debates and proceedings for the CONGRESSIONAL RECORD. Their efficient operation is headed by G. Russell Walker, editor in chief. I commend him, the assistant editor, Jeanie Bowles, and the official reporters, who are: William Mohr, Charles Reynolds, Frances Garro, Frank Smonskey, Ronald Kavulick, Jerald Linnell, and Raleigh Milton. I also commend their assistants, Mark Lacovara and Scott Sanborn. Jim Timberlake, editor of the Daily Digest, and Thom Pellikaan, the assistant editor of the Digest, are diligent in their duties and deserving of our thanks.

Mr. President, these are the people who make things work. These are the people who wield the pens in the enrollment of unanimous-consent orders, bills, and resolutions. These are the ones who wield the scissors, the paste pots, and the paper clips that produce those documents that finally are codified into statute law and published for the country and the world to see, whether for good or bad. They are the ones who finally try to make sense of the meanderings of the Senate and expressions of our will and in terms of legislative endeavor.

Mr. President, I wish to express my appreciation to all of them as well as to certain functionaries on the Democratic side who I am sure will be thanked more extensively by the minority leader, but he will not be offended I am sure when I point out that Pat Griffin, who is the secretary for the minority, and Pat Hynes, the assistant secretary for the minority, have been extraordinarily diligent in their work and in working our staff and our corresponding staff in making things come together.

Charles Kinney and Marty Paone are of particular importance certainly to the Democratic side, but their courtesy to the Republican side is noted and appreciated.

Finally, Abby Saffold—some day, Mr. President, I may—I doubt it, but I some day may write a book about my experience in the Senate. When I do, if I do, I have already chosen the title and it is "Waiting for Abby."

Because never a day goes by that some Senator does not come to me and say, "Can we clear so-and-so?" And usually after I talk to Liz, I say, "Well, it is cleared on our side, but we are waiting for Abby." Because Abby is the one who has that responsibility of conveying to us the clearance of many, many routine matters from the Democratic side which finally enables us to deal with the great bulk of legislation that this body does deal with.

It may seem to the casual observer that our extensive debates and heated discussions of major issues are the main work of the Senate. Indeed, that is the central core of our responsibility. But it probably represents less than 10 percent of the total legislative enactments of this body. Those are matters that are agreed upon after they leave committee or matters that are at the desk and agreed to that we may proceed to otherwise. These are matters that both sides agree should be handled routinely, expeditiously, and by unanimous consent. And it is Abby and Liz who make it possible for us to proceed to that 90 percent of our responsibility.

Finally, Mr. President, I would be remiss if I did not say a word about my three fellow class members. And I am talking about those three Senators who join me in graduation today. I am talking about Senator RANDOLPH, about whom I have spoken extensively and often.

SENATOR JOHN TOWER

But I would like to say a word, as well, about Senator TOWER. Senator TOWER is one of the most remarkable men I ever met, one of the greatest Senators I ever met, and, for good or ill, he is probably the reason that I ran for the Senate in the first instance. Because I remember so clearly, when I was a young lawyer—two conditions from which I have now recovered—in Knoxville, TN, and I saw JOHN TOWER on "Meet the Press" shortly after he was elected to the Senate from Texas. And JOHN has heard me say this, so he will not be offended when I repeat it. I thought, you know, if he could get elected from Texas, I bet I could get elected from Tennessee. [Laughter.]

That may be the reason I really decided to run for the U.S. Senate in the first instance. If TOWER were here, he would no doubt remind the Members, as he has reminded me, that I lost that first race. But I was able to run the second time for the Senate and was elected.

JOHN has been an extraordinary student of the military strength of this Nation, as well as a careful trustee of the traditions of this institution. I wish to extend to him my congratulations for a job well done.

SENATOR PAUL TSONGAS

Senator TSONGAS is a young man who has served his State well, who serves the Senate well, and who will leave the Senate with a great reputation and a record of great accomplishment.

It has been my pleasure to serve with PAUL TSONGAS. He is a man of dignity and dedication. He is a man who has made his mark.

Mr. President, I wanted to say these things. I am prepared now to move that the Senate adjourn or to yield to the minority leader if he has further business to transact.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for his kind words concerning those of our officers and members of staffs on this side of the aisle. I especially thank him for his gracious words concerning Abby and Elizabeth.

SENATOR ROBERT C. BYRD

Mr. BAKER. Mr. President, this may be the last time I ever get the last word. But before I move the Senate adjourn, I would like to take this opportunity to tell the Senate how extraordinarily fortunate they are to have ROBERT C. BYRD as an officer of this body, as a colleague, as minority leader and, in the past, the majority leader.

I have said to BOB BYRD on previous occasions, and I will repeat now, there are not many people in life who work so closely together, so intimately over a period of time, that they know each other as well as the minority and majority leaders of the Senate. There are not many situations in life where it is so necessary to understand the needs and requirements each of the other, and the responsibilities that each have to our fellow Members on our sides of the aisle.

The leadership of the Senate is little understood as an institution. The joint leadership of the Senate is almost never understood. But the joint leadership of the Senate, the Republican and Democratic leaders of the Senate, who have an understanding of their responsibility to the entire Senate, is the glue that holds this place together. And ROBERT C. BYRD of West Virginia, both as minority and majority leader, has provided the perfect example of how that should be conducted in both roles.

On occasion after occasion, when we have confronted each other on issues, in controversy after controversy, where it has been necessary for us to compete for victory or suffer defeat, there has been an unspoken but a clear understanding of our responsibilities, not only to the Senate but to each other, to make sure that this place functions.

Someone in the press asked me the other day, "What do you think your greatest achievement has been in your leadership?" And my answer came quickly, and I will repeat it now. It is that this place works—and it has worked.

But it would not have worked without ROBERT C. BYRD. I wish to express to him my gratitude, my admiration, and my appreciation.

Mr. BYRD. Mr. President, I do not seek the last word. I want HOWARD BAKER to have the last word, and he should have.

I just want to do something that I do not say often on this floor, and that is, to address another Senator in the second person—thank you, HOWARD.

THE 98TH CONGRESS

Mr. BAKER. Mr. President, impossible as it may seem, we have come to the end of the 98th Congress.

The experience of recent days reminds me, as it may remind my learned and literate colleagues, of the words of William Faulkner on accepting the Nobel Prize for Literature more than 30 years ago.

> It is easy enough to say that man is immortal, simply because he will endure, that when the last ding-dong of doom has clanged and faded in the red and dying evening, even then there will be one more sound: that of his inexhaustible voice still talking.

But, like Faulkner, I refuse to accept this. I believe man is immortal not because he has an inexhaustible voice but because he has "a soul, a spirit capable of passion and sacrifice and endurance."

In the waning days of this Congress, we have endured quite a lot. But we have not only survived; we have prevailed.

We have shown once again that in the clamorous, cumbersome, chaotic way we do business here, we do it in the people's name and with the people's consent and in a manner that reflects with astonishing clarity the passion and conviction and ultimate commonsense of the American people themselves.

It's not always a glamorous job, but somebody's got to do it, and I believe we have an extraordinary assembly of talented and conscientious men and women who do this job very well.

In this session of Congress alone, the Senate has made some enormously useful contributions to the law and life of the American people.

We have reformed the Federal Criminal Code. We have made a $140 billion down payment on the Federal deficit. We have reformed our farm programs and our banking, insurance, and bankruptcy laws. We've stepped up the fight against organized crime with the Labor Management Racketeering Act. And we've added more than 7.5 million acres of national lands and forests to the wilderness system.

These achievements and others, together with those of the first session of the 98th Congress—the extension of the Voting Rights Act, the preservation of the Social Security System, the passage of the Caribbean Basin initiative, and the creation of a national holiday honoring the Reverend Martin Luther King, Jr., among many other important legislative measures—constitute a record of performance that speaks well of us even if we may speak ill of the tortuous process which leads us to these legislative goals.

Clearly there is room for improvement. Clearly there is no need—and no real excuse—for us to routinely run the risk of shutting down the Government of the United States for lack of appropriated funds.

Surely there may be better ways to organize ourselves and our legislative responsibilities so that the months we pass at leisure in the beginning of a congressional session need not be redeemed in long hours of agony and turmoil at the end.

We say these things near the adjournment of every Congress now. The words are almost as familiar and frequently intoned as the farewells we bid each other. But we never act to remedy these conditions by reforming our procedures, and I fear we are becoming accustomed to this accursed system when that is the last thing we should do.

The subjects of congressional reform and congressional responsibility have weighed heavily on my mind for some time now. I have spoken often and written much on these subjects in the past, and I daresay I will speak and write still more in the future, because I love this Senate and I want to see its special role in the Nation's leadership preserved and enhanced with time.

Perhaps the greatest reform involves not a change of rules but a change of heart in this Chamber. We are in danger of losing the spirit of civility that can sustain us in times of political stress and legislative logjams.

The vigorous competition of ideas is essential to the Senate's success, and we have some of the ablest and keenest competitors today that we've had in my experience.

But the time must ultimately come when we say of an issue, "This matter is decided."

The Senate cannot fight a guerrilla war over every issue all the time. We cannot be sniping at one another and talking issues to death while the essential work of Government goes undone.

That is not what the American people expect of us, and it is not what they will accept from us. If we cannot resurrect the spirit of chivalry that once reigned here, at least we must restore some semblance of civility and commonality of purpose in this time of challenge at home and danger abroad.

My time in the Senate has come now to an end. This has been my home and harbor for 18 years, and this year's farewell will be my last.

It is impossible, at times like these, not to look back on the road one has traveled, to survey the familiar landmarks with an appreciation that is both old and new, to summon up memories of friends and colleagues and experiences and achievements that have made these 18 years the best of my life.

I feel a little as General MacArthur must have felt when, near the end of his life, he told the corps of cadets at West Point, "Today marks my final rollcall with you."

MacArthur spoke of lengthening shadows and vanished days, of faint bugles and far drums and the strange mournful mutter of the battlefield.

These were the images and senses of an old soldier at the twilight, and I can appreciate and share both the pride and the pain of such reflections.

I think of my first days in the Senate when the doorkeepers would not let me in the Chamber, certain I was too young to be a Senator. The doorkeepers now are not so kind.

I think of the great issues in which I've been engaged—fair housing, clean air, clean water, revenue sharing, Watergate, the Panama Canal, budget cuts and tax cuts and dozens of other battles.

I think of the friends I've made here: the 99 friends who are my fellow Senators today; the absent friends who were my colleagues in days gone by; the remarkable staff, known but to God and us, who serve this institution and this country so well.

But grateful as I am for all these treasures, I have resolved not to dwell on them to the exclusion of all else.

I believe, with Jesse Jackson, that "God is not finished with me yet."

I believe there is life after the Senate, and I intend to live that life to the full.

As my colleagues know, I will be resuming the practice of law next January. I will be engaged in a number of private enterprises and public enterprises, as well.

As I have said on occasions beyond counting, I believe it is possible, and preferable, to be a public servant and a private citizen simultaneously, and I intend to show my abidingly skeptical colleagues by my own example how to be a useful "public citizen."

But however the fates may play in the future, I have already had an opportunity for service which has been entirely satisfying.

I shall forever be in the debt of the good people of Tennessee for giving me that opportunity. They are the best people on Earth, and it has been the highest honor of my life to represent them here.

I am indebted to my Republican colleagues for choosing me as their floor leader these past 8 years, and for their constant healthy and humbling reminders of the Biblical teaching that "the first shall be last."

I am especially grateful to my colleagues in the Republican leadership: TED STEVENS, the assistant leader; JIM MCCLURE, the conference chairman; JAKE GARN, secretary of the conference; JOHN TOWER, the policy chairman; DICK LUGAR, the senatorial committee chairman; and STROM THURMOND, the distinguished president pro tem of the Senate.

These gentlemen perform their important roles with great talent, dedication and skill, and whatever success I have had in this position is due in large measure to the work they have done in theirs.

I am particularly grateful, also, to the chairmen of the standing committees of the Senate, who have proven beyond doubt these last 4 years that a quarter-century in the minority did not diminish the Republican capacity to govern the legislative as well as the executive branch.

These chairmen have done more, both individually and collectively, for this institution and this country than they will ever be properly credited for, and I wish to pay them special tribute today.

I am grateful to my worthy adversary and good friend, BOB BYRD, with whom I have waged near-constant battle these past 8 years and for whom I have the highest professional respect and personal admiration.

I am grateful to each of my collegues on both sides of the aisle for making my experience in the Senate so rich and rewarding.

I believe the quality of the membership of this body has grown steadily over the last 18 years, and I am confident I leave the Senate in eminently good hands.

I wish to salute the Presidents with whom I've been privileged to serve—Presidents Johnson, Nixon, Ford, Carter, and Reagan—for the many contributions that each of them has made to the Nation we serve together.

Since my service as majority leader has been coterminous with President Reagan's service in the White House, I feel a special bond with him, and I should like to state for the record my belief that Ronald Reagan will go down in history as one of the very best Presidents who ever served in that office.

In this moment of magnanimity, I shall even toss a small bouquet in the direction of the press gallery, though I am certain they will bat it down one way or another. I cherish my friends in the fourth estate as I once cherished a dog that nobody liked but me, a dog that had the single bad habit of biting people in the nose.

Finally, I would thank my wife Joy and our family for their long-suffering patience with the rigors of public life.

Our children, who were small when we came here, are grown now with careers and children of their own. I'm very proud of them, and I'm especially proud of my wife, who has been a quiet profile in courage and a source of inspiration and insight for me beyond value.

Senator Norris Cotton of New Hampshire told me early in my service here that once I smelled the marble in these halls I would be hooked for life. As usual, he was right, and the intoxicating scent of history in the making will remain with me to my last days.

Today marks my final rollcall with you. As I take my leave, I pray for the blessing of Him who, as Lincoln said, can go with me and abide with you and be everywhere for good.

In His care, I am confident the Senate and the Nation it serves will not only endure but prevail in the great challenges that define our modern world.

In the spirit of friendship and respect and love, I bid you farewell.

ADJOURNMENT SINE DIE

Mr. BAKER. Mr. President, the House has been notified that the Senate is prepared to adjourn. The President has been notified and he has no further requests.

I move, in accordance with the provisions of House Concurrent Resolution 377, as amended, that the Senate now stand in adjournment.

The motion was agreed to, and, at 3:17 p.m., the Senate adjourned sine die.

DEFERRALS OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT—PM 179

Under the authority of the order of the Senate of October 11, 1984, the Secretary of the Senate, on October 31, during the sine die adjournment, received the following message from the President of the United States, together with an accompanying report, which, pursuant to the order of January 30, 1984, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Energy and Natural Resources, the Committee on the Judiciary, and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report eight new deferrals of budget authority for 1985 totaling $107,881,834. The deferrals affect the Departments of Energy, Justice, and State, the Board for International Broadcasting, and the United States Information Agency.

The details of these deferrals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *October 31, 1984.*

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that he had approved and signed the following bills and joint resolutions:

On September 24, 1984:

S. 1538. An act to amend the Federal Food, Drug, and Comestic Act to revise the procedures for new drug applications, to amend title 35, United States Code, to authorize the extension of the patents for certain regulated products, and for other purposes.

S.J. Res. 333. Joint resolution to designate September 21, 1984, as "World War I Aces and Aviators Day."

S.J. Res. 340. Joint resolution to designate the week of September 23, 1984, as "National Historically Black Colleges Week."

On September 25, 1984:

S. 806. An act to provide for a plan to reimburse the Okefenoke Rural Electric Membership Corporation for the costs incurred in installing electrical service to the Cumberland Island National Seashore.

S. 1546. An act to amend the Deepwater Port Act of 1974, and for other purposes.

S.J. Res. 25. Joint resolution redesignating the Saint Croix Island National Monument in the State of Maine as the Saint Croix Island International Historic Site."

S.J. Res. 275. Joint resolution to designate the month of October 1984 as "National Spina Bifida Month."

S.J. Res. 334. Joint resolution to provide for the designation of the month of November 1984, as "National Hospice Month."

S.J. Res. 335. Joint resolution to designate the week beginning on May 19, 1985, as "National Tourism Week."

On September 28, 1984:

S. 38. An act entitled the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1984."

S. 277. An act for the relief of Marion Dolon Opelt.

S. 301. An act for the relief of Kim Hae Ok Heimberger.

S. 435. An act for the relief of Joseph Antonio Francis.

S. 514. An act for the relief of Seela Jeremiah Piula.

S. 598. An act to authorize a land conveyance from the Department of Agriculture to Payson, Arizona.

S. 692. An act for the relief of Charles Gaudencio Beeman, Paul Amado Beeman, Elizabeth Beeman, and Joshua Valente Beeman.

S. 798. An act for the relief of Grietje Rhea Pietens Beumber, Johan Christian Beumer, Cindy Larissa Beumer, and Cedric Grant Beumer.

S. 1060. An act for the relief of Samuel Joseph Edgar.

S. 1140. An act for the relief of Patrick P. W. Tso, Ph.D.

S. 1735. An act entitled the "Shoalwater Bay Indian Tribe—Dexter-by-the-Sea Claim Settlement Act".

S. 2155. An act to designate certain national forest system lands in the State of Utah for inclusion in the National Wilderness Preservation System to release other forest lands for multiple use management, and for other purposes.

S. 2418. An act to authorize and direct the Librarian of Congress, subject to the supervision and authority of a Federal civilian, or military agency, to proceed with the construction of the Library of Congress Mass Book Deacidification Facility, and for other purposes.

S.J. Res. 227. Joint resolution designating the week beginning November 11, 1984, as "National Women Veterans Recognition Week".

S.J. Res. 254. Joint resolution to designate the month of October 1984 as "National Down's Syndrome Month".

S.J. Res. 304. Joint resolution to designate the month of October 1984 as "National Quality Month".

S.J. Res. 336. Joint resolution to proclaim October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world.

On October 3, 1984:

S. 1989. An act for the relief of Vladimir Victorovich Yakimetz.

S. 2040. An act to amend the Securities Exchange Act of 1934 with respect to the treatment of mortgage backed securities, to increase the authority of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and for other purposes.

On October 4, 1984:

S. 32. An act to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings.

S. 1770. An act to extend the lease terms of Federal oil and gas lease numbered U-39711.

S. 2000. An act to allow variable interest rates for Indian funds held in trust by the United States.

S. 2614. An act to reauthorize and amend the Indian Financing Act.

S. 2732. An act to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the Au Sable River, Michigan, as a component of the National Wild and Scenic Rivers System.

On October 9, 1984:

S. 2603. An act to extend the authorization of appropriations for, and to revise the Older Americans Act of 1965.

S.J. Res. 332. Joint resolution designating the week beginning on October 7, 1984, as "Mental Illness Awareness Week".

On October 11, 1984:

S. 197. An act to direct the Secretary of the Department of Transportation to conduct an independent study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations, and for other purposes.

S. 1841. An act to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate modifications in the operation of the antitrust laws.

S. 2688. An act to authorize appropriations for fiscal year 1985 to carry out the National Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes.

S.J. Res. 201. Joint resolution to provide for the designation of the week of November 25 through December 1, 1984, as National Epidermolysis Bullosa Awareness Week".

S.J. Res. 237. Joint resolution to designate the week of November 25, 1984, through December 1, 1984 as "National Home Care Week".

S.J. Res. 260. Joint resolution designating the week beginning on November 11, 1984, as National Blood Pressure Awareness Week".

S.J. Res. 273. Joint resolution to designate the week of October 7, 1984, through October 13, 1984, as "Smokey Bear Week".

S.J. Res. 295. Joint resolution to provide for the designation of the week of October 14 through October 20, 1984, as "Myasthenia Gravis Awareness Week".

S.J. Res. 324. Joint resolution designating the month of November 1984 as "National Christmas Seal Month".

On October 15, 1984:

S.J. Res. 332, Joint Resolution to proclaim October 16, 1984, as "World Food Day".

On October 17, 1984:

S. 2819. An act to make technical and conforming amendments in certain laws relating to housing and community development.

On October 19, 1984:

S. 416. An act to amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System, and for other purposes.

S. 566. An act to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certin tracts of land conveyed to the South Caroling State Commission of Forestry, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to such Commission, and for other purposes.

S. 648. An act to facilitate the exchange of certain lands in South Carolina.

S. 905. An act to establish the National Archives and Records Administration, and for other purposes.

S. 1102. An act to provide authorization of appropriations for title III of the Marine Protection, Research, and Sanctuaries Act of 1972, and for other purposes.

S. 1146. An act to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes.

S. 1151. An act to compensate heirs of deceased Indians for improper payments from trust estates to States or policital subdivisions thereof as reimbursements for old age assistance received by decedents during their lifetime.

S. 1330. An act to establish a National Council on Public Works Improvement to prepare three annual reports on the state of the Nation's infrastructure to amend the provisions of title 31, United States Code, relating to the President's budget to require it to separately identify and summarize the capital investment expenditures of the United States, and for other purposes.

S. 1510. An act to establish uniform audit requirements for State and local governments receiving Federal financial assistance.

S. 1688. An act to amend the act of October 18, 1972, to authorize additional authorization of appropriations for Sitka National Historical Park, Alaska.

S. 1711. An act providing for a fifteen-year extension of patent numbered 3,376,198.

S. 1790. An act to authorize the Secretary of the Interior to enter into contracts or cooperative agreements with the Art Barn Association to assist in the preservation and interpretation of the Art Barn in Rock Creek Park in the District of Columbia, and for other purposes.

S. 1868. An act to add $2,000,000 to the budget ceiling for new acquisitions at Sleeping Bear Dunes National Lakeshore.

S. 1889. An act to amend the Act authorizing the establishment of the Congress Swamp National Momument to provide that at such time as the principal visitor center is established, such center shall be designated as the "Harry R. E. Hampton Visitor Center", and for other purposes.

S. 2048. An act to provide for the establishment of the Task Force on Organ Transplantation and the Organ Procurement and Transplantation Network, to authorize financial assistance for organ procurement organizations, and for other purposes.

S. 2125. An act to designate certain national forest system lands in the State of Arkansas for inclusion in the National Wilderness Preservation System, and for other purposes.

S. 2303. An act to amend the Public Health Service Act to revise and extend the authorities of that Act for assistance for alcohol and drug abuse and mental health services.

S. 2483. An act to rename Dulles International Airport in Virginia as the "Washington Dulles International Airport".

S. 2496. An act to extend the authorization of appropriations for certain education programs, and for other purposes.

S. 2616. An act to revise and extend the programs of assistance under titles X and XX of the Public Health Service Act.

S. 2663. An act pertaining to the inheritance of trust of restricted land on the Lake Traverse Indian Reservation, North Dakota and South Dakota, and for other purposes.

S. 2773. An act to designate certain National Forest System lands in the State of Georgia as wilderness, and for other purposes.

S. 2808. An act to designate certain National Forest System lands in the State of Mississippi as wilderness, and for other purposes.

S.J. Res. 80. Joint resolution to grant posthumously full rights of citizenship to William Penn and to Hannah Callowhill Penn.

S.J. Res. 259. Joint resolution to designate the week of November 12, 1984, through November 18, 1984, as "National Reye's Syndrome Week".

S.J. Res. 299. Joint resolution to designate November 1984, as National Diabetes Month.

S.J. Res. 309. Joint resolution authorizing and requesting the President to designate January 1985 as "National Cerebal Palsy Month."

On October 24, 1984:

S. 864. An act to amend the Volunteers in the Parks Act of 1969, and for other purposes.

On October 25, 1984:

S. 2583. An act to authorize United States participation in the Office International de la Vigne et du Vin (the International Office of the Vine and Wine); and

S. 2947. An act to designate the lock and dam on the Warrior River in Hale County, AL, as the "Armistead I. Selden Lock and Dam".

On October 30, 1984:

S. 66. An act to amend the Communications Act of 1934 to provide a national policy regarding cable television;

S. 149. An act for the relief of Adel Shervin;

S. 543. An act to designate certain national forest system lands in the State of Wyoming for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes;

S. 771. An act to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes;

S. 1160. An act to authorize Douglas County of the State of Nevada to transfer certain land to a private owner;

S. 1291. An act to authorize appropriations of the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, and section 305 of the Energy Reorganization Act of 1974;

S. 2217. An act to provide for exemptions, based on safety concerns, from certain length and width limitations for commercial motor vehicles, and for other purposes;

S. 2301. An act to revise and extend programs for the provision of health services and preventive health services, and for other purposes;

S. 2449. An act for the relief of the Sisters of Mercy of the Union, Province of St. Louis, MO;

S. 2499. An act to authorize the appropriations of funds for certain maritime programs for fiscal year 1985;

S. 2526. An act to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes;

S. 2565. An act to extend programs under the Head Start Act, and for other purposes;

S. 2706. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1985 and 1986, and for other purposes;

S. 3021. An act to name the Federal Building in Elkins, WV, the "Jennings Randolph Federal Center";

S. 3034. An act to grant a Federal charter to the National Society, Daughters of the American Colonists; and

S.J. Res. 236. Joint resolution relating to cooperative East-West ventures in space.

MESSAGES FROM THE HOUSE SUBSEQUENT TO SINE DIE ADJOURNMENT

Under the authority of the order of the Senate of October 11, 1984, the Secretary of the Senate, on October 12, 1984, subsequent to the sine die adjournment of the Congress, received a message from the House of Representatives, announced that the House has agreed to the following resolution:

H.J. Res. 620. A resolution appointing the Honorable Thomas S. Foley, of Washington, as Speaker pro tempore during any absence of the Speaker until October 15, 1984.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker pro tempore [Mr. FOLEY] has signed the following enrolled joint resolution:

H.J. Res. 654. Joint resolution increasing the statutory limit on the public debt.

Under the authority of the order of the Senate of October 11, 1984, the enrolled joint resolution was signed by the Vice President on October 12, 1984.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of October 11, 1984, the Secretary of the Senate, on October 15, 1984, subsequent to the sine die adjournment of the Congress, received a message from the House of Representatives, announcing that the Speaker pro tempore [Mr. FOLEY] had signed the following enrolled bills and joint resolutions:

S. 2583. An act to authorize United States participation in the Office International de la Vigne et du Vin (the International Office of the Vine and Wine);

S. 2947. An act to designate the lock and dam on the Warrior River in Hale County, Alabama, as the Armistead I. Seldon Lock and Dam";

H.R. 440. An act for the relief of Francisco Akers;

H.R. 1095. An act to grant a Federal charter to the 369th Veterans Association;

H.R. 1438. An act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes;

H.R. 1870. An act to require the Secretary of the Treasury to coin and sell a national medal in honor of the members and former members of the Armed Forces of the United States who served in the Vietnam conflict;

H.R. 1961. An act to require the Administrator of Veterans' Affairs to prescribe regulations regarding the determination of service connection of certain disabilities of veterans who were exposed to dioxin in the Republic of Vietnam while performing active military, naval, or air service or to radiation from nuclear detonations while performing such service, to provide interim benefits for certain disabilities and deaths, and for other purposes;

H.R. 2087. An act for the relief of Hans Robert Beisch;

H.R. 2645. An act to amend the act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia;

H.R. 2671. An act for the relief of Edgar Gildardo Herrera;

H.R. 2823. An act to amend title I of the Reclamation Project Authorization Act of 1972 in order to provide for the establishment of the Russell Lakes Waterfowl Management Area as a replacement for the authorized Mishak National Wildlife Refuge, and for other purposes;

H.R. 3331. An act to authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles for purposes of the Santa Monica National Recreation Area;

H.R. 3788. An act to designate various areas as components of the National Wilderness Preservation System in the national forests in the State of Texas;

H.R. 3942. An act to facilitate commercial space launches, and for other purposes;

H.R. 3971. An act to provide that any Osage headright or restricted real estate or funds which is part of the estate of a deceased Osage Indian who did possess a certificate of competency at the time of death shall be exempt from any estate or inheritance tax imposed by the State of Oklahoma;

H.R. 4263. An act to designate certain lands in the Cherokee National Forest, Tennessee, as wilderness areas, and to allow management of certain lands for uses other than wilderness;

H.R. 4401. An act for the relief of Shu-Ahtsai Wei, her husband Yen Wei, and their sons, Teh-fu Wei and Teh-huei Wei;

H.R. 4473. An act to designate the Federal Archives and Records Center in San Bruno, CA, as the "Leo J. Ryan Memorial Federal Archives and Records Center";

H.R. 4717. An act to designate the Federal Building and United States Courthouse in Las Vegas, Nevada, as the "Foley Federal Building and United States Courthouse";

H.R. 4966. An act to recognize the organization known as the Women's Army Corps Veterans' Association;

H.R. 5076. An act to designate certain areas in the Allegheny National Forest as wilderness as recreation areas;

H.R. 5172. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1985, and for other purposes;

H.R. 5252. An act to redesignate the Veterans' Administration Medical Center located in Poplar Bluff, Missouri, as the "John J. Pershing Veterans' Administration Medical Center";

H.R. 5271. An act to extend the Wetlands Loan Act;

H.R. 5323. An act to designate the United States Courthouse Building in Hato Rey, Puerto Rico, as the "Clemente Ruiz Nazario United States Courthouse";

H.R. 5358. An act to enable honey producers and handlers to finance a nationally coordinated research, promotion, and consumer information program designed to expand their markets for honey;

H.R. 5402. An act to designate the United States Post Office and Courthouse in Utica, New York, as the "Alexander Pirnie Federal Building";

H.R. 5716. An act providing for the conveyance of public lands, Seneca County, Ohio;

H.R. 5728. An act to permit aliens lawfully admitted for permanent residence who are employed by the American University of Beirut to return to the United States as special immigrants after completion of such employment;

H.R. 6000. An act to designate the Table Rock Lake Visitors Center building in the vicinity of Brandson, Missouri, as the "Dewey J. Short Table Rock Visitors Center";

H.R. 6101. An act to amend the Panama Canal Act of 1979 to authorize quarters allowances for certain employees of the Department of Defense serving in the area formerly known as the Canal Zone;

H.R. 6221. An act to provide for the use and distribution of certain funds awarded by the Wyandotte Tribe of Oklahoma and to restore certain mineral rights to the Three Affiliated Tribes of the Fort Berthold Reservation;

H.R. 6257. An act to amend the Motor Vehicle and Information Cost Savings to impede those motor vehicle thefts which occur for purposes of dismantling the vehicles and major replacement parts to have identifying numbers or symbols, and for other purposes;

H.R. 6296. An act entitled "The San Juan Basin Wilderness Protection Act of 1984";

H.J. Res. 332. Joint resolution to designate the week beginning May 20, 1985, as "National Medical Transcriptionist Week"; and

H.J. Res. 594. Joint resolution designating the week beginning February 17, 1985, as a time to recognize volunteers who give their time to become Big Brothers and Big Sisters to youths in need of adult companionship.

Under the authority of the order of the Senate of October 11, 1984, the enrolled bills and joint resolutions were subsequently signed by the President por tempore [Mr. THURMOND] on October 15, 1984.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of October 11, 1984, the Secrertary of the Senate on October 18, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills and joint resolutions:

S. 66. An act to amend the Communications Act of 1934 to provide a national policy regarding cable television.

S. 149. An act for the relief of Adel Shervin.

S. 540. An act to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and National Research Institutes, and for other purposes.

S. 543. An act to designate certain national forest system lands in the State of Wyoming for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes.

S. 771. An act to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes.

S. 1160. An act to authorize Douglas County of the State of Nevada to transfer certain land to a private owner.

S. 1291. An act to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, and section 305 of the Energy Reorganization Act of 1974.

S. 2217. An act to provide for exemptions, based on safety concerns, from certain length and width limitations for commerical motor vehicles, and for other purposes.

S. 2301. An act to revise and extend programs for the provision of health services and preventive health services, and for other purposes.

S. 2449. An act for the relief of the Sisters of Mercy of the Union, Province of Saint Louis, MO.

S. 2499. An act to authorize the appropriation of funds for certain maritime programs for fiscal year 1985.

S. 2526. An act to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes.

S. 2565. An act to extend programs under the Head Start Act, and for other purposes.

S. 2574. An act to amend provisions of the Public Health Service Act relating to health professions training assistance, nurse education, the National Health Service Corps, health maintenance organizations, and primary health care services, and for other purposes.

S. 2706. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1985 and 1986, and for other purposes.

S. 3021. An act to name the Federal Building in Elkins, WV, the "Jennings Randolph Federal Center."

S. 3034. An act to grant a Federal charter to the National Society, Daughters of the American Colonists.

H.R. 89. An act to permit the transportation of passengers between Puerto Rico and other U.S. ports on foreign-flag vessels when U.S.-flag service for such transportation is not available.

H.R. 452. An act for the relief of Jerome J. Hartmann and Rita J. Hartmann.

H.R. 597. An act to amend sections 2733, 2734, and 2736 of title 10, United States Code and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims, and for other purposes.

H.R. 723. An act for the relief of Marsha D. Christopher.

H.R. 999. An act to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes.

H.R. 1880. An act to establish an interagency committee and a technical study group on cigarette safety.

H.R. 2790. An act to amend the Colorado River Basin Salinity Control Act to authorize certain additional measures to assure accomplishment of the objectives of title II of such Act, and for other purposes.

H.R. 3150. An act to direct the Secretary of Agriculture to convey, for certain specified consideration, to the Sabine River Authority approximately thirty-one thousand acres of land within the Sabine National Forest to be used for the purposes of the Toledo Bend project, Louisiana and Texas; and for other purposes.

H.R. 4209. An act to amend the Small Business Act, the Federal Property and Administrative Services Act of 1949, and the Office of Federal Procurement Policy Act to enhance competition in Government procurement, and for other purposes.

H.R. 4354. An act to designate the Federal Building and U.S. Courthouse in Ocala, FL, as the "Golden-Collum Memorial Federal Building and United States Courthouse."

H.R. 4585. An act to authorize appropriations for the Office of Environmental Quality and the Council on Environmental Quality for fiscal years 1985 and 1986, and for other purposes.

H.R. 4700. An act to designate the Federal Building and U.S. Courthouse at 1961 Stout Street, Denver, CO, as the "Byron G. Rogers Federal Building and United States Courthouse."

H.R. 5121. An act to designate certain national forest system lands in the State of Virginia as wilderness, and for other purposes.

H.R. 5189. An act to amend section 3056 of title 18, United States Code, to update the authorities of the U.S. Secret Service, and for other purposes.

H.R. 5688. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and of dependency and indemnity compensation for surviving spouses and children of veterans, to increase the rates of subsistence and educational assistance allowances for veterans pursuing vocational rehabilitation programs under chapter 31 of such title and for veterans and eligible persons pursuing programs of education or training under chapter 34, 35 or 36 of such title, to increase the opportunities for vocational rehabilitation of certain veterans receiving disability compensation, and to provide vocational training opportunities for certain veterans receiving pension; and for other purposes.

H.R. 5747. An act to designate the Federal building in Oak Ridge, TN, as the "Joe L. Evins Federal Building."

H.R. 5760. An act to declare that the United States holds certain lands in trust for the Cocopah Indian Tribe of Arizona, and for other purposes.

H.R. 5832. An act to authorize two additional Assistant Secretaries for the Department of the Treasury.

H.R. 6007. An act to establish certain procedures regarding the judicial service of retired judges of District of Columbia courts, and for other purposes.

H.R. 6027. An act to clarify the application of the Clayton Act to the official conduct of local governments, and for other purposes.

H.R. 6100. An act to clarify the intent of Congress with respect to the families eligible for a commemorative medal authorized for the families of Americans missing or otherwise unaccounted for in Southeast Asia.

H.R. 6112. An act to amend the Tax Equity and Fiscal Responsibility Act of 1982 with respect to the effect of the 1985 increase in the Federal unemployment tax rate on certain small business provisions contained in State unemployment compensation laws.

H.R. 6299. An act to ensure the payment in 1985 of cost of living increases under the OASDI program in title II of the Social Security Act, and to provide for a study of certain changes which might be made in the provisions authorization cost of living adjustments under that program.

H.R. 6303. An act to make certain technical corrections in various acts relating to the Osage Tribe of Indians of Oklahoma.

H.R. 6430. An act to amend the River and Harbor Act of 1946.

H.R. 6438. An act for the relief of Joseph Karel Hasek.

H.R. 6441. An act to eliminate restrictions with respect to the imposition and collection of tolls on the Richmond-Petersburg Turnpike upon repayment by the Commonwealth of Virginia of certain Federal-aid highway funds used on such turnpike.

S.J. Res. 236. Joint resolution relating to cooperative East-West ventures in space.

H.J. Res. 158. Joint resolution to make technical corrections in the act of January 12, 1983 (Public Law 97-459).

Under the authority of the order of the Senate of October 11, 1984, the enrolled bills and joint resolutions were subsequently signed by the President pro tempore [Mr. THURMOND] on October 18, 1984, during the sine die adjournment.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of October 11, 1984, the Secretary of the Senate on October 19, 1984, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 1314. An act to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government, and for other purposes.

H.R. 2300. An act to provide retirement equity for former spouses of civil service retirees, and for other purposes.

H.R. 2568. An act to amend the Internal Revenue Code of 1954 to extend for 2 years the exclusion from gross income with respect to educational assistance programs, and for other purposes.

H.R. 2867. An act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1985 through 1988, and for other purposes.

H.R. 3398. An act to amend the trade laws, authorize the negotiation of trade agreements, extend trade preferences, change the tariff treatment with respect to certain articles and for other purposes.

H.R. 5361. An act to amend the Internal Revenue Code of 1954 to extend for one year the exclusion from gross income with respect to group legal services plans, and for other purposes.

H.R. 5386. An act to amend part A of title XVIII of the Social Security Act with respect to the payment rates for routine home care and other services included in hospice care.

H.R. 5399. An act to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and for Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 5479. An act to amend section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, with respect to awards of expenses of certain agency and court proceedings, and for other purposes.

H.R. 5492. An act to provide for the conservation and management of Atlantic striped bass, and for other purposes.

H.R. 5846. An act to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes.

H.R. 6028. An act to making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes.

H.R. 6163. An act to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes.

H.R. 6224. An act to provide for the assumption of selected functions, programs, and resources of Saint Elizabeths Hospital by the District of Columbia, to provide for the establishment of a comprehensive mental health care system in the District of Columbia, and for other purposes.

H.R. 6286. An act to amend title 35, United States Code, to increase the effectiveness of the Patent laws, and for other purposes.

H.R. 6342. An act to approve governing international fishery agreements with Iceland and the EEC; to establish national standards for artificial reefs; to implement the Convention on Conservation of Antarctic Marine Living Resources, and for other purposes.

Under the authority of the order of the Senate of October 11, 1984, the enrolled bills were subsequently signed by the President pro tempore [Mr. THURMOND] on October 28, 1984, during the sine die adjournment.

Under the authority of the order of the Senate of October 11, 1984, the Secretary of the Senate, on October 19, 1984, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill (which had previously been signed by the President pro tempore of the Senate):

H.R. 5833. An act to improve certain maritime programs of the Department of Transportation and the Department of Commerce.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 16, 1984, he had presented to the President of the United States the following enrolled bills:

S. 2583. An act to authorize U.S. participation in the Office International de la Vigne et du Vin (the International Office of the Vine and Wine); and

S. 2947. An act to designate the lock and dam on the Warrior River in Hale County, AL, as the "Armistead I. Seldon Lock and Dam".

The Secretary of the Senate reported that on October 19, 1984, he had presented to the President of the United States the following enrolled bills and joint resolution:

S. 66. An act to amend the Communications Act of 1934 to provide a national policy regarding cable television;

S. 149. An act for the relief of Adel Shervin;

S. 540. An act to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and National Research Institutes, and for other purposes;

S. 543. An act to designate certain national forest system lands in the State of Wyoming for inclusion in the national wilderness preservation system, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes;

S. 771. An act to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes;

S. 1160. An act to authorize Douglas County of the State of Nevada to transfer certain land to a private owner;

S. 1291. An act to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, and section 305 of the Energy Reorganization Act of 1974;

S. 2217. An act to provide for exemptions, based on safety concerns, from certain length and width limitations for commercial motor vehicles, and for other purposes;

S. 2301. An act to revise and extend programs for the provision of health services and preventive health services, and for other purposes;

S. 2449. An act for the relief of the Sisters of Mercy of the Union, Province of Saint Louis, MO;

S. 2499. An act to authorize the appropriation of funds for certain maritime programs for fiscal year 1985;

S. 2526. An act to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes;

S. 2565. An act to extend programs under the Head Start Act, and for other purposes;

S. 2574. An act to amend provisions of the Public Health Service Act relating to health professions training assistance, nurse education, the National Health Service Corps, health maintenance organizations, and primary health care services, and for other purposes;

S. 2706. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1985 and 1986, and for other purposes;

S. 3021. An act to name the Federal Building in Elkins, WV, the "Jennings Randolph Federal Center";

S. 3034. An act to grant a Federal charter to the National Society, Daughters of the American Colonists; and

S.J. Res. 236. Joint resolution relating to cooperative East-West ventures in space.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3864. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the status of negotiations of consultation and cooperation with the State of Washington under the Nuclear Waste Policy Act; to the Committee on Energy and Natural Resources.

EC-3865. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a proposed prospectus for alterations at the Chet Holifield Federal Building, Laguna Niguel, CA; to the Committee on Environment and Public Works.

EC-3866. A communication from the U.S. Trade Representative, transmitting, pursuant to law, the annual report on the operation of the International Coffee Agreement for coffee year 1983-84; to the Committee on Finance.

EC-3867. A communication from the Chairwoman of the U.S. International Trade Commission, transmitting, pursuant to law, the 39th quarterly report on trade between the United States and the nonmarket economy countries for April-June 1984; to the Committee on Finance.

EC-3868. A communication from the Assistant Secretary for Health, Department of Health and Human Services, transmitting, pursuant to law, a report on alterations to a Privacy Act system of records; to the committee on Governmental Affairs.

EC-3869. A communication from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, copies of orders suspending the deportation of certain aliens pursuant to sections 244(a)(1) and 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-3870. A communication from the Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a report on program allocations for fiscal year 1984; to the Committee on Appropriations.

EC-3871. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on the transfer of certain Department of Defense funds made under general transfer authority; to the Committee on Armed Services.

EC-3872. A communication from the Deputy Assistant Secretary of Defense (Installations), transmitting, pursuant to law, notice of certain format changes to be made in preparing the annual report on base structure and its relationship to the force structure; to the Committee on Armed Services.

EC-3873. A communication from the Secretary of Commerce, transmitting, pursuant to law, the seventh report on ocean pollution, monitoring, and research, covering October 1978 through September 1980; to the Committee on Environment and Public Works.

EC-3874. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on ocean pollution, monitoring, and research for fiscal year 1983; to the Committee on Evironment and Public Works.

EC-3875. A communication from the Acting Secretary of State, transmitting, pursuant to law, a report on Commodity Credit Corporation payments to U.S. creditors on credits guaranteed by the CCC for which payment had not been received from the Polish People's Republic; to the Committee on Foreign Relations.

EC-3876. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3877. A communication from the Acting Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a report on the use and distribution of certain Indian judgement funds; to the Select Committee on Indian Affairs.

EC-3878. A communication from the chief judge of the U.S. Claims Court, transmitting, pursuant to law, the opinion of the court in Sea Gate, Inc. and Charles M. Reeves, Jr. against United States; to the Committee on the Judiciary.

EC-3879. A communication from the President of the National Safety Council, transmitting, pursuant to law, a report of the audit of the financial transactions of the Council for the fiscal year ended June 30, 1984; to the Committee on the Judiciary.

EC-3880. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Community Services Block Grant: New State Role Brings Program and Administrative Changes"; to the Committee on Labor and Human Resources.

EC-3881. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1983 report on the administration of the Public Health Service Act; to the Committee on Labor and Human Resources.

EC-3882. A communication from the Acting Under Secretary of Agriculture (International Affairs and Commodity Programs), transmitting, pursuant to law, the initial commodity and country allocation table showing current programing plans for food assistance; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3883. A communication from the President of the United States, transmitting, pursuant to law, the annual report on the National Program for Soil and Water Conservation for the fiscal year ending September 30, 1983; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3884. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, notice that the Department of the Navy intends to exercise the provision for exclusion concerning the examination of records by the Comptroller General; to the Committee on Armed Services.

EC-3885. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on loan, guarantee, and insurance transactions supported by Eximbank to communist countries during August 1984; to the Committee on Banking, Housing, and Urban Affairs.

EC-3886. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-177 adopted by the council on September 12, 1984; to the Committee on Governmental Affairs.

EC-3887. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-178 adopted by the council on September 12, 1984; to the Committee on Governmental Affairs.

EC-3888. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-179 adopted by the council on September 12, 1984; to the Committee on Governmental Affairs.

EC-3889. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-180 adopted by the council on September 12, 1984; to the Committee on Governmental Affairs.

EC-3890. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-181 adopted by the council on September 12, 1984; to the Committee on Governmental Affairs.

EC-3891. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-182 adopted by the council on September 12, 1984; to the Committee on Governmental Affairs.

EC-3892. A communication from the Employee Benefits Administrator of the Farm Credit Banks of Wichita, transmitting, pursuant to law, the annual report on the retirement plan for employees of the associations and banks of the Ninth Farm Credit District for the plan year ended February 28, 1984; to the Committee on Governmental Affairs.

EC-3893. A communication from the D.C. auditor, transmitting, pursuant to law, a report entitled "Biannual Audits of the Advisory Neighborhood Commissions for the Period January 1, 1982 Through December 31, 1983"; to the Committee on Governmental Affairs.

EC-3894. A communication from the D.C. auditor, transmitting, pursuant to law, a report entitled "Report on Depository Activities, Fiscal Year 1983"; to the Committee on Governmental Affairs.

EC-3895. A communication from the Secretary of Education, transmitting, pursuant to law, a report on waivers for certain institutions under title III of the Higher Education Act of 1965; to the Committee on Labor and Human Resources.

EC-3896. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-3897. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Federal Agencies' Block Grant Civil Rights Enforcement Efforts: A Status Report"; to the Committee on the Judiciary.

EC-3898. A communication from the Principal Deputy Assistant Secretary of Defense submitting, pursuant to law, a listing of contract award dates for the period November 1, 1984 to December 31, 1984; to the Committee on Armed Services.

EC-3899. A communication from the Deputy Director of the Defense Security Assistance Agency submitting, pursuant to law, information concerning the Department of the Navy's proposed letter of offer to Singapore for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-3900. A communication from the Secretary to the Railroad Retirement Board submitting a report on a violation of law involving an overobligation of an approved appropriation; to the Committee on Appropriations.

EC-3901. A communication from the Comptroller General submitting, pursuant to law, a report on progress in improving program and budget information for congressional use; pursuant to the order of January 30, 1975, referred to the Committee on the Budget and the Committee on Appropriations.

EC-3902. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated October 1, 1984; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget and the Committee on Appropriations.

EC-3903. A communication from the Secretary of Defense transmitting, pursuant to law, submitting three reports on violations of law involving overobligations of approved appropriations; to the Committee on Appropriations.

EC-3904. A communication from the Clerk of the U.S. Claims Court transmitting, pursuant to law, a certified copy of the court's judgment order in the case of White Mountain Apache Tribe of Arizona against United States—No. 22-H; to the Committee on Appropriations.

EC-3905. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, the intention of the Department of the Air Force to exercise a provision for exclusion of examination of records by the Comptroller General; to the Committee on Armed Services.

EC-3906. A communication from the Deputy Assistant Secretary of the Air Force transmitting, pursuant to law, plans to study the conversions from in-house operation to commercial contract of certain activities; to the Committee on Armed Services.

EC-3907. A communication from the Assistant Secretary of the Navy transmitting, pursuant to law, a report on the conversion of the Laundry, Dry Cleaning Services at the Marine Corps Base, Camp Lejeune, NC, to performance by contract; to the Committee on Armed Services.

EC-3908. A communication from the Acting Administrator of the Panama Canal Commission transmitting, pursuant to law, a report on two vessel accident claims arising out of a collision between the M/V *Chimborazo* and the M/V *Luigi Casale* at the Atlantic entrance to the canal on April 27, 1982; to the Committee on Armed Services.

EC-3909. A communication from the Acting Administrator of the Panama Canal Commission transmitting, pursuant to law, a report on a claim from the owners of the M/V *Fuhwo Venture* arising from the grounding of the vessel in Cristobal Harbor on November 20, 1979; to the Committee on Armed Services.

EC-3910. A communication from the Principal Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on transfers of funds appropriated to the Department of Defense; to the Committee on Armed Services.

EC-3911. A communication from the Assistant Secretary of the Navy transmitting, pursuant to law, a report on the conversion of the Administrative Support Service function at the Aviation Supply Office, Philadelphia, PA, to performance by contract; to the Committee on Armed Services.

EC-3912. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the "Fifth Annual Report to Congress on the Congregate Housing Services Program"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3913. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, a report on the Housing Counseling Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-3914. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report of the Commission's determination to extend the time period for acting upon the appeal before the Commission in finance in Southern Pacific Transportation Co. discontinuance of passenger train service in Ventura and Los Angeles Counties, CA; to the Committee on Commerce, Science, and Transportation.

EC-3915. A communication from the Administrator of the Federal Aviation Administration transmitting, pursuant to law, the semiannual report to Congress on the effectiveness of the Civil Aviation Security Program; to the Committee on Commerce, Science, and Transportation.

EC-3916. A communication from the President of the National Railroad Passenger Corporation transmitting, pursuant to law, an annual report on progress achieved and work in progress with respect to the completion of the Northeast corridor improvement project; to the Committee on Commerce, Science, and Transportation.

EC-3917. A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report of the Maritime Administration for fiscal year 1983; to the Committee on Commerce, Science, and Transportation.

EC-3918. A communication from the Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, the Commission's fiscal year 1986 budget request; to the Committee on Commerce, Science, and Transportation.

EC-3919. A communication from the Secretary of Commerce transmitting, pursuant to law, the biennial report of the Office of Ocean and Coastal Resource Management; to the Committee on Commerce, Science, and Transportation.

EC-3920. A communication from the Secretary of the Interior transmitting, pursuant to law, a report of the Fish and Wildlife Service, on the administration of the Marine Mammal Protection Act of 1972; to the Committee on Commerce, Science, and Transportation.

EC-3921. A communication from the Secretary of Energy transmitting, pursuant to law, an annual report on the Automotive Technology Development Program; to the Committee on Energy and Natural Resources.

EC-3922. A communication from the Acting Commissioner of the Bureau of Reclamation transmitting, pursuant to law, a report on construction modifications to Newton Dam, Newton project, Utah; to the Committee on Energy and Natural Resources.

EC-3923. A communication from the Secretary of Commerce transmitting, pursuant to law, a report to Congress on the Ogallala aquifer water problem; to the Committee on Environment and Public Works.

EC-3924. A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere transmitting, pursuant to law, the report on nuclear waste management and the use of the sea; to the Committee on Environment and Public Works.

EC-3925. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on State compliance with medicaid utilization control requirements as of August 31, 1984; to the Committee on Finance.

EC-3926. A communication from the Chairman of the Foreign Claims Settlement Commission, Department of Justice, transmitting, pursuant to law, the annual report of the Commission for calendar year 1983; to the Committee on Foreign Relations.

EC-3927. A communication from the President of the United States, transmitting, pursuant to law, an unclassified version of a report entitled "A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-83"; to the Committee on Foreign Relations.

EC-3928. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to October 10, 1984; to the Committee on Foreign Relations.

EC-3929. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties entered into by the United States in the 60-day period prior to October 3, 1984; to the Committee on Foreign Relations.

EC-3930. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, a report on the programs of independent living services and assistance; to the Committee on Veterans' Affairs.

EC-3931. A communication from the Director of Human Services, Farm Credit Banks of Springfield, transmitting, pursuant to law, the annual report on the Farm Credit Banks of Springfield retirement plan for April 1, 1983 to March 31, 1984; to the Committee on Governmental Affairs.

EC-3932. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the valuation of the U.S. Coast Guard military retirement system; to the Committee on Governmental Affairs.

EC-3933. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on an alteration to a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3934. A communication from the DC auditor, transmitting, pursuant to law, a report entitled "Review of the District's Lease for the Georgetown Market"; to the Committee on Governmental Affairs.

EC-3935. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of the Rural Telephone Bank's Financial Statements for the Year Ended September 30, 1983"; to the Committee on Governmental Affairs.

EC-3936. A communication from the DC auditor, transmitting, pursuant to law, a report entitled "Refunds Due the DC Energy Office Under the LIHEAP Program"; to the Committee on Governmental Affairs.

EC-3937. A communication from the Assistant Secretary of Health and Human Services (Health), transmitting, pursuant to law, a report on an alteration to a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3938. A communication from the Administrator of the Office of Juvenile Justice and Delinquency Prevention, Department of Justice, transmitting, pursuant to law, an analysis and evaluation of Federal juvenile delinquency programs; to the Committee on the Judiciary.

EC-3939. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered on behalf of certain aliens under section 13(b) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-3940. A communication from the Executive Director of the National Council on Educational Research, transmitting, pursuant to law, the seventh annual of the Council covering fiscal years 1981 and 1982; to the Committee on Labor and Human Resources.

EC-3941. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Secretary's Discretionary Program; to the Committee on Labor and Human Resources.

EC-3942. A communication from the Commissioner of the Rehabilitation Services Administration, Office of the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, a report on program activities under the Rehabilitation Act for fiscal year 1983; to the Committee on Labor and Human Resources.

EC-3943. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Legislative Changes and Administrative Improvements Should Be Considered for FDA To Better Protect the Public From Adulterated Food Products"; to the Committee on Labor and Human Resources.

EC-3944. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the funding obligations of the fishermen's guaranty fund; to the Committee on Appropriations.

EC-3945. A communication from the Executive Associate Director for Budget, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report stating that the appropriation to the Department of Education for the Guaranteed Student Loans Program for fiscal year 1985 has been apportioned on a basis indicating a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

EC-3946. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, the selected acquisition reports and selected acquisition report summary tables for the quarter ended September 30, 1984; to the Committee on Armed Services.

EC-3947. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the laundry and dry cleaning services at the Marine Corps Logistics Base, Barstow, California, to performance by contract; to the Committee on Armed Services.

EC-3948. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, notice that the Department of the Navy intends to exercise the provision for exclusion of examination of records by the Comptroller General; to the Committee on Armed Services.

EC-3949. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the relative cost of shipbuilding in the various coastal districts of the United States; to the Committee on Commerce, Science, and Transportation.

EC-3950. A communication from the Director of Congressional Relations, Consumer Product Safety Commission, transmitting, pursuant to law, a copy of a recent amendment to the standard for the flammibility of mattresses and mattress pads; to the Committee on Commerce, Science, and Transportation.

EC-3951. A communication from the Acting Assistant Secretary of the Interior (Water and Science), transmitting, pursuant to law, a report that the Bureau of Reclamation has approved the deferral of certain repayments for the Webster Irrigation District No. 4, Pick-Sloan Missouri Basin Program, Missouri; to the Committee on Energy and Natural Resources.

EC-3952. A communication from the Acting Assistant Secretary for Water and Science transmitting, pursuant to law, a report of the deferment of construction repayment installments due the United States from Almena Irrigation District No. 5, Pick-Sloan Missouri Basin Program, Kansas; to the Committee on Energy and Natural Resources.

EC-3953. A communication from the Acting Secretary for Water and Science transmitting, pursuant to law, a report of approval by the Bureau of Reclamation of deferment on construction repayment installment due the United States from Cedar Bluff Irrigation District No. 6, Pick-Sloan Missouri Basin Program, Kansas; to the Committee on Energy and Natural Resources.

EC-3954. A communication from the Acting Assistant Secretary of Water and Science transmitting, pursuant to law, a report that the Bureau of Reclamation has approved a deferment of construction repayment installments due the United States from Kirwin Irrigation District No. 1, Pick-Sloan Missouri Basin Program, Kansas; to the Committee on Energy and Natural Resources.

EC-3955. A communication from the Federal inspector, Alaska natural gas transportation system, transmitting, pursuant to law, a quarterly report on the status of the Alaska natural gas transportation system; to the Committee on Energy and Natural Resources.

EC-3956. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report evaluating the methodology the Secretary of the Interior used in allowing offshore oil and gas wells to be suspended from production or to turn off natural gas; to the Committee on Energy and Natural Resources.

EC-3957. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, of the Department of the Interior transmitting, pursuant to law, notice of the intent to make refunds of offshore lease revenues on certain cases where it is appropriate; to the Committee on Energy and Natural Resources.

EC-3958. A communication from the Deputy U.S. Trade Representative transmitting, pursuant to law, the biennial report of the operation and effect of the International Sugar Agreement; to the Committee on Finance.

EC-3959. A communication from the President of the United States reporting, pursuant to law, on developments concerning the national emergency with respect to Iran declared in Executive Order No. 12170 of November 14, 1979; to the Committee on Foreign Relations.

EC-3960. A communication from the Assistant Secretary of the Treasury transmitting, pursuant to law, the Treasury report entitled "Foreign Direct Investment and Commercial Capital Flows: The Role of the Multilateral Development Banks"; to the Committee on Foreign Relations.

EC-3961. A communication from an Assistant Secretary of the Treasury transmitting, pursuant to law, a report analyzing the impact on the provision of basic human needs of economic adjustment programs supported in 1983 by financing from the International Monetary Fund; to the Committee on Foreign Relations.

EC-3962. A communication from the Secretary of the Health and Human Services transmitting, pursuant to law, a report on alcohol abuse, alcoholism, drug abuse, and mental health problems; to the Committee on Labor and Human Resources.

EC-3963. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the President's 14th special message for fiscal year 1984 and first special message for fiscal year 1985; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Environment and Public Works, the Committee on Armed Services, the Committee on Labor and Human Resources, the Committee on Governmental Affairs, the Committee on Finance, the Committee on Energy and Natural Resources, and the Committee on Commerce, Science, and Transportation.

EC-3964. A communication from the President of the United States transmitting, pursuant to law, a report that the Iran emergency is to continue in effect beyond November 14, 1984; to the Committee on Banking, Housing, and Urban Affairs.

EC-3965. A communication from the President and Chairman of Eximbank transmitting, pursuant to law, a statement with respect to a transaction involving United States exports to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC-3966. A communication from the Secretary of the Treasury transmitting, pursuant to law, the 1984 Third Quarter Report on the Olympic Commemorative Coin Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-3967. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, a report of net worth certificates purchased under title II of the Garn-St Germain Depository Institutions Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-3968. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Net Worth Certificate Assistance Programs; Their Design, Major Differences, and Early Implementation"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3969. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Oil and Gas Leasing Program for non-North Slope Federal lands in Alaska for fiscal year 1984; to the Committee on Energy and Natural Resources.

EC-3970. A communication from the Secretary of Energy, transmitting, pursuant to law, the second biennial report on implementation of the Alaska Federal-Civilian Energy Efficiency Swap Act; to the Committee on Energy and Natural Resources.

EC-3971. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the final monthly Treasury statement of receipts and outlays of the U.S. Government for fiscal year 1984; to the Committee on Finance.

EC-3972. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office for September 1984; to the Committee on Governmental Affairs.

EC-3973. A communication from the DC auditor, transmitting, pursuant to law, a report entitled "Purchase of VCR's for July Grand Prize Drawing"; to the Committee on Governmental Affairs.

EC-3974. A communication from the Acting Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a proposed plan for use and distribution of certain Indian judgment funds; to the Select Committee on Indian Affairs.

EC-3975. A communication from the Acting Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a proposed plan for the use and distribution of certain Indian Judgment funds; to the Select Committee on Indian Affairs.

EC-3976. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for October 1983 through July 1984; to the Committee on Small Business.

EC-3977. A communication from the Librarian of Congress, transmitting, pursuant to law, the report on the activities of the Library of Congress, including the Copyright Office, for fiscal year 1983; to the Committee on Rules and Administration.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees

of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard Pierce:									
Belgium	Dollar		650.00						650.00
Richard Spees:									
United Kingdom	Dinar	39	104.00					39	104.00
Lebanon	Dinar	35.625	95.00					35.625	95.00
Bahrain	Dinar	155.25	414.00					155.25	414.00
United Arab Emirates	Rupee	4,753.20	340.00					4,753.20	340.00
Oman	Riyal	110.4	320.00	51.59	149.55			161.99	469.55
Pakistan	Rupee	2,684.16	192.00					2,684.16	192.00
India	Rupee	1,993.48	172.00					1,993.48	172.00
Thailand	Baht	5,702	249.00					5,702	249.00
Singapore	Dollar	511.56	240.00					511.56	240.00
Hong Kong	Dollar	765.90	98.00					765.90	98.00
	Dollar				5,113.00				5,113.00
James D. Bond:									
	Dollar				4,944.00				4,944.00
Upper Volta	Dollar		225.00						225.00
Ivory Coast	Dollar		228.00						228.00
Zimbabwe	Dollar		240.00						240.00
Mozambique	Dollar		225.00						225.00
Jane S. McGhee:									
	Dollar				4,944.00				4,944.00
Upper Volta	Dollar		225.00						225.00
Ivory Coast	Dollar		228.00						228.00
Zimbabwe	Dollar		240.00						240.00
Mozambique	Dollar		225.00						225.00
Total			4,710.00		15,150.55				19,860.55

MARK O. HATFIELD,
Chairman, Committee on Appropriations, Oct. 1, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Katherine Cudlipp:									
France	Franc	3,312.56	376.00					3,312.56	376.00
Sweden	Krona	3,421.50	411.00					3,421.50	411.00
Germany	Deutsche mark	378.84	132.00					378.84	132.00
United States	Dollar				2,514.00				2,514.00
Curtis A. Moore:									
France	Franc	3,312.56	376.00					3,312.56	376.00
Sweden	Krona	3,421.50	411.00					3,421.50	411.00
Germany	Deutsche mark	378.84	132.00					378.84	132.00
United States	Dollar				2,514.00				2,514.00
Charlene Sturbitts:									
France	Franc	3,312.56	376.00					3,312.56	376.00
Sweden	Krona	3,421.50	411.00					3,421.50	411.00
Germany	Deutsche mark	378.84	132.00					378.84	132.00
United States	Dollar				2,701.00				2,701.00
Total			2,757.00		7,729.00				10,486.00

ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works,
Sept. 30, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Paula Hawkins:									
Mexico	Peso	37,500	187.50					37,500	187.50
Colombia	Peso	4,769	47.69					4,769	47.69
Peru	Sole	500,775	150.00					500,775	150.00
Bolivia	Peso	150,000	75.00					150,000	75.00
Argentina	Peso	17,850	255.00					17,850	255.00
Uruguay	Nupeso	2,034.40	37.50					2,034.40	37.50
Brazil	Cruzeiro	286,740	150.00					286,740	150.00
Senator Charles Mathias:									
United States	Dollar				1,078.00				1,078.00
Great Britain	Pound	220.49	297.00			192.30	259.02	412.79	556.02
Germany	Mark	511.52	184.00			346.00	124.46	857.52	308.46
France	Franc	2,779	322.39			328.90	38.15	3,107.90	360.54

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
George Ashworth:									
France	Franc	770	90.00					770	90.00
Saudi Arabia	Riyal	1,419.85	408.00					1,419.85	408.00
Kuwait	Dinar	46,750	157.00					46,750	157.00
Oman	Riyal	122	377.97					122	377.97
United States	Dollar				1,471.00				1,471.00
Graeme Bannerman:									
Tunisia	Dinar	175.97	234.00					175.97	234.00
Morocco	Dirham	1,978.61	225.00					1,978.61	225.00
Egypt	Dollar		87.00						87.00
Iraq	Dinar	116,870	377.00					116,870	377.00
Kuwait	Dinar	93,460	314.00					93,460	314.00
Abu Dhabi	Dirham	1,100	299.48					1,100	299.48
Oman	Riyal	165,600	480.00					165,600	480.00
Jidda Saudi Arabia	Riyal	1,002.04	288.00					1,002.24	288.00
Dhahran Saudi Arabia	Riyal	473.30	136.00					473.30	136.00
United States	Dollar				3,269.70				3,269.70
Johannes Binnendijk:									
France	Franc	770	90.00					770	90.00
Saudia Arabia	Riyal	1,419.85	408.00					1,419.85	408.00
Kuwait	Dinar	46,750	157.00					46,750	157.00
Oman	Riyal	146,800	426.00					146,800	426.00
United States	Dollar				1,471.00				1,471.00
Fredrick Brown:									
Philippines	Peso	13,507.50	750.00	4,769.55	264.84		52.99		1,067.83
United States	Dollar				2,103.00				2,103.00
Carl Ford:									
Philippines	Peso	13,507.50	750.00	4,769.55	264.84		52.99		1,067.83
United States	Dollar				2,103.00				2,103.00
Peter Galbraith:									
Israel	Dollar		300.00						300.00
Jordan	Dinar	34,110	90.00					34,110	90.00
Syria	Pound		101.00	400.00	102.56				203.56
Iraq	Dinar	160,890	519.00					160,890	519.00
Kuwait	Dinar	93,460	314.00					93,460	314.00
United Arab Emirates	Dirham	970	264.08					970	264.08
Oman	Riyal	161,600	468.41					161,600	468.41
United States	Dollar				2,960.00				2,960.00
John Mica:									
Mexico	Peso	75,000	375.00					75,000	375.00
Colombia	Peso	9,538	95.38					9,538	95.38
Peru	Sole	500,775	150.00					500,775	150.00
Bolivia	Peso	300,000	150.00					300,000	150.00
Argentina	Peso	17,850	255.00					17,850	255.00
Uruguay	Nupeso	4,068.40	75.00					4,068.40	75.00
Brazil	Cruzeiro	286,740	150.00					286,740	150.00
John Ritch:									
Germany	Mark	1,023.04	368.00					1,023.04	368.00
Casimir Yost:									
Turkey	Lira	27,607.50	75.00					27,607.50	75.00
Iraq	Dinar	160,890	519.00					160,890	519.00
Kuwait	Dinar	93,460	314.00					93,460	314.00
Abu Dhabi	Dirham	1,100	299.48					1,100	299.48
Oman	Riyal	165,600	480.00					165,600	480.00
Jiddah Saudi Arabia	Riyal	1,002.24	288.00					1,002.24	288.00
Dhahran Saudi Arabia	Riyal	473.30	136.00					473.30	136.00
United States	Dollar				2,939.00				2,939.00
Amendment to 1st quarter 1984:									
Kenneth Myers:									
United States	Dollar				1,701.00				1,701.00
Switzerland	Franc	395.65	182.00					395.65	182.00
Germany	Dollar		92.00						92.00
Amendments to 2d quarter 1984:									
Senator Charles Mathias:									
United States	Dollar				1,726.00				1,726.00
Sweden	Krona	1,029.95	126.99					1,029.95	126.99
England	Pound	71.74	99.00					71.74	99.00
Senator Frank Murkowski:									
Korea	Won	230,442	291.00					230,442	291.00
Taiwan	Dollar	14,617	368.28					14,617	368.28
United States	Dollar				1,945.80				1,945.80
Kevin Coyner:									
Japan	Yen			4,000	17.02			4,000	17.02
Korea	Won	230,443	291.00			5,325	6.72	235,768	297.72
Taiwan	Dollar	14,617	368.28			2,886	72.71	17,503	440.99
United States	Dollar				1,836.00				1,836.00
Erland Heginbotham:									
Japan	Yen	175,717	754.15	38,739.8	163.56	6,983	29.97	221,439.80	947.68
United States	Dollar				1,995.00				1,995.00
Mary Locke:									
Japan	Yen			15,000	63.02			15,000	63.02
Kenneth Myers:									
West Germany	Mark	1,098.20	403.75					1,098.20	403.75
Total			16,523.33		27,474.34		637.01		44,634.68

CHARLES PERCY,
Chairman, Committee on Foreign Relations, Oct. 2, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JUNE 29 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jerry Tinker:									
Hong Kong	Dollar	2,290.25	294.00					2,290.25	294.00
Philippines	Peso	2,701.50	150.00					2,701.50	150.00
Thailand	Dollar		656.00		136.00				792.00
India	Rupe	2,948.94	258.00						258.00
United States	Dollar				5,695.00				5,695.00
Switzerland	Franc	593.35	246.00	560.00	227.69			1,153.35	473.69
Total			1,604.00		6,058.69				7,662.69

STROM THURMOND,
Chairman, Committee on the Judiciary, Oct. 5, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John Dudinsky, Jr.:									
Mexico	Peso	75,000	375.00					75,000	375.00
Colombia	Peso	9,538	95.33					9,538	95.38
Peru	Sole	500,775	150.00					500,775	150.00
Bolivia	Peso	300,000	150.00					300,000	150.00
Argentina	Peso	17,850	255.00					17,850	255.00
Uruguay	Nupeso	4,068.70	75.00					4,068.70	75.00
Brazil	Cruzeiro	286,740	150.00					286,740	150.00
Total			1,250.38						1,250.38

ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources,
Oct. 2, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael P. Pillsbury:									
Panama	Dollar		320.00						320.00
United States	Dollar				559.92				559.92
Panama	Dollar		80.00						80.00
United States	Dollar				944.00				944.00
Nicaragua	Dollar		82.00						82.00
Honduras	Lempira	384	192.00					384	192.00
El Salvador	Colon	296.25	75.00					296.25	75.00
Guatemala	Quetzal	75	75.00					75	75.00
Total			824.00		1,503.92				2,327.92

ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources,
Sept. 17, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE, FOR TRAVEL FROM MAR. 21 TO JUNE 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard Kaufman:									
United States	Dollar				2,261.00				2,261.00
Greece	Drachma	23,011	225.00					23,011	225.00
Robert Premus:									
United States	Dollar				1,046.50				1,046.50
Japan	Yen	229,086	979.00	441,990	1,904.74			671,076	2,883.74
Japan	Yen			45,300	195.26			45,300	195.26
Japan	Yen			19,390	83.58			19,390	83.58
Robert Davis:									
United States	Dollar		107.79						107.79
David Smith:									
United States	Dollar				1,832.00				1,832.00
United Kingdom	Pound	212.53	297.00					212.53	297.00

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CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE, FOR TRAVEL FROM MAR. 21 TO JUNE 30, 1984—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James Gabraith:									
Italy	Lira	506,700	300.00					506,700	300.00
United Kingdom	Pound	282.98	396.00					282.98	396.00
George Tyler:									
Japan	Yen	83,853	363.00			57,000	236.51	140,853	599.51
Total			2,667.79		7,323.08		236.51		10,227.38

ROGER W. JEPSEN,
Chairman, Joint Economic Committee, Sept. 24, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Marilyn Courtot:									
United Kingdom	Pound	179	240.00					179	240.00
United States	Dollar				417.00				417.00
Gail Martin:									
Mexico	Peso	75,000	375.00					75,000	375.00
Colombia	Peso	9,538	95.38					9,538	95.38
Peru	Sole	500,775	150.00					500,775	150.00
Bolivia	Peso	300,000	150.00					300,000	150.00
Argentina	Peso	17,850	255.00					17,850	255.00
Uruguay	Nupeso	4,068.70	75.00					4,068.70	75.00
Brazil	Cruzceiro	286,740	150.00					286,740	150.00
Total			1,490.38		417.00				1,907.38

HOWARD H. BAKER, JR.,
Majority Leader, Oct. 1, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, FOR TRAVEL FROM JAN. 4 TO JAN. 18, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John C. Danforth:									
Senegal	Franc	116,085	272.50					116,085	272.50
Sudan	Dollar		140.00						140.00
Somalia	Shilling	3,584.60	206.25					3,584.60	206.25
Kenya	Shilling	1,041.90	75.00					1,041.90	75.00
Mozambique	Dollar		100.00						100.00
South Africa	Rand	108.36	86.00						86.00
United States	Dollar				3,919.13				3,919.13
Alexander V. Netchvolodoff:									
Senegal	Franc	116,085	272.50					116,085	272.50
Sudan	Dollar		140.00						140.00
Somalia	Shilling	3,584.60	206.25					3,584.60	206.25
Kenya	Shilling	1,041.90	75.00					1,041.90	75.00
Mozambique	Dollar		100.00						100.00
South Africa	Rand	108.36	86.00					108.36	86.00
United States	Dollar				3,919.13				3,919.13
Delegation expenses:									
Senegal							2,231.07		2,231.07
Sudan							1,704.00		1,704.00
Somalia							4,233.48		4,233.48
Kenya							765.07		765.07
South Africa							458.25		458.25
Spain							68.87		68.87
Total			1,759.50		7,838.26		9,460.74		19,058.50

Note.—1 employee each from the Department of State, the Agency for International Development, and from the Senate Committee on Foreign Relations accompanied Codel Danforth and are reflected in the delegation expenses. Delegation expenses include direct payments and reimbursements to State Department and Defense Department under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95-384.

HOWARD H. BAKER, JR.,
Majority Leader, Oct. 1, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), CODEL LUGAR, FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, FOR TRAVEL FROM JULY 5 TO JULY 14, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard G. Lugar:									
England	Pound	143.20	192.00					143.20	192.00
Denmark	Krone	1,929.60	186.00					1,929.60	186.00
Sweden	Krona	2,266	274.00					2,266	274.00
Finland	Finmark	613.10	102.00					613.10	102.00
Norway	Krone	1,863	230.00					1,863	230.00
Senator William V. Roth:									
England	Pound	143.20	192.00					143.20	192.00
Denmark	Krone	1,929.60	186.00					1,929.60	186.00
Sweden	Krona	2,266	274.00					2,266	274.00
Finland	Finmark	613.10	102.00					613.10	102.00
Norway	Krone	1,863	230.00					1,863	230.00
Senator John H. Chafee:									
England	Pound	214.80	288.00	500	670.00			714.80	958.00
Denmark	Krone	1,929.60	186.00					1,929.60	186.00
Sweden	Krona	2,266	274.00					2,266	274.00
Finland	Finmark	613.10	102.00					613.10	102.00
William F. Hildenbrand:									
England	Pound	143.20	192.00					143.20	192.00
Denmark	Krone	1,929.60	186.00					1,929.60	186.00
Sweden	Krona	2,266	274.00					2,266	274.00
Finland	Finmark	613.10	102.00					613.10	102.00
Norway	Krone	1,863	230.00					1,863	230.00
Jeffrey T. Bergner:									
England	Pound	143.20	192.00					143.20	192.00
Denmark	Krone	1,929.60	186.00					1,929.60	186.00
Sweden	Krona	2,266	274.00					2,266	274.00
Finland	Finmark	613.10	102.00					613.10	102.00
Norway	Krone	1,863	230.00					1,863	230.00
Kenneth Myers:									
England	Pound	143.20	192.00					143.20	192.00
Denmark	Krone	1,929.60	186.00					1,929.60	186.00
Sweden	Krona	2,266	274.00					2,266	274.00
Finland	Finmark	613.10	102.00					613.10	102.00
Norway	Krone	1,863	230.00					1,863	230.00
Jan Novins:									
England	Pound	143.20	192.00					143.20	192.00
Denmark	Krone	1,929.60	186.00					1,929.60	186.00
Sweden	Krona	2,266	274.00					2,266	274.00
Finland	Finmark	613.10	102.00					613.10	102.00
Norway	Krone	1,863	230.00					1,863	230.00
Mark Helmke:									
England	Pound	143.20	192.00					143.20	192.00
Denmark	Krone	1,929.60	186.00					1,929.60	186.00
Sweden	Krona	2,266	274.00					2,266	274.00
Finland	Finmark	613.10	102.00					613.10	102.00
Norway	Krone	1,863	230.00					1,863	230.00
Charles N. Andreae:									
England	Pound	143.20	192.00					143.20	192.00
Denmark	Krone	1,929.60	186.00					1,929.60	186.00
Sweden	Krona	2,266	274.00					2,266	274.00
Finland	Finmark	613.10	102.00					613.10	102.00
Norway	Krone	1,863	230.00					1,863	230.00
Ruth Ann Neely:									
England	Pound	143.20	192.00					143.20	192.00
Denmark	Krone	1,929.60	186.00					1,929.60	186.00
Sweden	Krona	2,266	274.00					2,266	274.00
Finland	Finmark	613.10	102.00					613.10	102.00
Norway	Krone	1,863	230.00					1,863	230.00
Delegation expenses:									
England							3,626.38		3,626.38
Denmark							1,597.76		1,597.76
Sweden							2,033.60		2,033.60
Finland							1,056.03		1,056.03
Norway							2,407.41		2,407.41
Iceland							306.13		306.13
Total			9,706.00		670.00		11,027.31		21,403.31

Note.—Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95-384, and S. Res. 179, agreed to May 25, 1977.

RICHARD G. LUGAR,
Chairman of Delegation, Oct. 1, 1984.

EXTENSIONS OF REMARKS

JAMES D. KEEN

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, James D. Keen will be honored by his Fairfield High School class of 1934 on October 19.

Mr. Keen is a patriot's patriot. A World War II veteran, former aide-de-camp to Gen. Douglas MacArthur, he spent much of the war as prisoner of the Japanese.

Mr. Keen lived through the Bataan Death March.

He was reared in Keenes, IL, and the name is no coincidence; his grandfather founded the community in 1881.

"In twenty campaigns, on a hundred battlefields, around a thousand campfires," said General MacArthur, "I have witnessed that enduring fortitude, that patriotic self-abnegation, and that invincible determination which have carved the American man-at-arms' status in the hearts of his people. From one end of the world to the other he has drained deep the chalice of courage."

James D. Keen is one of those men.●

EPA VIOLATES CLEAN AIR ACT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. FLORIO. Mr. Speaker, a few weeks ago the Philadelphia Inquirer printed an editorial blasting the administration for its stance on acid rain, and for suppressing a report it commissioned in 1982 which recommends immediate and strong action to combat acid rain contamination. Contamination which is killing our lakes, forests, rivers, and wildlife daily.

The editorial went further in declaring that, when it came to the environment, the administration was living in Mother Goose land. Its position on acid rain is like a parody of a nursery rhyme—"acid rain, go away, come again some other day." Yesterday, Judge Norma Holloway Johnson of the Federal district court here in Washington may have helped spur an end to the fairy tale the administration has been spinning about acid rain over the past 4 years.

Judge Johnson ruled that the EPA unlawfully delayed a ruling on complaints filed by nine Northeastern States concerned about acid rain. The States, which include New Jersey, had sought tighter controls on pollution from Midwestern powerplants thought to be one of the biggest contributors to the acid rain problem. Judge Johnson found the EPA in violation of the Clean Air Act by failing to rule on the States complaints for more than 2 years, and has ordered the Agency to rule on the petitions by December 5.

I would like to share today's New York Times article reviewing the Johnson decision with my colleagues. I applaud Judge Johnson for recognizing EPA's negligence, and for alerting the public to the fact that much of the administration's environmental outlook is made up of rhymes which have no reason.

The article follows:

[From the New York Times, Oct. 11, 1984]

JUDGE ORDERS EPA TO ACT ON ACID RAIN COMPLAINTS

(By Stuart Taylor, Jr.)

WASHINGTON, Oct. 10.—A Federal district judge has ruled that the Environmental Protection Agency unlawfully delayed a final ruling on complaints from the nine Northeastern states about acid rain.

The states, which include New York, New Jersey and Connecticut, had sought tighter controls on pollution from Middle Western power plants and other sources. The states contend the pollution results in acid rain which has damaged many Northeastern rivers and lakes.

The judge, Norma Holloway Johnson of the Federal District Court here, said the agency had "violated the clear terms" of the Clean Air Act by failing to rule on the states' complaints for more than two years. The Clean Air Act requires rulings on such petitions within 60 days.

Judge Johnson told the agency to rule on the petitions by Dec. 5. The agency has not decided whether to appeal the ruling, a Justice Department lawyer said today.

INTERSTATE POLLUTION

In the decision, dated Friday, Judge Johnson said the agency had "compromised" the process Congress set up to control interstate pollution.

She said the 60-day deadline showed that Congress "sought to insure prompt regulation and control of air pollution," so that "downwind states would not become the 'dumping ground' for other states' air pollution emissions."

Judge Johnson rejected the agency's argument that the issues raised by the petition were so complex and important that it was "impossible" to meet the statutory deadline.

Attorney General Robert Abrams of New York, who learned of the decision today, criticized the agency for stalling on acid rain. He said today Judge Johnson's decision "will finally flush EPA out into the open."

While Judge Johnson did not say whether the agency should impose new pollution controls sought by the Northeastern states, Mr. Abrams said her decision would set the stage for another lawsuit if the agency refuses to impose controls, as it is expected to do.

The agency issued a proposed ruling on Aug. 29, in which it refused to impose pollution curbs because no "definitive and scientific link" had been proved showing acid rain in the Northeast to be caused by pollution from the Midwest.

The Reagan Administration has also opposed regulations to curb the emissions thought to cause acid rain, saying further study of the causes and effects of acid rain is needed before costly pollution-control measures are undertaken.

"E.P.A. is shirking its fundamental responsibility by insisting upon a standard of certainty of scientific evidence that Congress never asked for and the courts have never required," Mr. Abrams said today, citing the views of many scientists that acid rain is caused by sulfur emissions from the Midwest.

The lawsuit was brought by Pennsylvania, Vermont, Rhode Island, Connecticut, Massachusetts, New Hampshire, New Jersey and several environmental groups and others.

They take the position that pollutants from coal-burning power plants and other sources in seven states in the Midwest are creating acidic percipitation in the Northeast that reduces visibility and hinders the Northeastern states' efforts to comply with Federal clean air standards.

The Northeastern states have pressed the E.P.A. to use a section of the Clean Air Act regarding interstate pollution to require a reduction of emissions from power plants and other sources in Ohio, West Virginia, Illinois, Indiana, Kentucky, Michigan and Tennessee.●

LETTER FROM NICARAGUA

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. WILLIAMS of Montana. Mr. Speaker, in May of this year, Harvard magazine published the following letter from Nicaragua. I encourage my colleagues to read this letter and reflect on these comments as Congress continues to make decisions regarding our relations with our neighbors in Central American countries.

The letter follows:

LETTER FROM NICARAGUA

(By Sarah Stookey)

I have been back in Estelí for three weeks now—it feels like much longer. I am living with a family in Barrio Jaime Ubeda. It is a very good home to be in. The mother, Franci, is 34 and a student at the Frente Sandinista College just north of town. It is a school of general education, administrative and military training, and farming work. Eighty students participate in each year-and-a-half program, designed to develop an indigenous group of professionals for government work. The students are, for the most part, middle aged, with "life experience" in the revolution but little formal education. Franci was selected for her work in the underground women's movement of the 60s and 70s, and for her apparent leadership potential.

Franci lives at the school during the year but is home now for a couple of months. Everyone in the house is home now. The annual three-month vacation has just begun—all six of Franci's daughters finished their final examinations last week.

Magda, the oldest at 19, is working during the day with the Juventud Sandinista, the youth organization of the FSLN. She spends all day at meetings or in the barrios, managing activities for smaller children.

Another daughter, Karellia, 15, is going to go pick coffee this month. Many brigades have left Estelí for the mountains in the north where the coffee crop is concentrated. Each brigade is made up of the members of a mass organization (for example, AMNLAE, the women's organization) or of a CDS (the barrio community organizations) or of students. The brigades go up for two- to four-week periods to bring in the harvest quickly and to help make up for the many campesinos who are fighting or have been forced to abandon their crops because of contra ambushes. The brigades work under army protection and are themselves armed.

We have had news from friends who are working in these brigades, and from others who have visited. It is hard work, the food is very poor, and there are frequent ambush attempts. These are often repelled without casualties, but two students from Estelí have died since I have been here.

Students who do not want to pick coffee and are not otherwise busy, either as sole wage-earner in a family or in government or mass organization work or in vital production, are participating in three weeks of training and seminars on civil defense practices. In case of an invasion, they will be the coordinators in the barrios, supervising first aid, fire fighting, food distribution, child care.

The little girls in the family, ages 6 to 11, spend the day playing in the house, in the street, or running errands. They are eager companions/interpreters on trips to el centro.

This is clearly a time of preparing for an invasion. The territorial militias, those forces that will defend the city, are training all day on the weekends and for two hours every weeknight. The training is in general defense skills and precedes assignment to barrio level battalions, which are coordinated by the CDS in each neighborhood.

Saturdays, people gather in the plaza around noon. We divide up into groups of ten, and each group is instructed by a member of the EPS, Popular Sandinista Army. A group of ten this past Saturday included a seven-year-old boy and his mother, several teen-age girls, a fifty-year-old woman, and a couple of young men. We practiced maneuvers in a field—how to form a line of defense, how to respond to air or chemical attack.

On Sunday there is arms training, instruction in how to take apart and reassemble the gun, and, only afterward, target practice. Everyone, of all ages, is respectfully attended to and allowed their turn and questions. The sun is very hot but, inevitably, just when it's the worst, a jeep shows up with a tub of ice water and a cup is passed around. Sometimes, instead of arms training, there is work on Sunday. Everyone walks, in two lines on either side of the highway, singing and clapping, to a place where we're given picks and shovels and dig foxholes or refuges.

Always there is sharing of food—tortillas, pineapple, bananas—and much joking and flirting. And always there are mountains that ring Estelí. The clouds are constantly changing the patterns of light and shade on the meadows and darker woods.

And it is so, always, that the more I see of the community's preparation for its defense, the more sure I feel of their cause and the more desperate about the effect of U.S. power in the region.

I have never seen people caring so much about each other—giving and working when they have so little to give and so much to do. Those who dig the longest, who rest the least, are always the poorest farmers. This house where I am has only one small scholarship to feed and clothe seven people and yet I was told that I needn't worry about contributing money for food, that as long as there was something to eat, it was mine to share.

The difference between these and similar generosities in the States is the context in which they occur. I believe the purpose of government is to nurture and institionalize the best in human relations. And here I feel that happening. The FSLN has made a commitment to improving the quality of life of the poor. The current administration is making tangible progress—cheaper food, free health care, widespread public education. And it is fervently seeking out ways to involve people in this work. Often there is no alternative. Here there is not the unique "luxury" of being passive, of being able to trust that the coffee will be harvested, sewers will be built, or the cities defended. In the States it seems that we are often debilitatingly dependent on mysteriously complex and distant mechanisms of administration and provision. We have an abundance of technicians and officials who are all to willing to carry out the responsibilities of the community without popular "interference." And an abundance of workers who also produce in a vacuum, without really feeling part of the social-political organism. We do not often acknowledge our dependencies on one another.

Self-government is a logistical necessity here; as Annie Dillard said about China, "it is a country made by hand." But the monumental tasks facing this people could never be accomplished without honest evaluation of the society's resources and needs. The process of popularly determined and effected government requires open recognition of the contribution of each social group and of each individual. Making life better here has also meant developing a highly sensitive awareness to the complexity of social relationships.

Someone at home asked me recently about an impression of surreality she got from reading Gabriel Marquez's One Hundred Years of Solitude. In that book about Latin America, the men build houses of ice in the tropical jungle and wonder why they melt. What I feel here, what I have tried to describe, is an honesty and understanding that are the very opposite of surreality.

This is why I am very happy here now. It is the basis of my particular attraction to this place, and why I think I have a lot to learn here. And it is very much a result of being able to be in Estelí. But I hope that you will continue to help the people here, to oppose our government's actions against Nicaragua, even though you may not share all my enthusiasm about this process. It is one thing to be critical or offended by what is happening in this country. It is another to sit back and watch the United States systematically and militarily undermine the popularly supported, internationally recognized government of another country.

And the U.S. is the central power in this war. It is our dollars, our military expertise, our new airbase in Honduras (which dwarfs the "Cuban airstrip" in Grenada), our paramilitary training camps in Florida and New Jersey, and our refusal to seriously consider the FSLN's diplomatic proposals that are feeling the war in this region. Our planes are flying the reconnaissance missions that made possible the attacks on the Managua airport and the port of Corinto last fall. We must take responsibility for those fires in Corinto that forced 25,000 people to flee their homes.

And every week campesinos are found dead near their fields in the mountains near Estelí, often decapitated with their own machetes.

And still U.S. law, the Boland amendment to the FY 1983 Intelligence Authorization Act, prohibits the CIA and the Defense Department from participating in the contra attempt to overthrow the government of Nicaragua. And still, the OAS charter, of which we are a signer, proclaims: "No state or group of states has the right to intervene, directly or indirectly, in the internal or external affairs of any other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic and cultural elements."

As Senator Moynihan wrote of the Boland amendment: "This is the law, American law. It is not a matter of interpretation, it is a law which the Administration must abide by. . . ." And of the OAS treaty: "As we are a government of laws, we would hope to be a government of laws in the hemisphere and thus be bound by our commitments."

Not liking what is happening inside Nicaragua does not justify the destruction of Nicaragua's project of change. That is one point.

There is another: that unless the government of the U.S. obeys the laws promulgated by the representatives of the people and the treaties to which it self-righteously holds other nations, then we surely are building ice houses in the jungle.

Please be angry. To stop this violence against the people here. And to assert our right to honest relations with one another. We cannot allow ourselves to do what we are doing.●

TRIBUTE TO HAL SAWYER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BIAGGI. Mr. Speaker, I want to pay tribute today to our colleague from Michigan, HAL SAWYER, who is retiring after 8 distinguished years of service in this august body.

As the ranking minority member of the Subcommittee on Crime, Hal has played an instrumental role in the development and movement of a number of major anticrime initiatives over the years. I have been particularly impressed with the major contribution Hal has made this Congress in getting a meaningful bill out of the Judiciary Committee to outlaw armor-piercing "cop killer" bullets that can penetrate the bullet-resistant vests worn by police officers. As the author of this legislation (H.R. 6067) and a 23-year veteran of the New York City Police Department, I have a very personal interest in this issue.

It should be noted that the legislative effort to outlaw these awesome projectiles became far more difficult than first imagined. I authored the first bill to ban these bullets in 1982, but the bill became stalled due largely to definitional concerns expressed by the administration. However, thanks to the persistence of Hal Sawyer and the chairman of the subcommittee, Bill Hughes, those concerns were finally resolved earlier this year and a sound legislative product ultimately made its way to the floor.

During the course of action on this vital police protection issue, Hal's advocacy of a ban against armor-piercing ammunition has been crucial to this extremely worthy, yet difficult, cause. As much as anything else, Hal's outspokenness and genuine concern in this matter demonstrated that this was a bipartisan issue worthy of bipartisan support. Courageously, Hal teamed with Bill Hughes in making some important improvements in the "cop killer" bullet bill that was sent to Congress by the administration—despite administration objections to any changes at all. Hal took that bold action because he was unwilling to play politics when the lives of police officers were at stake. Hal Sawyer took the right position on this issue and the law enforcement officers of our Nation are very thankful for that.

My only regret is that after all of Hal's hard work and active interest in this issue, there will be no final congressional action this year on legislation to outlaw armor-piercing ammunition. But Hal should still leave satisfied that he has helped to posture this important propolice intiative for full House action early next year.

Mr. Speaker, Hal Sawyer's eloquence and skill as a legislator will be missed, but not forgotten—especially by our Nation's 570,000 law enforcement officers. I wish him all the best in the years ahead.●

IN SUPPORT OF THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM AND THE LOW-INCOME WEATHERIZATION PROGRAM

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. OTTINGER. Mr. Speaker, I was unavoidably absent from Tuesday's vote on S. 2565, the Human Services Reauthorization Act, and I wish to support my colleagues' action on the bill, particularly title VI, which reauthorizes the Low-Income Home Energy Assistance Program [LIHEAP] for fiscal years 1985 and 1986, and title IV makes several important reforms in the Low-Income Weatherization Program which I have long supported.

While this legislation fails to meet the desperate need for assistance in this Nation's poverty households in several important ways—especially with respect to the very low levels of authorized LIHEAP funding—I am pleased to note that it contains many of the program reforms sought by the Energy and Commerce Committee when it reported favorably on H.R. 2439 last May, and by the House when it passed H.R. 2615, the Weatherization and Employment Act of 1984, in January. Moreover, at this late date in the 98th Congress, I believe the passage of the LIHEAP authorization measure is especially urgent to prevent any unnecessary disruption as the States prepare for the coming cold weather.

It is not an exaggeration to say that these programs can be the difference between life and death to many poor families in this country, especially those with high heating bills. According to a report by the Special Committee on Aging, approximately 60,000 lives are lost annually to hazards associated with cold weather, including hypothermia, fires, and carbon monoxide poisoning from space heaters; pneumonia, flu, and other infectious diseases. Based on statistics gathered by the Centers for Disease Control, the Aging Committee report estimates approximately 2,000 more elderly died in last winter's December/January cold wave than in the same period the previous year. Just at the time many of the Nation's poor and elderly were hoping for a temporary break in their heating bills, the coldest December ever recorded simply wiped them out. And last January, heating oil prices exploded 20 percent in New York and elsewhere.

The fact is, the poor are trapped between such pressures all the time—dropping temperatures, opportunistic fuel suppliers, and the competing demands of health, food, and shelter which can overwhelm a family's ability to pay its utility bills. An estimated 4 million households had their utility service terminated for nonpayment in 1982 alone. I believe passage of this bill is an important step in the right direction.

Congress first seriously addressed this problem of low-income energy assistance in 1980 as a result of the decision to decontrol oil during the Iranian crisis. At that time, analyses showed that rising energy prices and the decontrol of oil could reduce the purchasing power of low-income households by at least $4 billion annually. As a result, Congress passed the Home Energy Assistance Act in 1980 as part of the Crude Oil Windfall Profit Tax Act. Congress authorized $3.115 billion for fiscal year 1981 and, to fund this program, provided that 25 percent of net revenues from the windfall profits tax would be allocated for aid to lower income households. This aid was projected to total $3.35 billion for fiscal year 1981. That promise was never kept. Assistance never reached those levels, and actual appropriations for fiscal year 1981 were only $1.875 billion.

In title XXVI of the Omnibus Reconciliation Act of 1981, Congress reauthorized the program at $1.875 billion for fiscal years 1982, 1983, and 1984. Congress has appropriated at or above the $1.875 billion authorization level in all 3 of those fiscal years, despite administration requests to slash funding significantly. In fiscal year 1982, appropriations reached $1.875 billion in response to the President's request for only $1.4 billion. In fiscal year 1983, appropriations rose to $1.975 despite the President's request for only $1.3 billion. In fiscal year 1984, appropriations reached $2.075 billion, despite the President's request for only $1.3 billion. The winter was so severe last year that the administration relented and supported an additional $200 million in an urgent supplemental appropriations bill.

For fiscal year 1984, the President requested only $1.875 billion, and support for that level was contingent on Congress granting the administration the authority to use oil overcharge escrow funds as substitute for regular appropriations. This proposal threatened this program with uncertain and inadequate funding for the forseeable future. The Energy and Commerce Committee received testimony against making LIHEAP appropriations contingent on the use of oil overcharge escrow funds as a substitute for regular appropriations. I am pleased that no committee of either the House or the Senate has accepted that proposal. For fiscal year 1985, the Labor-HHS appropriations bill includes $2.1 billion in regular appropriations.

Although this history makes clear that Congress has consistently refused the administration's repeated requests to deny energy assistance to the Nation's poorest households, it also shows that the so-called safety net remains close to the ground. Indeed, $2.1 billion for fiscal 1985 is only half the amount necessary to make up for the purchasing power lost just since 1978.

According to the Department of Health and Human Services [HHS], at least 19 million households are eligible for LIHEAP under the statutory income guidelines and the Congressional Research Service estimates that more than 22 million households are probably eligible using the most recent data available. However, due in part to low funding levels, the States have exercised their discretion to adopt income criteria more restrictive than the national ceilings, reducing the eligible population to 13 million, of whom approximately 6.6 million actually receive assistance. Thus, only one out of three eligible households actually receive any assistance.

Even for those who are lucky enough to receive assistance, it only compensates for a small portion of typical utility bills. According to the National Consumer Law Center [NCLC], the average assistance provided to a LIHEAP recipient is $212 to help offset average energy bills which range from $500 in California to $1,737 in Maine. Moreover, in 39 States, no more than 30 percent of the average home energy bill is covered by energy assistance. In 44 States, plus the District of Columbia, those low-income households fortunate enough to receive energy assistance are still left with energy bills ranging from an average of more than $500 to $1,328.

Other highlights of NCLC's analysis include:

ENERGY COSTS

In 21 States, plus the District of Columbia, average home energy costs for low-income consumers exceeded $1,000 in 1983.

In another 19 States, costs exceeded $800, and only in 3 States were costs below $700.

ENERGY COSTS AND THE UNEMPLOYED

In 32 States, after paying home energy bills during the three coldest months of this winter, the families of unemployed workers had on the average less than $100 weekly remaining out of the average unemployment check for all other living expenses.

In 16 States, those living on unemployment benefits had $75 or less remaining weekly after paying home energy costs.

In 26 States, more than 25 percent of the average unemployment benefit was spent on home energy bills during the three coldest months of this winter; in New Hampshire, 49.6 percent of the benefit was spent during these months.

ENERGY COSTS AND THE ELDERLY

In 47 States, plus the District of Columbia, single elderly persons living on supplemental security income [SSI] had only $61 or less remaining each week for all other living expenses after paying home energy costs during the three coldest months of this winter.

In 35 States, plus the District of Columbia, these same households had less than $50 weekly remaining. Remaining weekly balances ranged from a low of $21 in Maine to a high of $94 in California.

In Vermont, New Hampshire, and Maine, less than $30 weekly was left; while in Delaware, Maryland, Minnesota, North Dakota, and West Virginia, there was less than $35 per week left for all other expenses.

With this background, let me address the particulars of title VI of this bill.

The authorization is for only 2 years at levels far below those approved by the Energy and Commerce Committee. For fiscal year 1985, the bill authorized $2.14 billion, compared to $2.26 billion in the committee bill, and for fiscal year 1986, the bill authorizes $2.275 billion compared to $2.5 billion in the committee bill.

As I mentioned earlier, even the committee's levels are only half of what the poor have lost in real purchasing power since 1978. While I recognize the need for budget restraint, it is a dismal perversion of priorities that such restraint is exercised in this program so that less critical spending can occur elsewhere.

The examples are numerous, but to cite just one, I ask my colleagues to recall that last June we forgave an estimated $12 billion in taxes owed by major corporations on export income deferred under domestic international sales corporations. As noted on the floor by Mr. STARK,

> It is interesting to note that, with the sweep of the pen, we gave $12 billion to major corporations in this country tax free, as a gift. It was never asked for. They were willing to pay about $4 billion of that in taxes without even fighting.

Clearly, the problem is not lack of resources. The problem is for whose benefit we manage them.

While this bill alters the formula used to allocate appropriated funds to the States, the changes are not as drastic as the formula change which passed the House last fall. Nonetheless, this change will ultimately shift funds away from some of the coldest States in the Nation, including my own State of New York.

It is based on estimates of the total expenditures for "home energy"—heating and cooling only—by households eligible for LIHEAP in a given State. This approach has the advantage of including annual fluctuations in energy bills and, in that respect, is consistent with the formula reported out of the Energy and Commerce Committee. However, this formula has the disadvantage of cutting the allocation to the Northeast and Midwest regions which have fought longest and hardest for this program because of the special burden arising from long heating seasons and energy bills which take a very high percentage of a low-income household budget. While the new formula theoretically allows all States to assist their eligible poor at the same rate, it fails to recognize that a household with a $1,500 annual heating bill in Maine must receive a higher percentage of assistance than a household with a $500 heating bill in California if they are both to survive. I fought for, and am pleased to have won a provision for fiscal year 1985, assuring all States of receiving at least as much as they received in fiscal year 1984, and that for fiscal year 1986, no State will receive less than it would have received under the old formula assuming an appropriations level of $1.975 billion. This insures that no State will suffer a sudden drastic decrease in funds.

The bill also contains several important provisions designed to assure that the nonwelfare poor are not treated inequitably by the operation of any State program. For example, section 2605(b)(5) has been amended to make clear that if a nonwelfare household is eligible, it would receive the same relative level of benefits as a household falling into a specified welfare category. Similarly, section 2605(b)(8) has been amended to make clear that a nonwelfare household which qualifies for assistance cannot be denied such assistance as long as heating assistance funds are still available for welfare households.

The Senate also has reduced the carryover limits from 25 to 15 percent, so that States must spend at least 85 percent of each year's funds in the year for which it was appropriated. This reform was contained in the Energy and Commerce Committee bill.

In title IV, the Senate has included several reforms originally contained in H.R. 2615, the Low-Income Weatherization and Employment Act of 1984 which I authored. While I am disappointed that the Senate did not see fit to provide a multiyear authorization for the weatherization program at this time, this will not disrupt the program in fiscal year 1985 because it is already authorized for that year.

The most important strengthening amendments include: First, allowing States to conform their weatherization eligibility levels to their LIHEAP eligibility levels; second, adding several measures to the list of energy conservation measures allowed, including, especially, heating system modifications or replacements; third, allowing States more flexibility concerning spending limits in each home, and fourth, in fiscal year 1986 and thereafter, requiring the Department of Energy begin rewarding States on the basis of excellent performance.●

WEST VIRGINIA FIREMEN'S ASSOCIATION RESOLUTION

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. MOLLOHAN. Mr. Speaker, the West Virginia Firemen's Association recently passed a resolution at their State convention which requests that a fire service representative be appointed to the U.S. Consumer Safety Commission. The West Virginia Firemen's Association strongly believes that the loss of life and property in this country is far too high due to fires. The firemen of West Virginia continue to press for better fire prevention and safety programs and they believe this resolution is a step in the right direction.

Mr. Speaker, I would like to take this opportunity to lend my support to this resolution and I am enclosing a copy of it for the benefit of my colleagues.

WEST VIRGINIA STATE FIREMEN'S ASSOCIATION

Whereas, the West Virginia State Firemen's Association is extemely concerned with the representation of the Consumer Product Safety Commission (CPSC): and

Whereas, the need for fire service representation to provide necessary input on fire safety issues is imperative.

Therefore be it resolved, That the West Virginia State Firemen's Association, Beckley, West Virginia, September 13-15, 1984, do hereby request that the President of the United States consider the appointment of a United States Fire Service Representative to the United States Consumer Product Safety Commission. Appointment to be considered when a vacancy occurs on the Commission or in the next round of appointments.

Be it further resolved, That a copy of this resolution be sent to the following persons and organizations in request of their support of this resolution.●

IN PRAISE OF PONZA

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. GARCIA. Mr. Speaker, my community is diverse. It is full of many hard-working, decent individuals from a variety of backgrounds and cultures.

There is a family-run restaurant in my district that serves some of the finest Italian food in the city of New York. It has been run by the Scarogni family for over 50 years. Up until recently it was run by Steve Scarogni and his brother-in-law, Frank Feola. Unfortunately, Frank recently passed away, but the memory of his good humor and hard work are with all of us who knew him.

Still, the Venice, as the restaurant is called, remains one of the best. Maybe the reason for the success of the Scarogni family is that they come from one of the most beautiful spots in all of Italy, the island of Ponza. It is one of the most scenic and relaxing places I have ever had the good fortune to visit.

In many ways, Ponza is like the Bronx. It is full of good-natured, hard-working people who care about themselves and their communities. I am submitting an article taken from the New York Times on Ponza for my colleagues' information.

ITALIAN ISLE FOR FALL SUN

(By Karen Wolman)

When the last high-powered motorboat has roared off to its home port, and when the sails of the streamlined Milanese yachts swell with the wind that will carry them home, Ponza slips happily back into a state of sleepy forgetfulness.

For travelers with a taste for getting away from the usual Mediterranean resorts, a trip to this quiet island in the Pontine archipelago—20 miles off the Italian coast, south of Rome and west of Naples—is well worth the detour. In September, toward the close of the season, a weekend retreat or a full week of relaxation on Ponza is a perfect antidote to the jostling crowds and jarring sounds of the peninsula. October is pleasant as well, but some hotels and shops begin to close up for the winter season.

It is only in recent years that tourists, predominantly Italians, have rediscovered this volcanic island, once used for banishment and for mystical ceremonies. Yet, in spite of long periods of neglect by tourists, Ponza has always taken pride in its legendary reputation for seducing the visitor.

The Ponzesi insist that the island was once the domain of the Homeric sorceress Circe, whose charms succeeded, if only temporarily, in robbing Ulysses of his unshakable resolve to return home. Perhaps it is this ancient aura of mystery still clinging to the island's scalloped shores that has caused tourists to bypass Ponza on their way to more cosmopolitan Mediterranean cousins, such as Capri or Mykonos. Come September, there are very few tourists clambering down to Ponza's pebbled beaches, and the only boats moored in its inlets and bays are the small fishing vessels of the local inhabitants.

Chugging or gliding, either on a ferry or a sleek hydrofoil, the final approach from Anzio to the island takes visitors past the uninhabited island of Palmarola and into the broad gulf in which Ponza's port nestles. Perched above the row of fishing boats that fringe the port is the town's main square, Piazza Pisacane, connected to the dock by a short flight of stairs and a ramp for cars. Those who have just arrived can join residents and other visitors seated in the shade of canvas awnings and enjoy a leisurely breakfast of fresh cornetti (crescent rolls) and cappuccino before setting off to explore the island or to deposit suitcases in nearby hotels.

Fanning out and upward from the waterfront is the main town, a cluster of two- and three-storied houses. Some are painted in pale blues and pinks, others are simply white-washed. Carefully tended orti (vegetable gardens) flank the outermost houses; potted geraniums line porches and windowsills. The overall effect is a harmonious blend of colors and forms, soothing to the eye. And thanks to the island's characteristic, low-slung staggered rooftops, everyone is guaranteed a fair share of the view.

At the waterfront, a continuous stretch of buildings winds its way from the main square to the Sant'Antonio beach. This is the Passeggiata Pisacane, a promenade lined with shops and boutiques. It is a good vantage point from which to watch the brightly painted fishing trawlers as they pull into port after long spells at sea. Crates of fish lay alongside the coils of rust-colored nets heaped on wooden decks. Hand over hand, from father to son, the silvery catch is hoisted ashore.

The town's shops offer more meager fare. The principal item worth hunting for is coral, collected by the Ponzesi and crafted into beaded strands, pendants and earrings.

Visitors who stroll along the passeggiata or through the port's narrow streets will sense the eyes peering out from behind shuttered windows, and will feel the watchful gaze of old couples as they impassively note the town's comings and goings from the distance of balconies.

Only a short walk from the main port, a tunnel carved into the mountainside by the ancient Romans spills onto a wisp of a beach at Chiaia di Luna. Slanting rectangular cuts in the ceiling illuminate the way. At the end of the tunnel there is a pebble-strewn beach, backed by a sweeping arch of honey-colored cliffs. Because it is so close to the town—just up the road leading away from the Sant'Antonio beach—Chiaia di Luna is ideal for recuperating from the morning crossing while soaking up the first rays of the sun as it creeps over the rim of the cliffs.

To see where mystical rites were practiced on these rocky shores, take a trip to the Grotte di Pilato. These cavernous opening are gouged into the cliffs at the water's edge just outside the port. The occasional reflection bouncing off the shadowy interior is an eery reminder of the moray eels and other fish once held captive here by the Romans because their entrails were believed to have oracular powers.

The Grotte di Pilato, as well as the other caves that riddle Ponza's coastline, are accessible by small boats, which can be rented with or without a guide along the waterfront at the port. Escorted trips to and from secluded beaches, a three-hour tour around the island or a brief foray to the caves outside the port are among the ways to see the island beyond its port. Another excursion option is a daylong trip to the neighboring island of Palmarola, which is noted for the natural spires of the catedrale rock formation and the turquoise waters of the caves called the Grottone di Mezzogiorno. The trip to Palmarola can be combined with the tour around Ponza's jagged coastline, a less strenuous, but more expensive alternative to the overland tour of the island.

To see the interior of the island, take the shuttle bus that leaves from the newsstand at the Sant'Antonio beach and winds through the hills to within walking distance of many of the island's bathing spots.

Outside of the two main nuclei of houses—at Ponza port and Le Forna—much of the island is carpeted with the wild growth of Scotch broom and the tangle of cactus. Patches of hillside are terraced with vineyards; here the grapes used to make Ponza's distinctive wines are grown. Visible from the road are glimpses of the faraglioni, strange rock formations and twisted pinnacles, and the hazy silhouette of Palmarola in the distance.

The unbroken loop the bus makes around the island can be stretched into a day's excursion with walks down to the sandy beaches and rocky coves sighted along the way. The natural pools at Cala di Feola or the swirling rock tunnel that leads to the Cala D'Inferno, both connected to Le Forna by steep paths, are good places to stop along the way. Chiseled into the dark rock at Cala di Feola are several basins joined by natural arches. The water is so transparent that the dinghies floating in the pools seem suspended by the thin ropes that moor them to the rocks.

It is not hard to understand why Boccaccio, the quintessential storyteller of the 14th century, considered Ponza a land of delicious oblivion and called it Monteblivione. In his encyclopedia of mythology, "Genealogia deorum gentilium," Boccaccio described Ponza as a refuge where the wayward daughters of the Olympian gods escaped to avoid the rigid strictures of chastity. The maidens wiled away their voluntary exile on the island by seducing sailors, and, like Circe, attempted to make them forget their wives and families.

The ebb and flow of settlers, visitors and exiles has never ceased. After the Greeks came the Romans with their villas and aqueducts, traces of which can still be seen along the coast. Meddlesome members of imperial Roman families were banished to Ponza, and during World War II the island was again used as a place of exile, this time for opponents of the Facist regime.

After the war, entire families began to emigrate. A tenacious loyalty, however, still anchors them to their native island; of the thousands who moved to the United States, hundreds return each year for the June festivities celebrating the island's patron saint, San Silverio. The older generation, either too attached to their ancestral waters, or too tired to ride the waves of emigration that have periodically swept over the island, calmly wait for their return.●

THE DESERVING RICH

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, the Presidential debate on tax policy began in earnest once Democratic challenger Walter Mondale boldly promised to lower the Nation's budget deficit by raising income taxes on upper- and middle-income breadwinners.

But does Mr. Mondale think that all rich people drive Rolls Royces and have Great Danes to retrieve the latest copies of Town & Country magazine for their masters? If so, Mr. Mondale should do some brain wrestling with himself.

Here is an article written by a hardworking business manager who would fall into Mr. Mondale's designation of a rich person. In looking through this piece of reality from the real world, it becomes obvious that people formerly termed rich—those with incomes over $60,000—are clearly falling into the image of middle-income workers. Postwar inflation has seriously eroded the purchasing power of everyone. Thus, it seems particularly cruel that Mr. Mondale maintains he will repeal indexing once elected to the Presidency. Indexation of taxes to the Consumer Price Index [CPI], as enacted in President Reagan's 1981 tax cuts, will prevent bracket creep from further harming the earnings of all American workers when it begins in January 1985.

In social policy debates over the years, Congress has usually sided in favor of the deserving poor when it came time to transfer wealth from upper income segments of our society. Perhaps Congress should now recognize the contributions which the deserving rich have given to the Nation. These are the industrious people who pay more than their fair share of taxes to support government programs. These are also the citizens who channel their disposable income into purchases of consumer goods and productive investments which rejuvenate the economy. These taxpayers deserve more respect from Mr. Mondale.

I commend this article by John Adams which appeared in Newsweek October 1, 1984, to the attention of my colleagues.

[From Newsweek October 1, 1984]

IF I REALLY WERE A RICH MAN

(By John Adams)

Until the current debate on income taxes, I had always thought rich people lived in gray stone houses on vast estates with butlers, Great Danes and ne'er-do-well third-generation children frittering away megabucks that weren't always politely earned in the first place.

Imagine my surprise, then when Walter Mondale nominated me for membership in this elite group. Having declared that Reagan's cuts gave "each of his rich friends enough tax relief to buy a Rolls-Royce," Mondale proposed that those who earn more than $60,000—which I do—would bear the biggest burden of his tax-increase plan. In sum, the rich can afford it.

Me? Me rich? Good Lord, I live in a three-bedroom house in a nice but hardly chic neighborhood. Our family car is a '79 Mercury station wagon. The children attend private schools, but to offset part of that cost my wife, Penny, keeps a sharp eye out for sales and shuts off the air conditioner on all but the worst summer days to save on energy expenses. I inherited nothing from my parents when they died, did not attend a "money" college with an old-boy network and have basically worked like a Trojan to get where I am and own what I do. Comfortable, even affluent? Sure. But rich?

When I look around at my neighbors, the picture is largely the same. The man next door, lucky to get out of Poland during the Hitler pogrom, is in the business of conducting seminars for hospital administrators. Another neighbor owns an automobile parts distribution company. Another has a company that performs scientific experiments for the government. Another operates his own accounting firm. All of these people must earn more than $60,000 per year, all of them seem to have gotten where they are by working a lot of 60- to 70-hour weeks, and yet, tainted by their success, all of them have been judged "rich" and therefore less deserving of a tax break.

Shrill: What makes all this relevant today, of course, is that the rhetoric about the rich and what they have received under the Reagan administration is growing increasingly shrill. And Mondale's signal that they will be a major campaign issue means that, if elected, he will undo some of the rights done to the rich in the last four years.

Well, what about the rich? Are they somehow evading their tax responsibilities? Was the tax reduction for them really a travesty of justice? Hardly. In making some calls to the numbers keepers at various government agencies, I learned that slightly more than 1 in 10 households in this country reports an annual income of $50,000 or more, which Tip O'Neill last year characterized as rich. And a somewhat smaller group, with adjusted gross incomes of $50,000, accounts for more than 35 percent of all personal income-tax revenues. In other words, the rich pay a percentage of taxes over 3½ times greater than their number! While I'm at it, let me strike a blow for the truly rich. Those rarefied households reporting annual incomes in excess of $1 million provide almost as much total personal-tax revenues as the 22.9 percent who make less than $100,000 per year, some 10.6 million households. By most standards of fairness, then, the rich are more than responsible in paying their taxes and certainly were just as entitled to participate in a program designed to reduce personal income taxes across the board as lower-income families. So what Mondale and company really want to do in opposing tax breaks for the rich is to make the progressive tax system even more so.

It goes without saying, I hope, that only Attila the Hun would deny social responsibility in this day and age. A progressive tax system of some kind is almost the only way national social responsibilities can be met. But if progressive taxation makes sense, what also makes sense is the concept of a turning point where progressive taxation becomes confiscation and social responsibility becomes plain old socialism. Have we reached that point? Congress apparently though so and rolled back the marginal tax rates so the government would not take more than half of what someone earned, no matter how good the cause.

Now that the rich have become a major campaign issue, perhaps my fellow rich will see clearly that what is at stake here is not just a return to higher marginal tax rates if the liberals win the day, but an all-out attack on one of the key underpinnings of America's greatness.

Brass Ring: From the beginning, the engine of America's economic, and indeed social, success has been the concept of meritocracy. That what you are is what you have worked to be. That what you have is what you have earned. And that your shot at the brass ring is as good as anyone else's. A bit flawed in its execution at times, the concept of meritocracy must nevertheless be accorded equal status with the concept of democracy when dissecting the sucess this country has enjoyed.

And yet it isn't. Certainly not by the liberals of Mondale's stripe who have labeled 8 million U.S. families rich. Far from taking national pride in these people, the overwhelming majority of whom succeeded more through hard work than anything else, liberals apply the pejorative term "rich" and make absolutely no distinction between someone earning a salary and someone with working assets, or capital.

Well, I say this kind of thinking, this relentless drive to level our society which has been going on for 50 years now with only brief respite, is seriously undercutting the concept of meritocracy. The much-discussed tax "revolt," the fact that tax shelters have become a booming industry because of millions of middle-income families, is nothing but an attempt by these families to keep more of what they earn, no matter how frivolously they plan to spend the income they save.

Personally, the thought of Mondale and O'Neill gaining a hammerlock on my wallet in November to do even more good with my money not only scares me, it makes me mad. I've given my fair share. I can look our poorest citizen straight in the eye and say: "I've helped you. A lot. I've worked more than five months to support the government and its programs. The rest is for me."●

TRIBUTE TO JIM MARTIN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BIAGGI. Mr. Speaker, after a distinguished 12-year career in the House of Representatives, our friend and colleague JIM MARTIN will be departing and instead is seeking to become Governor of North Carolina.

For these 12 years, JIM has been a quiet but highly influential Member of this institution. He served with special effectiveness as a member of the House Ways and Means Committee as the ranking minority member on the Subcommittee on Oversight and also on the Subcommittee on Health. JIM was someone who you could always work with. He understood the importance of working together in pursuit of good legislation. JIM played an important role in any number of bills which came out of the committee during his 12 years of service on the committee.

JIM was elected to the House after a distinguished career in local politics in his area of North Carolina. He has always remained close to his constituents from the beautiful counties of Iredell, Lincoln, and Mecklenburg as well as parts of Yadkin County.

I wish JIM good luck in his pursuit of the state house in North Carolina. I enjoyed my service with him in the House, and I have much respect for him as a legislator and a man. To his wife Dorothy Ann and their three children I send my best wishes for future success and happiness.●

LET US MAKE SURE THAT 1984 DOESN'T BECOME THE YEAR OF THE TERRORIST

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BROOMFIELD. Mr. Speaker, I salute the President and my colleagues in the Congress for their strong commitment to making sure that 1984 doesn't become the year of the terrorist. I want to share with all of you some thoughts on this critical subject by W. Raymond Wannell of the FBI. He poses some intriguing questions about the possibility of increasing terrorism in the United States.

As you know, the Senate recently sent the President H.R. 6311, an act to combat international terrorism. Pending in the Senate are two important pieces of implementing legislation concerning hijacking and hostage taking. I understand that the President will sign all of the legislation.

While terrorism in recent years has focused our attention overseas, we must never forget that our country is extremely vulnerable to domestic terrorism. Given the very open nature of our country, with relatively open borders and no national identity cards, a determined terrorist group could wreak havoc under our very noses. It is quite possible that the terrorists are already here. Among the vast quantities of illegal and undocumented aliens, professional terrorists could be hiding and waiting for the opportunity to strike. They could already be drawing up plans to sow the seeds of destruction in this great country.

Fortunately, the President is well aware of this possibility. He has done something about it. This summer's Olympic games were the best protected in the history of the games. The President personally instructed his staff to ensure that nothing happend to distract from that important international event. Large numbers of personnel and vast quantities of resources were effectively mobilized and used. Thankfully, the Olympics were a great success and our international visitors and athletes got the first-class protection that they deserved. The President seized the initiative. He took the bull by the horns and addressed the problem. Greater challenges face our Nation in the future both overseas and here in the States. We must face up to this challenge and do everything we can to stop the scourge of international terrorism.

With these concerns in mind, let me recommend the following Nathan Hale Institute article to all of my colleagues. Now is the time to start planning to combat future terrorist attacks. Tomorrow may be too late.

[From the Nathan Hale Institute]

1984—YEAR OF THE TERRORIST?

(By W. Raymond Wannall)

In late December 1983, more than 500 pounds of dynamite were stolen from plants in Georgia and New Hampshire. Law enforcement sources are concerned that this was part of the preliminaries for a series of bombing attacks modeled on those of the Irish Republican Army in London.

Security analysts fear that 1984 may be our year of the terrorist. A number of factors could contribute to a dramatic increase in attacks on official and corporate targets, inside the U.S. borders as well as abroad. One is the devastating effect of recent car bombs. Successful exploitation of one terrorist technique tends to inspire copycat violence.

In 1983, terrorists throughout the world killed more Americans and inflicted more political humiliations on the U.S. than in any other year in our history. There were 11 car and truck bombs in the Middle East, three involving U.S. establishments. One out of every three acts of terrorism worldwide is aimed at the U.S. The bombing attack December 12, 1983, on our embassy in Kuwait was the tenth major attack in ten years on a United States mission. The fact that during the same period there have been no such attacks on Soviet missions should tell us something.

Four events in the U.S. this year may serve as attractive nuisances for the domestic and international terrorists: the World's Fair in New Orleans, the Republican National Convention in Dallas, the Democratic National Convention in San Francisco, and the Summer Olympics in Los Angeles.

A number of terrorist organizations, with foreign governmental backing and operational capacity in the United States, are bent on exacting reprisals for the Reagan administration's policies in the Middle East and Central America. For example, Syrian intelligence, in cooperation with Iran and with funding from Libya, has recruited hit-teams from a number of terrorist networks for anti-U.S. operations.

A bombing incident near the Senate Republican cloakroom in the U.S. Capitol last November 7 helped expose the contours of the homegrown support apparat associated with the Weather Underground Organization. The bomb went off in the evening, at a time when the Senate is usually in late session and the area is crowded with senators watching the monday night football game on television.

This was the 13th bombing in the Mid-Atlantic Region since the previous winter.

A group calling itself the Armed Resistance Unit claimed responsibility. Copies of its communique were handed out during the November 12, 1983, Central American Protest Rally in Washington by two groups which have functioned as fronts for the Weather Underground.

The communique praised the role of Cuba in backing terrorist movements as "a consistent revolutionary example of proletarian internationalism" and saluted the Puerto Rican terrorists who tried to kill President Truman in 1950.

Fidel Castro and his chief strategist in his successful Marxist revolution, Che Guevara, were folk heroes to many members of America's commune society.

The Cuban intelligence services have been highly active in building Latin-American revolutionary support networks in the U.S. They have been intimately tied to the

Weather Underground. One leader of that group, after making an extended visit in Havana, became the initiator of the Venceremos Brigade which eventually sent some 6,000 U.S. radicals to Cuba.

Venceremos Brigade veterans now form the backbone of the network of pro-Cuban propaganda and research groups and the support networks for Central American, South American and Caribbean revolutionary movements.

The 1966 Tricontinental Conference in Havana brought together those willing to engage directly in terrorism, Castroite guerrilla leaders from Central and South America, radical intellectuals, and revolutionary U.S. citizens. Expansion of Castro's U.S. networks followed this conference. In 1967, the North American Congress on Latin America was organized. It was stylized by leaders of the Students for a Democratic Society, from which the Weather Underground developed, as "the intelligence-gathering arm of the movement." Several "researchers" of this organization have been identified as close to the Weather Underground. Others later worked with Orlando Letelier, director of the Institute for Policy Studies' Transnational Institute, who formerly provided economic intelligence to the Soviet intelligence service, the KGB. At the time of his death in 1976, he was an agent-of-influence operating under Cuban direction.

Let's consider the possibility of a wave of terrorism in our country in 1984, and what has come to light in the way of indicators in this connection.

On January 13th, this year, a young prince in Saudi Arabia told a reporter:

"These small countries know that the only people who have stopped the American superpower have been terrorists. They stopped you in Vietnam. They stopped you in Iran. They are stopping you in Lebanon. That is why they attack you. It is the only way."

The FBI director, Judge William H. Webster, maintains a calm attitude toward terrorism in the U.S., saying there is no "rising tide of terrorism here, only a rising tide of concern." The statistics support this: 42 incidents in 1981, 51 in 1982 and only 31 last year. However, Judge Webster said these figures would be meaningless if there were a major terrorist incident. He is particularly concerned that what happens in the Middle East might influence what happens here. He acknowledged that the suicide mission concept we have seen in that part of the world has now been expanded in a key way and presumably could just as easily take place in the United States.

The placement of concrete barricades at the White House, State Department, Pentagon and U.S. Capitol Building seems to me to speak louder than the words of any governmental officials concerning their assessment of the situation.

Most experts agree that the new breed of suicidal terrorists are Lebanese Shi'ite Moslems. Intelligence sources believe 500 of them are encamped in Lebanon. American and Israeli intelligence officers say they appear to have the backing of both Iran and Syria.

Michael Ledeen, a former terrorism expert with the State Department, says there is simply no shortage of these people. He remarked, "all you have to do is pump them full of hashish, tell them Allah is waiting and aim them in the right direction."

Paul Wilkinson, a professor of international relations in Scotland who has studied terrorism for the past 16 years, was asked how serious the terrorist threat facing the U.S. is for 1984. His answer:

"The American people are at greater risk from terrorist groups than ever before. . . .

"America, as the greatest of the democracies, has the free media which these terrorist groups hunger to reach. They know that if they hit an American target, the attack will be reported worldwide . . . and their cause will get the maximum publicity."

John Rees, owner, publisher and editor of The Information Digest, reported in December that highly knowledgeable intelligence sources believe there is a strong possibility of violent attacks against official targets in the U.S. by foreign terrorist groups. One reason cited in support of this is that Libya's Colonel Muammar Qaddafi and Iran's Ayatollah Khomeini maintain agents among their nationals resident in the U.S. and are known to have a capability of mobilizing terrorist assets here. "Neither Qaddafi nor Khomeini need give direct orders to their terrorists; rather, both have the ability to deliver a public speech condemning a target in general terms with the understanding that their followers will devise ways to implement an attack."

Libya has reiterated threats to send death squads to the U.S. and Britain to kill its enemies. On May 21, 1984, a government newspaper reported the Libyan people are ready to carry the battle into these two countries "to carry out the death sentence against the terrorists and stray dogs." This is Libya's term for exiles who oppose Qaddafi.

The Ayatollah Rafsanjani, head of the Iranian parliament and a top aide of the Ayatollah Khomeini, recently (as of April 16, 1984) pledged to "submerge" the U.S. and Western Europe "in a sea of fire and blood." Prime targets include the New Orleans World Fair and President Reagan, as he opens the 1984 Olympics.

Senator Jeremiah Denton of Alabama is the chairman of the Senate Subcommittee on Security and Terrorism, which has conducted numerous hearings on these subjects. According to him, the Soviet intelligence service, the KGB, has instructed a subservient DGI, the Cuban intelligence service, to focus whatever terrorism it undertakes in this hemisphere on the United States "as its principal target."

There are a number of U.S. Marxist-Leninist groups which could be called on by the Cuban DGI in this connection. Their members maintain that whenever conditions are suitable, they will resort to terroristic "armed struggle" tactics. Among them are:

The Trotskyist Socialist Workers Party which has specialized in intense support for Cuba, Grenada and Nicaragua, sending their cadres to the latter two countries for indoctrination as volunteer press agents on the speakers' circuits.

The Stalinist Workers World Party makes itself available for hastily organized, and sometimes violent, street protests in support of Nicaragua, the Palestine Liberation Organization, the leftist guerrillas in El Salvador and other such groups.

The Communist Workers Party, with a public record of violence and disorder, is active in solidarity work for the Sandinistas in Nicaragua, the lefist guerrillas in El Salvador and the Soviet-and Cuban-backed New Jewel Movement in Grenada.

The Communist Party USA, of course, operates a number of "solidarity" fronts for Soviet-supported terrorists.

Pro-Castro activists, many of them veterans of the Venceremos Brigade, play leading roles in the network of solidarity groups supporting the leftist movements in Argentina, Chile, Nicaragua, El Salvador and Guatamala.

At this time I know of no information concerning specific acts of terrorism which may be directed against the four spectacular targets which will be available this year: the two political conventions, the World's Fair and the Summer Olympic Games.

However, protest plans by four radical coalitions, if carried out, could engender violence at these events. [This comes from a sophisticated publication called *Early Warning*. Its directors are John Rees, previously mentioned, Robert Moss and Arnaud de Borchgrave. The latter two are co-authors of the very fine books on Soviet and Cuban disinformation and intelligence entitled "The Spike" and "Momimboó."]

The first such radical coalition is planning to assemble one million protesters at a mass rally in Los Angeles on July 27, 1984, the day before the opening of the Summer Olympic Games and to conduct protest events at the Democratic National Convention scheduled for July 16 to 20 in San Francisco.

Proclaiming that "three billion people will be watching, let the whole world know that we want peace and justice!", The Federation for Progress (FFP), a coalition spearheaded by the Communist Workers Party, has been successful in obtaining the support of the Communist Party USA's network of old left fronts and disarmament organizations as well as additional national support of these demonstrations.

The double-focus protests in San Francisco and Los Angeles are being called "Survivalfest 84."

As a building action to a march and rally at the Democratic Convention opening in San Francisco, a four-day "People's Convention" will be held from Friday, July 13 through the afternoon of Monday, July 16, the first day of the Democratic Convention. Then, at four o'clock, protesters will assemble for a march to the Convention Center to "present the people's program."

This program is to demand a Democratic Party platform of "freezing and reversing the arms race," a "non-interventionist foreign policy," and "slashing the military budget to fund human needs."

Nuclear disarmament and Cental American policy will be the key points for protest activities being organized in Los Angeles. Representatives of the West German Green Party, the British Greenham Common Womens Peace Encampment and Japanese anti-nuclear groups are to participate.

With Weather Underground Organization front organizations active in both cities, an influx of Weather Underground veterans protesting Central American policy and racism also may be expected. The possibility remains that the gathering of large numbers of protesters may provide cover for terrorist actions by U.S. or foreign groups. As the organizers say, "three billion people will be watching."

FFP organizers agreed to resist any efforts by law enforcement agencies to collect information on planned violence or terrorist attacks. Such intelligence-gathering was described as "political repression."

The second radical coalition is the Mobilization for Survival, called the Mobe. It was put together in 1977 by U.S. and United Kingdom activists associated with Russia's best-known international front, the World Peace Council, the Institute for Policy Studies, radical disarmament groups, and assorted Communist Party enterprises.

At its 7th Annual National Conference held on January 20-22, 1984, at the University of California's Berkeley campus, the Mobe decided to make the maximum political impact by supporting a large demonstration against President Reagan at the Republican Convention in Dallas, August 20-23.

The third radical coalition is the main California affiliate of the Mobe, known as the Livermore Action Group, plus the West Coast network of Central American "Solidarity" groups. They will organize a protest at The Democratic National Convention in San Francisco, July 16-20. Organizers believe that by drawing on the substantial radical community in the San Francisco bay area, a minimum protest of 25,000 to 40,000 people can be envisaged.

I have recently learned of a fourth combination of organizations, including the Federation for Progress and the Communist Workers Party, which met in Washington, D.C., February 11-12, 1984 to plan for a "National Committee for Independent Action." This meeting, attended by about 150 Marxists, Communists, socialists, and far-left sympathizers made plans for protests at both the Democratic and Republican Presidential Conventions.

On April 3, 1984, one of my sources reported on a group planning to join in demonstrations at the Democratic Convention. This is the African People's Socilaist Party, APSP, which has direct contacts, with revolutionary groups in Northern Ireland, South Africa, El Salvador, and the Middle East. The APSP's initial recruits came from the "black power" movements of the 1960's, notably the Student Non-violent Coordinating Committee and the Black Panther Party. It asserts the right to build an African People's Liberation Army and demands the removal of police from black neighborhoods, to be replaced by its liberation forces.

Will 1984 be the year of the terroirst? To me it seems there are several frightening signs pointing in that direction.

STATEMENT OF SECRETARY OF STATE GEORGE P. SHULTZ, APR. 3, 1984

TERRORISM

State-sponsored terrorism is really a form of warfare. Motivated by ideology and political hostility, it is a weapon of unconventional war against democratic societies, taking advantage of the openness of these societies.

How do we combat this challenge? Certainly we must take secruity precautions to protect our people and our facilities; certainly we must strengthen our intelligence capabilities to alert ourselves to the threats. But it is increasingly doubtful that a purely passive strategy can even begin to cope with the problem.

This raises a host of questions for a free society: In what circumstances—and how—should we respond? When—and how—should we take preventive and preemptive actions against known terrorrist groups? What evidence do we insist upon before taking such steps?

As the threat mounts, and as the involvement of such countries as Iran, Syria, Libya, and North Korea has become more and more evident, then it is more and more appropriate that the nations of the West face up to the need for active defense against terrorism. Once it becomes established that terrorism works—that is achieves its political objectives—its practitioners will be bolder, and the threat to us will be all the greater.

Terrorism—particularly state-sponsored terrorism—is already a contemporary weapon directed at America's interests, America's values, and America's allies. We must be sure we are as well prepared and organized for this intermediate range of challenges.●

INSIDE GRENADA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. CONYERS. Mr. Speaker, the following articles on Grenada appeared in the October issue of Essence magazine, and were jointly authored by journalists Jeanne Wiley, Leila McDowell-Head, and Dorothy N. Scott. These articles present a general overview of Grenada both before and after the U.S.-led invasion. They afford a broad look at Grenada "then and now" with respect to the ways in which that country's political, economic, social, and educational institutions have been changed by the invasion and subsequent occupation. The information presented in these articles also focus on how these changes are affecting the day-to-day lives of the Grenada people.

INSIDE GRENADA

(By Jeanne Wiley)

It's nearly a year since my young son Cabral and I left Grenada—or rather, since we fled the people we had grown to love and admire. It is impossible to imagine a society more vital, more imaginative, more human and humane than the Grenada that welcomed us in August of 1983. And so, equally difficult to comprehend the real tragedy behind the death and devastation that struck with such venomous force in mid-October last year.

For months I have postponed looking back. I do so now because it is time to use those vivid, searing memories not as lurking ghosts tearing us apart, but as haunting images pointing the way forward. I have no answers yet. All I have are snatches of truths as Cabral and I experienced them in Revolutionary Free Grenada and as I recorded them in notebooks, journals and letters written from there. I need now to look back in order that I, we, might look and move forward. Always forward.

JOURNAL. Tuesday, September 27, 1983, St. Georges, Grenada.—It is 8:10 p.m., but it could as easily be midnight or three in the morning Except for the crickets happily chirping away, there is absolute quiet. The electricity has gone again, and when that happens, a pensive, still mood descends on St. Georges. No children's giggles or dinner conversations can be heard in the neighborhood. Anywhere else in the world I would have my doors and windows locked and barred during a power failure. But here, I can just as easily go out for a walk in the pitch-black road as sit here at this table.

Grenada really is as close to paradise as I ever hope to get, with its clear, emerald waters, white sand beaches and rolling hills and mountains. Nearly the whole country is built upon a series of hills and mountains that plunge steeply, unexpectedly, into a lush valley or forest or into the Caribbean Sea. I have never seen such lushness, such brilliant colors and striking sunsets. Even the rain is wonderful. And no matter where one stands, there is always a glimpse of the calm shimmering sea. Grenada is overwhelming in its physical beauty. Or as Cabral says, "It's awesome!"

The Revolution is awesome too. All its energy manages to blend into the calm and beauty. The accountability and accessibility of government officials—right up to Prime Minister Maurice Bishop himself—seem to instill a national confidence as folks tackle their national problems.

It would not be true to say that I fell in love with Grenada—as my 8-year-old son did—with our first aerial view. Or during the colorful, rhythmic festivities of Carnival. Or when a bus driver first screeched his crowded bus to a halt to wait for me after glimpsing me hurrying down the road. Not even when I learned that his was one of a thousand small gestures Grenadians made to welcome a foreigner. No, my love affair had begun four and half years earlier as I had watched the infant Revolution, born of the New Jewel Movement (NJM), take increasingly bold steps to lead the country out of the poverty, underdevelopment and dependency endemic to the Caribbean region—the legacy of three centuries of conquest, slavery and European colonialism. The MJM's founders were young, educated Grenadians heavily influenced by the southern Civil Rights Movement here in the States and by the progressive ideals of the late-sixties Black Liberation Movement.

On March 13, 1979, after six years of organizing the country's poor and enduring the beatings, jailings and murders ordered by the corrupt, repressive regime of Eric Gairy, the NJM overran soldiers' barracks, moved swiftly to the radio station and called on citizens to help it build a new society. It was a bloodless coup so popular that ordinary Grenadians themselves disarmed Gairy's soldiers and celebrated in the streets. The People's Revolutionary Government (PRG) promised full "people's participation" in national reconstruction and economic development.

I, too, had been fundamentally formed by the mass struggle of Black people during the sixties and had gone on to become an ardent pan-Africanist and a passionate believer in the right and necessity of Third World peoples to wrest control of their resources, values and futures from the grip of Western domination. My love for Grenada, therefore, was predestined.

We arrived in mid-August. I was to be the first Caribbean correspondent for WHUR, the Howard University radio station, to be based in Grenada for a year.

JOURNAL. Wednesday, August 24, 1983.—Grenadian neighbors on all three sides have brought vegetables and fruits to welcome us. All is remarkably well. Had not planned to begin filing stories for another week or so. But the large number of Black Americans here this month is something folks ought to hear about: groups of kids, lawyers, judges, journalists, members of the Grenada Friendship Societies, senior citizens. And a few hundred here as individuals for Carnival. This must be driving Washington nuts! All the groups get to meet with Bishop (he even met with the kids—something that will endear him to Cabral for life!) and other ranking members of the government.

A related, continuing story is the international dynamism here: Folks from everywhere living, working, visiting, attending conferences. West Indians from other parts of the region and, a source of national pride, the growing number of Grenadians who are returning after years in North America and Britain.

JOURNAL. Sunday, August 28, 1983.—Left tape recorder on the bus. Fifteen minutes later driver comes up to me in the crowded market holding the recorder I still hadn't realized I'd left behind. He's smiling, no sign of regret at returning what could be worth a small fortune to him. When I fumble with my purse, he holds up a hand, laughs and tells me to stop acting like a foreigner. "You're in Grenada now. No problem." This is unreal!

Must write home asking for radio equipment for Radio Free Grenada. People in the States literally throw away equipment 30 years younger than what they've got to work with at RFG. Amazing that they're able to transmit anything at all!

FROM LETTER HOME. August 25, 1983.—Here, I am middle-aged, maybe elderaly! Everybody in the government is younger than me. Even Bishop: Everything feels fresh, alive.

About Bishop: He's much taller than he appears on a television screen. Large, imposing frame, quick sense of humor. Fine by anybody's definiton. Moves and speaks easily, unselfconsciously, as though strolling along the beach. Integrity written all over him. Entered the outdoor lounge after giving a major speech. Cabral loved it when he began to move with the beat of the calypso music. I had the most incredible urge to ask him to dance. Didn't, though. Contented myself with watching Cabral's delighted observation: "Mommy, the chief boss can dance, man! This is a fun country!"

I think Cabral has forgiven me for moving to a country with no television.

There was no hint of trouble. For us, the neighbors, friends, internationalist workers, everyone not in the upper levels of the party, the peaceful Revolution began to crumble on the morning of Friday, October 14, when word spread like wildfire that Prime Minister Maurice Bishop had been placed under house arrest. My part-time sitter/housekeeper brought me the news—with hysteria growing, she said she'd heard it at the market. I was out of the house, knowing that the communications lifeline in this nearly telephoneless country was the market square.

As the bus sped into St. Georges proper, I tried to make sense of what my sitter had said. But it made no sense. I thought of Cabral. What would I tell him if it's true? But that was too herrendous to contemplate. So my mind raced through all the strides the Revolution had made People spoke of "our revolution" as though it were an intimate friend and regarded Bishop as if he were the Revolution personified. I settled into my seat—no one would place those gains in jeopardy.

"No Bishop, no revolution!" I heard the chant through the bus's open windows. People were gathered in large clusters in the market square, shouting, cursing, crying. Yet strangely confident that the party would resolve the crisis quietly and release Bishop.

The country waited for five days without hearing official confirmation of Bishop's arrest. By Monday, patience had run out. There were scattered protest demonstrations across the country over the weekend. And the popular slogan now included "No work, no school, no play till Bishop is released!" At no time did I hear the word coup mentioned or see any evidence of tightened military security. But the country was taut with anxiety and growing bitterness at what was widely believed to be a power struggle initiated by Bishop's deputy prime minister Bernard Coard.

JOURNAL ENTRY. Tuesday, October 18, 1983.—Advised to stock water, food, cooking gas. "Something big" is about to happen tomorrow. Perhaps a general strike. But no one seems to know exactly what.

I fear mass bloodshed, though I seem to be the only one who does. Cabral senses something too. He continues to ask, pitifully now, if they will shoot "Comrade Bishop." What is terrible is the hollowness of my reply. Dear God. I told him we were coming to a society where there is vision and energy, a society without violence. And now he is asking in real fear if they are going to shoot the prime minister who not so long ago stood only a few feet away and winked at him in recognition. I wanted Cabral to have the memory of life in a black revolutionary society with him throughout his adolescene, to guide his values and identity. What will happen to him if he is witness to bloody pheaval!

What happened the following morning, October 19, 1983, is history. Taking matters into their own hands, more than one tenth of Grenada's 110,000 population converged on St. Georges and with their bare hands freed Bishop and Jacqueline Creft (minister of education, culture, women, youth and sports) from house arrest. A few hours later, at 1:03 p.m. tanks fired on the crowd that had followed Bishop and the others to Fort Rupert. And later, with broken bodies strewn over the grounds of the fort, some of them school children. Bishop, Creft, ministers Unison Whiteman and Norris Bain, and labor leaders Vincent Noel and Fitzroy Bain were all executed.

It is difficult to describe that day. My journal entry is 21 single-spaced pages, many incoherent, all written before the 10 p.m. broadcast by General Hudson Austin, who proclaimed himself head of a Revolutionary Military Council (RMC) that would rule the country. Party dissolved. Five-day 24-hour curfew imposed, violators to be shot on sight. I will never forget the deafening bursts of those tanks earlier that day when they exploded into the festive, triumphant mood at the market, where thousands had gathered that morning. No one stirred. And then a proud, amused whisper spread throughout the square: "It is the army saluting the people."

Naive? Of course. But it is a testament to the work of the Revolution that Grenadians believed so deeply in "people's participation." They did not view their action of storming the gates, "to get we leader" as a rebellion, a revolt against the New Jewel Movement. Rather, it was their way of helping the party and the army resolve a crisis they had proved they could not resolve alone. Those tanks exploded that belief, and with it the innocence and lifeblood of the Revolution.

JOURNAL. Friday, October 21, 1983.—We are all numb from the savagery of it. Meanwhile tanks patrol the road outside.

No way to bury the dead, attend to the wounded or even determine the casualties. We are all crazed prisoners in our own houses. My neighbors are keeping me sane. Perhaps we are keeping each other sane. But all around me is news of the dead, details of the dying.

The children are silent, pitiful shadows of themselves. We are helpless to help them.

I reread my journal observations of Grenadian women, my way of mourning Jackie Creft: "Enormous, haunting eyes, lively despite her visible exhaustion. The women here are filled with vitality and confidence, charged with a heightened sense of themselves. They wear their hair in simple braids or cropped naturals, and their faces are free of makeup. Yet they positively glow with the reality of full and equal partnership in the news society they are helping to build. Already they're doing everything from heading ministries and foreign embassies to operating heavy construction equipment. Striking, unforgetable faces with ready smiles and easy grace. They take 'sisterhood' to another level."

JOURNAL. Saturday, October 22, 1983.—Shortwave radio says 2,000 U.S. Marines speeding here to "rescue" American medical students, the only folks whose well-being has been assured by the RMC, for god's sake! They will go wild in a Black country. May even be under orders to go from the clutches of a military junta into those of the Marines.

"Poor little Grenada, Mommy. It's so unfair! Why would anybody want to hurt us now, after all this?" Cabral is revolted at the possibility of an invasion. Wants these Grenadian soldiers to kick ass. Then he remembers what some of them did last week, and nothing in his mind—or in mind—can ever excuse or justify that. Then he, we, have to shift to the specter of leaving this island with the same force that may invade it. Incessant, sophisticated questions for an 8-year-old. He is becoming an old man. And I a very old women.

The isolation and helplessness I feel are terrible. Cannot think. Refuse to feel any more. Must pack. Cannot, will not live under a military dictatorship. Also will not leave with any damn Marines, either. I dearly love this cuddly child I have placed in so much danger. Must at all cost get him out. As soon as the airport opens.

The Pearls airport did open on Monday, the 24th, when the curfew lifted, but LIAT, the passenger airline jointly owned by several of the islands that gave legitimacy to the U.S. invasion, refused to fly in and out of Grenada. This meant that the medical students Washington was so anxious to "rescue" were unable to leave Grenada, not because of the RMC, but because the Eastern Caribbean nations cooperating with the U.S. had locked them inside Grenada.

JOURNAL. Monday, October 24, 1983.—The daytime curfew was lifted this morning, and like everybody else, I was out of the house by 6:10. A frantic day, long lines everywhere. And nobody knew quite what to expect.

Streets all crowded, people quietly hysterical. Unspeakable grief etched on everyone's face, relieved here and there by joy at spotting a friend or relative believed to have been dead or detained. Everybody searching for the missing, unable to believe an invasion is imminent but rushing to stock up for a possible siege.

No planes, no boats. LIAT agent said it may be as late as mid-November before flights are resumed. And according to regional news broadcasts, boats from Grenada will not be allowed to dock at any of the islands.

JOURNAL. Tuesday, October 25, 1983.—The shooting began at the first sign of light: 5:40 a.m. Planes circled at least an hour before. Now it's raging everywhere. House feels as though it will disintegrate. RFG silent since

8 a.m. Word passes along the hills that it's been destroyed by bombs. From the bedroom window we watch the warships shelling Fort Rupert and Butler House, engulfed in roaring flames. Antiaircraft guns hit a U.S. helicopter. We watch as it crashes into the sea. We are now in the line of fire. The small fort nearby is putting up one hell of a fight. Yet the Voice of America continued to say the resistance is coming from the Cubans! Surely they know better. Fighter planes swooping low, strafing. Loud, piercing explosions everywhere, mixed with roars from antiaircraft artillery.

The worst is watching Cabral, his eyes like saucers, wild with terror. Body trembling with each roar of a plane or gun. We're huddled together. His face is buried in my chest, body absolutely rigid as he awaits another explosion. Has already offered a pathetic little prayer, his response to a loud communal one prayed in the crowded rear house a few hours ago.

Cannot cry. Cabral either. Too much pain.

The invasion went off as planned, and the planning had been in the works for a very long time. Washington's response to the birth of the Grenadian Revolution had been swift and relentlessly hostile. The Carter administration had set the plan into motion with well-documented attempts to disrupt Grenada, isolate it, destabilize it, starve it. Reagan intensified and expanded the plan to include military threats and massive military maneuvers.

Within hours after the Rangers and Marines landed—the number of invaders mounting to 7,000—the Army's crack psychological-warfare team was operating inside Grenada, ridiculing and obliterating every vestige of the Revolution, interrogating, torturing and detaining every man and woman closely identified with it. The witch-hunt was on. By the end of November, the hunt for radicals—even for progressive literature—had spread to most of the other English-speaking islands.

JOURNAL. Friday, October 28, 1983.—My resolve not to be taken out by the Marines crumbled this morning. Muted voices outside the window awakened us at dawn. When I opened the door I expected to see last night's scenes; streams of people evacuating the homes they were warned might be blown up in the continuing search for "Cuban soldiers."

Instead the people on the front lawn were U.S. Marines, about 40, many of them Black, baffled at finding U.S. citizens still on the island and caught in the line of fire. They were digging up the soil and planting machine gun nests. It was the last straw! We could cower inside the house while they, overanxious, shot at imaginary Cubans and dodged bullets from a retreating Grenadian army, or we could leave under military escort.

Now we are at a Marine encampment. We've been waiting for nearly 12 hours. Just told we will have to spend the night because the airport "not yet secured after dark." Those who don't want to be evacuated to the States will be flown to Barbados—after signing a statement pledging to reimburse the U.S. government!

So Cabral and I fled Grenada to Barbados aboard a U.S. military transport plane flying out of the Point Salines Airport, the unfinished airport that once had symbolized the progress and hope of the Revolution. On October 29 it was a war-torn wasteland, every inch of it covered with foreign troops and United States flags.

I returned three weeks later without my son, in order to bid my own farewell and to obliterate that last image. By then Grenada was a completely changed society in a tragically altered region. Caribbean unity was a shattered dream. And Grenadians, a fiercely proud people, seemed to be losing the will to govern themselves. No. They were not "happy" to find themselves a conquered people, as reported in the U.S. press. But the trauma of betrayal and devastation had eroded their will to resist the tremendous pressure applied by the U.S. occupying forces. Over and over again I heard the same question: "Who will rescue us from the rescuers?"

JOURNAL. November 21, 1983.—Grenada almost unrecognizable. Feel the change most in the women. Saw a woman on the Carenage [commercial street lining the harbor] today begging for food for her children. Prostitution is visibly rampant.

"Hey, baby." At first I hadn't heard him—too busy concentrating on how to rapidly distribute our belongings to neighbors and friends. But he said it again; "Hey, baby, can I do anything for you?" It was a Black Marine, or Army soldier. Whatever. With a New York accent. And he thought I was Grenadian, conquered and therefore open to be propositioned. I was unsure whether I would cry or smash his jeering face. But when I looked at him, I could do neither, for he was practically a child. A man-child cradling a loaded automatic weapon and prepared to use it against a people who look exactly like himself.

Is it possible that one day my nephews—or even Cabral—could stand on somebody else's soil and take aim at another person struggling to gain the self-respect and living standards we still have not won in the States! What are we teaching our children?

FROM LETTER. May 1, 1984.—No, the Grenadian revolution is not dead. And no amount of propaganda and posturing can kill it completely. After all, the unemployed Grenadian woman does not easily forget the free job training and medical, dental and child care she and her family once enjoyed, and the independent farmer does not easily return to sharecropping on a private plantation. Grenada has suffered shock, tragedy, devastation, but not, I think, national amnesia.

Secretary of State George P. Shultz may continue to try to reduce Grenada to "a lovely piece of real estate." But watch out! Grenada is not likely to remain for long a nation of servants for wealthy U.S. tourists. They will regain their sovereignty, and they will implement many of the programs of the Revolution.

Whether we here recover is another question entirely. We are the only ethnic group in this country that consistently refuses to rally in defense of our blood cousins in other parts of the world. Why is that? Just imagine Chicago after news of the U.S. Marines' shooting up Poland! Or New York as they move on Israel, or Boston as they invade Northern Ireland! Right. Those things would never happen. Our complicity in Washington's destructive policies makes us part of our own and the Third World's problem. The warships that attacked Grenada might have gone on to Nicaragua. We must reverse policies that use our taxes and our children to destroy other people who dare to dream and refuse to shuffle. Until we do there is no hope for us.

Meanwhile, Cabral is well and I am therefore better. It is a joy to see him racing off in his baseball-team uniform, laughing, carefree again. He will always remember those last terrible days in Grenada, but I sense the many good memories will outweigh the rest.

GRENADA: THEN AND NOW

(By Leila McDowell-Head and Dorothy M. Scott)

Grenada: A three-island nation that includes tiny dependencies, Carriacou and Petit Martinique. Location: southern tip of Windward Island chain. Size: 21 miles long, ten miles wide. Population: about 100,000.

The invasion of Grenada by some 7,000 U.S. troops in late October last year and the subsequent occupation of the country have brought sweeping changes to the small island nation. Essentially, the invasion achieved its purpose: to swiftly and completely dismantle the new society the Grenadian people were building between 1979 and 1983. Grenada's was the first popular revolution in the English-speaking Caribbean, and it was increasingly becoming a model and inspiration to others in a region struggling with underdevelopment, backwardness and dependency—and also a model to Black Americans struggling for a new society here. Thus it was considered a serious threat by the U.S. government. While we may not understand for some time what events within the New Jewel Movement led to the fall of the government and the deaths of Prime Minister Maurice Bishop and others, we can look at available information about Grenada before and after the U.S. invasion in order to understand why and how a superpower would try to crush one of the smallest nations in the world.

BEFORE 1979

Grenada as a whole poor and grossly underdeveloped; legacy of colonialism and corrupt, brutal dictatorship of Eric Gairy from 1951 to 1979 (became first prime minister at independence from Britain in 1974).

New Jewel Movement (NJM) led by Maurice Bishop and others, formed in 1973, becomes powerful voice against regime.

MARCH 1979–OCTOBER 1983

NJM ousts Gairy dictatorship on March 13, 1979, forms People's Revolutionary Government (PRG) under Bishop's leadership with nationwide support.

Achievements of revolution

In scant four and a half years PRG could boast major accomplishments in all areas of Grenadian life, including:

Highest economic growth rate in Caribbean

For first time in Grenadian history, manufacture of indigenous foodstuffs for domestic and export use

Reduction of unemployment from 49 percent under Gairy to 12 percent by 1982

For first time, free medical care and secondary and university education

Direct participation of population in government decision making through local governing councils and national organizations (such as National Women's Organization, National Youth Organization), trade and farmers' unions

Sex discrimination made illegal, equal-pay-for-equal-work laws passed, paid maternity leave instituted

Provision of fresh water doubled

Construction of international airport almost completed with international aid (characterized by Reagan administration as Soviet base)

U.S. response

Hostility, harassment, economic destabilization, isolation characterize Carter policies and intensify with Reagan administration despite consistent overtures from PRG to develop good relations.

U.S. stages Ocean Venture '81, massive practice invasion of Eastern Caribbean island code-named Amber and the Amberdines (mocking Grenada and the Grenadines). Scenario even includes rescue of American "hostages."

Fall of Bishop government

Internal difficulties within NJM, unknown to public, intensify, revolving around Deputy Prime Minister Bernard Coard and followers. Resulting coup, execution of government leaders, establishment of short-lived Revolutionary Military Council under General Hudson Austin all take place between October 14 and 24, leading to U.S. invasion.

Evidence mounting that CIA already involved in Grenada events in September and that military preparing for intervention.

U.S. invasion

Invasion of Grenada by some 7,000 U.S. troops—aided by about 300 soldiers and police from Jamaica and six Eastern Caribbean nations—takes place between October 25 and end of month.

Reagan administration bars journalists from island during invasion. Grenadian and U.S. casualties still not accurately known. Widespread destruction. Invasion condemned internationally and in U.S.

NOVEMBER 1983-PRESENT

Aftermath of invasion

U.S. solidifies grip on nation—an appointed interim government is backed by 300 to 500 U.S. troops and 200 to 300 Caribbean forces.

U.S. Embassy opens.

Grenadians who did not support PRG policies and vision step forward to fill roles U.S. presence demands.

Social, economic and political structures created under PRG swiftly dismantled. U.S. and interim government actions include:

During invasion and after, hundreds of Grenadians rounded up and held in indefinite detention without charges under physically and mentally abusive conditions. Civil liberties such as dissent and public assembly abolished.

Control of electronic and print media secured through PSYOPS (psychological operations unit) operation of only radio station and U.S. government financing of first newspaper published after invasion. PSYOPS wages psychological war against PRG with posters, billboards, graffiti. Also involved in interrogation of suspected Bishop supporters.

Early deportation of pro-Bishop foreign nationals.

Mechanisms for direct popular participation in government abolished.

Bernard Coard and others in detention in connection with events surrounding assassination of Bishop, NJM leaders and others. Hearings in process but many delays.

Elections scheduled for November 1984. "Registration" procedures include issuing photo-identification cards Grenadians will have to produce on request. Information about registrants to be stored in computers on Barbados, one of islands involved in occupation. Some Grenadians skeptical about legitimacy and fairness of elections in occupied country. U.S. playing major role. At least nine parties have announced intention to run candidates, including that led by Eric Gairy (returned from exile in U.S. after invasion) and new party led by surviving PRG leaders, Maurice Bishop Patriotic Movement.

U.S. aid appropriation of around $57 million to go to pay for occupation forces and on projects to attract foreign private investors (including completion of international airport project earlier vilified by Reagan) rather than pressing needs. Economic and social dislocation and decline widely evident, such as: near 60 percent unemployment rate (higher than under Gairy); critical need for medical doctors to replace Cuban and European personnel evacuated or deported; disbanding of national health programs; closing down of major PRG agricultural and industrial projects; water and electrical services greatly diminished; drastic rise in crime rate, alcoholism, hard-drug use (first cocaine arrests in Grenadian history recently made); significant rise in venereal disease and prostitution (not seen during PRG period); high degree of polarization and distrust among population.

WHAT NOW, GRENADA?

As ideological forces vie for ascendancy in war-ravaged Grenada, it remains to be seen in what direction the Grenadian people will go. Resistance to the dismantling of PRG programs is reported to be increasing, and besides the Maurice Bishop Patriotic Movement, another organization, the Maurice Bishop Memorial Foundation, was formed to carry on New Jewel Movement work (its U.S. counterpart, the Grenada Foundation, was recently launched). Says former Minister of Justice Kendrick Radix: "The seeds planted by Maurice Bishop in the years of the Revolution will blossom again—the people have not forgotten."●

GOOD QUESTIONS IN NEED OF SOME GOOD ANSWERS

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. MARLENEE. Mr. Speaker, I would like to call the attention of my colleagues to a letter written to me from a constituent in Great Falls, MT.

The writer, a retired military man, makes some keen observations, asks some tough questions, then hands out some soul-searching advice to our Nation's young people.

And throughout the letter, it is clear a voice of experience speaking. I ask, my colleagues to think about the questions asked in this letter and to give some thought about what we as Representatives must do to address the problems the letter poses.

Mr. Speaker, like this letter writer, the military retirees of America are waiting for an answer. I suggest we work to ensure that this answer is a positive one.

The letter is a strong statement by itself, and I take great pleasure in inserting such a thoughtful document into the CONGRESSIONAL RECORD.

The letter follows:

Congressman RON MARLENEE,
Great Falls, MT.

DEAR CONGRESSMAN MARLENEE: As a member of the retired military community I write out of concern regarding several issues which affect us. What concerns us is the continual erosion of the entitlements which we have earned through our service. These entitlements are confused by many members of the Congress as items such as welfare benefits and therefore considered subject to reduction or elimination whenever budgetary problems arise.

We have been subject, while on active duty, to pay restrictions, spending restrictions in foreign countries while U.S. tourists have not been restricted, pay cuts and any number of other restrictions too numerous to mention. This pattern flows back many years ago when Congress did not vote an appropriation to pay the military at all. Yet, people continue to serve in the Armed Forces. We sacrifice and are asked to sacrifice more, and we have no choice.

I had intended to write a long letter full of grievances which probably would never have received a response. Instead, I would like to ask some questions.

As a preface, I would like to state that when a young man or woman embarks on a military career there are several things that are implied or understood. At the age of 18-22 a person embarking on a military career does so voluntarily. Meanwhile his or her peers are embarking on careers in civilian life, establishing roots, career patterns, equity in homes, the career opportunities and advancement and the many other facets of civilian career progression and family stability. The military counterpart has a different path. He or she, and family, are subject to lower compensations, hazards, longer duty hours, frequent transfers which most often cost more than the Government compensates, emotional trauma—and the list goes on.

The situation is that while my peers were able to pursue their career goals, I spent the formative years of my life in the military. In other words, while I spent my life in defense of my country I gave up the opportunity to build equity in another career, community or home. In return for this I would dedicate and possibly sacrifice my life with the understanding that should I die my family would be taken care of, and should I live I will be compensated for the service I performed.

Somewhere, something has been lost in the translation. We who have given much are not asking for "handouts" or "special treatment"—but justice!

(1) Why—do we who are under 62 have to give up 50 percent of a cost of living increase when we are all the victims of inflation caused by our government?

(2) Why—does a widow who is receiving a Survivor Benefit annuity have to give up a portion of her Social Security entitlements after the monies were paid in by her husband?

(3) Why—should the Grace Commission recommendations be seriously considered regarding the elimination of commissary benefits for retirees?

(4) Why—weren't any military, either active or retired, on the Grace Commission study group as advisors?

(5) Why—do we have decisions made about military retirees' compensation by a majority of representatives who have never seen the inside of a uniform and yet vote themselves automatic raises?

(6) Why—are we denied a cost of living increase while Government induced inflation erodes the purchasing power of our dollars?

(7) Why—is there a move in Congress to reduce or eliminate Social Security payments to military retirees? The term double

dipping is frequently used. To us that is demeaning and abhorrent. The fact that we pursued several careers in a lifetime is something of which we are proud. We are forced by law to contribute to a retirement system. Are we then to be denied the benefits? A high official in the Social Security Administration has stated to a colleague of mine that the unfounded liability of the Social Security Fund is $3.8 trillion, and that benefits are not guaranteed! Is that why we have to pay into the fund, to keep it solvent?

(8) Why—is there a continuation of great disparity of retiree retainer compensation between retirees in different age groups?

The Why's could go on and on. We would like some answers—and preferably action. If someone were to ask me today about a career in the military, I would advise him thusly. I feel it is the duty of every able bodied American to serve this wonderful country of ours. However, if you are considering a career in the military, don't do it unless you have a written contract which spells out all the terms. Because at this point I feel my country has failed to honor its commitment to my family and me.

In the state of Montana there are about 4,600 retired military personnel. Assuming that most are married, you can double that number. Further, assuming that most have children of voting age and some have grandchildren of that age, we are considering 12,000-15,000 possible voters.

This is an election year and many special interest groups are speaking out for their causes. We feel we are a very special interest group because our contribution was high. We devoted our lives to a cause we believed in—freedom and democracy. Are we now to be penalized for that belief?

We would like to know what you are doing to protect our rights from further attacks and erosion or elimination. We eagerly await your reply and it will be given the widest possible publicity among the military retiree community.●

MAESTRO'S BRONX HAUTE CUISINE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. GARCIA. Mr. Speaker, the South Bronx is a good place to live. It is full of hard working people who believe in the community, and who want to see it prosper.

An excellent example of this community spirit is the Patalano family, owners of Maestro's, one of the Bronx's finest catering establishments. Maestro's has thrived in the Bronx largely because Domenico Patalano and his son Andy have worked hard to make certain that it offered quality cuisine.

Domenico likes the Bronx. He understands that businesses can and do have a bright future in the Bronx. I would like to include an article on Domenico Patalano and Maestro's in the RECORD for my colleague's perusal.

The article follows:

[From the New York Daily News, Oct. 9, 1984]

CATERER HAS HEALTHY APPETITE FOR THE BRONX

(By Dan O'Grady)

A recipe that calls for personally prepared, well-presented food that is seasoned liberally with self-confidence and good business sense has placed chef Domenico Patalano at the helm of Maestro's, a flourishing Morris Park caterer.

In 1979, when many businessmen were looking to bail out of the borough, the 51-year-old chef was bullish on the Bronx and bought a faltering catering business at 1703 Bronxdale Ave., off Morris Park Ave.

Patalano prospered to the point where he could afford last year to add a $750,000 ballroom that seats 600, more than doubling his seating capacity.

Patalano speaks matter of factly about his culinary artistry. "I'm a well-known chef," he said unselfconsciously over a cup of espresso. "In my mind I thought I could make out.

"We were successful because of our food," he added, "that is why we have reached this point."

Patalano noted that Maestro's is one of the few large owner-operated caterers in the city. He thinks its personal touch makes Maestro's a success. "That is why we draw people from Long Island and Westchester and New Jersey," he said.

His son Andy assists in operation of the restaurant. Patalano's father, Aniello, 81, still operates the vineyard on the island of Ischia, near Naples, where Domenico grew up.

Several years of working in restaurants in Naples, interrupted by three years of culinary school and a stint as cook in the Italian Navy, laid the foundation for Patalano's future and success.●

FIRST ISSUE OF HISTORY IN THE HOUSE

HON. LINDY BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mrs. BOGGS. Mr. Speaker, recently I received a copy of the first issue of "History in the House," a newsletter published by the Office of the Bicentennial. I understand from Dr. Ray Smock, the Historian who heads the office, that the newsletter will be issued several times a year to keep Members and the public informed of plans for the 1989 Bicentennial of the House of Representatives. "History in the House" is well written and contains several interesting and timely articles about this institution and its history. I commend it to my colleagues.

The Office of the Bicentennial was established in 1982. Its principal function is to coordinate planning of the House's 200th anniversary. In addition to its ceremonial functions, the office will help to facilitate long-range projects appropriate to the bicentennial that will have lasting value far beyond the celebration of the observance.

Anyone interested in the bincentennial or related projects should contact Dr. Smock at the Office of the Bicentennial in room 138 of the Cannon Building.

Thank you.

HISTORY IN THE HOUSE

THE FIRST QUORUM

On March 4, 1789, church bells and the roar of cannon ushered in the new government of the United States under the Constitution. Celebrations and parades had marked the ratification of the Constitution in each state, and the young nation prepared for the first meeting of the Congress, which had before it such solemn responsibilities as revenue collection, tariff policy, and the establishment of a federal court system.

Until a permament site for the federal city could be selected, New York City continued to be the seat of government as it had been under the Articles of Confederation since 1785. The City Hall on Wall Street opposite Broad Street, recently renovated under the direction of Major Pierre L'Enfant, was the meeting place of the First Federal Congress.

On that first day of the First Session of the First Congress, only 13 of the 59 Representatives from 5 of the 11 States were in attendance in the House of Representatives. The House Journal recorded George Thatcher, Fisher Ames, George Leonard, and Elbridge Gerry from Massachusetts; Benjamin Huntington, Jonathan Trumbull, and Jeremiah Wadsworth from Connecticut; Frederick Muhlenberg, Thomas Hartley, Peter Muhlenberg, and Daniel Hiester from Pennsylvania; Alexander White from Virginia; and Thomas Tudor Tucker from far off South Carolina. North Carolina and Rhode Island had not yet ratified the Constitution, New York and New Jersey had not completed elections, and bad roads and wintry weather delayed the arrival of the other Representatives. The House Journal continued: "But a quorum of the whole number not being present, the House adjourned until tomorrow eleven o'clock."

That entry was repeated, monotonously and tersely, as the House convened daily except Sundays, and the days stretched into weeks without a quorum. Those in attendance wrote their absent colleagues, especially in nearby states, urging them to lay aside lesser concerns for the business of the Union. Fisher Ames wrote to a Boston friend. "We lose credit, spirit, everything. The public will forget the government before it is born."

In the meantime, as the city prepared for inaugural festivities, Members met at the City Hall, paid visits to each other, and discussed the matters that they would later consider formally. Journal entries showed the arrival of additional Representatives: on March 5 Nicholas Gilman from New Hampshire, Benjamin Goodhue from Massachusetts, Roger Sherman and Jonathan Sturges from Connecticut, and Henry Wynkoop from Pennsylvania; on March 14 James Madison, John Page, and Richard Bland Lee from Virginia; on March 17 Samuel Griffin from Virginia; on March 18 Andrew Moore from Virginia; on March 23 Elias Boudinot from New Jersey and William Smith from Maryland; on March 25 Josiah Parker from Virginia; and on March 30 George Gale from Maryland and Theodorick Bland from Virginia.

Finally on April 1, 1789, James Shureman from New Jersey and Thomas Scott from

Pennsylvania took their seats and the House Journal soberly recorded, "And a quorum, consisting of a majority of the whole number, being present, RESOLVED, That this House will proceed to the choice of a Speaker by ballot." The House elected Frederick Augustus Conrad Muhlenberg from Pennsylvania as Speaker. John Beckley was elected Clerk. Having completed its first day of business, the House adjourned.

During that first week the House proceeded to organize itself, appointed a rules committee, and chose a doorkeeper. Fisher Ames observed of his colleagues, "I assure you I like them very well. There are few shining geniuses; there are many who have experience, the virtues of the heart, and habits of business."

On April 6 the Senate obtained a quorum for the first time and the House withdrew to the Senate Chamber to open the certificates and count the votes of the Electors of the several States for President and Vice President. After the ballots were counted, the Congress completed its first order of business by dispatching messengers to notify Geogre Washington and John Adams that they had been elected as President and Vice President, respectively.

ANOTHER BICENTENNIAL—AN EDITORIAL

When the Office for the Bicentennial of the House opened its doors for the first time many persons came by and said: "Bicentennial? Isn't that over?" The Revolutionary Era Bicentennial is over. The Constitutional Era Bicentenial is just beginning. What we all celebrated and gloried in, back in 1976 was a commemoration of our Declaration of Independence from Great Britain, and that is something that should not be dismissed as insignificant. What we will be celebrating for the next few years, however, is even more important.

Think about it for a minute. What we did on July 4, 1776, was to state that we planned to fight for our place as an independent nation. We'd actually been doing that for over a year. Remember Lexington and Concord and the "shot heard round the world?" What happened after the Declaration of Independence and after our victory in the Revolutionary War was even more significant to the development of this nation.

We did become an independent country and were (to quote from the Declaration) free "to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them . . ." The national government after the Revolution, however, was under the "Articles of Confederation," a very weak government that did not even have the power to levy taxes.

What we had was not a national government so much as it was a loose collection of near-autonomous states, a "league of friendship" they called it. The Articles of Confederation took effect in 1781, but the national government under the Articles was almost impotent, unable even to maintain much of an army or a navy. It is not too much to suggest that the continuation of this form of government would have led to the Balkanization of this country and its ultimate degeneration into a collection of third rate powers.

No, the United States did not end up that way, and *that* is the reason we have such an important bicentennial to celebrate in the last few years of this decade. What we will begin celebrating in 1987 and extending through 1989 is the drafting of our U.S. Constitution, its ratification by the states, and the beginning of the new government in 1789. Without the Constitution, and the subsequent convening of the first House of Representatives, and the first Senate, and the election and inauguration of our first President and the creation of the Supreme Court, the Revolutionary War would not have meant very much.

It's a little harder to get people as excited about this bicentennial as they were about the last one. Somehow the image of men sitting down at a table and arguing about the powers of the House of Representatives does not seem terribly exciting when compared with the brave deeds of the Revolution.

Those of us who are planning the bicentennial for the House of Representatives believe that we can demonstrate to the American people the importance of this celebration and that the country will get excited about the meaning of this bicentennial. We have some specific projects in mind, such as a short, popular, illustrated history of the House and an update of the Biographical Directory of the American Congress. And we have some less tangible things we hope to get from the bicentennial, such as an increased interest in the role the House of Representatives has played in our country's history.

The U.S. Senate will also be celebrating its bicentennial in 1989, and there will be a Presidential Commission on the Bicentennial of the Constitution in 1987.

It may be a little harder to identify with these events than it was with the heroes of the American Revolution. But we are confident that the American people understand that 200 years of uninterrupted democracy is an enterprise well worth celebrating. The framing of the United States Constitution and the establishment of a government under the Constitution almost 200 years ago has had a profound effect on the history of the world and has shaped our politics, our society, and out culture perhaps more than any other event in American history. If we can help another generation of Americans to understand and appreciate the meaning of the American Constitution and the role of the federal government under that Constitution, we will have performed an important service to the House and to the country. Bicentennial? Let's do it up right.

THE CAR OF HISTORY

The Car of History, standing over seven feet tall on the gallery level above the north entrance to the Old Hall of the House (Statuary Hall), is one of the oldest works of classical sculpture in the United States. The draped female figure represents Clio, the Muse of History. She stands in an elaborately carved winged chariot and records in a book the events she sees taking place on the earth below. The signs of the Zodiac are carved on the sphere, representing Time itself. The wheel of the chariot is a clock face. The work is inscribed "C. Franzoni faciebat 1819."

This white marble sculpture was conceived by architect Benjamin Henry Latrobe as part of his plan for the House Chamber as it was to be reconstructed after the fire of 1814, when invading British troops burned the Capitol. It appears for the first time on a drawing dated August 12, 1815. The finished work is clearly derived from the drawing.

The sculptor, Carlo Franzoni, was born in Carrara, Italy, about 1789, the same year the House of Representatives met for the first time. The son of the President of the Academy of Fine Arts in Carrara and a nephew of Cardinal Franzoni, he was a graduate of a school of anatomy as well as a trained sculptor. Franzoni came to America in 1816 when Latrobe sent his assistant Giovanni Andrei to Italy to contract for the carving of the Corinthian capitals for the Hall of the House and to recruit more Italian artists to join those, including Carlo's brother Giuseppe, who were already carving the stone and marble decoration in the Capitol Building. The Car of History is one of Carlo Franzoni's few known works, as he died of heart failure shortly after its completion. It is possible that some of his early works are in the collections of the Vatican and the Louvre. The lunette of Justice on the west wall of the Old Supreme Court Chamber is also his work. Tradition has it that Franzoni's niece, whose father Guiseppe carved the corncob capitals in the North Wing vestibule, was the model for Clio. Descendants of the Franzoni brothers still live in Washington.

The clockworks in the Car of History are by Simon Willard, one of the best clockmakers in America. The clock was commissioned and installed in 1837 and still keeps time. A plate at the rear of the clock is engraved "Simon Willard and Son." The works were probably installed by the 84-year-old Willard himself; a letter, dated October 29, 1837, to his son describes a Washington visit and the installation of a clock.

The correlation of History and Time is a theme particularly appropriate to a legislative chamber. It especially appealed to John Quincy Adams, who served 17 years in the House after his Presidency. With Clio gazing down toward his desk in the House Chamber, Adams was moved to write this poem in 1840:

ODE TO THE CAR OF HISTORY

Historic muse! Who from thy winged car
Pursuest thy rapid and unwearied flight;
Recording all that passes in thy sight,
And all thou hearest of the wordy war,

The wit, the wisdom, the conflicting jar
Of ranting, raving parties, day and night
Beneath the sunbeams or the taper light
The frantic reason of this wandering star.

Oh! Muse historic—in thy march sublime
Still urging onward on the wheels of time,
Canst thou not whisper to the chosen band,
But for one day to calm their senseless rage,
And let thy volume bear one blessed page
Of deeds devoted to their native land.

TOWARD 1989

The House, during the closing days of the 97th Congress, created the Office for the Bicentennial to coordinate the planning of the commemoration of the 200th anniversary of the House in 1989. In October 1983 Speaker Thomas P. O'Neill, Jr., appointed a historian to direct the office. With a small staff of two other historians and a secretary, the office has made good progress in planning for a bicentennial edition of the Biographical Directory of the American Congress, which will include sketches of the 9,850 persons who have served in the House since 1789, and the 1,761 who have served in the Senate. Approximately 600 persons have served in both bodies. The latest computer technology will aid the office in its compilation and editing of the Biographical Directory. The two-volume set will include sketches of all Members through the 100th Congress, which will be elected in 1986.

Other projects the office will undertake directly or in cooperation with others include: a nationwide search to locate research collections of the papers of former

Members of the House; the writing of a short illustrated history of the House; the promotion of the collection and preservation of photographs related to House history (in cooperation with the Library of Congress); an update of House publications Women in Congress and Black Americans in Congress; the planning for ceremonies related to the 200th anniversary of the Constitution in 1987 and the 200th anniversary of the House in 1989; the preparation of exhibits related to the Bicentennial, and other projects designed to improve our understanding of the rich and colorful history of the House.

MEMBERS, URGED TO SAVE HISTORICALLY VALUABLE PAPERS

The Office for the Bicentennial has prepared a brief memorandum on the proper disposition of personal papers of Members of Congress which are of historical value. Copies are available upon the request.

Several years ago the Former Members of Congress, Inc., conducted a survey to see what happened to the personal papers and memorabilia of Members after they left office. While many collections went to colleges or universities, usually in the Member's home state, or to other repositories such as state historical society's, about 15% of those surveyed had destroyed their papers, 16% kept their papers in private custody, and another 20% have divided up the papers, saving some and destroying others.

The Office for the Bicentennial stands ready to advise Members and their staffs on the proper disposition of historically valuable material, and to work with Members and the repository of their choice in carrying out plans to save this valuable material for future generations of scholars.●

HENRY HYDE—EVEN OPPONENTS FIND HIM UNHATEABLE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, I would like to take this opportunity to elaborate on the following article that recently appeared in the Chicago Sun-Times, dealing with my friend and our colleague, HENRY HYDE. In the 10 years that HENRY has been a Member of this distinguished body, he has gone to great lengths to ensure that ethics and morality are incorporated into the legislative process. Of greatest notoriety was HENRY's successful efforts to pass the Hyde amendment, which prohibits the use of Federal funds to pay for abortions except in certain extenuating circumstances. Recently, in reply to an earlier speech by New York's Gov. Mario Cuomo, HENRY also expertly defended the notion that religion belongs in both politics and in the legislative process. HENRY is committed to the ideals that he believes in, and is extremely capable of leading the fight to make certain that they are not violated or infringed upon.

Oftentimes it is easy to make enemies during partisan political debates, yet HENRY's character and style allow him to defend his position without jeopardizing the respect that he has earned from both sides of the aisle. To this end, I am submitting this article as a tribute to a great man, a true patriot, and an asset to the House of Representatives.

I commend it to your attention.

The article follows:

[From the Chicago Sun-Times, Oct. 8, 1984]

HENRY HYDE—EVEN OPPONENTS FIND HIM UNHATEABLE

(By Joseph Sobran)

On Nov. 7, the political map of America will change. The decades of liberal fashion finally will be over, and the conservative revolution will have added to its gains of 1980.

Conservatives will find themselves joined by opportunist who a few years ago were voting against them. There is nothing wrong with attracting opportunists; it is the price, or the reward, of success. In politics you accept fair-weather friendship.

All the same, this is a good moment to salute those who were conservatives before conservatism was the winning side. And few deserve more honor than Rep. Henry Hyde of Illinois.

Hyde is a tall, wide, handsome man with a personality so jovial as almost to make Ronald Reagan seem like Walter Mondale.

He is best known as the author of the Hyde Amendment, which prohibits the use of Medicaid funds for abortion, and he is the chief political hero of the right-to-life movement.

He also is a conservative Republican whose colleagues, including Democrats, speak warmly of him and rate him one of the House's best-informed students of foreign affairs.

Last month, Hyde spoke at the University of Notre Dame on abortion, religion and politics, in implicit reply to the earlier speech there of New York's Gov. Mario Cuomo.

A distinguished New York reporter who admires Cuomo even more than I do told me he found Hyde's speech the more thoughtful.

In essence, Hyde argues against the "militant secular-separationist perspective" that would not only separate church and state as institutions, but also would exclude "religiously based values" from public life, leaving a morally sterile politics that the theologian Richard John Neuhaus calls "the naked public square."

Hyde is Catholic and proud of it. He is particularly stern about liberal anti-Catholicism, of which he has been a particular object.

The American Civil Liberties Union once had a private detective follow him to church in an effort to prove the Hyde Amendment unconstitutional.

He also rejects the notion that abortion is "a Catholic issue, or a Mormon issue, or a Lutheran issue." It is "an ethical issue," and he points out that even in striking down the abortion laws of all 50 states, the Supreme Court acknowledged this.

And in upholding the Hyde Amendment in 1980, the court said emphatically that "it does not follow that a statute violates the Establishment Clause because it happens to coincide or harmonize with the tenets of some or of all religions. That the Judeo-Christian religious oppose stealing does not mean that a . . . government may not, consistent with the Establishment Clause, enact law prohibiting larceny."

Though Hyde has intellectual prowess in abundance, it is hard to think of the man as a full-fledged intellectual when he has publicly confessed that his favorite TV show used to be Laverne and Shirley."

In his younger, slimmer days, he also was a college basketball star who once held George Mikan to a single point in the second half.

Born in 1924, Hyde grew up in Chicago, a loyal Catholic and Democrat. During World War II he served in the South Pacific, where a communist officer fed him propaganda and unwittingly turned him into an anti-communist.

He cast his first vote for Harry S. Truman, but became a Republican in 1956. A lawyer and father of four, he won his congressional seat in 1974—otherwise a bad year for Republicans.

Even liberals find Hyde unhateable. The Washington Monthly recently named him one of the six best congressmen, crediting him with "an open-mindedness and humor that can take the raw edges off otherwise acrimonious debates."

If being his opponent is a pleasure, being on his side is a joy.

In this happy season for conservatives, I remember the radiance he cast in darker days.

Nobody has so completely embodied the politics of love.●

GEOCIDE IN AFGHANISTAN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BROOMFIELD. Mr. Speaker, a new holocaust is upon us. Recent reports from Afghanistan reveal that the Soviet and Afghani military are systematically killing Afghani civilians and destroying the infrastructure of that once lovely land. The world must be told about these horrible Soviet atrocities. I want to share a revealing article from the Christian Science Monitor on this important subject with my colleagues in the Congress.

While all of us often read press accounts of human rights violations in various countries around the world, the tragedy of Afghanistan often goes unreported. We all know the sad history of Soviet occupation of that once free land and of our Government's efforts to bring international pressure upon the Soviet Union to withdraw. While the Mujahideen freedom fighters struggle on against overwhelming odds to battle the Soviet invaders, the poor Afghani peasants have become the new victims of the Soviet and Afghani military machine. As refugees try to leave Afghanistan for the safety of Pakistan, Soviet airstrikes are intentionally directed at these fleeing peasants. Many of them are leaving Afghanistan in the aftermath of Soviet and Afghani scorched Earth operations designed to destroy the civilian infrastructure. Farms, houses, markets, schools, and hospitals have been attacked and totally destroyed.

Once they arrive in Pakistan, these poor refugees face the prospect of again being bombed from the air. Afghani Air Force planes routinely cross the border into western Pakistan and bomb villages and refugee camps. The Pakistani Government has strongly protested this illegal action.

When we talk of human rights violations, my colleagues, let us not forget that some of the most brutal violations of human rights and life itself are occurring this very moment in Afghanistan, the Soviet empire's latest addition to the long list of captive nations.

With these sobering comments in mind, I recommend the following article to all of my colleagues who are truly interested in human rights violations.

The article follows:

[From the Christian Science Monitor, Oct. 11, 1984]

PEOPLE UNDER ATTACK—WITH THE RESISTANCE IN AFGHANISTAN

(By Edward Girardet)

CHAMAR PASS, AFGHANISTAN.—Dominated by Mir Samir, a towering, snow-capped peak on the southern fringe of the Hindu Kush mountains, the refugees struggle to negotiate the steep, rocky corridor that leads to the top of the 14,000-foot-high mountain pass.

There are some 500 refugees in the caravan, most of them Kandari nomads fleeing their flat, desert homeland in Kunduz Province, which borders the Soviet Union. Repeated Soviet air and ground assaults on their homes and livestock as well as conscription drives by the Afghan Army, they explain, have made it impossible for them to stay.

Over the past two or three years, Red Army troops have also increasingly blocked the more traditional passes for weeks or months on end. This has forced Afghans to seek alternate overland routes for their caravans such as this treacherous highland trail.

Flanked by women in embroidered red dresses and dark shawls shepherding children, some of them barefoot, the men prod reluctant horses, donkeys, and dromedaries into climbing the final few yards. Ominously strewn among the boulders on either side are the decomposing bodies of animals that have slipped and fallen. Once over, the refugees gingerly descend the several thousand feet to the inviting pastures of the Pashal Valley below.

For nearly four hours last Aug. 17, this correspondent watched together with a CBS-TV crew as the straggling caravan laden with tea kettles, pots, rugs, and tents crept through the narrow gap. Apart from the shrill whistles and shouts of the drivers or the occasional roar of an affronted camel, the only other sound to mar the tranquility of the warm and sunny afternoon was the constant drone of a Soviet Antonov reconnaissance plane.

Toward the end of the day, we crossed into the next valley. It was then that the first pair of MIG-27 ground attack fighters arrived. Thundering up the nearby Panjshair Valley from Baghram, a key Soviet air base some 50 miles to the south, they swooped down to bomb where the refugees were massed. As they drew out, a second pair emerged from behind Mir Samir. For the next 20 minutes, we heard the dull roar of explosions.

Making our way down the Panjshair, we continued to see and hear the planes for several days as they returned to bomb and strafe both sides of the pass where further groups of refugees were still trying to cross. The attacks were always obediently followed by the two-propeller Antononv dispatched from Bahgram to inspect the damage, which, according to resistance reports reaching us in the valley, involved heavy losses.

Some 10 days later, this correspondent returned to the Chamar area. Trekking at night (both refugees and *mujahideen*, or holy warriors, were now only crossing after dark), I encountered the first signs of tragedy several miles before the pass in the form of half a dozen dead camels and horses. By dawn, I reached the top of the Chamar to discover that the MIGs had also attacked the tail end of the very column we had previously watched. In both cases, herdsmen and partisans camping nearby maintained, the refugees had been badly hit.

But the most devastating was an attack on Aug. 18 that lasted one and half hours in the Pashal Valley itself. Having reached the valley floor by early evening the day before, the nomads had pitched a sprawling camp by the side of the river. Shortly after first light, the Antonov appeared and made several passes over their distinctive black tents, smoking fires, and grazing animals before returning to base. Few Afghans recognize the danger of reconnaissance aircraft and rarely take necessary precautions. No one bothered to hide.

The MIGs took the refugees completely by surprise. Appearing at 10 in the morning, the swing-wing fighters first unloaded two bombs each, believed to be 500-pounders, and then made repeated runs firing rockets and strafing with their 23mm Gatling guns. Nine women and five children were killed instantly and more than 60 injured, many of them severely. Overall, by the time the Soviets completed their attacks in the area, at least 40 refugees had died.

"It was horrible," said Hajii Saduddin, a highly respected village leader from Bazarak in the Panjshair who had been hiding out for several months with a group of families further down the valley. Appalled, they had watched the raid and then rushed up to the camp to help.

"We have seen a lot of war, but nothing like this," said Mr. Saduddin. "People were screaming and lying all around. Many had lost their hands, their feet, arms, and legs. The tents were burning and there was an awful smell in the air."

The signs of carnage later witnessed by this correspondent lent only partial testimony as to the ruthlessness of the onslaught. Dozens of mutilated animal cadavers, twisted metal pots, scorched clothing, torn saddles, and a tattered boy's slingshot littered the ground, itself churned by shrapnel or ripped in long furrows by machine gun bullets.

With the little they had, the Panjshairis helped treat the victims. Later, they buried the dead in a yawning bomb crater, covering the bodies with a tarpaulin and then piling stones on top in the Muslim manner. A single prayer flag, a piece of green, pink, and orange cloth hanging from a wooden tent pole, and a inscription headed by a quote from the Koran recorded the massacre.

More refugees died of their wounds and were buried on their journey through the mountains to Pakistan, where the first survivors were expected to arrive by late September.

For more than two years, numerous reports have emerged concerning a systematic terror campaign by the Soviet occupation forces against noncombatants. More recently, this has included deliberate attacks on civilians already trying to leave the country. While traveling through northeastern Afghanistan this summer, this correspondent encountered numerous refugees with tales of bombings and strafings.

Rarely have outside observers been in the position to confirm such assaults. Considering that the reconnaissance plan had been tracking the refugees for several days, it is almost impossible that the Soviets could have mistaken them for mujahideen or a supply caravan.

One can also assume that after nearly five years of occupation. Soviet intelligence analysts are suitably informed to make such distinctions. Not only were the women and children wearing bright colors, but the style of tents and the variety of animals including herds of sheep and goats could only suggest civilians.

The Soviets have consistently denied that they are responsible for such atrocities. The Red Army's "limited contingent" (at least 110,000 troops) in Afghanistan the Soviets normally maintained, is only serving with the Afghan Army on a support or advisory basis and is not directly involved in the struggle against "counterrevolutionies." In reality, the Afghan Army still largely suffers from an exorbitant desertion rate and is considered grossly unreliable by the Soviets who must take the brunt of the fighting.

If refugee accounts are to be believed, then the Pashal attack has been only one of many. The arrival of its survivors in Pakistan should enable the International Committee of the Red Cross or the United Nations to conduct a through investigation into this gruesome expansion of Moscow's already widespread policy of "migratory genocide."

Furthermore, while the International Red Cross has been performing a valuable service for injured Afghans through its specialized war casualty hosptials in Pakistan, the Pashal and other testimony should at least prompt some form of direct intervention in favor of the civilian population. Until now, the Swiss humanitarian agency has failed to obtain access to Afghanistan since a visit of dubious credibility to Kabul's Puli Charkhi prison in the summer of 1982.

But the deliberate bombing of refugees is but one aspect of Moscow's hardening repression of noncombatants.

"Basically, the Soviets have launched what is for them a very easy war against the people," observed a recently returned doctor of Aide Médicale Internationale, a Paris-based medical organization operating relief missions inside Afghanistan. "It has become a tragic situation. The economic structures are so fragile that if the people lose a little, they lose everything. Unable to survive, their only choice is to leave."

Soviet tactics are now aimed at totally destroying the civilian infrastructure—farms, houses, bazaars, mosques, schools, and clinics—in zones where resistance fronts have been particularly well-organized.

"It does not take much to realize what the Russians are trying to do," added a spokesman of the Swedish Committee for Afghanistan in Peshawar, Pakistan, another organization involved in direct relief operations to the interior. "They are turning every region that does not bend to their will into a wasteland."

With relentless perseverance, Soviet planes and heliborne troops have sought to hunt down dissenting civilians while threatening nearby populations with reprisals if they in any way aid or abet both guerrillas and refugees. In numerous areas, the land lies deserted. Whole villages have been transformed into uninhabitable ghost settlements through the bombing and looting of houses, the burning of crops, and the cutting off of valuable water supplies by rupturing or mining the irrigation canals.

"You can't believe how sad it makes me to see my country like this," said Mehmed Ali, a former hotel employee from Kabul and a member of the Panjshair resistance. "This used to be a beautiful country. A poor country, but a very beautiful one. Now look at it."

Most relief workers and observers who have visited Afghanistan recently say the next few months will be crucial for areas such as Paghman, Parwan, Badakhshan Fariab, and Nangarhar. Nevertheless, the urgency of the Afghan predicament continues to be ignored by most governments and aid groups.

The vast bulk of present international assistance goes to Pakistan's refugees, estimated at more than 3 million. To the irritation of many resistance fronts but the encouragement of certain fundamentalist Afghan and Pakistani groups, for example, much Arab money is being lavished on expensive new mosques and Koranic schools among the refugee camps rather than on more vital food, clothing, and medication for the interior.

The principal relief agency, the United Nations High Commissioner for Refugees, must, by nature of its charter, restrict itself to refugee rather than internal aid. But the lack of action by other organizations to assist those inside is likely to result in further influxes of refugees. This reporter encountered between 100 and 500 Afghans a day fleeing the country, mainly from the northern frontier provinces which until recently have produced a relatively light exodus.

As with resistance commanders elsewhere, Ahmed Shah Massoud of the Panjshair Valley has appealed for a large-scale emergency aid program. But he has warned that unless this can be mounted in the weeks ahead to assist the more than 100,000 civilians living among the side valleys and mountains of his region, he will be obliged to order many of them to leave for Pakistan before the onset of winter.

"We shall do everything we can to keep them," the young leader explained in a recent interview, "but we just don't have the food and money. If they go, then the Soviets will have achieved their objective in forcing our people out."

According to some relief sources, a coordinated emergency aid program for Afghanistan need only cost several million dollars but would have to be funneled directly to the interior rather than via the political parties in Peshawar.

It would also depend largely on the Afghans themselves. The French medical agencies have complained that resistance fronts often fail to realize the importance of full cooperation in providing relief. In some areas, security for the medical teams has become sloppy, supplies are lost or stolen, and some groups regularly demanded payment for protection or other forms of assistance.

"Basically, the Afghans must get their act together and not always think that it is up to the outside world to help them," said one British relief coordinator. "If they want assistance, they must do something for it. Above all, they must improve their organization which quite frankly is more often than not disastrous. Sacrifices must be made by both sides to make it work."●

TRIBUTE TO PAUL SIMON

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BIAGGI. Mr. Speaker, as we prepare to adjourn the 98th Congress we do so not knowing where our friend and colleague Paul Simon will be when we reconvene in the 99th Congress. It is in fact up to the voters of the great State of Illinois. However while we wait the outcome, I would like to take this opportunity to pay tribute to my friend and colleague who I have enjoyed working with these past 10 years.

Paul Simon and I have worked very closely on the House Education and Labor Committee over this past decade. I know first hand of the vitally important role he played in a host of bills in the field of higher education as well as the arts and humanities. Yet the cause he had the most passion for on the committee was his proposals to advance the teaching of foreign languages in our schools—a most worthwhile proposal.

Paul Simon also served with great distinction as a member of the House Budget Committee. He fought many valiant fights to ensure that our commitment to social programs was maintained even in the fact of pressures to reduce them dramatically. He combined fiscal realism with compassion and did the Nation a great service in this capacity.

Paul had to be considered one of the resident intellects of the House. He was a scholar having authored six books and holding seven honorary doctorate degrees. Before being elected to the House, Paul had many other distinctions. He was the youngest editor-publisher in the United States when he purchased the Troy Tribune in Troy, IL, at the age of 19. He was a member of the elite U.S. Army Counter Intelligence Corps and served time as a special agent in Europe and along the Iron Curtain. He was elected to the Illinois House of Representatives at the age of 25 and 8 years later was elected to the State senate. In 1968 he was elected Lieutenant Governor of Illinois where he served with unique distinction.

Paul Simon was not just a legislator; he was a crusader on behalf of causes. In addition to his work on behalf of higher education he also was a fervent advocate of government reform at all levels—and set examples in areas such as personal integrity.

We sincerely hope that the House's loss does become the Senate's gain. If that in fact happens—it will be the Nation's gain, for the Nation is well served when people such as Paul Simon are in its Congress. Paul Simon is a friend and someone whom I respect a great deal. He will be remembered for his bow ties and scholarly look. He will be remembered for the depth of his convictions and the articulate way in which he worked for his causes.

No matter what the future holds for Paul Simon, I wish him only the best. The people of Carbondale, IL, should be proud of their native son, Paul Simon, who has represented them so well at both the State and national level. I send my best regards to Paul's wife Jeanne and hope that the days ahead are good ones.●

CONRAIL SALE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. RITTER. Mr. Speaker, as this 98th Congress draws to a close, I want to take a few minutes to discuss the pending sale of Conrail. As you know, since the passage of the Northeast Rail Service Act of 1981, Conrail has operated without Federal subsidy. Under the able leadership of Stanley Crane, Conrail has implemented all the cost savings provisions of the Northeast Rail Service Act and provided my region of the country with improved rail service.

The Northeast Rail Service Act required the U.S. Railway Association to determine if Conrail met the profitability standards set in the Northeast Rail Service Act. In June 1983, U.S. Railway Association found that Conrail met those standards and should be sold in its entirety rather than piecemeal. Secretary of Transportation Dole hired the investment banking firm of Goldman, Sachs, in accordance with the requirements of the statute, and the search for a buyer of Conrail.

On April 10 of this year, the Alleghany Corp., submitted a bid to purchase Conrail. At that time, the Secretary announced she would entertain other bids through June 18 of this year. At the end of the bidding period, 14 bids had been received. By August, the Secretary had narrowed the number of bidders to six, and on September 11, she submitted the three final bidders—the Norfolk Southern Corp., the Alleghany Corp., and the Marriott Group—to the Justice Department and Treasury Department for their evaluation. Before the end of the year, I expect the Secretary to select the bid which is the most consistent with providing reliable rail service in the Northeast.

Under the Northeast Rail Service Act, railroad labor organizations, shippers, and the states made significant sacrifices in order to permit Conrail to operate without Federal subsidy. For example, Conrail employees agreed to a wage reduction of nearly $144 million a year. That wage reduction has now gone on for 3 years.

In Pennsylvania alone, the annual wage loss by Conrail employees is $53,273,500 a year. The following chart shows by county the number of employees and the amount of wage reduction.

State, county and major city	Employment	Annual amount of wage reduction
Pennsylvania:		
Allegheny, Pittsburgh	1,008	$3,528,000
Beaver, Conway Yard	977	3,419,500
Berks, Reading	458	1,603,000
Blair, Altoona	2,115	7,402,500
Cambria, Johnstown	156	546,000
Cumberland, Enola Yard	1,114	3,899,000
Dauphin, Harrisburg	634	2,219,000
Northampton, Bethlehem	289	1,011,500
Philadelphia, Philadelphia	5,505	19,267,500
Other	2,965	10,377,500

One of the bidders—the Norfolk Southern Corp.—has agreed to return Conrail employees to the regular industry wage level. Ending of Conrail employee wage reduction would increase annual wages by State as follows:

Connecticut	$728,000
District of Columbia	350,000
Delaware	1,291,500
Illinois	4,980,500
Indiana	13,499,500
Maryland	1,561,000
Massachusetts	3,314,500
Michigan	7,052,500
New Jersey	8,214,500
New York	21,791,000
Ohio	26,484,500
Pennsylvania	53,273,500
West Virginia	556,500

The Northeast Rail Service Act also permitted Conrail to avoid paying taxes to the States. In the aggregate, this has resulted in a cost saving to Conrail of $25 million a year. The return of Conrail to the private sector—irrespective of the successful bidder—will restore State taxes as follows:

Connecticut	$266,400
Illinois	171,400
Indiana	859,400
Kentucky	5,200
Maryland	152,900
Massachusetts	333,000
Michigan	1,045,000
New Jersey	5,839,500
New York	4,632,900
Ohio	3,424,000
Pennsylvania	8,234,800
Rhode Island	6,200
Virginia	1,000
West Virginia	155,800
District of Columbia	28,400
Other	243,000

Continuation of good rail service in the Northeast is the primary consideration the Secretary is using in selecting a purchaser for Conrail. I am confident that, before the end of the year, the Secretary will select the successful bidder so that the appropriate committees in Congress can prepare for consideration of the necessary enabling legislation early in the next Congress.

Conrail employees in my district and throughout the Northeast are to be commended for the excellent job they have performed in making it possible for Conrail to operate without Federal subsidy. They are also to be commended for the sacrifice that they have made in lost wages in order to achieve this goal. Those of us in public office must move quickly to permit the restoration of regular wage for Conrail employees.

While railroad employees benefit most directly from the operation of Conrail, we all benefit from having access to excellent railroad service. L. Stanley Crane and the 40,000 employees who help him make Conrail work deserve out appreciation. They also deserve our prompt action in the next Congress to return Conrail to the private sector.●

THE PRESIDENT'S STRONG COMMITMENT TO GOOD SECURITY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BROOMFIELD. Mr. Speaker, in recent weeks, there has been some criticism of the administration's commitment to combatting terrorism around the world. The facts will show, however, that President Reagan has a deep commitment to good security both overseas and here in our own country.

Since taking office, the President pledged that fighting terrorism would be a priority item on the administration's calendar. He has done much to get increased funding for our overseas diplomatic facilities. In the spring, he submitted a comprehensive antiterrorism legislative package to the Congress which is now being worked on. The great success of the Olympics was due in part to the outstanding security program which the administration supported for that international gathering.

Let me share some of the Olympic security details with all of you to give you an idea of the real commitment which our country has to the security of visitors to that memorable event.

The 1984 Olympic games in Los Angeles provided for the most extraordinary effort between Federal, State, and local law enforcement and intelligence officials to occur during peacetime in the United States. Approximately 60 different agencies and jurisdictions were involved with planning and execution of this effort to provide a safe and secure environment for these games.

With the venue sites spread over an approximately 150-mile area of southern California, Santa Barbara to San Diego, the demands placed upon law enforcement were unprecedented for a single series of events. While all jurisdictions played important roles, the Los Angeles Police Department and Los Angeles Sheriff's Office bore the brunt of the activity. Special recognition should go to Chief Darryl Gates and Sheriff Sherman Block for their efforts and dedication to making this thing work.

The State of California, whose role was less than one might imagine, provided support through the California Highway Patrol and the California National Guard. CHP was vital in our dignitary protection efforts and in helping to maintain some degree of sanity on the traffic planning and escorts.

Planning within the executive branch of the Federal Government began in 1981, when President Reagan made a commitment to Peter Ueberroth of the Los Angeles Olympic Organizing Committee and Juan Antonio Samaranch of the International Olympic Committee that the United States would do everything appropriately within its power to provide for safety of the participants, officials, and visitors to the summer games in Los Angeles. Soon after that, in 1982, a White House task force was established. This group met every other month from 1982 until June 1984 in an attempt to coordinate the overall Federal effort in support of the Olympics.

The group was chaired by Presidential Assistant, Michael Deaver, who was appointed by President Reagan in 1982 to be White House liaison to the Olympics. Rendering outstanding service in support of this complex effort was Federal Security Coordinator for the Olympics, Kenneth J. Hill. The task force consisted of representatives of the following agencies: White House Staff, State Department, Justice Department, Treasury Department, U.S. Customs, INS, FBI, Secret Service, Coast Guard, Department of Defense, Agriculture Department, U.S. Post Office, GSA, FAA, and FEMA.

Other agencies, while not on the task force, that participated in support of the Olympics in Los Angeles were: ATF, NSA, CIA, and National Weather Service.

During 1983, in an attempt to identify exactly what the various Federal law enforcement and intelligence agencies were accomplishing in re-

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gards to the upcoming Olympics, Deaver named Kenneth Hill as Federal Security Coordinator. In this role he represented the White House and other Federal agencies on the Olympic Law Enforcement Coordinating Council in Los Angeles. Other members were Darryl Gates [LAPD]; Sherman Block [LASD]; Peter Ueberroth [LAOOC]: and Tony Anthony, California Governor's Office. Hill was also responsible for ensuring that each Federal agency was fully engaged in carrying out President Reagan's commitment of support and that each agency had the proper resources available to fulfill their mission.

Also, in 1983, probably the most important single event occurred. This was Congress' authorizing $50 million, through the Department of Defense, to assist local law enforcement. Based on our experience at Lake Placid during the 1980 winter Olympics, it was obvious that local jurisdictions could not absorb the large costs brought on by this one-time event. As a successful Olympics were deemed in the national interest, it was dictated that the $50 million would go toward DOD landing material, expertise, and so forth, to local law enforcement. This program was uniformly praised by all. Although final costs are not yet completed, it appears that final expenditures will only be approximately $35 million. This program was administered by DOD through Mrs. Jeanne Fites and her Office of Intergovernmental Affairs, with support of the U.S. Army. She conducted these expenditures throughout DOD and in conjunction with OMB and White House staff.

By all standards, the 1984 Olympic games were a resounding success. Credit for them being held in an incident free atmosphere goes to the thousands of local, State, and Federal officers, some whose individual participation in the planning process goes back to 1979. Despite all the dire predictions of pending tragedy, these games were not marred by terrorist actions. I would like to think that this was a result of planning, effort, and a decisive commitment on the part of all involved.

I salute the administration for its commitment to good Olympic security. I am delighted to see the administration pursue the struggle against terrorism and do all that it can to promote good security here in America, and overseas.●

CIA BASHERS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. YOUNG of Florida. Mr. Speaker, the decade-long drawdown in U.S. intelligence capabilities which preceded 1979 was a big, big mistake. Those of us who serve on the Intelligence Committee knew that a long time ago, but now that realization is dawning on everybody. Fortunately, the United States has made great strides in rebuilding its intelligence capabilities, particularly its human intelligence capabilities, in the past 5 years. For a cogent explanation of the improvements in human intelligence capabilities undertaken by President Reagan and the Congress, I urge my colleagues to read and consider Congressman BILL BROOMFIELD's excellent piece on page 30246 of the CONGRESSIONAL RECORD of October 4, 1984. He has properly characterized the difficulty of the human intelligence problem and the solution.

Even though all respectable opinion now recognizes the critical importance of having effective U.S. intelligence agencies, some people continue to suffer from the 1970's liberal attitude that "If the CIA does it, it must be wrong." There are still those who castigate the CIA regardless of what it does, and they feel no compulsion to be consistent in their criticism.

The editors of the Wall Street Journal have noticed this problem and have written an excellent article about the CIA-bashers, whom they call "The Spook Busters." I commend this editorial from the October 8, 1984, Wall Street Journal to my colleagues:

THE SPOOK BUSTERS

The Central Intelligence Agency still don't get no respect. It was bashed by the American left for trying to stop the flow of Soviet arms into Nicaragua. It was bashed again by the same people for not preventing the embassy bombing in Beirut by another set of U.S. enemies.

In both cases the CIA had performed better than anyone has a right to expect after the abuse heaped upon it the past decade. Its nerve in mounting even a timid operation in Central America was commendable, given the political risks that soon made themselves evident. And, as we learned last week, the CIA did warn of the Beirut bombing, identified the culprits, but, tragically, was not sufficiently heeded.

Of course, we all know the CIA's problem. Its key role in implementing U.S. efforts to contain Soviet expansionism has for years made it the No. 1 target of the left at home and abroad. The most interesting thing about the Beirut flap was a sign or two that moderate Democrats are seeing less political profit in joining the far left in CIA-bashing.

This was evidenced in the hullabaloo raised by President Reagan's speech at Bowling Green University in Ohio just after the Beirut bombing. He said, in essence, that terrorist dangers are harder to spot because U.S. intelligence agencies lost a lot of their field agents when they were under heavy political attack in the 1970s. Human intelligence (called "Humint" in the spook trade) was downgraded in favor of electronic spying. It was decided that "spying is somehow dishonest and let's get rid of our intelligence agents—and we did that to a large extent," Mr. Reagan said.

These remarks were interpreted as a scapegoating attack on former President Carter, even though Mr. Carter wasn't mentioned. Sen. Daniel Moynihan of the Senate Intelligence Committee was enraged. Mr. Reagan called Mr. Carter and explained that he was talking about a long-running process, not something that happened only in the Carter administration.

That was a nice thing to do, since Mr. Carter's political career was destroyed in part because of inadequate intelligence about the true personality of the Ayatollah Khomeini (something a good field agent might have uncovered). And indeed, Mr. Carter was only partly, not totally, to blame.

The undermining of U.S. intelligence dates back to the Church committee hearings of the early 1970s. The panel—of which former Sen. Walter Mondale was a member, assisted by his current foreign-policy adviser David Aaron—was a politically motivated witch hunt that mainly revealed that the CIA and the Federal Bureau of Investigation, which conducts counterintelligence, had been doing what they were ordered to do by successive presidents. The investigations seriously eroded morale in the intelligence agencies and earned them the mistrust of existing and potential agents abroad, not to mention allied intelligence agencies. Some disclosures of sensitive intelligence information suggested to agents that they could easily be "burned."

President Carter codified many of the Church committee biases into law with an executive order to intelligence agencies that was long on don'ts but woefully short on what these agencies were expected to do. His CIA chief, Adm. Stansfield Turner, systematically slashed the agency's Humint operations.

It's true, as Mr. Carter has recently emphasized, that spending on intelligence was increased in 1979. But little of that money went to rebuild Humint. The additional funds were appropriated mainly for satellites to monitor Soviet compliance with SALT agreements. Although Mr. Carter's SALT II agreement was never ratified, those funds weren't wasted. The satellites have been a big help in discovering Soviet SALT violations.

Mr. Reagan's efforts to rebuild intelligence have had more support from Democrats than they themselves care to admit. Congress in 1982 passed a law making it a felony to willfully disclose the name of U.S. intelligence agents, thus giving some protection against the deliberate "burning" of agents that was then delighting American leftists. Even those congressmen who posture about Central America have so far been careful not to leave CIA-aided anti-communists totally out in the cold.

The agency still has a long climb to make before it can provide the kind of intelligence that has become so vital to U.S. security in this age when the country's enemies operate mostly underground, dealing in arms, drugs and terror. But as these enemies become more dangerous, the agency may start to get the kind of respect and support that it needs.●

PLAN TERMINATION AND REVERSION CONTROL ACT OF 1984

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. ROYBAL. Mr. Speaker, on last Thursday, October 4, 1984, I introduced a bill, H.R. 6404, the Plan Termination and Reversion Control Act of 1984, which would provide controls on so-called overfunded pension plan terminations. As I indicated in my previous statement, I and other members of the House Select Committee on Aging are extremely concerned that the continuing trend of these terminations will continue to jeopardize the retirement security of the American worker.

Already, some $2.7 billion has been returned to sponsoring employers who terminated their plans. Presently, another $1 billion in applications for such terminations rest at the Federal agencies for approval. Something must be done.

Numerous members of the select committee and members of the relevant authorizing committees have indicated their concern and their general support for legislation which would assert greater control on overfunded terminations. I believe it is reasonable to anticipate a broad sponsorship of this legislation in the House and among its leadership in the next session of the Congress. The retirement income security of the American worker cannot continue to be sacrificed without appropriate congressional intervention.

As I indicated in my previous statement, the bill which I introduced will serve to spur discussion and will hopefully result in the formation of effective legislation to remove the incentive of employers to prematurely terminate their pension plans. There is a growing body of awareness and concern among various commentators in the business and pension community that there is a problem which needs immediate attention. Mr. Speaker, I have enclosed two relevant magazine editorials on this subject for the review of Members and their staffs so that they may become better acquainted with this issue.

Mr. Speaker, I rise to insert these materials into the Record as follows:

[From Business Week Magazine, Sept. 17, 1984]

Don't Give Away Pension Surpluses

Business week's annual survey of the 100 largest companies shows a dramatic improvement in the funding of their employee pension funds (page 153). In many companies, in fact, management is getting a welcome surprise. The company pension fund is overfunded—that is, its assets are worth more than its projected liabilities. The bad news about this improvement is that some companies are arranging to get hold of the surpluses and transfer them to their bottom lines.

Behind the pension fund surpluses are two developments: Lower inflation has brought a slowdown in wage gains, and high interest rates have brought higher returns on plan assets. In addition, the recovery of the stock market from 1981's lows has also contributed to fattening the funds.

Responding to these favorable developments, many companies are terminating their plans and setting up new ones for employees. Once they have protected the interest of members of the old plans, usually by buying annuities for them, companies legally can recapture the surpluses. In recent years 261 companies have garnered almost $2.7 billion in this way, and at least 90 other companies are in the process of recapturing another $1 billion.

By helping themselves to some or all of the surplus, managements are showing that they have forgotten the austere days when the forces of inflation pushed pension funds under water. It is difficult to argue that the companies are not entitled to some of the surplus. But an equally strong argument can be made that some of it should be shared with retirees who have been victimized by double-digit inflation over the past decade.

Companies should also put some of the surplus in the new plans as a shelter against the inevitable rainy day. It is unlikely that many of them will do this willingly. So Congress, which has already legislated the Employee Retirement Income Security Act, should pass a simple law imposing these conditions on recapturing pension plan surpluses. The purpose of a pension fund is to assure that workers can retire.

[From Pension Investment Magazine, Apr. 2, 1984]

Sizing Each Slice of the Surplus Pie

To whom do the surplus assets of a pension fund belong?

Legally, the courts seem to be coming down on the side of the pension plan sponsor. Morally, the answer is not so clear.

Pension sponsors will argue the surplus is theirs because they contributed the money and they have guaranteed the pension benefit. If the assets are not sufficient to pay the pension benefits, they must make up the difference.

But there are gaping holes in this argument. First, let's consider the pension promise. Most employees regard it as a dollar promise when, in fact, there is at least an implied standard-of-living promise.

Most employees are told their company pension, combined with Social Security, will equal to 65% or 70% of (for example) their final five year average salary.

The reasoning behind this target benefit is that this is what actuaries and others have calculated an employee needs upon retirement to maintain his or her preretirement standard of living.

But in inflationary times, the pension that might have been adequate immediately upon retirement quickly erodes in value. At 10% inflation it will lose half of its value within seven years. At even 5% inflation it will lose half of its value in 14 years, and many workers today live more than 14 years beyond retirement.

Very few defined benefit plans are fully indexed against inflation. Relatively few are even partially indexed. Some pension plan sponsors grant periodic small ad hoc adjustments, many do not.

Thus in real terms many, perhaps most, pension sponsors fail to keep their pension promises to their employees.

Sponsors might argue, with some justification that they did not cause inflation so they should not be required to bear the burden. On the other hand, the sponsors are perfectly willing to benefit from inflation. This is because inflation has been a major cause of surpluses the pension funds have accumulated. Companies are terminating their plans to recapture the surplus assets, or are cutting their annual contributions.

Clearly, inflation is the prime cause of high interest rates. Lenders are concerned that inflation will return to hide the real value of their investments and so are demanding high inflation premiums.

The high interest rates are a prime cause of the acturial surpluses many funds have accumulated. The surpluses exist, in many cases, because the companies can buy annuities with implied interest rates of 13% or more while the actuarial interest assumptions are in the 7% to 8% range.

Thus, while the companies, through their pension plans, are benefiting from high inflation and, consequently, high interest rates, pension beneficiaries suffer as the inflation gradually erodes the purchasing power of their pensions.

Some pensioners of one major terminated pension plan are living on less than $100 a month because the benefits have not been adjusted significantly for inflation since they retired.

Congress should consider requiring pension sponsors who terminated their plans to recover excess assets to adjust the pensions of retired workers for the erosion in pension purchasing power that has occurred since retirement.

Once this one-time adjustment back to the preretirement standard of living has occurred, companies might have a right to the surplus, although continuing employees also might have a right to some part of the surplus.

A fair division of the surplus between employer, employee and retiree, might work this way:

Using modern quantitative techniques, a calculation would be made of the contribution to the surplus arising from effective management of the pension assets by the pension sponsor. Because the pension sponsor does take the investment risk, this part of the surplus would go to the sponsor.

Then the benefits of retired workers would be adjusted to correct for the effects of inflation during the previous, say, 10 years.

Any surplus remaining after this adjustment could be divided between the company and continuing employees on, say, a 60-40 basis. Sharing with the current employees recognizes that employees lose when a plan is terminated, even if it is replaced with an equally generous plan. One study calculated the loss at 45 cents on the dollar.

Such a plan would make it unnecessary to ban plan terminations. Clearly the surpluses left after the above conditions had been met can fairly be said to belong to the employer.

Such surpluses might be small enough to discourage many plan terminations.●

WORK NOT WELFARE IS THE BATTLE CRY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. GAYDOS. Mr. Speaker, I have just completed the latest in a series of "Home Phone Polls" taken among more than 1,600 residents in the 72 communities which make up the 20th Congressional District of Pennsylvania.

I have been conducting these surveys since 1971 and have found them to be a remarkably accurate barometer of what the public perceives to be the national priorities of the day. On this occasion, the major concerns reflect a "backyard" view in so much as the 20th District is one of those pockets bypassed in the economic recovery.

The two major areas of concern, according to 1,627 responses were jobs—or the lack of them—and foreign imports, which are responsible for many of the woes in southwestern Pennsylvania.

Unemployment here has remained far above the national average with little hope of improvement over the present situation. In fact, conditions will worsen as the long terms unemployed begin running out of compensation checks. Many have long since exhausted whatever benefits they were entitled to and are now threatened with becoming welfare cases.

Unfortunately, the actions taken by this administration and the 98th Congress, although not necessarily this House, did little to bolster the morale of the jobless.

Legislation which would have provided jobs failed to win approval. Legislation which would have imposed tough quotas on foreign steel imports was side-tracked. The bill ultimately passed was watered down to the point where it held little more than a lick and a promise for people dependent upon a strong steel industry for their future.

Other areas of concern expressed in the "Home Phone Poll," and according to their rank, include: the national debt, Social Security reform, Federal spending, foreign aid, nuclear arms limitation, defense spending, foreign investment in the United States, the national trade deficit, foreign policy, and domestic policy.

These are crucial concerns, Mr. Speaker, but the fact remains that in the 20th Congressional District of Pennsylvania, as well as other areas where little evidence of an economic recovery is visible—the battle cry of the people is, "Work, not welfare."●

THE SOVIET MILITARY REACHES OUT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BROOMFIELD. Mr. Speaker, every year, the Soviet military machine projects that country's military power into new areas of the world. I recommend the following article from the Washington Times on a new Soviet military facility in west Africa.

If the initial reports are accurate, the Soviets may be building an air and naval base in the west African nations of Sao Tome and Principe.

Some reports reveal that there may be 2,000 Russian and Cuban soldiers there who are now training thousands of Angolan soldiers on those islands. The Sao Tome runway is being enlarged to accommodate large Soviet transports and a new, long-range radar station has been built.

The obvious purpose of this growing Soviet facility are aircraft refueling and espionage. Flights coming from the Soviet Union to Cuba would be able to refuel there, along with Soviet TU-95 long-range south Atlantic air patrols based in Cuba.

Unfortunately, the area of the South Atlantic where these patrols operate is outside NATO's area and there are no Western air and naval forces regularly deployed there. A similar Soviet intelligence operation in Conakry, Guinea, had been used by Soviet antisubmarine aircraft and TU-95 Bear reconnaissance planes flying from Cuba. Those aircraft tracked the U.S. nuclear submarine fleet in the South Atlantic.

I am also particularly concerned that a new airfield in Nicaragua may be used by the Soviets for intelligence flights along the west coast of the United States.

The facts speak for themselves. Every year the Soviet Union projects, in another major way, its military strength around the world.

With these sobering thoughts in mind, I seriously recommend the following article to my colleagues.

[From the Washington Times, Sept. 13, 1984]

SOVIET UNION MILITARY PROJECTS

(By Peter Almond)

LONDON.—The Soviet Union is building an air and naval base in the West African island nation of Sao Tome and Principe, enabling a possible resumption of Soviet patrols into the South Atlantic, according to reports reaching London.

The reports, believed to have been obtained from Portuguese sources, could not be indisputably confirmed.

Western diplomatic and strategic sources said building the base was likely and logical. They noted that the new military government of Guinea has drawn that nation closer to the United States and has denied Soviet base rights at the large airfield at Conakry. It had been used by Soviet Foxbat antisubmarine aircraft and TU-95 Bear reconnaissance planes flying from Cuba.

A mission of those planes was to keep tabs on the U.S. Polaris and Trident nuclear submarine fleet.

U.S. sources said the reports were "basically true."

Guinea, which lies some 1,500 miles northwest of Sao Tome and Principe, was ruled by Ahmed Sekou Toure until his death March 26. Mr. Sekou Toure had aligned Guinea with the Soviet bloc, before switching allegiances recently and making friendly overtures to the West.

Sao Tome, which had been a Portuguese colony, has pursued a leftist course, like Angola and Mozambique, since its independence in 1975.

Its attractiveness as a location for a Soviet military presence is enhanced by the fact that the Soviet Union's only other major West African base—in Angola—is apparently too unstable for Moscow to want to make heavy capital investments there.

The Democratic Republic of Sao Tome and Principe is small and easier to isolate from counterrevolutionary forces, experts say. Total area of the two islands is slightly larger than New York City.

There are reports to be some 2,000 Russians and Cubans, some of them training an estimated 2,000 Angolan troops, quartered there.

So far, there is only a small airfield on the main island of Sao Tome, but the reports reaching London said its runway is being enlarged to accommodate the largest Soviet transports.

The Sao Tome government earlier this year reportedly denied a Soviet base was being established and said that a new, long-range radar station was for local defense purposes only.

"It can be taken that this is an indication the Russians have no intention of pulling out of the region," said a British strategic expert yesterday.

Sao Tome and Principe, the two islands that make up the heart of the achipelago nation, lie about 125 miles southwest off Gabon in the Gulf of Guinea and about 600 miles northwest of Angola.

Strategists say bases there would be able to replace Conakry as the Soviets' key refueling hub for its long-range South Atlantic air patrols originating in Cuba.

The flights pass over the vital shipping routes from East Asia and the Persian Gulf to ports in North America and Europe.

The United States has been particularly concerned about these patrols because the South Atlantic lies outside NATO's area and there are no Western air and naval forces regularly deployed there.●

JUVENILE JUSTICE, RUNAWAY YOUTH, AND MISSING CHILDREN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. SCHUMER. Mr. Speaker, I would like to join in the remarks of my colleague, THOMAS PETRI, on October 10 on the juvenile justice, runaway youth and missing children provision which continues the law-related education program.

I also am aware of the strengths of law-related education from the experiences of programs in my State. It is important as a part of our Federal assistance efforts that we capitalize on success—that we not lose the momentum gained in this proven delinquency prevention program and not dissipate its strength.

The law-related program has not only demonstrated its capacity to reduce delinquency, but it has also demonstrated its capacity to foster civic competence and civic responsibility. It provides our youth an opportunity to gain an understanding of and a commitment to the fundamental principles and values essential to the preservation of improvement of our free society.

Our action provides for the continuation and expansion of this national effort, building upon the success of the past several years, coordinated by those with the experience and expertise required for proper training and implementation. This is an exemplary part of our efforts not only to reduce juvenile delinquency and crime but of our efforts to foster the development of civic competence and civic responsibility among our youth.●

TRIBUTE TO CATHOLIC SOCIAL SERVICES

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. HARRISON. Mr. Speaker, it is with great pride that I rise to pay tribute to the outstanding accomplishments of Catholic Social Services of the Diocese of Scranton, who are celebrating their 60th anniversary on October 24, 1984.

For over half a century, Catholic Social Services has served the needs and addressed the problems of the people of northeastern Pennsylvania. Maximizing their budget of over $1 million, during the past year Catholic Social Services has provided services to 11,829 individuals, 3,488 families and provided over 42,000 hours of counseling to people in need. A recitation of all the accomplishments of Catholic Social Services during the past 60 years would far exceed the time and space allotted here today. But an examination of the Catholic Social Services record over the past 10 years from 1974-84, demonstrates, quite clearly, the nature and depth of their commitment to serving the needs of their community.

1974—Court Advocate Program.

1975—Luzerne Country Prison Psychological Unit.

1976—Volunteers in Probation; Runaway Youth Component of the Bridge.

1977—Juvenile Court Component/Court Advocate Program.

1979—Receipient of the Benjamin Rush Award for Outstanding Service to the Community.

1980—Treatment Alternatives to Street Crime Program; Adoption Program licensed by State of Pennsylvania.

1983—St. Vincent de Paul Soup Kitchen served its first meal; Luzerne County Alcohol Highway Safety Program was initiated.

1984—Alcohol Education Program for underage drinkers; Gabriel House developed to provide safe, affordable housing for single women.

I would like to join with the people of northeastern Pennsylvania in expressing a most sincere appreciation to Msgr. Donald A. McAndrews, A.C.S.W., and the entire staff of Catholic Social Services for their devotion to community service and to wish them much success in all their future endeavors.●

DISINFORMATION: A SOVIET SECRET WEAPON

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. HYDE. Mr. Speaker, when it comes to disseminating false information, the Soviets are acknowledged masters. Most of the free world did not realize this until not too long ago. In fact, it is probably safe to say that many Americans first learned of this Soviet ruse when they read "Spike," the best-selling novel by Arnaud de Borchgrave and Robert Moss that was published a few years back.

More recently, a book entitled "Dezinformatsia: Active Measures in Soviet Strategy," authored by Professors Roy Godson and Richard H. Shultz, has served as a definitive source on the subject. Particularly instructive are the two academics' observations regarding covert disinformation which they define as a:

> Non-attributed or falsely attributed communication, written or oral, containing intentionally false, incomplete, or misleading information (frequently combined with true information), which seeks to deceive, misinform, and/or mislead the target. Either foreign governmental and non-governmental elites, or a foreign mass audience, may comprise the target.
>
> The objective of disinformation is to lead the target to believe in the veracity of the message and consequently to act in the interests of the nation conducting the disinformation operation. This technique may be advanced through rumors, forgeries, manipulative political actions, agents of influence, front organizations, and other means. Until the 1950s, the term dezinformatsia was used in some Soviet circles to refer to what Soviet leaders now call "active measures." Dezinformatsia currently is used in Moscow to refer to a specific type of active measures technique * * *.

Mr. Speaker, I provide this background information as a preface to a couple of items that appeared recently in the press on this subject. Specifically, I am referring to an article in the October 15, 1984, issue of Business Week, and an advertisement in the October 9, 1984, edition of the New York Times that discussed a libel suit by the West German news weekly, Der Spiegel, against the Anglo-French financier Sir James Goldsmith and his communications network. Members will find both to be very insightful reading on how the Soviets utilize disinformation to manipulate and influence the affairs of Western nations. I, therefore, insert them at this point in the Record.

[From the New York Times, Oct. 9, 1984]

Libel Action by Leading West German News Publication, Der Spiegel, Against Now Magazine et al. Withdrawn—The Parties Agree That Soviet Intelligence Agencies Seek To Manipulate Free World Media With Forgeries and Deliberate Falsehoods

MR. JOHN WILMERS QC—COUNSEL FOR THE PLAINTIFFS

My Lord, I with my Learned friends Mr. Charles Gray and Mr. Andrew Monson represent the Plaintiffs who are the owners and publisher of the West German weekly magazine Der Spiegel. My Learned friends Lord Rawlinson, Mr. Andrew Bateson, Mr. James Price and Mr. Mark Warby represent the Defendants Sir James Goldsmith, Cavenham Communications Limited and Mr. Anthony Shrimsley.

On the 21st day of January, 1981 Sir James Goldsmith delivered a speech to the Media Committee of the Conservative Party in the House of Commons which was subsequently published, inter alia, in Now magazine, edited by Anthony Shrimsley.

This speech dealt with Soviet propaganda and the systematic manipulation of the western media by certain organs of the Communist Party of the Soviet Union. Sir James went on to describe the three major organisations used for this purpose and which report to the Politburo in Moscow: the International Department headed by Boris Ponomarev; the International Information Department headed by Leonid Zamiatin and the KGB controlled Soviet propaganda organisation called Service A which is part of the KGB's First Chief Directorate. Service A plans, coordinates and supports secret operations which are designed to back up overt Soviet propaganda.

As an example, Sir James made reference to information provided by General Jan Sejna, a former high official of the Czechoslovak government, and former Secretary of the Czechoslovak ruling party's Defence Committee, who defected in 1968. Sir James stated "General Sejna, the high-ranking Czech intelligence defector, admitted that the campaign by the German news magazine Der Spiegel to discredit Franz Josef Strauss was orchestrated by the KGB."

It is to this reference that the Plaintiffs have taken exception in that they felt that it implied that the magazine was under the control of the KGB, knowingly employ journalists who are communist intelligence agents and in fact are a KGB front organisation. My clients were concerned to refute and deny any such suggestions and to ensure that their journalistic and editorial independence is not in question.

LORD RAWLINSON, QC—COUNSEL FOR THE DEFENDANTS

Sir James' position is that in pursuance of their policies, the Soviets conduct massive and continuous propaganda campaigns both Overt and Covert—the former through overtly controlled Communist media throughout the world, the latter consisting of the dissemination and planting of stories, many of which are based on forgeries and deliberate falsehoods known as "disinformation".

The ultimate object of the campaigns is the undermining of free western societies and political systems. In particular they aim to promote ideas, individuals and governments helpful to Soviet strategy and conversely to discredit those hostile to the interests of Communism.

In pursuance of their aims the Soviets make use of unwitting Western media. In addition to the overtly controlled Communist press—the value of which is limited since the sources are publicly known—there is a major and continuous effort to plant propaganda covertly through well placed agents of influence who themselves may be either conscious or unconscious of the role that they are playing. The media thus used are not intended to realise that they are participating in KGB orchestrated campaigns.

It is Sir James' position that in pursuance of these policies, the Soviets made a conscious decision to seek to discredit the West German politician Dr. Franz Josef Strauss and mounted a campaign of defamation, disinformation and provocation against him. Franz Josef Strauss was Minister of Defence in Chancellor Adenauer's government when he made a speech in the Bundestag calling for the deployment on German soil of U.S. controlled nuclear weapons so as to counterbalance the growing Soviet threat. It is Sir James' position that against that background the Soviets decided to make use in that campaign of the fact that Der Spiegel was well known as opposing Dr. Strauss' political views and regularly published articles expressing that opposition.

In support of his case Sir James had arranged to call witnesses from this country, the USA and West Germany who would have testified as to Soviet policy in general and to the special role and organisational structure of Soviet covert propaganda. In addition Sir James would have called high level Soviet and Soviet bloc defectors, who in their former capacity as officers of the KGB or satellite intelligence services, had themselves been involved in disinformation and penetration of Western media including the recruitment of Western agents of influence, among them journalists. They would have given evidence of a number of instances of Soviet "active measures". More specifically certain of these high level officials (who have since defected to the West) would have given evidence of meetings at which plans were approved to seek to discredit Dr. Strauss and to use Der Spiegel in the manner I have indicated.

Such witnesses would have testified to the fact that the vast majority of the Western media which are used do not know that they are being so used and further that an important part of the planning of such operations is to ensure that the publications remain unaware of the source of the material which is supplied to them and that most of the individuals concerned do not know that they are ultimately serving Soviet purposes.

Finally, Sir James would have called General Séjna who has sworn an affidavit confirming that he made the statements quoted by Sir James and to which the Plaintiffs have objected.

It was and remains Sir James' position that many Western publications were and are unwittingly used by the Soviets in their campaigns conducted by KGB and other Soviet organisations. So in Sir James' view, Der Spiegel, in common with other Western publications, can themselves fairly be described as victims of KGB propaganda techniques.

I am happy to state publicly on behalf of all the Defendants, as was indicated before these proceedings began, that it was never intended by Sir James to imply that the Plaintiffs or their paper were controlled by or cooperated with Soviet Intelligence or knowingly employed any journalist who was a KGB agent.

MR. JOHN WILMERS, QC—COUNSEL FOR THE PLAINTIFFS

My Lord, in the result my clients now take the view that it is unnecessary for them to proceed any further with this action. They have of course not seen any of the Defendants' evidence, but they full accept that broadly speaking Soviet Intelligence seeks to operate in the way stated by my Learned friend, although they themselves are not conscious of having been used in the manner mentioned by Sir James Goldsmith. My clients are conscious of the dangers to Press Freedom posed by Soviet covert propaganda.

I am happy to say that the parties, upon the basis of this agreed statement, have agreed that the action should be withdrawn.

In the circumstances all that remains is for me to ask your Lordship for leave to withdraw the record.

DISINFORMATION: A SOVIET SECRET WEAPON

Soviet dezinformatsia—attempts to deceive foreign leaders and citizens by feeding out false information—is a hot subject for U.S. security officials and policymakers. Top officials recently called an unprecedented gathering of the U.S. intelligence community to seek countermeasures.

The disinformation ruse has been part of international politics since ancient times. But U.S. officials say Soviet measures differ from Western techniques in two ways. Unrestrained by Western concerns about using covert propaganda and other clandestine moves, they are more sweeping. And the Soviets have so institutionalized disinformation that they have an organization that studies it as a science.

Two recent books, Dezinformatsia: Active Measures in Soviet Strategy, by Richard H. Schultz and Roy Godson, and The Theory and Impact of Marxist-Leninist Organizational Theory, by John Roche, academic dean of the Fletcher School of Law & Diplomacy, have tried to explain some of these concepts and to evaluate their impact on the West.

Disinformation is likely to stir still more interest in the West as a result of two libel suits that may show how Moscow operates. In London, the German news weekly *Der Spiegel* has sued Sir James Goldsmith, the Anglo-French financier and publisher, in one of the most unusual libel suits of the decade. *Der Spiegel* alleges that Goldsmith libeled it by charging that the so-called Spiegel Affair of 1962 was a Soviet-directed operation. At that time *Der Spiegel* published what were purported to be NATO secret strategic plans. Goldsmith charged in a speech to a Conservative committee of the House of Commons—a speech later reprinted in his magazine *NOW*—that the documents reached *Der Spiegel* through Soviet disinformation channels, as claimed by a former two-star Czech general, Jan Senya. A member of the Czechoslovak Politburo, Senya was the highest Communist bloc defector ever when he came to the West in 1968.

In Athens, controversy continues over an allegation in a book by Greek journalist Paul Anastasiades that the anti-U.S. newspaper *Ethnos*, one of Greece's largest, was founded with Soviet funds. *Ethnos* won a libel conviction against the author, which he is now appealing.

In their book, Schultz and Godson write: "Unfortunately, until very recently, contemporary students of Soviet affairs have not sought to systematically describe [disinformation]." That is surprising, they argue, since the Soviets have devoted much energy and resources to influencing Western opinion.

Have they succeeded? Roche argues that they have, but almost in spite of themselves. "Veteran professional analysts of the communist movement have always kept their focus on organizational activities rather than on slogans," he writes. "To summarize, the influence of Marxist-Leninist organizational theory has been so diffused that what we see in the United States is not a left-wing anti-American monolith, but dozens of groups organized on a nuclear model but with ad hoc, undisciplined relations with each other and no GHQ. Paradoxically, while they mouth radical slogans, their constituents are psychologically conservative: young people who do not want to die for anyone's freedom, and their isolationist elders."●

UPDATE OF CHILD SUPPORT ENFORCEMENT LAW

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mrs. SCHROEDER. Mr. Speaker, the Select Committee on Children, Youth, and Families has received many inquiries about the Child Support Enforcement Amendments of 1984.

The law was signed on August 16, 1984 (Public Law 98-378). Proposed regulations were printed in the Federal Register on September 19. Public comments on the proposed regulations will be accepted until November 19.

Four public hearings on the regulations have been scheduled for Washington, DC, Dallas, and Seattle. Printed below is the information on the hearings:

Date and time	Location of public hearing	Regional office contact and address
Oct. 10, 1984, 8:30 a.m.	Dirksen Federal Bldg., Court Room 2525, 219 South Dearborn, Chicago, IL 60604.	Mr. Kent Wilcox (or) Ms. Gwen Hardaway, Region V, Office of Child Support Enforcement, 10 West Jackson Blvd., 4th floor, Chicago, IL 60604. Phone: (312) 886-5425.

Date and time	Location of public hearing	Regional office contact and address
Oct. 12, 1984, 8:30 a.m.	Dallas City Hall, Council Chambers, 1500 Manila, Dallas, TX 75201.	Ms. Tomasia Pinter, Region VI, Office of Child Support Enforcement, Room 8-A-20, 1100 Commerce Street, Dallas, TX 75242. Phone: (214) 767-3749.
Oct., 15, 1984, 8:30 a.m.	Seattle Center, Mercer St., Between 3d and 4th Ave., North, Mercer Forum, Room I and II, Seattle, WA 98121.	Mr. Vince Herberholt (or) Ms. Charlene Allen, Region X, Office of Child Support Enforcement, 3d and Broad Bldg., Mail Stop 415, Seattle, WA 98121. Phone: (206) 42-0943.
Oct. 17, 1984, 8:30 a.m.	Department of Health and Human Services, North Auditorium, Room 1081, 330 Independence Ave. SW., Washington, DC 20201.	Ms. Catherine McAuliffe, DHHS, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, MD 20852. Phone: (301) 443-1981.

Because of the many calls about the provisions of Public Law 98-378, I have prepared the summary of the law and a sheet on the effective dates of the various sections of the new law.

The National Conference of State Legislatures has prepared a chart which lists State laws enacted through the 1983 legislative sessions that affect child support and paternity. Included below is the chart entitled "State Legislation on Child Support and Paternity."

[Chart not reproducible in RECORD.]

I would also like to inform my colleagues that the Office of Child Support Enforcement has published a booklet entitled "The Central Registry/Clearinghouse: A Tool for Improving the Child Support Enforcement Program." The new law gives States the option to institute procedures to track and monitor child support payments. States may offer this service on a fee basis. One advantage of this recordkeeping function is that it often prevents conflicts about whether payments have been made and may reduce delinquency in payments. It can also ease the recordkeeping strain on the State agencies and enhance the administration of the child support enforcement program. The booklet is available through the National Child Support Enforcement Reference Center, 6110 Executive Boulevard, 8th floor, Rockville, MD 20852.

SUMMARY OF PUBLIC LAW 98-378, CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984

The Child Support Enforcement Amendments of 1984 strengthen the child support enforcement and paternity establishment program authorized by title IV-D of the Social Security Act by:

Requiring the States to implement effective enforcement procedures.

Providing incentives to States to make support collection services available to both Aid to Families with Dependent Children (AFDC) and non-AFDC families.

A new emphasis on interstate enforcement.

Increasing the effectiveness of State programs and improved State and Federal administration of the child support enforcement program.

SEC. 1. TITLE

SEC. 2. PURPOSE OF THE PROGRAM

The statement of purpose emphasizes that services will be made available to non-AFDC families as well as AFDC families.

SEC. 3. IMPROVED CHILD SUPPORT ENFORCEMENT THROUGH REQUIRED STATE LAWS AND PROCEDURES

States are required to enact laws to establish the following procedures to better collect child support payments:

1. Wage withholding

All states must provide for automatic withholding of child support payments overdue in an amount equal to one month's support obligation. States must also allow parents with child support obligations to request withholding at an earlier date. Advance notice must be provided to the parent obligated for child support. States may include a fee to cover the employers' costs of withholding. Employer is held liable to the State for failure to withhold after being properly informed of the support obligation. States may optionally extent withholding procedures to non-wage income.

2. Expedited processes

States must use expedited judicial or administrative processes for obtaining and enforcing support orders. At the option of the State, expendited processes can also be used to establish paternity.

3. State tax refund offsets

States must provide for collection of overdue support from State income tax refunds of parents in arrears for their child support obligation. Notice of the proposed reduction and due process procedures must be sent to the parent with the support obligation.

4. Liens

States must have a process for imposing liens against real and personal property for overdue support, where appropriate.

5. Establishment of paternity

States must permit the establishment of paternity of any child at any time prior to the child's 18th birthday.

6. Security or bonds

States must require individuals who have demonstrated a pattern of delinquent support payments to post a bond or give some other guarantee to secure payment of overdue support.

7. Reports to credit bureaus

At the request of a credit bureau and after notifying absent parent, States must report overdue amounts of support over $1,000. States may report smaller support amounts.

8. Notification of AFDC recipients

States must notify each AFDC recipient at least once each year of the amount of child support collected on behalf of that recipient.

SEC. 4. FEDERAL MATCHING OF ADMINISTRATIVE COSTS

Federal matching funds for administrative costs of IV-D programs will be reduced from the current 70% to 68% in 1988 and 1989 and 66% in 1990 and years thereafter.

SEC. 5. FEDERAL INCENTIVE PAYMENTS

The current incentive payments to States to encourage the improvement of their programs is based on 12% of their AFDC collections only. The current incentive formula is replaced with a new formula designed to encourage States to develop programs that emphasize collections on behalf of both AFDC and non-AFDC families. The basic incentive payments will be equal to 6% of the State's AFDC collections and 6% of the non-AFDC collections. States may qualify for higher incentive payments, up to a maximum of 10% of collections, if their AFDC or non-AFDC collections exceed combined administrative costs for both AFDC and non-AFDC components of the program.

The total dollar amount of incentives paid for non-AFDC families may not exceed the amount of the State's incentive payment for AFDC collections for FY 1986 and 1987. However, thereafter the incentive paid for non-AFDC collections will be capped at an amount equal to 105% of the incentive for AFDC collections in FY 1988, 110% in FY 1989, and 115% in FY 1990 and any fiscal year thereafter.

For FY 1985, the amount of the AFDC incentive will be calculated on the basis of AFDC collections without regard to the provision added by the Deficit Reduction Act of 1984 that requires that the first $50 collected on behalf of an AFDC family in any month must be paid to the family without reducing the amount of the AFDC payment to the family.

States may exclude the laboratory costs of determining paternity from combined administrative costs for purposes of computing incentive payments. States are required to pass through to local jurisdictions that participate in the costs of the program an appropriate share of the incentive payments, as determined by the State, taking into account program effectiveness and efficiency. Amount collected in interstate cases will be credited, for purposes of computing the incentive payments, to both the initiating and responding States.

As part of the new funding formula, "hold harmless" protection is provided for FY 1986 and 1987 which assures the States that for those years they will receive the higher of the amount due them under the new incentive and Federal matching provisions, or 80% of what they would have received under prior law.

SEC. 6. NINETY PERCENT MATCHING FOR AUTOMATED MANAGEMENT SYSTEMS USED IN INCOME WITHHOLDING AND OTHER REQUIRED PROCEDURES

The law specifies that the 90% Federal matching rate that is currently available to States that elect to establish an automatic data processing and information retrieval system may be used, at the option of the State, for the development and improvement of the income withholding system and other procedures required in the new law for monitoring of child support payments, the maintenance of accurate records regarding the payment of child support, and for providing prompt notice to appropriate officials with respect to any arrearages that occur. The 90% match is also available to pay for the acquisition of computer hardware.

SEC. 7. CONTINUATION OF SUPPORT ENFORCEMENT FOR AFDC RECIPIENTS WHOSE BENEFITS ARE BEING TERMINATED

States must assure that families whose eligibility for AFDC is terminated due to the receipt of (or an increase in) child support payments will be automatically transferred from AFDC to non-AFDC status under the IV-D program, without requiring application for IV-D services or payment of a fee.

SEC. 8. SPECIAL PROJECT GRANTS TO PROMOTE IMPROVEMENTS IN INTERSTATE ENFORCEMENT

The Secretary is authorized to make demonstration grants to States which propose to undertake new or innovative methods of collecting support in interstate cases. The authorization is $7 million in FY 1985, $12 million in FY 1986, and $15 million in FY 1987 and years thereafter.

SEC. 9. PERIODIC REVIEW OF EFFECTIVENESS OF STATE PROGRAMS AND MODIFICATION OF PENALTIES

The Director of the Federal Office of Child Support Enforcement is required to conduct audits at least every three years to determine whether the standards and requirements prescribed by law and regulations have been met. The current 5% reduction in a State's AFDC matching funds is replaced by a graduated penalty, beginning with a 1% reduction. No penalty will be assessed if corrections are made within a given period of time.

SEC. 10. EXTENSION OF SECTION 1115 DEMONSTRATION AUTHORITY TO CHILD SUPPORT ENFORCEMENT PROGRAMS

Sec. 1115 of the Social Security Act authorizes the Secretary to grant waivers to States in the operation of their AFDC and medicaid programs, if s/he determines that the waivers are necessary to enable the States to conduct experimental, pilot, or demonstration projects which are likely to assist in promoting the objective of the programs. The new law expands Sec. 1115 to include the child support enforcement program under the following conditions: (1) a waiver will not be allowed for any modification that would disadvantage children in need of support and (2) the requested waiver will not result in an increase in Federal AFDC costs.

SEC. 11. CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE

State child support agencies are required to undertake child support collections on behalf of children receiving foster care maintenance payments under title IV-E, if an assignment of rights to support to the State has been secured by the foster care agency. In addition, foster care agencies are required to take steps, where appropriate, to secure an assignment to the State or any rights to support on behalf of a child receiving foster care maintenance payments under the title IV-E foster care program.

SEC. 12. ENFORCEMENT WITH RESPECT TO BOTH CHILD AND SPOUSAL SUPPORT

The new law requires States to enforce payment of spousal support if a support obligation has been established for the spouse, the child and spouse are living in the same household, and the child support is being collected along with spousal support.

SEC. 13. MODIFICATIONS IN CONTENT OF ANNUAL REPORT OF THE SECRETARY

The new law expands the information requirements for the annual report of the Secretary on the child support enforcement program to include data needed to evaluate State programs.

SEC. 14. REQUIREMENTS TO PUBLICIZE THE AVAILABILITY OF CHILD SUPPORT SERVICES

States must frequently publicize, through public services announcements, the availability of child support enforcement services, together with information on application fees for such services and a telephone number or postal address to be used to obtain additional information.

SEC. 15. STATE COMMISSIONS ON CHILD SUPPORT

The Governor of each State is required to appoint a State Commission on Child Support. The Commission must include representation from all aspects of the child support system, including custodial and noncustodial parents, the IV-D agency, the judiciary, the executive branch, the legislature, child welfare and social services agencies, and others.

Each State Commission is to examine the functioning of the State child support system with regard to securing support and parental involvement for both AFDC and non-AFDC children. It shall include, but not be limited to such problems as visitation, establishment of appropriate objective standards for support, enforcement of interstate obligations, and additional Federal and State legislation needed to obtain support for all children.

The Commission shall submit to the Governor and make available to the public reports on their findings and recommendations no later than October 1, 1985. Costs of operating the Commissions will not be eligible for Federal matching funds.

The Secretary may waive the requirement for a Commission at the request of a State if s/he determines that the State has in place objective standards for child support obligations, has had a commission or council within the last 5 years, or is making satisfactory progress toward fully effective child support enforcement.

SEC 16. INCLUSION OF MEDICAL SUPPORT IN CHILD SUPPORT ORDERS

The Secretary of Health and Human Services is required to issue regulations to require State agencies to petition to include medical support as part of any child support order whenever health care coverage is available to the absent parent at a reasonable cost. The regulations must also provide for improved information exchange between the State IV-D agencies and the medicaid agencies with respect to the availability of health insurance coverage.

SEC. 17. INCREASED AVAILABILITY OF FEDERAL PARENT LOCATOR SERVICE TO STATE AGENCIES

The present law requires that States exhaust all State child support locator resources before they request the assistance of the Federal Parent Locator Service. The new law repeals this restriction.

SEC. 18. STATE GUIDELINES FOR CHILD SUPPORT AWARDS

The new law requires each State to establish guidelines for child support awards within the State. The guidelines may be established by law or by judicial or administrative action. They must be made available to all judges and others who have the power to determine child support awards, but need not be binding upon them. The Secretary shall provide technical assistance to the States in establishing the guidelines. Although the provision does not require that guidelines for support awards be established before October 1, 1987, States are encouraged to begin their consideration of appropriate guidelines as soon as possible.

SEC. 19. AVAILABILITY OF SOCIAL SECURITY NUMBERS FOR CHILD SUPPORT ENFORCEMENT PURPOSES

The absent parent's Social Security number may be disclosed to child support agencies both through the Federal Parent Locator Service and by the Internal Revenue Service.

SEC. 20. EXTENSION OF ELIGIBILITY UNDER TITLE XIX (MEDICAID) WHEN SUPPORT COLLECTION RESULTS IN TERMINATION OF AFDC ELIGIBILITY

If a family loses AFDC eligibility (wholly or in part) as a result of support payments under the IV-D program, the State must continue to provide medicaid benefits for 4 calendar months beginning with the month of ineligibility. The family must have received AFDC in at least 3 of the 6 months immediately preceding the month of ineligibility.

SEC. 21 COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS

Current law requires the Secretary of the Treasury, upon receiving notice from a State child support agency that an individual owes past due support, to withhold from any federal tax refunds due that individual an amount equal to any past due support for an AFDC recipient. The new law extends this requirement to provide for withholding of refunds to support due non-AFDC families as well. There is a sunset provision that makes it effective for refunds for tax years 1986-1990.

SEC. 22. WISCONSIN CHILD SUPPORT INITIATIVE

The Secretary of Health and Human Services is required to grant waivers to the State of Wisconsin to allow it to implement its proposed child support initiative in all or parts of the State as a replacement for the AFDC and child support programs. The State must meet specified conditions and give specific guarantees with respect to the financial well-being of the children involved.

SEC. 23. SENSE OF THE CONGRESS THAT STATE AND LOCAL GOVERNMENTS SHOULD FOCUS ON THE PROBLEMS OF CHILD CUSTODY, CHILD SUPPORT, AND RELATED DOMESTIC ISSUES

The new law incorporates the language of S. Con. Res. 84 urging State and local governments to focus on the vital issues of child support, child custody, visitation rights, and other related domestic issues that are within the jurisdictions of such governments.

EFFECTIVE DATES FOR PUBLIC LAW 98-378, CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984

SEC. 3. IMPROVED CHILD SUPPORT ENFORCEMENT THROUGH REQUIRED STATE LAWS AND PROCEDURES

Effective: October 1, 1985.

However, if a State agency demonstrates to the satisfaction of the Secretary of the Department of Health and Human Services that it cannot, by reason of State law, comply with requirements of a provision mentioned in this section, the Secretary may prescribe that the provision will become effective beginning with the fourth month after the close of the first session of such State's legislature ending on or after October 1, 1985.

SEC. 4. FEDERAL MATCHING OF ADMINISTRATIVE COSTS

Effective: The Federal matching share is gradually reduced from 70% to 68% in FY 1988 and FY 1989 and 66% in FY 1990 and years thereafter.

SEC. 5. FEDERAL INCENTIVE PAYMENTS

Effective: Beginning with FY 1986.

However, there is a "hold harmless" provision for FY 1986 and FY 1987 which assures the States that for those years they will receive the higher of the amount due them under the new incentive and Federal match provisions or 80% of what they would have received under prior law.

SEC. 6. NINETY PERCENT MATCHING FOR AUTOMATED MANAGEMENT SYSTEMS USED IN INCOME WITHHOLDING AND OTHER REQUIRED PROCEDURES.

Effective: October 1, 1984.

SEC. 7 CONTINUATION OF SUPPORT ENFORCEMENT FOR AFDC RECIPIENTS WHOSE BENEFITS ARE BEING TERMINATED

Effective: October 1, 1984.

SEC. 8. SPECIAL PROJECT GRANTS TO PROMOTE IMPROVEMENTS IN INTERSTATE ENFORCEMENT

Effective: In FY 1986 and years thereafter.

SEC. 9. PERIODIC REVIEW OF EFFECTIVENESS OF STATE PROGRAMS AND MODIFICATION OF PENALTIES

Effective: Beginning in FY 1984.

SEC. 10. EXTENSION OF SECTION 1115 DEMONSTRATION AUTHORITY TO CHILD SUPPORT ENFORCEMENT PROGRAMS

Effective: Upon enactment.

SEC. 11. CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE

Effective: October 1, 1984.

SEC. 12. ENFORCEMENT WITH RESPECT TO BOTH CHILD AND SPOUSAL SUPPORT

Effective: October 1, 1985.

SEC. 13. MODIFICATIONS IN CONTENT OF ANNUAL REPORT OF THE SECRETARY

Effective: For reports issued for FY 1986 and years thereafter.

SEC. 14. REQUIREMENT THAT AVAILABILITY OF CHILD SUPPORT ENFORCEMENT SERVICES BE PUBLICIZED

Effective: October 1, 1985.

SEC. 15. STATE COMMISSION ON CHILD SUPPORT

Effective: On or before December 1, 1984, the Governor of each State shall appoint a State Commission which shall report their findings and recommendations no later than October 1, 1985.

The Secretary may waive the requirement for a Commission at the request of a State if it is determined that the State has in place objective standards for child support obligations, has had a Commission or council within the last 5 years, or is making satisfactory progress toward fully effective child support enforcement.

SEC. 16. INCLUSION OF MEDICAL SUPPORT IN CHILD SUPPORT ORDERS

Effective: After the Secretary issues regulations.

SEC. 17. INCREASED AVAILABILITY OF FEDERAL PARENT LOCATOR SERVICE TO STATE AGENCIES.

Effective: Upon enactment.

SEC. 18. STATE GUIDELINES FOR CHILD SUPPORT AWARDS

Effective: October 1, 1987.

SEC. 19. AVAILABILITY OF SOCIAL SECURITY NUMBERS FOR CHILD SUPPORT ENFORCEMENT PURPOSES.

Effective: Upon enactment.

SEC. 20. EXTENSION OF ELIGIBILITY UNDER TITLE XIX (MEDICAID) WHEN SUPPORT COLLECTION RESULTS IN TERMINATION OF AFDC ELIGIBILITY

Effective: For families who become ineligible for AFDC on or after the date of enactment of this Act and before October 1, 1988.

SEC. 21. COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS

Effective: For refunds payable after the year ending December 31, 1985 and prior to January 1, 1991.

SEC. 22. WISCONSIN CHILD SUPPORT INITIATIVE

Effective: For quarters beginning after September 30, 1986 and ending before October 1, 1994.

SEC. 23. SENSE OF THE CONGRESS THAT STATE AND LOCAL GOVERNMENT SHOULD FOCUS ON THE PROBLEMS OF CHILD CUSTODY, CHILD SUPPORT, AND RELATED DOMESTIC ISSUES

Effective: * * *.●

THE U.N.: IS IT STILL WORTH IT?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, in spite of the lofty ideals and abundant expectations that accompanied the founding of the United Nations in 1945, that organization has failed in many ways to live up to its charter. Many Americans held out great hope that this organization would help to usher an era of peace, brotherhood, and tranquility into the affairs of men and nations. But that has not been the case.

Not only has the United Nations been guilty, in recent years, of maintaining a hypocritical double standard at the expense of both the Western democracies and the U.N. Charter, it has also actively supported avowed terrorist groups such as the PLO and SWAPO. The United Nations has called the PLO the sole and authentic representative of the Palestinian people, and SWAPO is given the same designation as the sole representative of the people of Namibia. Thus some of the hard-earned money of U.S. taxpayers goes to provide these Soviet-sponsored terrorists with offices in New York and London, and money to travel to posh conventions in various watering spots throughout the world where they can heap criticism on the United States and our allies.

Last year Congress passed legislation (Pub L. 98-164) to prevent U.S. contributions to the United Nations from being used for the support of terrorist groups such as SWAPO and the PLO, but the trend continues. In light of this, I believe that it is high time that we reconsider not only our huge contribution to the United Nations, but also our membership in such a hypocritical organization. As long as the United Nations continues to focus on Chile, South Africa, and Israel as the only problem areas in the world, and ignores the pressing problems posed by Soviet aggression and terrorism in Poland, Afghanistan, Kampuchea, Angola, Czechoslovakia, and many other beleaguered countries, world peace remains as elusive as over.

The following article appeared several months ago in a Canadian newspaper, the Toronto Sun, but I believe that it makes points that are relevant here and now. I recommend that my colleagues take a few moments to read Mr. Worthington's insightful comments.

[From the Toronto Sun, June 26, 1984]

ENDING THE U.N.

(By Peter Worthington)

I once thought I had the perfect re-election platform for President Reagan if he needed it—which it now seems he doesn't, since with either Fritz Mondale or Gary Hart as the opposition should guarantee him an even greater victory this November than the massive win he got in 1980.

Contrary to popular myth—generated by the trendies, think-alikes in the media, the self-styled intelligentsia and me-too politicians—the world is not poised on the brink of nuclear nightmare with the U.S. and USSR close to war.

Reagan is often viewed with apprehension, as being too tough with the Kremlin. He is criticized when he calls it an "evil empire" which, of course, it is, though for some inexplicable reason we are not supposed to say so. Instead, we expect the Kremlin to trumpet constant abuse and blatant lies about the United States with impunity.

In fact, the four years of Reagan's presidency have been perhaps the safest for the West in recent history. The Soviet Union has stayed pretty close to home, and while it has uttered warlike noises, it has taken few warlike actions.

It has been relatively restrained in Africa; it has launched no new foreign adventures; it is in a holding role in Afghanistan and Ethiopia. It is cautious in the Middle East and Persian Gulf. In other words, it seeks to avoid confrontation.

When Gerry Ford was president for 20 minutes, and Jimmy Carter was trying to survive his ordeal in the White House (and vice versa), the world was in far greater danger.

The Soviets sent their Cuban army into Angola, they were fighting in Ethiopia, they invaded Afghanistan and were busy in South Yemen and other parts of Africa. They encouraged the Vietnamese to challenge the Chinese and attack Kampuchea; The Soviets spied and subverted at an alarming rate.

Yet all the time they preached détente.

BEWARE THE KREMLIN PEACE DOVE

When the Soviets talk cold war, they are usually quiet. When they talk peace, they are invariably active. That is, the Soviets know the West pays attention only to their words and ignores their deeds. Wishful thinking dominates our outlook.

Despite Soviet peace protesters ending up in the Gulag, the Western peace movement trusts Soviet peace rhetoric more than it trusts America. As George Orwell once pointed out, ask the most violent anti-American which he'd prefer to live beside, the U.S. or USSR, and he'd have to say the U.S.

So it can be legitimately argued that Reagan is a genuine President of Peace, and by restoring some of America's declining military muscle the world may remain tranquil and secure—until a future president reverses the Reagan trend.

Still, Reagan could win hallelujahs if he declared that if re-elected he would urge that the UN be moved from New York to Moscow or any other site. He could even withdraw the U.S. from the world body with no bad efforts.

The UN has failed in most of its aims. It has not even lived up to its own Universal Declaration of Human Rights. Even its technical bodies (UNESCO, etc.) have become political and ideological entities, bent on damaging Western, or America, interests. Apart from WHO, the World Health Organization, it is hard to see any merit in most UN bodies.

In line with this theme the Heritage Foundation in the U.S. has published a study called A World Without A UN, which tries to dispassionately assess what would happen if the U.S. withdrew.

First of all, it would not affect America's relations with any country. America needs no go-betweens. As it is, the UN contributes little to peace, harmony, diplomacy. In fact, it contributes to animosity, resentment, prejudice, friction in the world.

RUNS ON AMERICAN MONEY

If the U.S. withdrew, the UN would collapse because the U.S. pays the bulk of its costs. What positive effect does the UN now have? Forget the safety-valve aspects of it being a place where fueding states can settle differences without going to war. That's minor, and doesn't happen anymore—if it ever did.

In real terms the UN is out of control. It is anti-West, anti-American, anti-free enterprise. It is racially biased. It doens not help the poor or the oppressed (it avoids all issues that don't pit the Third World against the West). It's main interests are South Africa, Chile, the PLO, which are relatively minor matters compared to some. It contributes nothing to world peace.

It avoids large issues like Poland, Afghanistan, Czechoslovakia, Cambodia. It worries about Palestinian refugees but ignores the millions fleeing China or Vietnam. The UN and its various bodies are notorious havens for Soviet espionage. The UN bureaucracy is inefficient, corrupt, arrogant and elitist. Favoritism prevails, and UN workers spend lavishly, breaking laws with impunity, live parasitical lives at the expense of others.

As U.S. Ambassador Jeane Kirkpatrick has said: "Instead of being an effective instrument for conflict resolution, (the UN) serves all too often as an arena in which conflict is polarized, extended and exacerbated." Exactly.

Local issues are inflated into global issues, and illegitimate bodies (PLO, SWAPO, etc.) are given the stamp of legitimacy.

Ostensibly technical bodies like UNESCO have become instruments of the New International Economic Order—the redistribution of our wealth, centralized state planning and the destruction of free enterprise. It believes in centralized control.

Twenty-five years ago 87% of Americans thought the UN was doing a good job. By 1980 only 30% favored the UN. One poll in 1981 even showed only 10% of Americans backing the UN.

In this 40th anniversary year of the UN it can be argued that it has been totally corrupted—morally, materially, ideologically. It no longer serves a useful purpose. It has, arguably, become the enemy of freedom, individuality, independence, fairness, dignity and the values of free and decent people hold dear.●

THE MOST SIGNIFICANT ACROSS-THE-BOARD CUT IN BENEFITS OCCURRED DURING THE CARTER-MONDALE ADMINISTRATION

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. CONABLE. Mr. Speaker, as I listened to the Reagan-Mondale debate when it focused on Social Security this past Sunday night, I was reminded of a favorite admonition by my friend and colleague from New York, Senator DANIEL PATRICK MOYNIHAN: "You are entitled to your own opinion but not your own facts." For the record, let me provide the following facts.

The most significant across-the-board cut in benefits occurred as a result of the 1977 amendments during the Carter-Mondale administration. Those amendments caused the so-called notch in benefits for those born after 1916. That adjustment was—in my opinion—justifiable under the circumstances, but the harshness of the adjustment was a result of rampant inflation during that prior administration. Republican Members had proposed a more gradual transition, to avoid the notch, in 1977, but were defeated.

The Social Security Subcommittee of the House Ways and Means Committee developed in the 1981–82 session, a bipartisan bill to save Social Security. Democratic leadership in the House bottled up that legislation in order to focus election year tension on the administration's modest proposals for selective cuts in 1981. In fact, those cuts which were enacted had little impact on current retirees. They included a phasing out of student benefits over 5 years, elimination of the $255-a-month death benefit payment in some cases, and elimination of the minimum benefit. On a retroactive basis, the minimum benefit was subsequently restored. Thus, those cuts really were adjustments, made selectively, and not across-the-board reductions. They were approved by the Congress, clearly with bipartisan support. Nevertheless, some Democratic leaders persisted in trying to make President Reagan the scapegoat, even though both House and Senate recognized the need for these adjustments and agreed to them.

Additional, major adjustments eventually were enacted in 1983 when the system faced bankruptcy. These were based on bipartisan recommendations of the National Commission on Social Security Reform. The only across-the-board sacrifice asked of current beneficiaries in that process was a 6-month delay in the COLA. Current workers—on the other hand—were subjected to a step-up in scheduled advances in FICA taxes, and a gradual increase in retirement age starting in the next century. Those adjustments, along with an improved economy, increased employment, and lowered inflation, have restored solvency to the Social Security trust funds.

Against that background, President Reagan has pledge himself not to cut benefits in his second term. Frankly, I do not know how the President could offer greater reassurance on this point. Benefits are not to be cut in a second term, period.

But neither his reassurance nor the healthy solvency of the trust funds should preclude congressional consideration of future adjustments, not cuts, nor should anyone be criticized for leaving open that possibility. Let me suggest just three areas which may call for legislative adjustments.

First, the 1983 Social Security amendments required that the Secretary of Health and Human Services submit to the Congress a study on the feasibility of implementing earnings sharing, or the pooling of earnings credits during a marriage in order to pave the way for subsequent, individually computed benefits following divorce. This certainly would recognize major social changes since the Social Security system was enacted in 1935, such as an increase in divorces and the increasing number of women moving from dependent to breadwinner status. The program impact of such changes would be complex, might be costly, and would require significant congressional consideration. If not earnings sharing, perhaps some other adjustment to take into account the changing roles of women might be considered. It may well be that the Congress will decide not to act in this area, but at least the door should remain open for that possibility.

Second, in the context of any discussion of income tax simplification, the Congress will have to consider also the regressive nature of the FICA tax. Some will aruge that increases in payroll levies impose a disproportionate hardship on the working poor. It is an issue we need to address.

Third, the 1983 Social Security Amendments for the first time subjected some Social Security benefits to income tax. When this provision is evaluated for those who continue to work past the customary retirement age of 65, I believe we will need to face the fact that we have constructed a significant work disincentive. Income taxes on Social Security benefits, withholding of Social Security benefits for the retirement test, and FICA tax payments on the earnings themselves certainly combine to discourage continued work. As the baby boom generation approaches retirement, we may need to consider ameliorating these disincentives.

Finally, while I don't want to reopen the disability issue, I would again remind you that the enabling legislation mandating 3-year reviews of all beneficiaries was passed—again on a bipartisan basis—during the prior administration.

The bottom line is that our Social Security system enjoys broad bipartisan support. Legislative changes during the past two Presidential terms reflect that support. Responsibility, blame and praise are due both parties. While I suspect it is futile to hope that the current political campaign will henceforth ignore Social Security, I regret the needless fears that continued misrepresentation of facts will engender among the elderly. No programs are more politically secure than is Social Security, nor is any entitlement program on better financial ground than is Social Security.●

LIBERATION THEOLOGY: WHERE IS THE INDIVIDUAL?

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BEREUTER. Mr. Speaker, we have heard much recently of liberation theology. There are various shades of this theology throughout the world, particularly in Latin America. It is unfortunate that liberation theology is allowing some priests or ex-priests who are avowed Marxist-Leninists to be the spokesmen for a theology which often spoke for the poor and oppressed.

A recent editorial in the Lincoln Star of September 8, 1984, thoughtfully analyzed the recent Vatican document which attacked liberation theology. Where Marxism-Leninism has been experimented with, the result has been the decimation of individual liberties. Final authority must rest with the people. The defenders of the individual against government oppression—whether that oppression be from a Communist or a military government—are the truly brave democrats. Liberation theology must decide where it stands on these critical issues. I commend this article to my colleagues.

LIBERATION A DECEIT

The Vatican statement of concern with liberation theology, now widely practiced by members of the Roman Catholic clergy in South America, is an analysis worth contemplation. It has meaning far beyond that of the church involved.

Liberation theology is based on the works of Karl Marx, which see class struggle as the means of human liberation. But the Vatican document notes "that atheism and the denial of the human person, his liberty and his rights, are the core of the Marxist theory. This theory, then, contain errors which directly threaten truths of the faith regarding the eternal destiny of individual persons. . . .

"Millions of our own contemporaries legitimately yearn to recover those basic freedoms of which they were deprived by totalitarian and atheistic regimes which came to power by violent and revolutionary means, precisely in the name of liberation of the people. This shame of our time cannot be ignored: While claiming to bring freedom, these regimes keep whole nations in conditions of servitude which are unworthy of mankind. Those who, perhaps inadvertently, make themselves accomplices of similar enslavements betray the poor they mean to help.

"The class struggle as a road toward a classless society is a myth which slows reform and aggravates proverty and injustice. Those who allow themselves to be caught up in fascination with this myth should reflect on the bitter examples history has to offer about where it leads. . . . "

Where it leads can be seen in Cuba, in Nicaragua, in Libya, and of course, in Russia, the seat of orthodox Marxism.

What the Vatican document speaks to is the supremacy of the individual over the state and the resulting personal freedom thereof. Very clearly, democratic forms of government are dominantly in accord with that theory. In such governments, final power and authority rests with the people, their will carried out by freely elected representatives.

When Canadian Liberal Prime Minister John Turner was soundly defeated by his Conservative Party opponent this week, he said: "The people of Canada from coast to coast have spoken and the people are always right." Turner effectively presented the guiding principle of democracy, whether or not it always works out quite that way.

These are sobering thoughts for voters of the United States as they approach November's national elections and they are sobering thoughts for our government as it seeks to build and maintain alliances throughout the world. Without clear recognition and understanding of the dignity of the individual, the cause of democracy and human freedom is not really served.●

A DAY OF SORROW AND IRRECONCILABILITY

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. WALKER. Mr. Speaker, I am pleased to be able to share with my colleagues a statement which was recently forwarded to me by Mr. Edmund V. Pribitkin, president of the Congress of Russian-Americans, Inc., and resident of the 16th Congressional District of Pennsylvania which I have the privilege of representing. It is especially appropriate during this election year to take time to reflect on the freedoms which Americans enjoy as citizens of the United States, and to express our moral support for those who still suffer under the harsh, totalitarian rule of Soviet communism. The October 1984 statement by the board of directors of the Congress of Russian-Americans follows:

A DAY OF SORROW AND IRRECONCILABILITY, 1984

As we approach November the 7th, the day when the Soviet Union annually celebrates international communism's arrogation of power in Russia, we—Russian-Americans—appeal to the U.S. Government and to freedom-loving citizens of this country to designate it as a Day of Sorrow and Irreconcilability.

Sadly, albeit fittingly, among all the ethnic groups making up the tapestry of these United States of America, only the Russian-Americans persist in annually asking their Government and their fellow Americans to observe this inglorious day. Russian-Americans feel it is their sacred duty to mark with mourning and defiance the day international communism claimed their former countrymen as its first victim. Thus, they honor their brothers living under the Soviet rule.

On this day we express our Sorrow for all the victims of the communist terror, and our Irreconcilability with the theroy and practice of communist doctrine.

Moreover, let us not forget that November 7, 1917 marked not only the beginning of immeasurable sufferings for the Russian and other enslaved people of the Soviet Union, but also the beginning of a global human tragedy which today endangers the existence of the Free World. Utilizing the threat of a nuclear war, the Soviets have gradually taken over key strategic positions in all parts of the world. Today there hardly a nation on the face of the earth that has not been vicitimized by communist aggression.

Therefore, we ask the Government of the United States and all other Free World governments to designate November the 7th as a Day of Sorrow and Irreconcilability.

Over the past 67 years the Soviet government has spared no effort in trying to strip the Russian nation of its heritage. Despite the desecration and destruction of over 50,000 churches and monasteries, the persecution and extermination of millions of people in concentration camps and prisons, we witness today in the Soviet Union a revival of faith and awakening of national pride. The determination of the Russian people to live free blazes as never before. Perhaps the Russian soul, having nurtured its people through their long, barren winter of oppression, senses at last spring's hymn of freedom yearning to be sung. How more can we honor our brothers than by lending voices to this chorus? For by proclaiming this day of Sorrow and Irreconcilability, we intone "Let There Be Light" and indeed for all those who hear our voices in their darkness there is light!●

CENSORSHIP OF FEDERAL EMPLOYEES BY THE ADMINISTRATION

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. LEVITAS. Mr. Speaker, I wish to insert for the RECORD an excellent editorial which appeared in the Atlanta Constitution on October 9, 1984. "Censorship Wins a Round This Year," discusses one of the unfinished tasks of this Congress which will be taken up next year. I commend this editorial to my colleagues on the eve of adjournment as a reminder of the work which awaits us in our next Congress.

[From the Atlanta Constitution, Oct. 9, 1984]

CENSORSHIP WINS A ROUND THIS YEAR

Just as the White House had hoped, Congress couldn't stay angry for long.

Only a tiny piece of paper had threatened the administration's plan for strict censorship of federal employees: A House bill by Rep. Jack Brooks (D-Texas) that would have curbed the use of polygraph machines and pre-publication review.

Add it to the inventory of good ideas that Congress let hang this session: It won't happen this year. So the White House is free to quiz federal folks to its heart's content about leaks and the like. It may wire them to lie detectors and it may blue-pencil their prose.

It's not that the administration vow of restraint while Brooks' bill was pending meant much anyway. In the Defense Department alone, some 156,000 workers already must submit their writings for prepublication review. In 1979, Defense looked at about 2,000 articles; today it reviews 10,000.

With the congressional heat off for a while, those numbers will grow throughout government. That is unfortunate.

Polygraph machines are notoriously quirky. They often lie themselves. Too, the administration most likely violates the free-speech rights of federal employees as it censors their written and spoken words. But worst of all, it seals off one of the government's most reliable self-correcting mechanisms when it moves to plug leaks.

Some government information must be kept secret under penalty of law. But the administration's policy—hear no evil, see no evil, speak no evil—encourages only blind adherence to the rules. It is a policy that ill suits the world's soundest democracy.●

CORPORATE AVERAGE FUEL ECONOMY STANDARDS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, I have long been concerned with the disadvantage that American carmakers face when competing with the Japanese market. One of the unintentional problems confronting Detroit is the Government mandated requirement to increase corporate average fuel economy [CAFE] by selling smaller, more fuel efficient vehicles—whether consumers want them or not. I never approved of implementation of CAFE and would like to see Congress repeal this burdensome regulation.

I feel that all motor vehicle safety standards—whether they be mandatory seatbelt laws, passive restraint systems—that is, airbags—or simple items such as laminated windshields—should be carefully evaluated from a cost-benefit standpoint prior to implementation.

To further familiarize my colleagues on this issue, I would like to share an article that appeared in the October 8, 1984, Wall Street Journal by Mr. David R. Henderson, senior staff economist at the Council of Economic Advisers.

The article follows:

[From the Wall Street Journal, Oct. 8, 1984]

NOTABLE AND QUOTABLE

Our auto companies have a comparative advantage in producing large cars. But mileage standards prevent U.S. companies from fully exploiting this advantage and force them instead to compete in a market where they are losing out to Japanese firms. These standards may even hurt U.S. auto workers. Some buyers who fail to get large U.S. cars because of the standards may switch to foreign cars rather than buy small U.S. cars. Others may hold on to old cars longer. Both factors reduce total U.S. car production and therefore lower auto worker employment.

The standards may not even have much impact on fuel economy. To the extent they raise large car prices or make cars less desirable to buyers, people will hold on to old cars longer. Because older cars are much less fuel efficient than new cars, the net result of mandated standards could be that we consume even more oil.●

IDEOLOGICAL COMPETITION IS NO REASON TO STOP COMMERCIAL COOPERATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BEREUTER. Mr. Speaker, a recent editorial in the Omaha World Herald on September 7, 1984, argued that commercial cooperation is a useful tool in bettering the chilly relations between the superpowers. Indeed, efforts to work together serve to reduce international tensions.

Mr. Speaker, I believe, as the editorial points out, that there is no better example of this ability to work together than the grain deal recently concluded with the U.S.S.R. It shows that when there is a will to work together it is possible. I commend this editorial to my colleagues.

UNITED STATES-SOVIET GRAIN TRADE: BENEFITS FOR BOTH SIDES

East-West competition does not necessarily prevent the United States and the Soviet Union from relying on each other from time to time. Nor should it. Efforts by the superpowers to work together can help reduce international tensions.

Nowhere is that better illustrated than in the grain trade. Once again, the Soviets have been hit with poor harvests. It has been necessary for them to import grain to feed people and livestock. The United States has a substantial surplus of grain and is willing to provide as much of it as the Soviet Union wants to buy.

Under a series of purchase agreements, the Soviet Union will pay a near-record total of about $2.3 billion for U.S. farm commodities, principally grain, before Sept. 30, when the fiscal year ends. Prospects are good for continued large purchases by the Soviets in the next fiscal year.

There are benefits for the farmer. One reason—one of many, to be sure—for the depressed agricultural economy is that Soviet purchases of agricultural commodities in the last few years have been lower than they had been through most of the 1970s.

The embargo on grain exports ordered by President Carter to punish the Soviet Union for its invasion of Afghanistan was partly responsible. Until President Reagan lifted the embargo, the Soviets turned to other countries for much of the grain they needed.

The growth of a substantial Soviet market for American agricultural commodities can help improve farm income in the United States. And it is better for the United States to surplus grain than to expand expensive government storage and price-support programs.

Better relations in the commercial sector could spread to other aspects of the relationship—or at least provide a stabilizing influence.

For many Midlands farmers, it must be pleasing to have the doors of the granary open again, with a hungry customer eager to buy.●

PEACEFUL RESOLUTION OF INTERNATIONAL DIFFERENCES

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. WYDEN. Mr. Speaker, all of us here share an interest in seeing international differences resolved through peaceable means.

I am inserting in the RECORD a copy of a letter to the editor of the Indianapolis Star from our colleague ANDY JACOBS, which speaks to this fact:

[From the Indianapolis Star, Oct. 8, 1984]

CONSIDER

Your Sept. 30 editorial "Open Lines" is one of the best I've read.

It is a part of human nature that we fear what we do not understand. And we are tempted to destroy what we fear.

The irony is that those we fear usually also fear us with the same consequent temptation.

Before President Nixon changed his mind about the impossibility of detente with China, U.S. taxpayers and sons had to bear the burden of a "two and one-half war" (Europe, Asia and just anywhere) military strategy.

But that common-sense decision moved us away from the danger of mutual death, and President Nixon was safely able to ask Congress to reduce our military expense to a "one and one-half war" military apparatus.

Russia, unable to compose its differences with China, labors on under the economically stifling burden of a "two and one-half war" military apparatus.

Like growing old, detente isn't so bad when you consider the alternative.●

WYOMING WILDERNESS ACT OF 1984

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. CHENEY. Mr. Speaker, on October 2, the House unanimously approved S. 543 as amended, the Wyoming Wilderness Act of 1984. In order to complete the legislative record concerning that legislation, I wish to include in the RECORD the following letter from the House and Senate sponsors of S. 543 to the distinguished chairman of the House Interior Subcommittee on Public Lands and National Parks:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 9, 1984.

Hon. JOHN SEIBERLING,
Chairman, Subcommittee on Public Lands and National Parks, House Interior and Insular Affairs Committee, Washington, DC.

DEAR JOHN: We were concerned to read in the CONGRESSIONAL RECORD of October 2 your comments about helicopter access for potential oil and gas activity in the Rock Creek and Palisades Areas in Wyoming. We are writing this letter to clarify the record on this issue. We would have discussed this with you prior to consideration of the Wyoming wilderness bill if we had known you intended to make such comments. However, we did not know ahead of time that your statement on the bill would contain the references to helicopter access, and since those portions of your statemnt were not read to the House at the time the bill was considered, they did not come to our attention until two days later on October 4, when the CONGRESSIONAL RECORD for October 2 finally was distributed to House and Senate offices.

As you know, John, the bill sponsored by us and approved by the House on October 2 and by the Senate on October 4 was the product of months of negotiations involving you and the three of us. At no time during any of our discussions and negotiations was there any agreement reached that the Forest Service should be urged to require helecopter access in the Rock Creek or Palisades areas, both of which are treated as non-wildnerness by the bill for purposes of oil and gas activity. In fact, we cannot recall that helicopter access was discussed at all.

We do specifically recall considering a proposal drafted by your staff which would have applied to both the Palisades and Rock Creek Areas, and which contained a recommendation that there be committee report language "to encourage exploration which does not involve road construction (helicopter, etc.) . . ."

That proposal was rejected during the negotiations, including the recommendation that there be report language referring to helicopter access. Instead, we agreed that the Rock Creek Area would be released for management as non-wilderness, and that the provisions of Section 301 of the Wyoming Wilderness Act as approved by the House on October 2 would govern management of the Palisades Area. Specifically, Section 301 provides that with respect to oil and gas exploration and development, the area is to be managed "under reasonable conditions to protect the environment according to the laws and regulations generally applicable to non-wilderness lands within the National Forest System." Section 301 also provides that the area must be managed "Subject to valid existing rights and reasonable access to exercise such rights."

We go to these lengths to clarify the record because in your statement in the October 2 CONGRESSIONAL RECORD about the Rock Creek Area, you use the term, "we," in your comments about helicopter access, and we wish it known that you were not speaking for us.

We would make one final observation concerning the issue of helicopter access to oil and gas lease sites: By choosing to correct the record on this matter with respect to the Wyoming Wilderness Act, we do not mean to imply that we oppose the use of helicopters to access oil and gas lease sites, regardless of the circumstances. Obviously, there may be situations where such access would make sense from environmental and practical standpoints and would best serve the public interest. There is nothing in the Wyoming Wilderness Act to prevent the Forest Service from requiring helicopter access where and when appropriate, feasible and practicable. Whether such situations will arise in the Palisades and Rock Creek Areas remains to be seen. But we wish to emphasize that this is an issue that was never discussed in connection with the Wyoming Wilderness Act negotiations, and no recommendation or policy position was agreed to or can be represented as being a part of the legislative history of the bill. We believe with regard to the Palisades Area that the language of the bill speaks for itself by requiring that the area be administered "under reasonable conditions to protect the environment . . .", and that in the Rock Creek Area, the Forest Service has available to it the full range of alternatives and tools afforded by existing law to protect the area.

Thank you for your consideration of our comments.

Sincerely,

MALCOLM WALLOP,
U.S. Senator.
ALAN SIMPSON,
U.S. Senator.
DICK CHENEY,
U.S. Representative.●

SELLER FINANCING

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BOSCO. Mr. Speaker, I strongly supported the Deficit Reduction Act of 1984 as an important first step toward reducing our dangerous Federal budget deficit. On the whole, I believe that legislation (H.R. 4170) represented a fair and balanced approach toward fiscal discipline, and indicated that this institution is capable of making serious and difficult budgetary decisions. Subsequent to its passage, however, it has become increasingly clear that the new interest rate rules contained in H.R. 4170 will have unintended but serious reprecussions for our Nation's economic health. Therefore I join in strong support of those provisions adopted by the Senate which would repeal many of the more onerous portions of the Deficit Reduction Act pertaining to seller-financing.

During consideration of H.R. 4170, a good-faith effort was made to ease the impact of these rules. Congress did enact a technical corrections bill which would maintain current law on seller-financed principal residences of $250,000 or less and farm sales under $1 million. This correction would reportedly exempt nearly 80 percent of all seller-financed home sales from the new law. Nevertheless, thousands of Americans may be denied the opportunity to use lower-rate seller-financing unless the further changes approved by the Senate are enacted without delay.

Despite the economic recovery, continued high real interest rates have placed unprecedented importance on the seller-financing instrument. The loss of resale and new construction activity could severely hinder our efforts to insure sustained economic growth. Moreover, high-cost areas such as California which depend heavily on the seller-financing instrument will experience a disproportionate share of the burden if the new rules are allowed to become effective next January 1. California and other States will certainly face a decline in both employment and State and local revenues.

Perhaps most importantly, these new rules will severely inhibit the ability of millions of individual Americans to buy and dispose of property in a climate of unaffordably high interest rates. In recent weeks I have talked with many realtors, homebuilders, small businessmen, farmers and investors in my district who have expressed alarm and concern over the unfair and self-defeating nature of the new seller-financing restrictions. While they fully support efforts to close tax loopholes and eliminate tax abuses, they justifiably fear that the cost of seller-financing may go beyond the paying ability of many potential buyers.

As the California Association of Realtors has pointed out, renters may also face higher housing costs as a result of the new law: "Investors have depended heavily upon both below market interest rates and deferred interest financing to make residential rental properties 'pencil out' in recent years in California. Thus, the higher costs imposed under the new rules will be passed directly through to consumers in the form of higher monthly rents. New rental housing construction will be severely constrained, compounding the already serious rental housing shortage in California."

I believe the Senate-approved imputed interest compromise represents a positive and constructive approach to rectifying this problem. Most notably, a 9 percent rate would be applied to both principal residences and vacation homes with a purchase price of $250,000 or less, and a weighted blend of 9 percent and 100 percent of the applicable Federal rate would be mandated if the purchase price is above $250,000. Residences or vacation homes held in inventory by a homebuilder or realtor and sold for $250,000 or less would be subject to an imputed interest rate of 80 percent of the applicable Treasury rate. Farms and ranches with a purchase price below $2 million would also be subject to a 9-percent test rate, as would the sale of a business with a purchase price of $1 million or less.

While this compromise does not go as far as many of us would prefer, it does address the more onerous aspects of the new law and merits swift approval by this House.●

THE PRECIOUS LEGACY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. HUNTER. Mr. Speaker, "The Precious Legacy," a treasure of cultural and religious artifacts representative of the oldest continuous Jewish community in Europe, is now on display at the San Diego Museum of Art, and will be there until November 18, 1984. It was my pleasure to be present at the opening ceremonies of this exhibit, which is from the State Jewish Museum in Prague, Czechoslovakia, and is in the United States under the auspices of the Smithsonian Institution Traveling Exhibition Service.

The collection includes manuscripts and printed books, porcelain, glasswork, woodwork, textiles, oil paintings, folk art, items of domestic use, and precious metals. As S. Dillon Ripley, Secretary of the Smithsonian Institution, wrote about the objects in the collection:

> Collectively, they illustrate the diversity and dynamism of their creators and the community that both inspired and nurtured them. These objects testify as well to the tragic and catastrophic dimension of European Jewish life which culminated in the Holocaust. One hundred fifty three local Jewish communities were destroyed in Bohemia and Moravia and little but these cherished possessions remains to testify to the beauty and meaning of their existence.

I would like to commend my friends, Dr. Irwin Jacobs and Joan Jacobs of La Jolla, and MA-COM Linkabit, Inc., for bringing this magnificent exhibit to San Diego, and the Museum of Art board and staff for its presentation. It is significant that more than 75,000 tickets have been sold so far to out-of-town visitors for this exhibit, in addition to the thousands of local residents who have arranged to see it.

From San Diego, "The Precious Legacy" will go to Detroit, MI, on March 12 to May 5, 1985 and Hartford, CT, on June 3 to July 29, 1985.

It is a paradox that the Nazis set in motion a chain of events that resulted in one of the world's greatest collections of Judaica. Having decided to exterminate the Jewish race, Adolf Hitler issued orders to assemble and catalog the ceremonial and household items of this doomed race. This decision was first manifest in January 1940, when Hitler ordered the creation in Frankfurt of an academy to be the "center of nationalist-socialist doctrine and education"; by March of that year as a branch of this academy, there was added the Institute for Exploration of the Jewish Question. This set in motion the confiscation of Jewish libraries, archives, and personal property throughout all Nazi-occupied territories. By the middle of 1942, there had been established in Prague the "Central Bureau for Dealing with the Jewish Question" and a new charter was given to a newly retitled "Central Jewish Museum." This new charter stated that—

> The numerous hitherto scattered Jewish possessions of both historical and artistic value, on the territory of the entire Protectorate, must be collected and stored.

The museum acquisitions were a concomitant development with the deportation of their owners to concentration camps and then to extermination. The Nazis forced Jewish experts at Prague's original Jewish Museum to catalog and organize the tens of thousands of Jewish items that began pouring into Prague from Nazi-occupied territory. The curators, assisted by other Jews sent to Prague by the Nazis, were told to present a private exhibition in Prague's oldest Jewish synagogue, the Altneuschul, which was followed by other exhibitions. Those who had prepared these collections were later sent to their death at various extermination facilities operated by the Nazis.

At the ceremonies marking the opening of "The Precious Legacy" exhibition in San Diego, several speakers charged, and rightly so, that we must not let this happen again. This raises the question, how did it happen? What led to the astonishing success of Adolf Hitler in achieving supreme leadership of the Nazis and in coming as close as he did to conquering the world?

Obviously, the full consideration of Hitler's rise would take volumes. It is useful, however, to review a few of the milestones in this career. As Winston Churchill relates in his book, "The Gathering Storm," Prime Minister Chamberlain of England made three trips to Munich to confer with Hitler. On September 21, 1938, the Czechoslovakian Government was bound by the Anglo-French proposals that led to the cession of the Sudetan areas of that unfortunate country to Germnay. Chamberlain's famous phrase on his return from this meeting was "I believe it is peace in our time."

Marshal Keitel of the German staff was asked at the Nuremberg trials if the Reich would have attacked Czechoslovakia if the Western Powers had stood by Prague. His answer was "Certainly not." According to Churchill's history, if Germany had attacked Czechoslovakia, it would have required 35 divisions, with only 5 effective and 8 reserve divisions left to protect all of Germany's western frontier against the French Army, which could mobilize 100 divisions. Germany's generals were astounded at Hitler's success in bluffing the Western Powers, ashamed of their own opposition to this plan, and from that date Hitler was the undisputed master of Germany.

It is worth noting that on September 21, 1938, Mr. Churchill issued a statement to the press in London:

> The partition of Czechoslovakia under pressure from England and France amounts to the complete surrender of the Western Democracies to the Nazi threat of force. Such a collapse will bring peace or security neither to England nor to France. On the contrary, it will place these two nations in an ever-weaker and more dangerous situation.

During the rest of 1938 and into 1939, Hitler consolidated his gains, which had been made without bloodshed, and rapidly expanded the German Army. On August 22, 1939, Hitler's emissary, Mr. Ribbentrop, met with Stalin. They signed the Russia-German nonaggression pact the following day. German forces attacked Poland on September 1, 1939, and Russian forces rolled across Poland's borders with Russia on September 17. On September 18, as Mr. Churchill writes:

> * * * In Brest-Litovsk, it was with Hitler's Germany that the Russian Communists grinned and shook hands. The ruin of Poland and its entire population proceeded apace.

With Poland secure and a nonaggression pact in place with the Russians, Hitler began in earnest his persecution of the Jews. As mentioned above, it was in January 1940, 5 months after signing the nonaggression pact and 4 months after the invasion of Poland that the Nazis started the academy from which was created the Institute for Exploration of the Jewish Question, which in turn led to the collection of Jewish possessions in the Prague Museum.

It is to be hoped that "The Precious Legacy," as it is viewed by people across America, not only gives viewers an understanding of Jewish life in central Europe, but also reminds us that there are forces of evil abroad, and that lack of will can be as fatal as lack of military forces.●

A TRIBUTE TO JACK EDWARDS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 1984

● Mr. PANETTA. Mr. Speaker, I want to join my colleagues in paying tribute to Jack Edwards, who is retiring after 20 years of distinguished service in this institution.

It has been a delight to know and be able to work with Jack Edwards during my 8 years in the House. Jack has been very helpful to me on issues of concern to me and my constituents, particularly those dealing with the military institutions in my district. He has also been cooperative in bipartisan legislative efforts on a number of key issues.

Jack will be returning to Mobile to practice law, and we will certainly miss him here in Washington. We will miss him as a colleague and as a friend. I know my colleagues join me in wishing Jack the best of luck in his new career.●

TRIBUTE TO THE HONORABLE KATIE HALL

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1984

● Mr. CLAY. Mr. Speaker, it is with great pleasure that I take part in this salute to my good friend and departing colleague, the gentlewoman from Indiana, the Honorable Katie Hall. Representative Hall is a woman of many talents and outstanding achievements. In the short time she has served in the U.S. Congress, Congresswoman Hall has earned a special place in this House and a special place in our hearts.

I have been privileged to serve beside Representative Hall on both the Post Office and Civil Service Committee and the Congressional Black Caucus, and I have known her to be an effective and powerful voice whose leadership and ability have been a source of inspiration. Shortly after coming to Congress, Representative Hall assumed the chairmanship of the House Subcommittee on Census and Population. In this role, Chairwoman Hall fought for and achieved passage of the Martin Luther King Holiday legislation establishing the first Federal holiday in tribute to a black American.

Katie Hall is a woman whose intelligence, strength, determination, and dedication have earned her a place in history. Congresswoman Hall is the first black to serve in the U.S. Congress from the State of Indiana. She has been a strong spokeswoman and a proven advocate of the interests of women, minorities, and children.

Katie Hall is a sensitive leader who has done a yeoman service for the First District of Indiana and all the citizens of the United States. May she retire from this body knowing the job she did was well done and her work is deeply appreciated. Katie Hall is a valued friend and colleague and I wish her every continued success in her future.●

HONORING BARBER CONABLE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 1984

● Ms. SNOWE. Mr. Speaker, an article in a recent Washington Post noted that the Republican Party is losing several of its most talented legislators this year as the result of decisions by several Members to retire.

Among those most prominently mentioned was the Representative from New York's 30th District, Barber Conable. I want to say in what high regard I hold my colleague. He is certainly one of the most diligent, thoughtful, and knowledgeable legislators and has garnered the respect and admiration of Members on both sides of the aisle.

As the ranking minority member of the House Ways and Means committee, he is a leading authority on tax policy and economic matters. He has been aggressive and active for the causes he has championed such as revenue sharing, long term care for the elderly, reduced Government regulations and civil rights.

In the last two sessions of the congress he has been in the forefront of the effort to make our tax system more equitable. He was floor manager of the 1981 administration tax proposals. His earlier legislation dealing with public charities was both sensible and needed to instill in the public confidence that their charitable contributions were being used wisely.

He served on the bipartisan commission which studied ways to make our Social Security system financially sound and helped guide that legislation through the House.

Barber has also played a valuable legislative role as a broker in crafting other legislation and the compromises to make them acceptable to Democrats and Republicans. And he has never lost track of the impact of that legislation on average taxpayers, Social Security recipients or small businesses.

I have particularly come to know Barber Conable as a member of the House Wednesday Group. His wise counsel in that forum has been of particular benefit to me. In addition, I am proud that Barber was so helpful and skillful in gaining passage of two pieces of legislation of importance to women this session—the Retirement Equity Act of 1984, providing pension security for surviving and former spouses and the Child Support Amendments of 1984, substantially improving the lives of so many children who live in single-parent families. through this legislation Barber Conable has provided significant assistance to the women of this country.

Barber Conable has served his Nation, his State, and his district very effectively. We all owe him a debt of gratitude for his 20 years of yeoman service in this house.●

NATIONAL EMPLOY THE HANDICAPPED WEEK

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. MURPHY. Mr. Speaker, during National Employ the Handicapped Week, which began on October 7, we should be reminded that it is not just rhetoric, but a commitment based upon Federal leadership through concrete actions, that has made a difference in the lives of the millions of Americans affected by disability.

We are asked this week to renew a commitment to our disabled citizens. This commitment is to provide the same assurances of opportunity given to every American by our Constitution, the Bill of Rights, and civil rights laws—the opportunity to participate fully, according to ability and not limited by prejudice, in the economic life of this Nation.

Approximately 36 million Americans, more than 15 percent of our population, are now covered by Federal disabilty laws. Disability impacts on the lives of millions more through family ties and responsibilities. And many more of us add to the ranks each year through temporary disabilities. In economic terms, as well as personal terms, the affect of disability policies on our national life is pervasive. It is, thus, vital, that the Federal Government provides appropriate response and leadership.

Our response has been on three levels: to provide maintenance and subsistence support, to ensure that discrimination based upon handicap in Federal and federally assisted programs is illegal, and to provide that opportunities for the use of abilities exist. It is the latter two responses, embodied in such laws as the Rehabilitation Act and the Education of the Handicapped Act, which bear directly upon the opportunity for employment that we are to consider this week.

By its nature, disability presents a challenge to overcoming barriers of discrimination. In fact, we may not even recognize when discrimination exists. When we do not see disabled persons working next to us, there may be an assumption that they are not able to do the work. When handicapped children are separated from their nonhandicapped peers, there may be an assumption that they are not able to learn. Today, because of laws such as section 504 of the Rehabilitation Act and the Education of the Handicapped Act, we are recognizing that these assumptions are false. These laws have provided disabled persons the opportunity to show us their abilities and have allowed us to see the injustice of policies based upon stereotypes. As a nation we are learning that when we think of disabled persons as helpless or hopeless, we perpetuate the stereotype that is their greatest handicap.

Because of Federal leadership, the gains in opportunities for disabled persons have been substantial in the last decade. But by all measures, the gains are inadequate. And worse, they are in jeopardy. According to the U.S. Civil Rights Commission, despite documentation that disabled workers perform as well or better than their nonhandicapped peers, their unemployment rate has risen to between 50 and 75 percent, an increase from a prerecession rate of 45 percent. As many of my colleagues who worked to overturn the recent Supreme Court decision on Grove City know, limiting the protection of civil rights under section 504 to "program specific" coverage removes the greater part of the protection that has diminished discrimination against persons with disabilities.

During the past 4 years, we have also seen the failure of the Department of Justice to enforce statutory and regulatory protections of disabled persons. The most recent weakening of these protections comes, ironically, in the form of Department of Justice regulations for its own programs. These new regulations, which may be used as a model for all other agencies, puts the Federal Government in the position of doing less to assure the rights of disabled persons in its own programs than it requires nongovernmental recipients of Federal funds to do. Rather than strengthening its own regulations to provide conformity, there are indications that the Department of Justice will seek to weaken all other section 504 regulations.

Mr. Speaker, there are many dedicated individuals within the Departments of this Administration who are fighting for the opportunity for persons of every type of disability to live productively to the extent of their abilities. Disabled persons themselves, as individuals and through their organizations, continue to work for these goals. The majority of us in Congress, on both sides of the aisle, have supported these goals through legislation and funding. It is my fear that all of these efforts may be underminded and the gains that have been made may be lost unless we have an administration that fully supports the statutes and regulations that are the foundation for these rights and opportunities. I hope we are reminded during the National Employ the Handicapped Week that we all have a stake in our policies on diability, and that we recommit ourselves to policies that represent the justice we all believe our Nation provides.●

TRIBUTE TO JULIAN GARCIA

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. RICHARDSON. Mr. Speaker, Julian Garcia, one of New Mexico's finest citizens, died tragically in Santa Fe recently.

He was an outstanding businessman, who parlayed a relatively modest car dealership into one of the largest and most reputable operations in New Mexico. He was unselfish in his support of philanthropic and other civic causes.

Despite his enormous success, he was always there to help his fellow citizens and his beloved State.

His contributions to the Hispanic community of New Mexico are legendary. Mr. Speaker, Julian Garcia will be sorely missed.●

TRIBUTE TO HON. JACK EDWARDS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1984

● Mr. CONABLE. Mr. Speaker, I wish to take note of the departure from this body of my friend and colleague, Jack Edwards of Alabama. Jack came to Congress with me. He is a kind and gentle man. His judgment is exemplary; and the thoughtfulness and balance of his defense assessments have led me over the years constantly to see how he votes before casting my own defense votes. In view of the importance of defense issues, this reliance says more than anything else of my respect for him. I am confident of his expertise, not only in the area of national defense but across the whole spectrum of government; and I know many others have depended on him as I have.

I know he will have a good life after Congress because he deserves the best this country can offer him. He and Jolane have my affectionate and respectful best wishes.●

TRIBUTE TO HON. JACK EDWARDS

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 1984

● Mr. CAMPBELL. Mr. Speaker, it is with a feeling of deep regret that I rise today to pay tribute to our colleague Jack Edwards of Alabama, for this House will sorely miss Jack's leadership. As ranking minority member of the Defense Appropriations Subcommittee, as vice chairman of the Republican Conference, and as able representative of Alabama's First Congressional District, Jack has performed his duties with the highest sense of responsibility, thoughtfulness and ability. He is without doubt one of the most respected Members of this body, and for good reason.

On a more personal note, Jack is one of the finest gentlemen I have ever had the privilege of knowing and I am proud to call him my friend. After having devoted 20 years of his life to public service in the House of Representatives—time well spent as far as a grateful nation is concerned—Jack has certainly earned a respite. I know that his new career will be productive, rewarding and prosperous and I wish for Jack and his family the best that life has to offer.●

TRIBUTE TO RON PAUL

HON. BILL PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. PATMAN. Mr. Speaker, I rise to pay tribute to the service, dedication, and energy that have been brought to this Congress by my good friend and Texas colleague, Ron Paul, as we near the end of his service here.

Although we are on different sides of the aisle, we have often shared interests and views. As representatives of neighboring districts, Ron and I have worked closely on behalf of the gulf coast and in recognition of the many contributions to our Nation from its aquaculture, agriculture, energy, and commerce activities. I also have been proud to stand with Ron, throughout 4 years of service on the House Banking Committee, in the effort to bring some measure of accountability to the Federal Reserve Board and to make the direction of monetary policy somewhat more subject to public awareness and more responsive to the public interest. It has been a difficult and sometimes frustrating struggle, but his brilliant grasp of economic and historic principles has served him, and all of us, very well throughout. We will sorely miss RON's insight and resourcefulness as we continue the effort.●

A TRIBUTE TO BARBER CONABLE

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 1984

● Mr. PANETTA. Mr. Speaker, I want to join my colleagues in paying tribute to one of the giants of this institution, BARBER CONABLE, who is retiring at the end of this Congress. BARBER has been the kind of legislator that makes the House of Representatives work—a tough partisan who recognizes the need to legislate effectively and make government work, and one who is willing to participate in the hard work and bipartisanship necessary to fashion legislation.

As ranking Republican on the Ways and Means Committee, BARBER has been one of our leading authorities on economics and tax policy. The indelible stamp of his calm, rational approach to legislation can be found on most of the major tax, Social Security, Medicare, welfare, pension, trade, and other legislation that comes from Ways and Means. While I am not a member of that committee, I know that it will be very difficult to replace him.

Mr. Speaker, I have been proud to know BARBER CONABLE, to work with him, and to have him as a friend. We will all miss him, but I am sure that his family, which has had to make the great sacrifices all these years to permit him to serve his country and constituents, will be grateful for the extra time they will now be able to spend with him. We, too, are grateful for the time he has spent with us, and we wish him the best of luck as he moves on to a new career.●

IN OPPOSITION TO KENNETH ADELMEN'S CLAIMS OF DEFENSE SECURITY

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BEDELL. Mr. Speaker, last week, in the New York Times, Kenneth Adelman, director of the U.S. Arms Control and Disarmament Agency, assured us that we are more secure today than we were 4 years ago and, that the future for arms control remains bright. I, for one, do not share Mr. Adelman's assessment and for that reason, was quite pleased to read a letter to the editor that our colleague from California—Mr. STARK—submitted in response to Mr. Adelman's claims.

As we all know, arms control requires leadership, dedication and political will. The current administration has demonstrated none of these qualities when it comes to the subject of arms control. Indeed, this administration had dedicated itself to an unprecedented peacetime buildup of U.S. nuclear weapons capacities and scorned every past arms control effort and agreement that has been reached. How then can we be more secure today, than we were 4 years ago? Are the superpowers negotiating or, are they engaged in public recrimination of one another's intentions? What lies ahead for the superpowers? Mutual respect and negotiation or, a continued relentless arms race in which there can be no winners, only losers. I commend you all of your attention to Mr. STARK's analysis of this present, precarious situation.

[From the New York Times, Oct. 11, 1984]

WE ARE LESS SECURE THAN FOUR YEARS AGO

To the Editor:

Is it really possible that Kenneth Adelman, director of the U.S. Arms Control and Disarmament Agency, knows less about our strategic posture than President Reagan? Nah. I prefer to think that his Oct. 4 Op-Ed article, "More Secure Than 4 Years Ago," was simply another installment of the President's feel-good campaign.

Mr. Adelman says that "active American diplomacy and increased deterrent strength" have made us safer than four years ago. This betrays inexcusable ignorance or deliberate distoration of both the Reagan record and our present strategic posture.

His grand photo opportunity with Mr. Gromyko notwithstanding, Ronald Reagan has done less diplomatically to improve relations with the Soviets than any other President. Mr. Adelman's article even hints that the more high-level contact we have with the Soviets, the more aggressive Soviet behavior becomes. Does anyone believe this? If so, let's hope that person is not in the White House.

And what of increased deterrent strength? Not one nuclear weapon from the President's strategic modernization program has been deployed. We have fewer ICBM's today than we did under President Carter because of the dimantling of Titan II missiles. Mr. Reagan proposes to deploy 100 MX missiles, down from Mr. Carter's proposed 200, although Mr. Reagan unwisely wants to put them in vulnerable existing silos. Are there not more Soviet nuclear missile subs off our coast now than four years ago? Even if there were a "window of vulnerability," what has Ronald Reagan done to close it by making our ICBM's less vulnerable?

Worse than Mr. Adelman's strange analysis of our current situation is his chilling "hope" for the future of arms control. He emphasizes the "considerable amount of accumulated expertise and lessons learned" about arms control by the Reagan Administration. It may reassure some that the President now knows the bulk of Soviet warheads are atop land-based missiles, and that submarine-launched missiles are neither conventionally armed nor recallable. I am more concerned with what he still does not know, not to mention what he is not told.

Mr. Adelman thinks the President's "Star Wars" proposal adds incentives for the Soviets to negotiate arms reductions. Why should they agree to reduce their offensive arsenal in the face of potential American missile defenses when the easiest way to counter such a system is to increase the number of offensive arms one possesses. If "Star Wars" will do anything (other than swallow a minimum of 26 billion tax dollars), it will eliminate any incentive the Soviets may have to reduce their stockpile.

Mr. Adelman says that the recent deployment of intermediate-range nuclear missiles in Europe will "help prepare the ground for negotiating with Moscow." If I am not mistaken, that is precisely why the Soviets walked out.

If we are more secure than four years ago, a mutual and verifiable nuclear freeze would lock us—and, more importantly, the Soviets—into our improved position. Our position would continue to improve because Moscow's confidence in the reliability of its weapons would be continually degraded by a ban on explosive and flight testing. Instead, we are less secure than four years ago because of this Administration's hostility toward arms control.

It is certainly the prerogative of the President to undermine what arms control does exist, and to refuse to pursue realistic and mutually beneficial accords. If he is re-elected, he will continue to do so. Fortunately, it is the prerogative of the electorate to remove him from office and replace him with someone who will act in the security interests of our country.

FORTNEY H. (PETE) STARK,
Member of Congress, 9th Dist., Calif.

WASHINGTON, October 5, 1984●

RAY SCHULTZ OF SISTER CITIES INTERNATIONAL HONORED BY AID

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, Raymond R. Schultz of Hialeah, FL, was recently given recognition for his volunteer role in helping to respond to disasters in Central America and other countries. While he was in Washington to participate in the 20th anniversary ceremonies of the U.S. Office of Foreign Disaster Assistance of the Agency for International Development, he was commended by AID Administrator M. Peter McPherson for Mr. Schultz's outstanding contributions to the Foreign Disaster Assistance Program of the United States.

As chairman of the Central American Emergency Committee of Sister Cities International, and a vice president of its board of directors, Ray Schultz has been instrumental in helping to provide disaster relief to Central America through its network of sister cities in the area, and continues to be active in the expansion of the agency's cooperative efforts with private organizations. The Miami area has developed particularly good facilities to meet many emergency and disaster situations locally as well as overseas. Dade County disaster planning preparedness and training programs are nationally recognized, and this commendation by AID and the Secretary of State reflects this and the contributions of Sister Cities International in particular. I am most pleased to bring this honor to Ray Schultz to the attention of my colleagues:

Raymond R. Schultz, president of R.S. Aviation, Hialeah, was honored Tuesday, September 18 for his volunteer role in helping to respond to disasters in Central America and other countries.

Schultz was in Washington to participate in ceremonies recognizing the 20th anniversary of the U.S. Office of Foreign Disaster Assistance (OFDA).

OFDA is the office in the Agency for International Development which coordinates all U.S. Government response to foreign disasters—natural or man-made. When civil strife, earthquakes, hurricanes, floods and other disasters strike overseas, OFDA mobilizes U.S. private and voluntary organizations and other donors when assistance is required.

Schultz is chairman of the Central American Emergency Committee of Sister Cities International. He also serves as a vice president of the organization's board of directors.

Sister Cities International has long been active in helping to provide disaster relief to Central America through its network of sister cities in the area, and Schultz was invited to participate in discussions at AID to expand the agency's cooperative efforts with private organizations.

"I am extremely proud of this program, AID administrator M. Peter McPherson said. "As you know, when disasters occur overseas, Americans are quick to respond. This action reflects the deep-seated humanitarian concern of the American people and is an important aspect of U.S. foreign policy," he continued.

The Miami area has developed particularly good facilities to meet emergency and disaster situations locally and overseas. Dade County disaster planning preparedness and training programs are nationally recognized. Officials from relevant public agencies, international organizations and local hospitals have been willing to provide timely and appropriate assistance in disaster situations, as well as training in disaster preparedness for overseas institutions.

Schultz received one of the agency's highest commendations, which was signed by AID administrator McPherson and Secretary of State George P. Shultz. It read, "the Department of State and the Agency for International Development present this tribute of appreciation for his outstanding contributions to the Foreign Disaster Assistance program of the United States. He donated his time, expertise, and personal resources and facilities toward the U.S. Government's Relief and Preparedness Program for Latin America and Caribbean. Because of his personal commitment to this program many thousands have benefitted."●

INTERNATIONAL TRAFFICKING OF HUMAN FETUSES

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. TAUKE. Mr. Speaker, one of my constituents sent me a shocking article by Patrick Buchanan which ran in the October 5 edition of the Washington Times. The international trafficking of human fetuses, which Mr. Buchanan outlines, demonstrates a saddening disregard for human life, and I commend the following article to the attention of my colleagues:

[From the Washington Times, Oct. 5, 1984]

AN ISSUE THAT REFUSES TO DIE

(By Patrick Buchanan)

Early in April 1981, along the Swiss-French frontier, customs agents halted for inspection a lorry coming in from Eastern Europe. The truck was loaded with frozen human fetuses, the product of the abortuaries of Hungary and Yugoslavia; they were being shipped to the laboratories of French cosmetics firms. As the *Gazette du Palais* reported, "Many beauty establishments are prospering in France, thanks to the use of living cells taken from the fetus." The cells apparently add "luster and resiliency" to older skin.

What sent me rummaging through the files for this grisly story was the outburst this weekend from the executive director of Planned Parenthood, Alfred F. Moran. Mr. Moran charges that the anti-abortion commentaries of President Reagan and Archbishop John J. O'Connor's comparison of the 4,000 daily abortions in the United States to the Holocaust in Hitler-occupied Europe are creating an atmosphere in which women seeking abortions are being harrassed, and some Planned Parenthood clinics have been dynamited and burned to the ground.

In a similar vein, Anthony Lewis of the New York Times brands Right-to-Lifers "Righteous Fanatics," and writes, "The priority that the anti-abortionists give to that single issue rings not of politics in the usual American sense but of fanaticism."

"Fanaticism," the man says. But if one believes with Mr. Reagan and Archbishop O'Connor that unborn children are human beings like the rest of us, but entitled to special care and protection because of their utter dependency on their fellow members of the human family, how coolly and dispassionately should one react on reading that fetuses are being burned with cats and dogs in Kansas City, that the head of the OB-GYN department at D.C. General has sold the product of "late-term elective abortions" for $68,000 and used the money to buy a TV set and refreshments for visiting professors, that a company called Turtox-Camboaco, which sells biological supplies, advertises for sale "embedments of human embryos" ranging "from 3 to 4 months in age. They have been bisected along the median, cleared and mounted naturally. Specify age or ages desired."

Do not such stories call to mind those lurid tales of the skin of gassed Jews being converted into lampshades?

How should civil ladies and gentlemen respond on coming upon this report in *The Second American Revolution* by Virginia constitutional lawyer John Whitehead. Six months after *Roe* v. *Wade*, one Dr. Peter A.J. Adam of Case Western Reserve University, "reported to the American Pediatric Research Society on research he and his associates had conducted on 12 babies who had been born alive by hysterotomy abortion up to 20 weeks. These men took the tiny babies and cut off their heads—decapitated the babies and cannulated the internal carotid arteries . . . They kept the diminutive heads alive, much as the Russians kept the dogs' heads alive in the 1950s."

Criticized, Dr. Adams retorted, grounding his logic in the premise of *Roe* v. *Wade*. Once society's declared the fetus dead, and abrogated its rights, I don't see any ethical problem . . . Whose right are we going to protect, once we've decided the fetus won't live?

When such things have become commonplace in the United States in 1984, surely something is more grievously amiss with society than a president's rhetoric, an archbishop's analogy, or even some uncivil demonstrators at the rallies of Geraldine Ferraro.

These unborn children do not die painless deaths. Under California law, a newborn cat or dog is somewhat protected from suffering; it may not be killed other than with drugs, chloroform, or in a decompression chamber. As Dr. Vincent Collins, professor of anesthesiology at Northwestern, reminds us, unborn children are less fortunate. A saline abortion causes the fetus to "feel the same agony as an adult who has suffered burns over 80 percent to 90 percent of his body." The fetus "squirms, throws himself around, and shows a total grimacing pattern of withdrawal."

This issue, abortion could deliver the "coup de grace" both to the nation's liberal establishment and the Democratic coalition that so long sustained it.

On the surface, the issue has already smashed beyond repair the burgeoning alliance between liberalism and the Catholic hierarchy. On a deeper level, abortion has—for millions of Americans—stripped liberalism naked of its pretension to be a philosophy of altrusim and humanitarianism, and stripped the Democratic Party totally of its once-vaunted claim to be America's Party of Compassion.

It now only occasions mocking laughter to hear Rep. Ferraro and Walter Mondale agonizing in public over the threat to the health of America's children from Mr. Reagan's neglected toxic waste dumps, while together they hail as a great advance for human rights a Supreme Court decision that sends 4,000 unborn children to so horrible a death because their existence has become an inconvenience. Liberalism is losing America because it has surrendered the moral high ground to go chasing after the Me Generation.●

IN TRIBUTE TO ABE KAZEN

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. MILLER of Ohio. Mr. Speaker, it is my pleasure to join with my House colleagues today to pay appropriate tribute to my good friend, ABE KAZEN. With the close of business for the 98th Congress, we will be losing one of the most eloquent speakers to address the concerns of Congress.

I had the distinct pleasure to begin my service in the U.S. House of Representatives with Abe and I have long known him to be one of the most honorable and intelligent Members of the House. On more than one occasion, I sought his advice and direction with regard to key legislative proposals before the House. His counsel was always given without his pushing a particular point of view or without passing judgment on another Member's position.

Abe was known for being fair and forthright and I know that this Chamber will miss his presence. I wish you well, Abe, and I sincerely hope that you will stay in touch with all those who have admired your good work on behalf of the people of your district and the Nation.●

EDUCATION, A NATIONAL PRIORITY

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. DAUB. Mr. Speaker, education remains a national priority and a concern in every American household. While 1983, may be termed the "Year of Educational Reports," 1984 marks the beginning of our steps to solve our schools' weaknesses.

Gallup recently released a poll, sponsored by Phi Delta Kappa, an educator's fraternity, revealing differing views on issues confronting our Nation's schools.

The poll showed that the general public ranks discipline as the greatest problem facing our school systems, while teachers' greatest concern is the lack of parental interest in their children's education.

These concerns are closely related. The parents' role is key in relieving many of the burdens placed on our country's educational system. With the busy schedules of the modern family, parents must spend "quality" time with their children, reviewing their progress and helping with daily lessons.

The discipline problem, the public views as most important, can be significantly curbed through greater involvement from home. Interest on the part of parents will allow the educator to spend less time as a disciplinarian and more time as a teacher, thus improving the quality of instruction for every child.

Two other items from the Gallup poll coincided with the views expressed by my constitutents on a comprehensive educational questionnaire I sent out late last year.

The first issue is merit pay. The Gallup poll showed that teachers oppose a merit pay plan by nearly 2 to 1. A similar margin of educators opposed the merit pay idea in my district. The general public, however, supports a merit pay plan for teachers—76 to 19 percent on the Gallup poll and 64 to 25 percent in my district.

Second, the sentiment of voluntary school prayer was clearcut. Both the Gallup poll and my educational questionnaire showed a majority of both educators and the general public favor this proposal. The Gallup poll revealed a 2-to-1 margin favoring voluntary school prayer, and a 4-to-1 margin for the general public.

While differences of opinion exist on the specific needs of our Nation's schools, the fact remains, education is an issue that has moved to the national forefront. Since the release of the milestone report "A Nation at Risk," in 1983, every State has created an educational task force and school boards, teachers, and concerned parents have joined forces to improve our local systems.

As measured by SAT scores and other academic standards, we are making the grade. The 20-year decline in test scores ended this year. I am optimistic that the progress we have made will be sustained and our efforts to achieve needed reforms will be successful.●

TRIBUTE TO KENT HANCE

HON. TOM LOEFFLER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. LOEFFLER. Mr. Speaker, I appreciate this special order to honor an outstanding legislator, a friend, colleague, and a fellow Texan, Kent Hance, and to wish him all the best as he prepares to retire from his service in this House.

Through his skillful work on the Ways and Means Committee, Kent demonstrated great skill in working to reduce the heavy tax burden borne by business and individuals—and the 1981 Conable-Hance 3-year tax reduction measure is a lasting tribute to a truly bipartisan effort. Kent has also distinguished himself as an able advocate of reducing Government intervention as it has effected America's energy industry and of promoting energy independence. For this, I am most especially grateful.

Just as importantly, it should be noted that Kent managed to accomplish much through debating skills and embellished by as fine a wit as this House has enjoyed in recent years.

Thank you for your dedicated efforts in behalf of Texas—and our country. I wish you, Carol, and your family success with the new opportunities and challenges awaiting you. I am confident that distinguished years lie ahead.●

TRIBUTE TO HON. KENNETH ROBINSON

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1984

● Mr. CAMPBELL. Mr. Speaker, for the past 14 years, the House of Representatives has been very fortunate to have the services of the Honorable Kenneth Robinson. Now upon his retirement, I would like to thank him for all his hard work and commitment not only to the people of Virginia, but also to the entire Nation.

Ken's diligent efforts in both his committee work and on the House floor will long be remembered. He often proved an eye of reason in the legislative hurricane, providing help and advice to many of us. Both the Appropriations Committee and the Intelligence Committee will be hard-pressed to fill the void he will leave.

Ken, as the personification of the gentleman legislator, will be long remembered and appreciated. I wish both Ken and Kit the best in their new life and I want Ken to be sure to know that he's welcome to come back any time.●

A TRIBUTE TO CONGRESSMAN KENT HANCE

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. STENHOLM. Mr. Speaker, I am honored to rise and join in with my colleagues in paying a note of tribute to Congressman Kent Hance. After having served here in the House with Kent, I am proud to say he is not only my friend, but also a talented leader and legislator who will be greatly missed here on the Hill.

In losing Kent Hance, the House is losing a fighter, the people are losing a friend and the Members are losing a gifted Congressman. I came into Congress with Kent and the freshman class of 1978, and in three short terms, I have come to greatly admire this man and call him friend.

I have watched with admiration his knowledge and expertise of the issues facing our Nation increase, and seen his determination to serve the people of our country grow.

Kent has never been afraid to challenge the opinions or the majority of the Members in attempting to do what he viewed as right for all America. Yet even in the face of overwhelming odds and great controversies, KENT never lost his sense of humor. This talent has endeared him to many Members and helped us all through tough times.

I count myself proudly among his friends, and as a fellow west Texan, among his neighbors as well. Certainly, with the size of our adjoining districts, KENT's home and mine aren't next door to one another. Nonetheless, with the drought and wind situation in west Texas being what it is, KENT's old front yard is probably my new one.

But KENT is a neighbor in spirit and not only in topsoil. He's been my friend at home and on the Hill. That counts a lot with me and I know I won't be the only Member to mark his absence.

Our country and our State was fortunate to enjoy KENT's services here in Congress. His colleagues will remember his dedication and hard work and his constituents will remember the largest tax-cut bill in the Nation's history—the Hance-Conable bill.

I know in his new career KENT will continue to strive toward the goals of excellence he has set for himself, and I have no doubt the people of Texas will continue to benefit from Congressman KENT HANCE's public service efforts.●

A TRIBUTE TO THE HONORABLE KENT HANCE

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. HEFTEL. Mr. Speaker, I would like to join my colleagues in expressing my high esteem for the distinguished gentleman from Texas—the Honorable KENT HANCE.

KENT HANCE has made a valuable contribution to our nation in the 6 short years he has spent in the House of Representatives. As my colleague on the Ways and Means Committee over the past 4 years, KENT has demonstrated a keen intelligence and great legislative acumen. His retirement will be a real loss to this body, the people of the 19th District of Texas, and to all Americans.

I shall particularly miss KENT's great sense of humor, an attribute which is sorely needed in our deliberations. I had expected KENT to become the next Senator from Texas. I certainly hope that the people of Texas will reconsider their earlier decision and send him back to represent the American people at sometime in the future.

I wish KENT well as he leaves this House, and want him to know we will miss him and his abilities.●

TRIBUTE TO DRS. VIVIAN PINN AND HENRY W. WIGGINS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. FORD of Tennessee. Mr. Speaker, I would like to share with my colleagues the accomplishments of two well known physicians who serve as guiding inspirations for young people who may want to enter the medical profession. In the past, they have achieved many honors individually, but looking to the future, they will now share those honors together.

On September 26, 1984, Dr. Vivian W. Pinn, of Washington, DC, and Dr. Henry W. Wiggins, of Chicago, IL, were married in Freeport, NY, by the Reverend Robert Ross Johnson. They plan to share residences in Chicago and the District.

Dr. Vivian W. Pinn received her early education in the public schools of Lynchburg, VA, where she was valedictorian of the class of 1958 of Dunbar High School. She earned an A.B. from Wellesley College in Massachusetts and an M.D. from the University of Virginia School of Medicine, where she was the only woman and the only minority in her class. She returned to Massachusetts to complete her postgraduate training in pathology at the Massachusetts General Hospital, during which time she also served as a teaching fellow at the Harvard Medical School.

Dr. Pinn joined the faculty of the Tufts University School of Medicine and the Tufts New England Medical Center Hospital in 1970, where she served in the capacity of assistant dean for student affairs, associate professor of pathology and associate coordinator for minority student affairs. She assumed her current position of professor and chairman of the Department of Pathology at the Howard University College of Medicine and Howard University Hospital in September 1982, becoming the third woman and first black woman in the United States to chair a department of pathology.

Dr. Pinn's research interests have been in the field of renal pathology and she currently is director of the central pathology laboratory of the collaborative study of adult glomerular disease, a national joint study to determine perspective indices of kidney diseases. She has to her credit a long list of publications, most of which are related to diseases of the kidney.

Dr. Pinn belongs to and has held offices in numerous professional associations, and at present is vice speaker of the House of Delegates of the National Medical Association, chairman of the council on talent recruitment and a member of the council on concerns of women physicians of the National Medical Association. She is a member of the board of governors of the Medico-Chirurgical Society of the District of Columbia and the board of directors of the National Medical Fellowship, Inc., among other active memberships and appointments. She also recently was appointed by the mayor of the District of Columbia to its Commission on Licensure for the Healing Arts. From 1980 through 1984, she served on the National Avisory Council for Health Professions Education, of the Department of Health and Human Services.

Dr. Pinn has received numerous awards and recognitions, including almost yearly teaching awards from graduating classes at the Tufts University School of Medicine, an inspirational leadership award from the 1983 student council of the Howard University College of Medicine, the recognition award for service to minority medical education from the minority affairs section of the group on student affairs of the Association of American Medical Colleges in 1982, the achievement in medicine award from the Boston chapter of the NAACP in 1979, and an International Women's Year Award from Operation Push in 1975. Her accomplishments in medicine were acknowledged in Dr. Marianna W. Davis' Contributions of Black Women to America.

Dr. Henry W. Wiggins, Jr., was born in Clearfield, PA, where he attended public schools and graduated with honors from the Clearfield High School in 1951—after having received letters in three sports—football, basketball and track. He took his B.S. degree from Franklin and Marshall College in Lancaster, PA. He was listed in Who's Who in American Colleges and Universities and was inducted into the Black Pyramid Senior Honorary Society. He earned his M.D. at the Howard University College of Medicine and completed his postgraduate training in internal medicine and radiology at the University of Iowa Hospital.

After serving on the staff of the Michael Reese Hospital in Chicago from 1964 to 1966, Dr. Wiggins served as Chief of Radiology at the Bremerton Naval Hospital in Bremerton, WA, where he was a lieutenant commander in the U.S. Navy. Dr Wiggins has practiced radiology in Chicago since 1968. He presently is chairman of the Department of Radiology, chief of staff and member of the board of trustees at the St. Bernards's Hospital.

Dr. Wiggins is a member of the board of health of the city of Chicago and serves on the Board of Directors of the Juvenile Diabetic Association of Chicago. He also is vice chairman of the board of seaway communications, a member of the executive board of the Howard University Medical Alumni Association, the board of trustees of Franklin Marshall College, and past president of the Franklin Marshall Alumni Association. Dr. Wiggins has been active in many other civic and professional organizations, including the National Medical Association, in which he has just completed a term as speaker of the house of delegates. He currently serves on its board of trustee. He has presented many scientific meetings.

Dr. Wiggins is the father of four children and has one granddaughter.●

TRIBUTE TO BALTASAR CORRADA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BIAGGI. Mr. Speaker, the adjournment of the 98th Congress brings with it the departure from this body of a fine gentleman and excellent colleague—my friend BALTASAR CORRADA the Resident Commissioner for the Commonwealth of Puerto Rico.

For the past 8 years, the good people of Puerto Rico have been privileged to have as their Representative in the House of Representatives, BALTASAR CORRADA. For the past 8 years, the good people of Puerto Rico have had a strong and determined advocate for them in Washington. For the past 8 years the good people of Puerto Rico have seen their Resident Commissioner grow in stature in the House of Representatives.

BALTASAR CORRADA has made a decision—a career move if you will. It is certainly not a career change—only perhaps a change of venue. He is seeking to become the mayor of the beautiful city of San Juan, Puerto Rico. Indications are that he may succeed in this endeavor—and if so, the people of San Juan will have made a wise choice.

I have had the privilege to have served with BALTASAR on the House Education and Labor Committee these past 8 years. I know therefore first hand of his leadersip and commitment to the cause of education at all levels. He served with special effectiveness on the Subcommittee on Elementary and Secondary Education and Select Education as well as the Subcommittee on Employment Opportunities. He made numerous and regular contributions to the committee especially in this 98th Congress during which time the committee has produced some excellent legislation.

BALTASAR CORRADA also served with great distinction as a member of the House Interior and Insular Affairs Committee. He was especially active as ranking member on the House Insular Affairs Subcommittee.

I have another first hand example of the effectiveness of BALTASAR CORRADA. I anticipate that before sine die adjournment final action will be completed on H.R. 89—legislation of vital importance to Puerto Rico. It is a bill which I was proud to not only cosponsor but direct through the Subcommittee on Merchant Marine which I am proud to chair. It will allow passengers on cruise ships to be transported on foreign flag vessels between various ports in the United States and Puerto Rico—something not permitted under existing law. This will allow for a greater infusion of revenues into Puerto Rico derived from an increased number of tourists who will now be able to come to the island. This is legislation that BALTASAR dedicated three Congresses of work to get final passage. Its overwhelming passage in the House was a true testament to his charm personal magnetism and persuasive abilities. With final action expected later today it will be a most fitting tribute to a heroic legislative effort undertaken by BALTASAR on behalf of his constituents—the people of Puerto Rico.

I have delighted in and benefited from my close association with BALTASAR CORRADA. He is a man of great integrity competence and commitment. This native son of Puerto Rico and leading new progressive Democrat has served the people of Puerto Rico extremely well. I extend to BALTASAR and his wife Beatriz as well as their four children much happiness in the years ahead and assure him that he will be missed by his colleagues in the House. Those who like BALTASAR distinguish themselves not only by the duration but by the quality of their service are to be doubly commended and so I do today to my dear friend BALTASAR.●

SALUTE TO HON. LOUIS STOKES, OF OHIO, FOR HIS WORK TO IMPROVE MINORITY TRAINING AND EMPLOYMENT IN PUBLIC WORKS PROJECTS

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BEVILL. Mr. Speaker, it is a pleasure for me to bring to the attention of the Congress the work of LOUIS STOKES in helping improve minority training and employment in this country.

The best method of improving our Nation's economy is to help assure that every potential worker is able to work at his or her highest level of achievement. In order to accomplish this, we need to be certain that each potential worker is afforded every opportunity to develop his or her work skills through relevant and successful training programs, wherever applicable.

Looking at the Nation's unemployment statistics, it is evident that minority citizens have shouldered a disproportionate percentage of the country's unemployment. However, due to the efforts of my good friend and colleague on the House Appropriations Committee, LOUIS STOKES, of Ohio, our minority citizens now have a better opportunity to become trained and to be put to work on America's public works projects.

During the early construction of the Tennessee-Tombigbee Waterway, the largest public works project in the country, Louis Stokes became very involved in developing a most successful program to assure that minority workers were hired and trained in highly skilled construction trades. He also devoted a great deal of his talent and energy to working with the U.S. Army Corps of Engineers to see that minority construction firms were given a fair share of the contracts let to build this waterway.

Largely through LOUIS STOKES' tireless work on behalf of minority workers and contractors, a significant amount of work on the Tenn-Tom was done by minority workers and minority firms. Just as important, the employees who have received skilled job training through these minority employment programs have been able to market their newly acquired skills successfully in other jobs after their Tenn-Tom work was completed. Additionally, the minority firms have gained strength and are now able to serve our Nation in other contracting jobs.

I take pride in crediting the successes of the Tenn-Tom's minority training and contracting programs to LOUIS STOKES' persistence and talent. And because of his efforts with the Corps of Engineers, the minority programs they jointly developed on the Tenn-Tom are now being applied nationwide, so that minority firms and employees throughout our country will be benefiting from the work of the gentleman from Ohio, and a man who has become a national spokesperson for minority training and employment, LOUIS STOKES.●

TRIBUTE TO J. KENNETH ROBINSON

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1984

● Mr. GOODLING. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to J. KENNETH ROBIN-

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son, as he nears the end of a distinguished career of service in Congress after seven terms as the Representative of the people of the Seventh Congressional District in the great State of Virginia.

I had the good fortune to serve on the Permanent Select Committee on Intelligence with Ken, where he is a ranking member. I believe one of Ken's most impressive attributes is that he has proved to be an extremely dedicated and often tireless worker. Ken is an organized and prepared legislator, who argues his positions with great ability. Yet he realizes the importance of nonpartisanship on the Intelligence Committee and acts accordingly. One of his many fine accomplishments was the guarding of intelligence secrets. Ken has also served diligently on the Appropriations Committee, where he is the fifth ranking Republican.

J. Kenneth Robinson has been a valued colleague and a credit to this institution. I wish him and his family all the best in the years ahead.●

NATIONAL ADOLESCENT CONFERENCE ON BEHAVORIAL DISORDERS

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. HUTTO. Mr. Speaker, today in the First Congressional District of Florida an event of special importance is scheduled to commence. I am pleased to announce that the College of Education of the University of West Florida, in conjunction with Pensacola Junior College, is sponsoring the National Adolescent Conference on Behavior Disorders. This conference will feature over 400 of the Nation's leading experts in special education, psychology, corrections, health care and social work, who will offer presentation on a variety of timely issues regarding the education, needs, and treatment of adolescents. I urge my colleagues to support the efforts of this Conference, as it is through meaningful exchanges such as these that viable methods of prevention and treatment of the problems facing our youth are developed, and public awareness of these solutions is increased.

Unfortunately, there is perhaps no need to increase public awareness as to the statistics concerning adolescent behavior disorders. They are devestating. All three of the main, broad categories of these behavior difficulties—delinquency, adolescent sexual behavior, and adolescent substance abuse—have escalated to alarming levels in recent years. An estimated 12 percent of youngsters under age 18, some 7.5 million, are subject to various child and adolescent disorders. Other problem areas, including autism, phobias, attention deficit disorders, anorexia nervosa, bulimia, and suicide, have experienced similar dramatic increases. These problems are never exclusively those of adolescents, either—families, friends, schools, hospitals, law enforcement agencies, social services, and the Federal Government are all in some way involved with adolescent disorders and their repercussions. As individuals, we must learn to understand and help youngsters who are afflicted with problems that are often magnified by the today's complex world. As a society we must work to create effective, constructive avenues of dealing with adolescents who may believe that sex, drug and alcohol abuse, or self-destruction offer the only relief for their pain. As legislators, it is our solemn responsibility to endorse to the greatest possible extent the programs which help to alleviate these difficulties and their consequences.

In the past, Congress has proven responsive to these needs. Measures such as the Runaway and Homeless Youth Act, the Adolescent Family Life Program under title XX of the Public Health Service Act, the Juvenile Justice and Delinquency Protection Act of 1974, and the alcohol, drug abuse and mental health block grants have all established facilities and programs which have made great strides in educating and assisting disturbed adolescents and their families. The 98th Congress, too, has demonstrated concern over these issues. Just 2 days ago on October 9, the President signed into law H.R. 1904, the Family Violence Prevention and Services/Child Abuse Prevention and Treatment Act Amendments. In the flurry of bills considered at the end of this session, I am happy to further note that three more key bills have been passed by both Chambers and sent to the President: S. 2303, H.R. 5603, and the important S. 2616—House version H.R. 5600. Finally, in H.R. 6028, the conference report for Labor and HHS appropriations for fiscal year 1985, Congress voted to fund the Department of Health and Human Services at $79,630,793,000, nearly $6 billion more than the funds enacted in fiscal year 1984. This will mean the continuation and in many instances the expansion and development of programs concerned with adolescent behavior disorders, such as those mentioned above.

These actions reflect the interest of the Federal Government in the difficulties facing adolescents today. It is my hipe that these steps, and those beginning today at the National Adolescent Conference on Behavior Disorders, will promote the motivation, resources, and willingness to help of communities around the Nation. I applaud the efforts of the National Conference, the University of West Florida, and Pensacola Junior College. I am proud that Florida's First District is host to this important event, and hope that you will keep the members of this conference, and their important goals, in mind in the coming week. Thank you.●

TRIBUTE TO HAL SAWYER

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. SENSENBRENNER. Mr. Speaker, I am privileged today to rise in honor of my friend and colleague, Hal Sawyer, who will be leaving this body upon adjournment of this Congress to return to home and the private practice of law.

Over the years, I've had the honor of working with Hal on several levels; as a Republican Member of the House of Representatives, as a Member from the Midwest, and as a member of the House Judiciary Subcommittee on Crime. We have worked together on some of the most important legislation facing this Congress ranging from comprehensive criminal code reform, immigration, and stiffer penalties for drug-related crimes, to revamping the insanity defense, trademark counterfeiting and antiterrorism legislation. Because of his expertise in these areas of the law, we have all benefited by his position as ranking minority member of the Crime Subcommittee.

Because of this working relationship, I've had the chance to come to know Hal on more than a professional level. I have come to know him as a friend, and as one who respects his colleagues and is, in turn, respected by them. Knowing he will be sorely missed in the House of Representatives, I wish him happiness in his retirement from Congress.●

TRIBUTE TO KENT HANCE

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. CHAPPELL. Mr. Speaker, I appreciate this opportunity to rise to pay tribute to one of our colleagues who will not be returning next year, my good friend, Kent Hance.

Kent first came to this body in 1979, succeeding George Mahon, with whom I was privileged to serve on the House Appropriations Committee. The people of the 19th District of Texas showed outstanding judgment in sending George Mahon to the Congress for 22 terms and, upon his retirement, sending an equally capable Member to take his place.

Over his three terms in the House of Representatives, KENT has been an especially capable legislator, both on the Ways and Means Committee and on the floor. He has been especially helpful to me on a number of occasions, and I have come to value his keen judgment. More than that, I value his friendship.

KENT, as we know, is particularly willing to give of himself for his fellow Members. His analysis of complex issues has been extremely beneficial to many of us during his 6 all-too-brief years in Congress.

When KENT first announced that he would seek the nomination to run for the Senate in Texas, my first thought was that the House would be deprived of one of its outstanding young leaders. However, that thought was tempered by the hope that the people of the entire State of Texas, as well as the Nation as a whole, would benefit from his presence in the U.S. Senate. Unfortunately, this did not prove to be the case, as KENT narrowly lost the runoff for the Democratic nomination.

We will sorely miss KENT HANCE in this body, and we can only hope that he will come back often and give us the benefit of his insight. I, for one, will not hesitate to call on him for advice in the future, and I wish him well in all that he does.

I thank the gentleman for calling this special order.●

TRIBUTE TO KENT HANCE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. FROST. Mr. Speaker, today I am joining with my colleagues from Texas and from other States in honoring Congressman KENT HANCE for his distinguished service in the House of Representatives. KENT entered Congress when I did 6 years ago, and together we have made our way through the often-mysterious ways of the legislative process in the House.

KENT HANCE has always been an amiable and personable colleague who has stood firm for what he believed in. He chose to offer himself for higher office, never compromising on his beliefs and winning many new friends across Texas. The friends he has made here in the House will miss him and his pleasant ways, while the State of Texas will be a better place because it will have him there full time, at least for the foreseeable future.

Whenever any Member of the Texas delegation in the House leaves us, we know that we will miss him. But all of us in the Texas delegation, and all of us in the House, have profited from our acquaintance with KENT HANCE.●

DIFFERING VIEWS ON ISSUES CONFRONTING THE NATION'S SCHOOLS

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. DAUB. Mr. Speaker, education remains a national priority and a concern in every American household. While 1983, may be termed the "Year of Educational Reports," 1984 marks the beginning of our steps to solve our schools' weaknesses.

Gallup recently released a poll, sponsored by Phi Delta Kappa, an educators' fraternity, revealing differing views on issues confronting our Nation's schools.

The poll showed that the general public ranks discipline as the greatest problem facing our school systems, while teachers' greatest concern is the lack of parental interest in their children's education.

These concerns are closely related. The parents' role is key in relieving many of the burdens placed on our country's educational system. With the busy schedules of the modern family, parents must spend quality time with their children, reviewing their progress and helping with daily lessons.

The discipline problem, the public views as most important, can be significantly curbed through greater involvement from home. Interest on the part of parents will allow the educator to spend less time as a disciplinarian and more time as a teacher, thus improving the quality of instruction for every child.

Two other items from the Gallup poll coincided with the views expressed by my constituents on a comprehensive educational questionnaire I sent out late last year.

The first issue is merit pay. The Gallup poll showed that teachers oppose a merit pay plan by nearly 2 to 1. A similar margin of educators opposed the merit pay idea in my district. The general public, however, supports a merit pay plan for teachers—76 percent to 19 percent on the Gallup poll and 64 percent to 25 percent in my district.●

SLEEPY HOLLOW SENIOR CENTER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. WOLF. Mr. Speaker, I want to draw to the attention of my colleagues a program for older citizens operating in Falls Church in the 10th District of Virginia which is a fine example of the spirit of voluntarism and initiative which has made America strong today.

Sleepy Hollow Senior Center, in Falls Church, VA, is a multipurpose program for adults 55 years or older. It offers its program without fee each Monday to Friday from 9 a.m. to 3 p.m. and provides a meeting place offering opportunities for education, socialization, and recreation.

Among the socialization and education programs are cooking classes, art classes, language instruction, bridge, woodcarving, craft workshops, exercise classes, and special presentations on topics of interest to seniors such as home security and postal fraud. The center also offers a health clinic once a month and counseling is available on a sliding scale. In addition, the center maintains an extensive information and referral file. For those seniors without transportation, a van operates daily providing transit to and from the center.

Trips are also an important part of the center's program and include day excursions to museums and places of interest in the region, and also overnight and extended trips.

The Sleepy Hollow Center, which serves close to 1,000 senior citizens, is nonsectarian and nonprofit and supported solely by individual, community and business donations, a grant from Fairfax County, and fundraisers.

When the center opened in the spring of 1978, it was the first of its kind offering a multipurpose day program to senior citizens in Fairfax County and remains today as the only independent drop-in center in the county. The county has since opened two of its own centers, but Sleepy Hollow was the prototype for the county-run facilities.

The center also remains today as primarily a volunteer effort with just three paid, part-time staffers, including its director, Leonard Metelits. It is run by a board of directors which Mrs. Tina Trapnell chairs. As with all mostly volunteer projects throughout our Nation, there is always a need for financial support to help carry on these vital programs. I know my constituents in the 10th District recognize the Sleepy Hollow Senior Center as a valuable service to older citizens in Fairfax County and will continue to generously aid in the center's operation.●

TRIBUTE TO KENT HANCE

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. WHITTEN. Mr. Speaker, I join with his many friends in expressing my regret that our friend, KENT HANCE, will not be a Member of the next Congress for certainly he has a fine record since he entered the Congress in 1978.

We have worked closely during the years. An experienced legislator when he came here, KENT has made a fine record and we know he will continue to render real service in whatever he may undertake.

KENT, we wish you well. We will miss you and the Nation will miss your service.●

TRIBUTE TO KENT HANCE

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. PICKLE. Mr. Speaker, KENT HANCE can best be described as a combination of a wise and prudent legislator, an entertaining television personality, and a sage storyteller of great reknown. He also is one of the ablest men ever to serve in this House.

Having served with KENT on the Ways and Means Committee for the last 6 years, I probably know as well as anyone how effective KENT has been. The business and the tax people have confidence in him, the members of the committee respect him, and the House realize he is effective.

Still, even though KENT has been involved in some of the most controversial issues before the Congress, he has never been unpleasant or overbearing. KENT has never expected a Member to vote contrary to his conscience or his district.

I wish it was possible for KENT to regale the House, for just a moment, with some of his stories about Bullet, Snake, or some of the other hometown characters he can so graphically describe—usually with himself at the center of the action in question. I wish we could get him to recount his experiences as a district attorney or his experiences as a professor at Texas Tech University, his alma mater.

KENT has gained statewide recognition in Texas. He and his wife Carol have made thousands of new and strong friends across the State. And I dare say we will hear from KENT HANCE again—one of the most delightful men I have ever served with.●

TRIBUTE TO CHICK KAZEN AND KENT HANCE

SPEECH OF

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. HUTTO. Mr. Speaker, for various reasons there is considerable transience in the House of Representatives. Quite often we are saying goodbye to Members with whom we have served, and this has a tinge of sadness. Such is the case as we pay tribute to two of our colleagues from Texas, CHICK KAZEN and KENT HANCE.

It has been my good fortune to know these two fine gentlemen and to count them as friends. CHICK, of course, is a senior member of the Armed Services Committee, on which I serve, and we have served together on subcommittees. He has made his mark during a 20-year career here in the Congress. My wife, Nancy, and I recently visited countries in the North Atlantic Treaty Organization with CHICK and CONNIE KAZEN. Their dedication in service to America was exemplified in our contacts with high-ranking foreign officials and, as has been his style, CHICK was on target in asking the kinds of questions that needed to be asked. We wish the Kazen's much joy and happiness as they leave us.

KENT and CAROL HANCE were among the first people we met as we came to Washington together as Members of the 96th Congress. We have continued this friendship through these 6 years. Carol and Nancy have often gotten together at lunch to fellowship and discuss children, school, church, and all the things associated with transplanted families in the capital area. Kent is a bright, capable, and energetic member of this House, and let me say that he is very fortunate to have such a charming and delightful wife as Carol. Her Christian commitment and vibrant personality are a great asset to KENT. And considering his youth, experience, and ambition, I would say that the future for the Hance's should be bright.

May God's richest blessings be with the Kazen and Hance families. We will miss you.●

TRIBUTE TO KENT HANCE

HON. MARVIN LEATH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. LEATH of Texas. Mr. Speaker, several times in the past few days we have risen to honor those among us who will soon depart. Today, this expression of respect and affection is difficult. We don't want to come back in January and feel the absence of some of our most effective colleagues. The departure of KENT HANCE is particularly hard to accept. Since the day we came to Congress together in 1979, I have constantly learned from him. His service has been marked by competence, diligence, intellect, and dedication. KENT does his homework, he works hard, and he gets the job done.

Working with KENT HANCE has been a constant pleasure. No matter how pressures have mounted, he has never lost the good humor that sustains us all. It's not easy to be tough, to make unpleasant decisions, or to explain the complexities of the important legislation that KENT has developed. Yet, he is the expert's expert and never appears to show strain. Every one of us appreciates his professionalism, but even more, we appreciate his kindness and unfailing courtesy. It is good to have this opportunity to express how much we admire him and to wish him Godspeed as his life takes a new direction. KENT, you have been one of our great resources. We will miss you.●

TRIBUTE TO THE HONORABLE KENT HANCE

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. SAM B. HALL, JR. Mr. Speaker, only two men have represented the 19th Congressional District of Texas in the House of Representatives—George Mahon and KENT HANCE. Many of us in this body had the great privilege of serving with George Mahon, and just as we bid him a sad farewell 6 years ago, we now bid an affectionate farewell to his successor, my good friend, KENT HANCE. These two men have given west Texas a strong and effective voice in Congress. Like George Mahon, our colleague KENT HANCE will be hard to replace.

As a member of the Ways and Means Committee KENT HANCE has given Texas a strong and influential voice on vital issues affecting our area. He has played a tremendous role in articulating energy and water problems, and his constituents are going to miss that influence.

People in my area of northeast Texas are particularly grateful to KENT HANCE for the active and effective part he has played in helping workers at the Lone Star Steel Co. whose jobs have been taken away by low wage, heavily subsidized foreign steel imports. He has worked closely with me in taking the message of our steelworkers to the highest councils of government, and I will always be grateful to him.

On tax and budget policy KENT HANCE has been in the forefront of efforts to utilize the Internal Revenue Code as a vehicle to stimulate the economy and provide new jobs. He is a strong proponent of free enterprise and the free marketplace, and his can-do, hard-charging attitude on vital economic issues has always made him a force to be reckoned with.

As we all know, KENT HANCE gave up a safe House seat in order to run for the U.S. Senate against overwhelming odds. He surprised everyone but himself and those of us who know and appreciate his great campaign ability by coming in first place in a three-way Democratic primary. Of course, his mission fell short in the primary runoff, but he still ran an exciting, hard-fought race.

I haven't met anyone in Texas who feels that KENT HANCE's political career is over. As we speak today, there is constant, on-going speculation as to what office he will be seeking in the future. He is a young man, and he has tremendous abilities that will serve the electorate well at some point in the future.

Those of us in the Texas congressional delegation will especially miss KENT HANCE's ready wit and engaging personality. I have enjoyed serving with him for the past 6 years, and I'm going to miss him. He and his lovely wife, Carol, and their two fine children will be moving back to Texas, but I suspect that we'll be seeing more of them in the near future. KENT HANCE is indeed an outstanding public servant.●

PCB'S CAUSE SERIOUS ENVIRONMENTAL PROBLEMS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. OTTINGER. Mr. Speaker, one of the most serious environmental problems facing the country today involves PCB's and the need for sound methods of their control and ultimate safe disposal. Recently, I was pleased to learn of a solution to the problem which will be of benefit nationwide.

Since 1929 when PCB production began, about 1.25 billion pounds of the substance have been manufactured for use by electrical utilities and other industries. PCB's are no longer manufactured in this country; however, it is estimated that 324 million pounds of PCB's are still utilized, of which 304 million pounds—that is, about 90 percent are being used as electrical fluid in approximately 150,000 PCB transformers around the country. Each of these transformers contain about 2,000 pounds of PCB's, or in simple terms, 1 ton each.

PCB's pose a serious environmental health threat. They are cumulative and persistent in the environment.

Industry is faced with the problem of maintenance or forced disposal by landfilling of the nearly 150,000 PCB transformers that have the potential to develop leaks or be involved in fires. There was a recent incident in the city of Mount Vernon, which I represent, of a transformer on a commuter train having been punctured and leaking PCB's all the way from Mt. Vernon to Grand Central Station in New York City, 30 miles away.

In 1976, Congress passed the Toxic Substances Control Act [TSCA] which attempted to regulate the PCB's. Since then, the Environmental Protection Agency [EPA] issued regulations concerning bans on the manufacturing, processing, distribution, and use of PCB's, permitting only specific exceptions. The rule covering the vast majority of those PCB's in our country, involving electrical transformers, was issued in 1982 and is called the Electric Rule.

We have not received the full benefit of the intent of the Electric Rule, however, as the technology to achieve the limitation known as non-PCB status, less than 50 ppm, has not been available until now. This has had the negative effect of forcing some PCB transformer owners to dump their PCB-contaminated transformer carcasses in landfills at a very high cost, both to themselves and to society.

Until now, the options facing a transformer owner have been to: risk a PCB incident by continued operations, or replace existing transformers with new ones. Neither of these two options solves the problem of permanent disposal of PCB's. These costly options do not protect the environment and simply defer or bury the problem. Whichever one of these two actions is taken, society will have to deal with the problem again some number of years from now.

The new, far more effective option is to treat the electric transformer so that its PCB's are permanently destroyed and yet its useful life extended. This will permit thousands of transformer owners to achieve the EPA's non-PCB status.

With this in mind, I have taken note of the recent formation of a joint venture named Unison by Union Carbide Corp. and McGraw Edison Co. Unison will offer a new service to remove PCB's from existing transformers, ensuring PCB destruction while revitalizing these transformers. This new service, will utilize a new proprietary technology that will lower the amount of PCB's in electrical transformers to less than 50 ppm. The other 99.995 percent of PCB's are destroyed, and will no longer be an environmental concern. When this is achieved, the electrical transformers are reclassified by EPA regulations as non-PCB and can be retained for their useful lives.

This new program will provide protection against a wide range of potentially serious problems—PCB leaks and spills, toxic emissions during fires, production downtimes, EPA finds, employee exposure, costly litigation, unrepaired equipment, and the possibility of future landfilling problems.

I believe with this program everyone will have the potential of winning: The public from reduced exposure, the transformer owners from more useful assets and considerably lessened potential liabilities, and the regulators from the standpoint of guiding us toward PCB removal in the environment.

I have long been concerned about landfilling toxic chemicals. I can think of nothing less desirable to landfill than PCB-containing electrical transformers. That is why I am so pleased to see industry respond positively to the environmental issue and regulatory challenge by announcing a technology which results in the destruction of PCB's while preserving the value of the transformer asset. It certainly is satisfying to see the prospects of further landfilling significantly reduced and the destruction of PCB's significantly accelerated. I wish to take this opportunity to commend Union Carbide and McGraw Edison Co. for their effects in this regard.●

IN TRIBUTE TO AL CAPLES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Al Caples, a remarkable individual who, because of his sensitivity, ability, and determination, has left a lasting impression on my community.

On November 30, a happy crowd will gather in Sacramento, CA, to join Al in celebrating his retirement. It will be more than just a retirement dinner, however, it will be a celebration of decades of achievement and hard work that will have a permanent impact on our community.

Mr. Speaker, Al Caples has been an active and leading member of the labor movement for 47 years, dating back to his apprenticeship with Mendenhall Sheet Metal in 1937. After a stint in the Navy during World War II, Al began his meteoric rise through the ranks of organized labor culminating with his election as business manager of the Sacramento-Yolo Building & Construction Trades Council.

Al's interests extend far beyond the business and political realms of the council. He also plays an active role in community and civic affairs, having served as past chairman of the Folsom Trade Advisory Council at Folsom Prison and as a cabinet member for the United Way. He has helped raise funds for the building of the Mercy Hospital Therapy Center and for the construction of the Community Convention Center as well as countless other public-oriented Sacramento projects. Indeed, the Sacramento community has been greatly enriched by the contributions and extensive years of dedicated service by this remarkable man.

Mr. Speaker, throughout my years of public service, I have met numerous individuals, among them the most intelligent, the most powerful, the wealthy, and the expert. Yet I have come to realize that the most important attribute an individual can possess is the willingness to make a contribution to their community. Had I gone in search of a man imbued with the highest sense of contribution, I would not have to search beyond my own congressional district because Al Caples personifies this sense of community. I have enjoyed working with Al and am honored to have him as my friend.●

FLORIDA'S SILVER HAIRED LEGISLATURE

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. MICA. Mr. Speaker, I recently had the opportunity to meet with members of Florida's Silver Haired Legislature, a special legislative body in which older Floridian citizens are elected by their peers to meet at the State capitol to debate and review the problems that affect them.

I want to take a moment to share the legislative proposals that emerged from the latest meeting of this dynamic group. More than just representing the views of Florida's older population, I believe that these proposals represent the concerns of seniors throughout the country and deserve consideration by Members of Congress.

One of the greatest concerns of the older population is obtaining adequate health care at a reasonable price. Although Congress has addressed this problem, more needs to be done to ensure that seniors receive the quality health care that they deserve.

Included among the health care proposals of the Silver Haired Legislature were bills that called for further research on the important subjects of the high cost of health care, Alzheimer's disease, and nursing home chains. Support for the strict supervision and screening of individuals who donate blood was also expressed.

Although this legislature supports new approaches like health maintenance organizations [HMO's] that can reduce health care costs, HMO's should maintain high quality care for their enrollees. In addition, Federal retirees should have the opportunity to join HMO's and the health care needs of HMO enrollees who are away from home should be examined.

Beyond the critical issue of health care, the Silver Haired Legislature reviewed many other subjects of importance to seniors. Among the other concerns that were raised were adequate housing for the elderly, improved safety on the roads, reduction in the cost of utilities, and elimination of disparities in Social Security benefits due to the notch effect.

In conclusion, I would like to commend the Silver Haired Legislature for their work and dedication toward solving the problems that affect older citizens. This legislature promotes an understanding of the legislative process, serves as a forum to discuss aging policy issues, and helps share their special perspective on the needs of older Americans.●

IN HONOR OF ELEANOR ROOSEVELT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mrs. KENNELLY. Mr. Speaker, today we celebrate the centennial of Eleanor Roosevelt's birth. Like all genuinely great leaders, Eleanor Roosevelt carried a message and underlying vision of the world that still speaks to the hearts and challenges the spirit of all Americans.

Eleanor Roosevelt was one of the most remarkable women of the 20th century. Born into a wealthy family, she devoted herself to improving the lot of the poor and disenfranchised. When Franklin Delano Roosevelt became President, Eleanor Roosevelt redefined the role of First Lady. Her priorities extended beyond traditional duties, to include the promotion of many progressive social policies including subsistence homesteads, the National Youth Administration, and services that involved women.

Following President Roosevelt's death, Eleanor Roosevelt's interest in public affairs continued to broaden and expand. As the appointed delegate to the first U.N. General Assembly in 1945, and later the U.N. Human Rights Commission, she drafted and worked for the adoption of the Declaration of Human Rights. Under the Kennedy administration, Eleanor Roosevelt headed the Commission on the Status of Women until her death on November 7, 1962.

As a member of the Eleanor Roosevelt Centennial Commission, and a lifelong admirer of this great woman, it pleases me beyond words to see how much public recognition her centennial has received. She remains an outstanding figure in our Nation's history. Through her own personal example she vividly demonstrated the capacities of American women in areas where they were generally excluded. To celebrate the centennial of Eleanor Roosevelt is to celebrate the American spirit. She will always hold a place of honor and respect in the hearts of the American people.●

ORGAN DONATION AWARENESS WEEK, 1985

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. MORRISON of Washington. Mr. Speaker, as the 98th Congress draws to a close, I would like to take this opportunity to alert my colleagues to legislation I plan to introduce at the start of the 99th Congress, proclaiming the week of April 21, 1985, as National Organ Donation Awareness Week. Senator GORTON will introduce companion legislation in the Senate

This year, I was proud to sponsor the designation of the week of April 22 through April 28, 1984, as National Organ Donation Awareness Week for the first time. I was pleased my colleagues share my support for this resolution and honored that the President recognized its necessity and timeliness by signing it into law.

Mr. Speaker, we, here in the House, have been reminded too many times in this Congress of the dire urgency for some relief to this problem. We have all received letters describing the pain, trauma, and frustration endured by our own constituents, their families and friends in the pursuit of suitable organs for transplantation. We all know too well the many cases where such a search is only complicated more by the lack of a community awareness of the importance in arranging the gift of life through organ donation, and how simple this gift actually is by signing and carrying the universal organ donor card.

So that we may again have the opportunity to share the benefits of this priceless lifegiving act with the public, health care professionals, and private organizations during the week of April 21, 1985, I would like to encourage my colleagues to join me in sponsoring this resolution when we reconvene next January.●

A CONGRESSIONAL SALUTE TO BERNIE JONES—1984 PRESIDENT OF THE LONG BEACH DISTRICT BOARD OF REALTORS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. ANDERSON. Mr. Speaker, the Long Beach Hyatt Regency Hotel will be the setting December 7 for the Long Beach District Board of Realtors' 80th annual installation dinner/dance to honor its officers and directors. I take this opportunity to commend Mr. Bernie Jones, the board's 1984 president, on a job well done this past year.

A native of Long Beach, Bernie entered the real estate business nearly 25 years ago and, today, he is coowner of Equity Brokers, Inc., in Long Beach.

Although Bernie has always been very active with the Long Beach District Board of Realtors, he also has quite an extensive background with many other real estate boards across the State of California. These include: Berkeley Board; Culver City Board; Huntington Beach-Fountain Valley Board; Saddleback Board; Santa Monica Board; San Fernando Board; West Contra Costa Board; West Orange County Board; and, the United Multiple Listing Service.

In addition to his professional career, it should be noted that Bernie has also played an active role in the community. He has, among other things, been an active Rotarian—serving 2 years on the board of directors—served 4 years as a trustee of the Long Beach Community Hospital Association; served as a member of the Long Beach Community Development Commission; and, was a founding member of the executive committee which later formed the "Committee of 300" for the first race of the Long Beach Grand Prix. Today, Bernie serves on the Huntington Harbor Cancer League—of which he was a founding member—and is on the board of directors of the Trinidad Island Homeowner's Association.

Mr. Speaker, Bernie is a real asset to our community and we are grateful for his many contributions over the years. His spirit of voluntarism and dedication in helping make Long Beach a better place to live and work is an inspiration to us all.

My wife, Lee, joins me in saluting Bernie Jones on this special occasion and we wish him and his wife, Georgia, and their three children, Steve, Vicki, and Mike, continued success in all their future endeavors.●

H.R. 5655

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. FIELDS. Mr. Speaker, I wish to explain to my colleagues that H.R. 5655 passed this House under suspension of the rules on June 25 of this year.

I introduced H.R. 5655 to correct a glaring problem with the language of the Panama Canal Act of 1979. It was the intent of the drafters of the 1979 act to direct that the interest on the U.S. investment in the Panama Canal be paid directly into the general fund of the U.S. Treasury. Unfortunately, the way the Panama Canal Act of 1979 is worded, that interest is paid into the Panama Canal Commission fund in the Treasury and is not available for programmatic application or for reduction of the deficit. In addition, the interest payment deposited into the Panama Canal Commission fund annually decreased the principal upon which the interest is based.

H.R. 5655 changes that and directs that the interest on the U.S. investment in Panama be deposited directly into the general fund of the Treasury, without reducing the principal upon which the interest is paid. Currently, this payment would amount to approximately $10 million annually.

I urge my colleagues to agree to unanimous-consent motion on this legislation.●

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. CLINGER. Mr. Speaker, on October 9, 1984, I was absent from the floor of the House of Representatives for a part of the session. Had I been present, I would have voted in the following fashion:

Rollcall No. 451: H.R. 6163, Federal District Court Organization Act, the House agreed to the Senate amendment to the measure, to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, "yea"; and

Rollcall No. 456: S. 2574, Health Professions and Services, the House voted to suspend the rules and agree to the conference report on the measure to revise and extend title VIII of the Public Health Service Act, relating to nurse education. "yea."●

THE 100TH ANNIVERSARY OF GAELIC FOOTBALL

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, this year marks the 100th anniversary of Gaelic football. Begun in Thurles, Ireland, and a popular sport in its home country, Gaelic football has also won many players and fans in the United States, thanks to the enthusiastic support of local clubs.

Played on a field larger than the normal football field, Gaelic football combines elements of soccer, basketball, volleyball, and American football to form an exciting sport uniquely its own. The various Gaelic football clubs sponsor teams for children of all ages and for adults, fostering both fellowship and active participation in Gaelic cultural life.

One particularly active club is the New Haven Gaelic Football & Hurling Club, which has been in existence for 35 years and is located in Connecticut's Third Congressional District. Under the able leadership of President John O'Donovan, the New Haven club has attracted over 1,000 members from the area.

In addition to Gaelic football, this club promotes awareness of Irish culture through many of its other activities. These include sponsoring a roundtable to discuss Irish history and traditions, an annual Irish play, Irish dancing and music, and outreach work with the elderly. The New Haven Gaelic Football & Hurling Club is also one of the sponsors of the city of New Haven's annual Saint Patrick's Day parade, as well as sponsor of the Irish feast each June.

I am sure that my colleagues join me in congratulating the New Haven Gaelic Football & Hurling Club and other clubs around the country on the occasion of the 100th anniversary of Gaelic football. I am certain that this sport will continue to strengthen the bonds between generations of Irish-Americans and their rich Irish heritage.●

TRIBUTE TO ST. JOSEPH'S HOSPITAL

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. SHUMWAY. Mr. Speaker, I would like to ask that my colleagues join with me in paying tribute to St. Joseph's Hospital, in Stockton, CA, which will be celebrating 85 years of responsible community service and excellent health care delivery on October 27.

Founded in 1899 by Father William O'Connor with the help of Stockton's own founder, Capt. Charles M. Weber, St. Joseph's is today the largest medical and surgical hospital between Sacramento and Fresno. It provides service to all those within a 60-mile radius, and has become a regional center for specialized and critical treatment including cancer care, coronary care, and trauma care.

St. Joseph's is a forward-looking facility which demonstrates pioneer spirit. In 1978, for example, the hospital was a leader in implementing short-term surgical stays, minimizing cost, stress to the patient, and inconvenience to both patients and families.

The hospital was also the first such facility in the northern San Joaquin Valley to pioneer a successful alternative approach to open heart surgery in appropriately selected cases—an approach which has enjoyed an impressive 95 percent success rate.

St. Joseph's is a committed, caring, hospital which has donated substantially of its resources to trauma care. Last year, 30,000 patients were treated on an emergency basis.

To St. Joseph's, to the Sisters of St. Dominic, which own the facility; to the governing board of trustees and its chairman, Thomas Shepard; to its president, Sister Mary Gabriel; its executive vice president, Edward G. Schroeder; to its 360 staff physicians and all of its staff, I extend congratulations on a job well done. St. Joseph's Hospital is a fine example of an institution which is responsive to community needs, and I trust at least as many more years of successful service will follow.●

A TRIBUTE TO ELEANOR ROOSEVELT

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mrs. SCHNEIDER. Mr. Speaker, today, October 11, 1984, we commemorate the centennial of the birth of Eleanor Roosevelt, internationally acclaimed "The First Lady of the World." We pay tribute to honor her and to remind the world that the ideals she championed are yet to be realized, but within our grasp. She believed in and worked tirelessly until her death in 1962 for the inalienable right of the human spirit to grow and seek fulfillment in peace and dignity, regardless of nationality, race, sex, creed, or material wealth.

Eleanor Roosevelt personified the strength of the independent woman and has become the most outstanding example of women's expanding contributions to the tenor of public life in 20th century America. She once said, "The attitude of women toward changes in society is going to determine to a great extent our future in this country. Women in the past have never realized their political strength. Will they wake up to it now?" She led the way and lit the path for women to follow for not just her time but for all time.

While she lived in the White House, unlike any First Lady before her or since, Eleanor actively championed many causes for the less fortunate. She worked especially hard for greater economic security for women by helping to create and maintain a jobs program for women; lobbying for the minimum wage and 8-hour day for women, and strong child labor laws. And later, as our delegate to the United Nations, she brought to the forefront of world politics the incalculable value of human life, rights, and dignity; she did so with strength, fervor, and compassion.

Her courage and commitment instilled hope in even the most cynical and downtrodden. She touched their lives and changed them with her stubborn determination not to give up. She insisted, "We must wake up to the fact that what we really want to do, we can do."

"What other single human being," Adlai Stevenson asked at Eleanor Roosevelt's memorial service, "has touched and transformed the existence of so many? Because of her life, millions of others experienced a new sense of possibility. It would be difficult to envision a more enduring or important legacy."

The legacy of this great woman is important to all humankind, especially during these crucial times of choices. We who share her dream of dignity and equality for all will not forget her dream nor shall we ever give up.●

TRIBUTE TO THE CITY OF HACKENSACK, NJ

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. TORRICELLI. Mr. Speaker, I rise today to pay tribute to the city of Hackensack, NJ, and its unique form of city government. For over 50 years, this city has enjoyed a council-manager form of government. This unique system brings a high degree of professionalism and progress to government administration. I am proud to note that during the past 50 years, the city has had only four city managers. This fact clearly demonstrates the stability of the council-manager system of government.

The city of Hackensack is sponsoring a tribute to this 50-year tradition of excellence in government on October 29, 1984. Over 1,500 people are expected to attend the celebration that will honor Joseph Squillace, fourth city manager of Hackensack and other city government leaders. I applaud the hard work of the event's organizers and offer my support for such a notable event.●

TRIBUTE TO KURT WEISHAUPT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. SCHEUER. Mr. Speaker, I rise today to salute a truly remarkable individual, a man whose humanitarian and philanthropic efforts have improved the lives of countless individuals throughout the world, a man whom I proudly represent in the U.S. House of Representatives.

Kurt Weishaupt has devoted a great deal of his time to work with numerous groups and organizations whose common goal is the betterment of human life. Among these are local organizations which strive to keep Queens, NY, a good place to live and work: the Flushing Boys Club, the Flushing Rotary, Booth Memorial Hospital, the Flushing YMCA, and the United Jewish Appeal. Further, Kurt Weishaupt serves as director of the Gift of Life Program, through which the lives of numerous children have been saved, children who otherwise may have been victims of a premature and unnecessary death.

Although his endeavors take him across the globe, Kurt Weishaupt has never forgotton his Queens community, nor have his efforts on behalf of Queens passed unrecognized by those of us who live and work there. On October 30, the Flushing Council on Culture and the Arts will honor Kurt at their annual dinner/dance with the council's first annual "Coca" Award, presenting him with an original bronze bust commissioned by Philip Schiavo and sculpted by the renowned portrait sculptor, Larry Ludtke.

An individual who devotes as much concern for his fellow citizens, dedicates as much effort to improving his community, and volunteers as much of his time to others as Kurt Weishaupt has, is a rare individual indeed—one to whom we are all very much indebted. Thank you, Kurt, for everything you have done, and for everything you will continue to do.●

MINORITY ENTERPRISE DEVELOPMENT WEEK

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. McDADE. Mr. Speaker, October 7 through October 13, 1984, has been proclaimed, by President Reagan, as Minority Enterprise Development Week. Small minority owned businesses will be honored for their contributions to the Nation's economy. We are indebted to the 600,000 minority entrepreneurs for the innovative products and services they bring to the marketplace. Minority owned businesses also provide the greatest source for jobs and training for many Americans.

I would like to congratulate the Nation's minority entrepreneurs on their hard-earned achievements. I join with the minority business enterprises of our Nation in recognizing all their many contributions to our economic progress and well-being.●

NATIONAL DEBT

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. APPLEGATE. Mr. Speaker, we should now begin to recognize the debt factor. The debt factor is made up of the trade deficit, the budget deficit, and the interest on the total national debt.

This year the debt factor in dollars includes a $130 billion trade deficit, a $175 billion budget deficit, and $110 billion of interest on the total national debt for a total of $415 billion.

Next year if things go the way they have for the last 4 years, the debt factor in dollars will be $160 billion in trade deficit, $180 billion budget deficit, and $130 billion interest on the national debt for a total of $470 billion.

The debt factor is bankrupting America. American economic strength and security is not standing tall, and unless something is done America's upcoming generations face a bleak future.●

IN HONOR OF S. SGT. JERRY L. MOORE

HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. HEFNER. Mr. Speaker, this morning I had the honor of attending a very moving ceremony in my home district.

I, and Congressman G.V. "SONNY" MONTGOMERY, chairman of the House Veterans' Affairs Committee, presented Doretha K. Lofton of Salisbury with the MIA Commemorative Medal in honor of her son, S. Sgt. Jerry L. Moore.

Sergeant Moore is one of the 2,489 service men and women missing in action from the Vietnam war.

Today's ceremony was held at the Salisbury VA Medical Center at Salisbury, NC.

This inspirational event symbolized so much. It symbolized the many fine young Americans who gave the highest price for freedom. They paid with their lives. It symbolized the strength of character and sacrifice made by the families and loved ones who remained behind during the Vietnam conflict. Doretha K. Lofton is an honorable example of such a family member.

Wounds of war never heal easily. And memories of those who served in those wars and gave the ultimate price must not be forgotten. That's the purpose of the MIA Commemorative Medal.●

CELEBRATING THE WORK OF MRS. JOSEPHINE GRAY

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. MICA. Mr. Speaker, let me take a moment at the end of this legislative year to note the humane and selfless contributions of a woman from my district in Palm Beach County, Mrs. Josephine Gray. After serving with the Peace Corps in St. John's, Antigua, for 2 years, Mrs. Gray has extended her commitment to the corps for an additional term.

Mrs. Gray graduated from Columbia University and taught art at Palm Beach Junior College for 15 years. She left the United States in June 1982 as a member of Peace Corps to teach cottage industries to the local population of St. John's. Through her efforts these people learn a craft which enables them to produce a sellable product and benefit their economic situation.

It is just such personal and meaningful interaction that is the true measure of American passion and concern. I commend Mrs. Gray for her work. I expect that the tradition of personal service and commitment that she reflects will live long after some of the more formal diplomatic initiatives we undertake.●

SURPRISES, INCONSISTENCIES ARE FOUND IN RUSSIA

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. HUBBARD. Mr. Speaker, Mr. and Mrs. Charles L. Woods, constituents and longtime friends of mine from Paducah, KY, made a tour of Russia in August. Charles Woods is the retired plant manager of the B.F. Goodrich facility at Calvert City, KY. The following is his report:

> The contacts between the Americans in Russia and the officials and Russian people are proper and respectful. Our party had no difficulty and we saw or heard of no difficulty by any other Americans in the cities we visited, and there were many others (an estimated 75,000 American visitors this year).
>
> The nearest thing to intimidation came at the passport control center on entering where the custom officials seemed to try to create an atmosphere of proper but unfriendly acceptance of our presence. Fortunately, things improved from this point and our fears of a long two weeks of cool relations did not materialize. The terms of our visas called for our tour guide to control our passports in his possession and therefore he was responsible for our adherence to our preplanned tour route. In each city however, we were given temporary identification passes by the hotel we were in and with this we were able to travel about individually and freely by taxi, public transportation and, as happened in Moscow, with business friends. At no time was anyone even asked to show identification.
>
> The first surprise came in the large number of automobiles in all the cities we visited. I had not expected traffic jams and air pollution but it's certainly there. The increase in cars obviously came in just the last two or three years because there is not yet a single parking lot for cars (no buildings having been torn down to provide space) and nearly all cars appearing to be new, not more than two to three years old.
>
> Food and shelter continue to be obvious problem areas for the Russian people. Many visits were made to butcher shops at random and not a single one had a piece of fresh meat available. Large crowds in orderly lines would quickly form when a meat delivery was made and the supply would be quickly exhausted. Summertime produced a large supply of vegetables and fruit sold on the streets or marketplace by individuals who produced them in private plots. Bread is abundant. Winter diets shifts heavily to potatoes, cabbage and other winter types. This fresh food production and distribution is a private enterprise operation of significant size.
>
> Shelter is probably the most obvious failure of the Russian system. Every structure is occupied, including relics of the Roman occupation. Since the war, thousands of multi-story apartment complexes have been built which look exactly like the housing projects which have proven in the U.S. to produce social disorders to the extent that some have been razed after short lives. The quality of construction is unbelievably poor and this along with an obvious total disregard for maintenance everywhere makes for a comparison to tenaments. The official government position does not try to hide the shortfall in providing housing. They speak and write openly of multigenerations sharing a two or three room apartments. We were shown new communities of 20,000-30,000 people housed in new high-rise apartment buildings which practically covered every inch of available space. There are, of course, no new single family housing being built and no one has satisfactorily explained to me how new and existing housing is fairly allocated and assigned. Human nature being the same all over, I expect we can correctly assume that graft and favoritism play a part and recent pronouncements from Russian officials confirm this.
>
> Inconsistencies are the common thing. Open heart surgery in operating rooms with open windows, lots of cars with no parking lots, people carrying watermelons and chickens on jet airplanes, women dressed high fashion coming from a Roman ruin ghetto, modern hotel clerks working with an abacus while a state of the art computer system sits not operable and unused, advice to avoid black market currency dealings while encountering many stores, bars, restaurants that will not take Russian currency—only European or American.
>
> Nowhere is this inconsistency more visible than in religious practices. There are uncountable numbers of churches throughout Russia, many of which are closed but all are well maintained whether actively used as churches, museums, meeting halls or simply

locked up. The many churches where services are held are freely attended by large numbers of people both young and old. Nevertheless it is difficult to get people to find out for you which churches have services on what schedule. They would rather not get involved in that. Our bus driver would let us off the bus one block from the church where mass was being said but would not deliver us to the front of the church, even though his route went past it. There seems to be no prohibition for practicing a religious belief but the penalties for doing so are subtle and real in being denied privileges and priorities.

We return home with two outstanding impressions. The first was fostered by exposure to the outstanding archeological museums we visited and the excellent regional town guides we had. The paranoia about security is understandable. They have a recorded history and all about them ruins giving daily reminders of invasions and persecution by Mongols, Romans, Poles, Turks, Arabs, Germans, French, not counting uncountable internal civil and regional wars. With this background the propaganda about U.S. motives becomes believable and it is presented to them daily. Typical would be the painting covering one side of a building showing a fierce American eagle carrying bombs and missiles in his talons with suitable language declaring the international intent of the U.S. to control the world. Such communications are common in the press, the radio and TV and posters.

Another impression is that the Russian government can no longer deny its citizens some of the amenities enjoyed by Europeans and Americans despite their strict control on allowing their people to travel and be exposed to them. They have obviously shifted their priorities to allow the production and distribution of more private autos. Clothing is more fashionable and better tailored. Private enterprise to increase food production is not only tolerated but encouraged. This movement to gain and enjoy a better quality of life by possession of material things must be gaining momentum. This shift to production of consumer goods seems to be confirmed by the abandonment of many construction projects, principally high rise apartments. This was evident from observation of many partially completed projects which are not actively being worked and have not been for a year or more. The stores display many items wanted by the people but the economic system does not allow sufficient personal income to purchase them. There is constant evidence, however, of a vast underground economy.

I am more sure after our trip that the Russians are moving toward a consumer-oriented society and the economic system they operate—socialist, communist mixed with considerable private enterprise—cannot accommodate this without great stress. The fear is that the ruling minority who control this society as they see their control weakening, as it surely is, will resort to increased war hysteria to untrack any movement toward changes in their system of government.

It would seem that our best chance for peaceful co-existence would lie in maintaining adequate military strength, avoiding demeaning and belligerent rhetoric, encouraging personal contacts at all levels particularly at higher levels of government. There seems to be no general animosity toward American people despite the constant shrill propaganda which is aimed at convincing the Russian people that the rumor that Americans have it better than they do is a big lie.

Winston Churchill's appraisal of 40 years ago classifying Russia as a land of imponderables and inconsistencies still seems applicable.

Perhaps the differences in freedom between us can be summed up with this: We became very fond of one of our Russian guides. On our leaving she said she looked forward to seeing us again when we returned. We said, "Come visit us." She said, "I'd like to but I doubt that will ever be possible." I'm sure millions of other Russians also note this difference.●

TRIBUTE TO JOEL PRITCHARD

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. REGULA. Mr. Speaker, one of the definitions shown in Webster for the word "class" is "high quality—elegance."

The service of Joel Pritchard as a Member of this body during the past 20 years can best be described as being one of "class" as defined by Webster.

His devotion to responsibility and intelligent commonsense was always evident as he wrestled in the committees and on the floor with the difficult issues confronting our Nation.

His distinguished service has enhanced the stature of all who are still serving as part of the class of the 93d Congress.

Joel's trenchant comments on the issues of the day will be sorely missed as each of us continue to confront the difficult choices that lie ahead.

I join his many friends and fans in wishing Joel the best as he embarks on new careers.●

THE PROLIFERATION OF NUCLEAR WEAPONS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. MARKEY. Mr. Speaker, one of the most pressing problems of our times is the proliferation of nuclear weapons. Few prospects are as spine chilling as the specter of a nuclear bomb in the hands of a man such as Muammar Qadhafi.

Alarmingly, the Belgian Government is considering the transfer of nuclear equipment to Libya. The Washington Post has published a cogent editorial concerning this dangerous transfer of technology. I commend this editorial to my colleagues and ask that it be printed in the Record.

The article follows:

Reactors for Colonel Qadhafi?

The Belgian government says it is considering a proposal to sell $1 billion worth of nuclear equipment to Libya. It is difficult to think of a worse idea—more irresponsible, more wantonly dangerous, more likely to lead to spectacular violation of the world's fragile rules against the proliferation of nuclear weapons. The Belgians can argue that they have very high unemployment and need to export. But high unemployment doesn't begin to justify nuclear sales to Col. Muammar Qadhafi.

The Belgians say, defensively, that they would sell only civilian power equipment and only for peaceful purposes. That's transparent. Once the equipment is delivered, neither the Belgians nor anyone else outside Tripoli will have much control over the purposes to which it is put.

Ever since rising oil prices made them rich in the early 1970s, the Libyans have been trying to buy nuclear weapons. Frustrated in that endeavor, they now appear to be seeking another route to the same goal. To extract plutonium from a power reactor's spent fuel requires a reprocessing plant and, as the Belgians will point out, the Libyans do not have one. Not yet. But there have been reports that Libya has been contributing funds, for purposes that seem self-evident, to Pakistan's attempt to build reprocessing capability.

Libya has no shortage of energy. It is up to its ears in oil. It is a thinly populated country with almost no industry outside the oil fields. Its need for huge and expensive new power sources is not immediately obvious. What do the Belgians suppose the Libyans want reactors for?

Harry Truman once said that, as president, he spent most of his time trying to persuade people to do things that they ought to have the sense to do without being asked. The diplomats who try to preserve the nonproliferation code can say the same thing. Among other governments, the United States has been remonstrating with Belgium.

But, unfortunately, it has not been remonstrating as effectively as it might. The American protests against nuclear sales to Libya come at a moment when the U.S. Department of Defense—which frequently seems to carry on its own independent foreign policy—is embroiled with Belgium over sales of machine tools to the Soviet Union. The machine tools are neither unique nor crucial. They are merely a target in the Defense Department's continuing campaign to deny the Soviets all imports of any strategic significance whatever—except, of course, American grain.

By even contemplating nuclear sales to Libya, the Belgian government betrays a dismaying confusion in its sense of what's truly important. As for the United States, the disproportionate vehemence of its attacks on the machine tools shipments shows that it is not exempt from the same charge.●

BIAGGI INQUIRES INTO VIOLATION OF U.S. POLICY ON ARMS SHIPMENTS TO NORTHERN IRELAND POLICE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BIAGGI. Mr. Speaker, as chairman of the bipartisan 104 member Ad

Hoc Congressional Committee for Irish Affairs I have been deeply disturbed over published reports in newspapers in Ireland and Northern Ireland which deal with an alleged violation of U.S. policy dealing with the sale and export of arms to the Royal Ulster Constabulary, the police force of Northern Ireland.

The reports indicate that the State Department approved a license from the Sherwood International Export Corporation to ship some 100,000 rounds of blank ammunition which ended up with the Royal Ulster Constabulary. There are conflicting reports as to whether the ammunition sold was blank plastic bullets or ammunition for a .303 Enfield rifle. What is not in dispute is the fact that it ended up with the RUC despite its stated destination being Belgium via Birmingham, England. The RUC in the report does confirm receipt of the ammunition.

If this report is in fact confirmed this would seem to constitute a serious violation of the 5 year old policy announced and enforced by the State Department dealing with U.S. arms to the RUC. This issue was first announced in August 1979 in direct response to an amendment I offered in July 1979 to the State Department Appropriations bill for fiscal year 1980. It barred the sale and or export of U.S. arms to Great Britain for use in Northern Ireland. The State Department policy was announced as a suspension of future arms sales to the Royal Ulster Constabular pending a full review of U.S. policy.

This policy developed because sales approved earlier in 1979 of arms to the RUC were in violation of the spirit and intent of section 502(b) of the Foreign Assistance Act. This bars the sale of any U.S. arms to any nation or organization with a proven record of human rights violations. The RUC had been cited on several occasions for such violations by Amnesty International and the British appointed Bennett Commission.

This policy has been in effect since 1979 and in fact has been publicly reaffirmed by Presidents Carter and Reagan. Following the August 12, 1984, riots in Belfast where the RUC fired more than 30 rounds of plastic bullets into a peaceful crowd—and killed one innocent civilian—I wrote to the Department of State seeking a reaffirmation of our policy. I received a reply the full text I will include at the end of my statement but a key excerpt says:

> Since August 1979, the United States has not approved any license for the export of arms, ammunition or riot control equipment on the United States Munitions List where there is evidence the commodities would be used in Northern Ireland.

The reports I have received are of great concern to me. I have spoken to the Department of State and a spokesman for the Northern Europe desk called the reports 90 percent inaccurate. I intend to pursue my inquiry into this matter with the Department of State for I would consider any violation of this policy especially considering the recent record of the RUC to be most serious and would call for immediate remedial legislation.

I wish to also express a word of thanks to the Irish National Caucus in Washington who first brought this report to my attention and who worked very hard with me in 1979 to get the policy in place.

At this point in the RECORD, I wish to insert the State Department letter mentioned earlier:

U.S. DEPARTMENT OF STATE,
Washington, DC, September 5, 1984.

DEAR MR. BIAGGI: I am responding to the telegram you and several other Congressmen sent to the President on August 13 regarding U.S. policy on the export and sale of U.S. weapons to the Royal Ulster Constabulary, in light of that police force's handling of the disturbance in Belfast on August 12. We have sent a similar reply to your signatory colleagues.

This Administration deplores, with you, the tragic situation in Northern Ireland which from time to time gives rise to the kind of violence which occurred on August 12. As we have said on many occasions, we regret deeply the deaths due to violence suffered by both communities in Northern Ireland, from whatever source. We understand that United Kingdom authorities have initiated an investigation into these events and we are awaiting the results of that process with great interest.

In this context, the question of weapons used by security forces in Northern Ireland is a particularly difficult and complicated one. Since August 1979 the United States has not approved any license for the export of arms, ammunition or riot control equipment on the United States Munitions List where there is evidence the commodities would be used in Northern Ireland. Nevertheless, decisions in this regard should carry no implication that we have abandoned our policy of strict impartiality in the tragic communal conflict.

U.S. policy toward the conflict in Northern Ireland emphasizes the need for reconciliation, rather than confrontation and violence. We endorse the commitment of both the Irish and British governments to end the bitterness which for too long has divided the two sections of the community in Northern Ireland and the two major traditions that exist in the two parts of Ireland. We recognize, however, that there has been too much violence, too much hatred, through too many centuries, for reconciliation to be easily or quickly achieved.

I hope my reply to you is helpful.

Sincerely,
W. TAPLEY BENNETT, Jr.,
Assistant Secretary, Legislative and Intergovernmental Affairs.●

PINCHING PRETORIA'S PURSE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. SOLARZ. Mr. Speaker, the New York Times recently contained an important editorial commenting on the effort here in the Congress to impose economic sanctions on South Africa in an effort to distance the United States from that Government's reprehensible policy of apartheid.

Because of the importance of this issue to the proceedings in the House today, I ask that the editorial be reprinted in today's CONGRESSIONAL RECORD.

[From the New York Times]

PINCHING PRETORIA'S PURSE

Regarding South Africa, the Reagan Administration has insisted that its quiet, firm approach would somehow moderate that country's racial tyranny. But the fruits of "constructive engagement" look sour even to the Republican-led Senate, which has yielded in conference to a House bill that gives symbolic expression to America's abhorence. The measure would bar American bank loans to South Africa's Government and require the State Department to comment on the racial policies of American companies doing business in South Africa.

Two hurdles remain: a final vote once conferees resolve unrelated differences in an omnibus export bill, and a Presidential signature. The Administration objects to the measure but may have to let the President sign to get the reforms in export licensing to which it is attached.

It would be only a slap at the hateful system of apartheid. Of the $4 billion in outstanding loans to South Africa by Amerian banks, only $388 million is to the Government or its entities. Pretoria can doubtless raise this money elsewhere. As for monitoring employment practices, many American companies in South Africa already adhere voluntarily to the fair practices code propounded in 1977 by the Rev. Leon Sullivan of Philadelphia.

Still, this measure sends a message of concern for the 21 million blacks who are legally and often brutally kept aliens in their own country. The Administration's attempts to wheedle relaxations from Pretoria have left the false impression that Americans regard the claims of oppressors and oppressed with fine impartiality.

South Africa's white rulers have responded to a more sympathetic White House with only a pretense of change. Prime Minister P. W. Botha is now called President, but only 4.5 million whites may vote for him. A limited franchise has been granted to 2.8 million persons of mixed race and to 800,000 Indians, but their delegates sit in segregated chambers debating laws they cannot really alter.

Most Asian and colored voters boycotted the election. Six of their leaders sought asylum in a British consulate. Blacks in townships and gold mines rioted just as the new Parliament that again excludes them was assembling.

The only diplomatic fruit of "constructive engagement" is a precarious truce between South Africa and Marxist Mozambique.

What was to have been the great prize—a deal ending a bush war in Angola and South Africa's illegal occupation of Namibia—proved beyond reach.

So the Senate swallowed its doubts and agreed to some of the sanctions first proposed by Representative Stephen Solarz of Brooklyn. The final version wisely eliminates making compliance with the Sullivan code mandatory and having it policed by the State Department. But some concern for elementary justice in the workplace is no more intrusive than the United States' insistence that Nicaragua meet some democratic standards in its forthcoming election.●

THE NATIONAL NEHEMIAH HOUSING OPPORTUNITY ACT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. SCHUMER. Mr. Speaker, on Tuesday, I introduced legislation (H.R. 6429) which could help revive the American dream of homeownership for families living in our inner cities with incomes as low as under $20,000.

This legislation, which is cosponsored by Representatives GONZALEZ and McKINNEY—the chairman and ranking Republican on the Subcommittee on Housing and Community Development—is modeled after the widely acclaimed Nehemiah plan, currently rising in East Brooklyn, NY.

Perhaps the best way to describe this legislation is to begin with a description of the Nehemiah plan itself. The plan—named for the biblical prophet who rebuilt the walls of Jerusalem—is an ambitious proposal to build 5,000 single family homes in some of the poorest, most deteriorated neighborhoods in New York City. When it was first announced, its proponents were dismissed as idle dreamers. But now, with the first 250 homes occupied or nearly completed, and enough resources to meet a schedule that calls for completing 42 houses per month, the Nehemiah plan has proven to be much more than an idle dream.

At the heart of the plan is a group of 40 local churches brought together as East Brooklyn Churches, Inc., with the assistance of the Industrial Areas Foundation. Their determination to fight the seemingly irreversible deterioration of their neighborhoods was perhaps the most important element in making the Nehemiah plan a success.

Securing substantial financial support was also essential, however. Bedrock financial support was contributed by the Roman Catholic Dioscese of Brooklyn, and the Episcopal and Lutheran Churches, which pledged over $8 million for use as an interest-free construction loan fund. The city of New York has contributed land, tax abatements, and $10,000—as an interest-free loan—per house. And the State of New York has floated mortgage revenue bonds to provide permanent financing.

With this assistance, the economies of large-scale construction, and the use of cost-saving construction methods, homes can be built for $49,000. After the $5,000 downpayment required of each purchaser, and the $10,000 loan from the city, homes can be sold with a mortgage of $34,000. A family earning $20,000 can easily afford the home.

The Nehemiah plan has served as a catalyst for the transformation of East Brooklyn. While the construction of thousands of single-family homes in formerly desperate neighborhoods is impressive, the plan has done more than simply build houses. It has helped to bring new life and new hope to neighborhoods that had been written off as beyond hope. People who were resigned to a life of renting now line up early Saturday mornings to view the model homes on display. People who had never thought that they would take out a mortgage are putting aside whatever they can toward the goal of making the $5,000 downpayment. Yards which were once cluttered with trash and broken bottles now sprout fresh grass. The sounds of hammers, saws, and shovels fill the air as if it was a new suburban subdivision rather than the middle of Brooklyn. Local residents, having pulled together to triumph over seemingly insurmountable obstacles have had a taste of success. They feel a new, optimistic sense of neighborhood, and a feeling of confidence in their ability to shape their own future.

The theory behind the National Nehemiah Housing Opportunity Act is that through the targeted use of limited Federal assistance, the Nehemiah experience can be repeated in similar neighborhoods throughout the Nation.

Like the Nehemiah plan, the act begins with neighborhood organization. Applications for assistance may be submitted only by neighborhood-based nonprofit organizations, who must demonstrate that they have the full support of residents in the project area, as well as the support of the local government.

Funds awarded under the program will be used as a second mortgage loan to purchasers, up to a maximum of $25,000 per unit. These second mortgages will not bear interest, but will be repayable out of the proceeds of the sale of the home, if the proceeds exceed the amount due on the first mortgage. Assistance may be used for construction or substantial rehabilitation of one to four family homes. Moderate rehabilitation is not eligible; this is not a home fixup program.

The act contains a number of restrictions designed to target funds to distressed neighborhoods, and to build developments that are large and concentrated enough to generate positive externalities.

Funds may only be used in census tracts in which the median income is less than 80 percent of the area median income. This is the same restriction which currently applies to HUD's rental rehabilitation program.

The maximum selling price for a home eligible to be purchased with assistance under the act is 75 percent of the median home sales price in the project's market area. This will ensure that homes are modest in design, and will encourage a search for other ways to reduce costs.

The minimum program size is 100 houses, which must be constructed on contiguous parcels of land. If the program is to be targeted at economically depressed neighborhoods, it is essential to build new neighborhoods that are large and concentrated enough to be self-protecting. In filling new homes in the middle of old ones exposes the new one to more rapid deterioration. In addition, large jobs are cheaper than small ones. They allow the exploitation of economies of scale in the building process. They reduce the costs of compliance with local regulations, since it is just as hard to get a small job through local housing, planning, environmental, and other bureaucracies as it is to get a large job through. And they reduce the per unit legal, architectural, engineering, and selling costs.

It seems unlikely that this requirement would present a major obstacle to most cities. In many of our cities, large tracts of land lie abandoned and forgotten. Much of it is owned by the local government, acquired through tax foreclosure. And while not every city has enough vacant land to undertake a program on the same scale as Brooklyn's Nehemiah plan, almost all can find a pocket large enough to construct 100 units.

I expect that the restrictions on sponsorship, neighborhood eligibility, and maximum sales price of a home will lead to the construction of homes that are affordable by families with annual incomes ranging roughly from $16,000 to $25,000. In order to be eligible to purchase a home, a family must have an annual income that is more than four times but less than six times the annual carrying charges of the home. Carrying charges include principle, interest, taxes, insurance, and estimated energy expenses. These are conservative assumptions compared to the qualifying ratios used by many thrift institutions today. I believe that they are necessary, however, in order to ensure that they have enough funds to meet other family needs. First, families at this income level have a relatively low marginal tax rate, so that the value of the tax benefit to them is far less than the value to wealthier families purchasing more expensive homes. Second, their incomes tend to be subject to greater vicissitudes than the incomes of upper income homebuyers.

Eligible purchasers must put $5,000 down toward the purchase of their home at the time of signing a contract. This operates as an obstacle to eligibility for some families. At the same time, the requirement has proven to be a valuable incentive to save for families wishing to purchase a home. And by giving the family some equity in their homes, it gives them a greater stake in its upkeep.

Despite these precautions, it is still more than possible to make a home affordable by a family earning less than $20,000. In the city of Bridgeport, it would take a grant of $14,200 to make a home selling at the maximum eligible price affordable to a family earning $19,500. In San Antonio, it would take a grant of roughly $13,500. In Chicago, and in other cities where costs are higher, it would take almost the full $25,000.

In deciding among competing applications for funding, the Secretary of HUD will take into account the extent to which:

Non-Federal public and private entities will contribute the land necessary to make each program feasible;

Non-Federal public and private financial or other contributions will reduce carrying charges of homes to be built;

The program is concentrated in an area of poverty, abandonment, and disinvestment;

The program is of a size sufficient to provide neighborhood stability and contribute to neighborhood development;

The program uses construction methods that will reduce the cost per square foot below the average construction cost in the market area involved;

The program will produce the greatest number of units for the least amount requested from the Federal Government;

The program calls for the employment of local residents in the planning and construction of homes; and

Home resales are restricted to families with incomes that would qualify under the original income guidelines of the program.

In order to assure that funds awarded under this program are used efficiently, grantees may not break ground, except on model homes to be used to assist in sales, until at least 25 percent of the homes to be built are contracted for sale to a purchaser who intends to live in the home, and an appropriate downpayment has been made. In addition, applicants must submit a schedule setting forth a timetable for completion of the program. The Secretary may impose conditions upon or cancel any specific project if the grantee fails to meet the schedule.

The act authorizes $1 billion to be used for this program. If the average grant is $20,000 per home, 50,000 homes can be assisted.

I believe that such a program can become an essential element in the revitalization of the Nation's most economically depressed neighborhoods. Between now and the next Congress, I hope that my colleagues will take a careful look at this proposal. I welcome all suggestions for improvement, and look forward to working with them toward the enactment of this program.

Mr. Speaker, I ask that the text of the bill be printed in the RECORD:

H.R. 6429

A bill To authorize the Secretary of Housing and Urban Development to provide assistance for the construction and substantial rehabilitation of single-family homes, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be referred to as the "National Nehemiah Housing Opportunity Act".

SEC. 2. It is the purpose of this Act—

(1) to encourage homeownership by families in the United States, particularly families who are not otherwise able to afford homeownership;

(2) to undertake a concentrated effort to rebuild the depressed areas of the cities of the United States and to create new, sound, and attractive neighborhoods; and

(3) to encourage the learning of homebuilding skills.

DEFINITIONS

SEC. 3. For purposes of this Act:

(1) The term "Fund" means the Nehemiah Housing Opportunity Fund established in section 9(a).

(2) The term "home" means any one- to four-family dwelling. Such term includes any condominium unit, cooperative unit, or manufactured home, for one to four families.

(3) The term "lower income families" has the meaning given such term in section 3(b)(2) of the United States Housing Act of 1937.

(4) The term "nonprofit organization" means a private nonprofit corporation, or other private nonprofit legal entity, that is approved by the Secretary as to financial responsibility.

(5) The term "Secretary" means the Secretary of Housing and Urban Development.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(7) The term "substantial rehabilitiation" means—

(A) rehabilitation involving costs in excess of 60 percent of the maximum sale price of a home assisted under this Act in the market area in which it is located; or

(B) the rehabilitation of a vacant, uninhabitable structure.

(8) The term "unit of general local government" means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

ASSISTANCE TO NONPROFIT ORGANIZATIONS

SEC. 4. (a) The Secretary may provide assistance to nonprofit organizations to carry out a Nehemiah housing opportunity program in accordance with the provisions of this Act. Such assistance shall be made in the form of grants.

(b) Applications for assistance under this Act shall be made in such form, and in accordance with such procedures, as the Secretary may prescribe.

USE OF ASSISTANCE

SEC. 5. (a) Any nonprofit organization receiving assistance under this Act shall use such assistance to provide loans to families purchasing homes constructed or substantially rehabilitated in accordance with a Nehemiah housing opportunity program approved under this Act.

(b) Each loan made to a family under this section shall—

(1) be secured by a second mortgage held by the Secretary on the property involved;

(2) be in an amount not exceeding $25,000;

(3) bear no interest; and

(4) be repayable to the Secretary upon (A) the sale of the property involved, if such proceeds exceed the amount due on the first mortgage on such property; or (B) any other transfer of such property to a family that is not eligible for assistance under this Act.

PROGRAM REQUIREMENTS

SEC. 6. (a) Assistance provided under this Act may be used only in connection with a Nehemiah housing opportunity program of construction or substantial rehabilitation of homes.

(b) The sale price (after the provision of assistance under this Act) for any home eligible to be purchased under this Act may not exceed whichever of the following amounts is less:

(1) 75 percent of the median sale price of homes for the previous calendar year in the market area in which such home is located, as determined by the Secretary; or

(2) 75 percent of the applicable maximum principal obligation amount established by the Secretary under section 203(b)(2) of the National Housing Act for the market area in which such home is located.

(c) Each family purchasing a home under this Act shall—

(1) have a family income on the date of such purchase that is not more than six times, or less than four times, the carrying charges (including principal, interest, taxes, hazard insurance, and estimated energy costs) of the mortgage on such home after the application of the capital grant; and

(2) not have owned a home during the 3-year period preceding such purchase.

(d) Each family purchasing a home under this Act shall make a downpayment of not less than $5,000 for such home.

(e) No family purchasing a home under this Act may lease such home, unless the Secretary approves such leasing following a determination that there exist extraordinary circumstances that require such leasing in order to avoid imposing an undue hardship on such family.

TERMS AND CONDITIONS OF ASSISTANCE

SEC. 7. (a) No proposed Nehemiah housing opportunity program may be approved by the Secretary under this Act unless the nonprofit organization involved demonstrates to the satisfaction of the Secretary that—

(1) it has consulted with and received the support of residents of the neighborhood in which such program is to be located; and

(2) it has the approval of each unit of general local government in which such program is to be located.

(b) Each nonprofit organization applying for assistance under this Act shall submit to the Secretary a schedule for completion of its proposed Nehemiah housing opportunity program. The grant agreement shall contain provisions authorizing the Secretary to impose conditions on, or cancel all or a part of, such proposed program if the Secretary determines that such nonprofit organization is failing to meet such schedule.

(c) No nonprofit organization receiving assistance under this Act may commence any construction or substantial rehabilitation (except with respect to homes to be constructed or substantially rehabilitated for the purpose of display) until not less than 25 percent of the homes to be constructed or substantially rehabilitated are contracted for sale to purchasers who intend to live in such homes and the required downpayments are made.

(d) The Secretary may not provide any assistance under this Act to any nonprofit organization unless such nonprofit organization demonstrates the financial feasibility of its proposed Nehemiah housing opportunity program, including the availability of non-Federal public and private funds.

(e) A Nehemiah housing opportunity program may be approved under this Act only if it provides that—

(1) not less than 100 homes will be constructed or substantially rehabilitated under such program;

(2) each home constructed or substantially rehabilitated under such program will be of sufficient quality to ensure that it will remain decent and safe during the term of the mortgage held by the Secretary under section 5(b)(1);

(3) all homes constructed or substantially rehabilitated under such program will be located in census tracts in which the median family income is not more than 80 percent of the median family income of the area in which such program is to be located, as such median family income and area are determined for purposes of assistance under section 8 of the United States Housing Act of 1937; and

(4) all homes constructed or substantially rehabilitated under such program will be located on contiguous parcels of land.

(f) The assistance provided to any nonprofit organization under this Act may not exceed $25,000 per home.

PROGRAM SELECTION CRITERIA

SEC. 8. In selecting Nehemiah housing opportunity programs for assistance under this Act from among eligible programs, the Secretary shall make such selection on the basis of the extent to which—

(1) non-Federal public and private entities will contribute land necessary to make each program feasible;

(2) non-Federal public and private financial or other contributions (including tax abatements, waivers of fees related to development, or direct financial contributions) will reduce the carrying charges of homes constructed or substantially rehabilitated under each program;

(3) each program will produce the greatest number of units for the least amount of assistance provided under this Act, taking into consideration the cost differences among market areas;

(4) each program is concentrated in an area of poverty, abandonment, disinvestment, and severe economic blight;

(5) each program is of a magnitude sufficient to provide neighborhood stability, contribute to neighborhood development, and reduce the influence of surrounding deterioration;

(6) each program uses construction methods that will reduce the cost per square foot below the average construction cost in the market area involved;

(7) each program provides for the employment of local residents in the plannng, and construction or sustantial rehabilitation, of homes; and

(8) sales contracts entered into under each program contain provisions restricting resale to families with incomes that would qualify under the income guidelines of such program, at a price comparable to the original sale price (as adjusted for the general increase in incomes and home prices since the time of the original sale).

NEHEMIAH HOUSING OPPORTUNITY FUND

SEC. 9. There hereby is established in the Treasury of the United States a revolving fund, to be known as the Nehemiah Housing Opportunity Fund. The Fund shall be available to the Secretary, to the extent approved in appropriation Acts, for pusposes of providing assistance under section 4.

(b) The fund shall consist of—

(1) any amount appropriated under section 12;

(2) any amount received by the Secretary under section 5(b)(4); and

(3) any amount received by the Secretary under subsection (c).

(c) Any amount in the Fund determined by the Secretary to be in excess of the amount currently required to carry out the provisions of this Act shall be invested by the Secretary in obligations of, or obligations guaranteed as to both principal and interest by the United States or any agency of the United States.

ANNUAL REPORT

SEC. 10. The Secretary shall annually prepare and submit to the Congress a comprehensive report setting forth the activities carried out under this Act. Such report shall include any recommendations of the Secretary for modifications in the program established by this Act in order to ensure the effective implementation of such program.

REGULATIONS

SEC. 11. The Secretary shall issue such regulations as may be necessary to carry out the provisions of this Act. Any such regulations shall be issued in accordance with section 553 of title 5, United States Code, notwithstanding the provisions of subsection (a)(2) of such section.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. There is authorized to be appropriated to carry out the provisions of this Act $1,000,000,000 for fiscal year 1986. Any amount appropriated under this section shall be deposited in the Nehemiah Housing Opportunity Fund, and shall remain available until expended.●

THE POPULATION BOMB

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. GEJDENSON. Mr. Speaker, I want to congratulate my colleagues here in the House for their efforts this year in bringing about a stronger and better funded international population assistance program. Since coming to Congress 4 years ago I have seen a growing awareness and understanding of the overwhelming problems associated with global overpopulation, especially in the poorest nations of the world.

I especially want to congratulate the Members of this Chamber for going on record as opposed to the President's chilling and far-reaching action in attempting to interfere in the administration of private, nongovernmental funds by private voluntary organizations. Coming from an administration that promised 4 years ago to get Government off the backs of its people, such attempts to interfere in the private sector where Federal dollars are not involved is particularly amazing.

In the forefront of this battle to keep the United States in its rightful leadership role in providing effective and desperately needed family planning services to the developing nations of the world, is the Population Institute and I call to my colleagues' attention this editorial from the Tulsa World in Tulsa, OK.

[From the Tulsa World, Sept. 14, 1984]

THE POPULATION BOMB

Werner Fornos, president of the Population Institute in Washington, D.C., has a powerful response to the Reagan administration's position on world population growth.

The administration argued at the recent International Conference on Population that population growth is neither good nor bad and that economic growth is the solution to problems caused by over-population.

Speaking to the Tulsa Downtown Rotary Club recently, Fornos said that while the threat of nuclear war gets a great deal of pubic attention, over-population is a "silent explosion" which poses a far greater international threat.

"Unless population can be brought under control, none of the economic development aspirations of Third World countries can be met," he said.

The fastest population growth is occurring in Third World countries least able to provide food, jobs, clothing and shelter for their people. Poverty in those countries is a destabilizing force worldwide.

The U.S. must help promote family planning and birth control throughout the world. Economic development will help developing nations care for their people, but there is no way economic development can provide the necessities of life for the 83 million people added to the planet last year. Obviously, development can't occur that fast.

The only solution is continuation of international efforts to control population growth, a solution the Reagan administration is frustrating by cutting off aid to family planning agencies making abortion referrals.●

DISCRIMINATION AGAINST CANCER SURVIVORS: A GROWING PROBLEM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BIAGGI. Mr. Speaker, this year I introduced legislation, H.R. 5849, to prohibit employment-based discrimination against cancer victims. As the 98th Congress comes to a close I would like at this time to express my sincere hope that positive action is taken on this important issue during the next Congress. Discrimination against cancer survivors is becoming a growing problem and I am sure that my colleagues here in the House will deal effectively with this problem during the next Congress.

Studies done by the American Cancer Society from 1976 to 1980, have shown several forms of discrimination against workable recovered cancer patients exist. As medical cures and treatments of cancer progress, more and more Americans are surviving cancer. A great many of these cancer survivors are able to work and anxious to reenter the mainstream of public life. The American Cancer Society study, entitled, "Work and Cancer Health Histories," studied the experiences of recovered white-collar and blue-collar workers, and youths. The 4-year study uncovered the fact that discrimination against cancer survivors can be a significant problem for many recovered cancer patients as they reenter the workforce. Some forms of discrimination are more overt than others—they include demotion, denial of health benefits, termination, isolation, changes in work assignment, difficulty in adjusting work schedule to accommodate treatment requirements, and changed attitudes of coworkers.

Whether or not the patients' perceptions of discrimination and other work difficulties are real or imagined, the fact that blatant discrimination occurs in a significant amount of cases, underlines the need to pay close attention to the pressing needs and issues that must be addressed. The study by the American Cancer Society made a number of recommendations regarding effective ways to deal with this growing problem. These include the development of resources to provide counseling that would include vocational guidance and/or rehabilitation, dealing with troubling aspects of the work situation, dealing with prospective employers and the job application process, coping with the emotional aspects of cancer, and managing relationships with fellow workers, family members, et cetera. The development of an advocacy service to help patients negotiate resolution of discrimination cases was also among the many recommendations of this study.

The findings and recommendations of this landmark study all point to the fact that discrimination against cancer survivors is a serious problem and one that must be dealt with. Perceptions by both employers and the general public about cancer survivors must be changed. Other studies, most notably the one done by the Metropolitan Life Insurance Co., have shown that the employment record of cancer patients as compared to other noncancer employees was as good or better. The study done by the Metropolitan Life Insurance Co. concluded that the employment record of the cancer treated group was good relative to noncancer employees of the same age and positions. The absence record was considered satisfactory and work performance adequate as compared with noncancer employees. The study concluded that the selective hiring of cancer survivors, in positions for which they are physically qualified, is a sound industrial practice. The findings of this study, published in 1974, are significant, especially in light of the fact that during the past 10 years cancer treatment and survival rates have progressed dramatically. Yet employers are either unaware of the findings of that study and ones similar to it—or they choose to ignore it—in many instances.

It is my intention to deal with this problem head on here in the Congress next year. By doing so more attention will be focused on this pressing issue and positive action will be taken to insure that the basic civil rights of cancer survivors who are able and willing to work are not violated. At this time, Mr. Speaker, I would like to include in the Record an article recently printed in Cancer News, written by Martha King, entitled, "After Cancer: Trouble on the Job?" This article clearly outlines the many types of discrimination that cancer survivors must currently face. I urge all my colleagues to read this article and lend their support to this important legislative initiative.

The article follows:

After Cancer: Trouble on the Job?

(By Martha King)

A bank teller, recovered from breast cancer, schedules an operation for cancer of the ovaries during her vacation, and keeps her second cancer a secret from co-workers. "If my boss knew I had another cancer, he might not consider me for a promotion." (New York)

A registered nurse, in remission after treatment for acute myelogenous leukemia, is assigned office work instead of patient care. "My physician gave me a clean bill of health. The head nurse said she made the decision in order to protect me." (Maryland)

A dietician is fired after a mastectomy. This is only the beginning of her difficulties. "When the third place turned down my application as 'not suitable' I began screaming, though only I could hear it. 'My God, what am I going to do?' " (California)

Cancer patients are popularly portrayed as brave. From Broadway to the soaps—stunningly in last year's Oscar-winning "Terms of Endearment"—the person with cancer has the chance to be touchingly brave in death. Back in the real world there is quite a different demand on bravery: former patients live with secrecy and social isolation; they face reduced responsibility, even dismissal and unemployment.

"We see more than 7,000 cancer patients every year," says Carolyn Messner, M.S.W., of Cancer Care, Inc., a service agency operating in metropolitan New York, New Jersey, and Connecticut which also runs a nationwide consulting and referral service. "My clinical impression is that blatant job discrimination is rare, though our agency doesn't have statistics on it. Job problems, on the other hand, are not uncommon.

"Adjusting hours so a person can keep on working during treatment is often an issue," Messner explains. "So is adjusting duties to a change in the patient's capacity, even when the change isn't permanent."

COVERT DISCRIMINATION

Rosemary Moynihan, M.S.W., a veteran social worker at New York's Memorial Sloan-Kettering Cancer Center, agrees that blatant job discrimination is rare, but says covert discrimination is not. She has seen its invidious inroads. "A person is given a little too much consideration," she says. "It becomes pointed after a while. Then the patient is urged to leave the job—for the sake of health. These are subtle things. If an employer assumes a patient has no future, he or she is quietly written off the company's long-range plans. Nothing is said openly. The patient feels helpless. Occasionally, an employer will find a way to terminate health insurance. That's not so subtle."

Grace Christ, M.A., director of MSK's social work department goes directly to the underlying issue: "Many people still believe that cancer is contagious," she points out. "Underneath rational concern for a patient's well-being, co-workers may actually fear for their own health." Even among the medically sophisticated, an unacknowledged desire not to think about cancer can breed some job problems for working cancer patients, Christ says. On the other hand, hundreds of MSK's patients hold jobs throughout their treatments, or return to work without incident, or successfully remake their lives afterwards. And they sometimes make it through their tough times because of support from employers and fellow workers.

ACS EMPLOYMENT STUDIES

Frances Feldman, PH.D., a University of Southern California social work professor, whose comprehensive five-year studies of employment and cancer health history provide the most reliable data on the problem to date, agrees: "Again and again during my research I heard about the help patients received. Laryngectomy patients who were given modified telephones, companies that gave paid medical leave and free transportation, way beyond any stated policy. Fellow workers who gave blood or volunteered unpaid overtime."

But the global view her study uncovered was disheartening, and, to the unaffected, unexpected.

Funded by the American Cancer Society's California Division, Dr. Feldman's study analyzed the experience of hundreds of blue collar and white collar workers, all of whom had jobs at the time they were diagnosed. Her team probed employers, physicians, and union representatives as well. They questioned employment office interviewers and top managers in the same firm. The latter were often misinformed or unaware of the practices of their own personnel departments. Most important, Feldman's studies were built on a random selection from Los Angeles County's tumor registry, creating a scientifically sound sample of "work-able" cancer patients. She found that more than half of the white collar workers and 84 percent of the blue reported problems on the job because of their illness.

Like the social workers of MSK and Cancer Care, she found outright dismissal rather rare, but not unheard of. More often, patients had faced economic assaults such as demotion, denial of promotion, or having to relinquish group health insurance as the price of keeping a job. And she found psychological abuse—reports of being isolated and shunned, teased, or treated with excessive concern.

The picture was still grimmer when the people in Feldman's sample tried to find new jobs. When their health histories were known, both white and blue collar job seekers encountered similar responses: This job will be too stressful. You'll be absent too often. Our group insurance rates will rise if we take you. Come back when you've been symptom-free five years.

Many interviewers, even some company doctors, appeared to be profoundly unaware of the differences in expected survivals for different cancer types and stages. Cancer was treated as a deadly monolith—and recovered patients, regardless of their individuals diagnoses and outlooks, were treated as if relapse were very likely.

FIGHTING FOR EVERYTHING

"It's hard to understand. First you have cancer, and then you find out you have to fight for everything," says Nick Firenze, a husky New Yorker in his mid-twenties who looks far removed from the grisly mythology of cancer. Nick Firenze is not his real name. He doesn't want it in print. "I'm not ashamed of having had cancer," he insists, "but I don't want anybody sorry for me, not ever."

Diagnosed in 1979 as having early-stage Hodgkin's disease, Nick endured a grueling course of treatments at Memorial Sloan-Kettering, and emerged, as does the vast majority of early-stage Hodgkin's patients, with medical assurance that his disease was over, his chance of relapse very remote.

But Nick was uneasy; he felt marked. He was referred to one of the hospital's patient support groups. "He was always testing himself," Mary Wall, M.S.W., remembers. "He worked out, ran four or five miles a day, did everything to make himself believe he was really okay." But in truth, Nick was out of school, out of work and drifting, instead of getting his life started again. Finally he admitted that he really wanted to be a New York City policeman, but felt it was out of the question because he wouldn't be able to pass the physical.

The group discussed it off and on for months. In November 1981, Nick told them he had passed the comprehensive written tests and taken the dreaded medical. "I told the truth," he said. "I gave them copies of my records." Although relieved and pleased with himself, Nick was still a bit apprehensive. The group's encouragement was one thing, but he wanted assurance from the outside world that he was really as fit as he felt.

He did not get it.

In December he was notified that his applications had been rejected because of his "history of Hodgkin's disease."

He tried again. In January 1982, armed with a letter from MSK's chief medical officer he followed the NYPD's official provisions for appeal.

Nick has appealed three times. All were denied. He contacted the New York State Human Rights Commission. And there, two years later, the matter sits.

In each successive hearing, the NYPD justified rejecting Nick by claiming the job stress would be dangerous to his health. "They acted as if I couldn't take it!" Nick says. "But now I've proved that isn't true!" Nick has become a police officer for the Transit Authority.

On June 10, 1983, Nick Firenze was sworn in at Madison Square Garden in a ceremony that added 1400 rookies to the NYPD, 250 to the Transit Authority, and 150 to the Housing Authority. Recruits for all three divisions train at a consolidated police academy under identical requirements. (TA recruits then do four extra weeks to master special knowledge of the subway system.) This past summer, Nick completed his 18-month probation with flying colors.

He has come a long way from the young man who needed weeks of encouragement just to make an application. Now he is simply angry: "I qualified for that job. My scores made me eligible. What they said to me was heartless. But I'm still fighting."

Nick is luckier than some. He had the support of a group of fellow patients, and he now does well at a tough job which has cemented his belief in his own capabilities. It is vital ballast. Fear of relapse is almost universal among former patients. "Nobody who has had this disease forgets it," says Naomi Sterns, M.S.W., head of social work at Boston's Dana-Farber Cancer Institute. "To have someone say 'we can't give you insurance' or to be denied a job or a promotion on the basis of cancer history, can undermine all the work patients do to maintain their normalcy."

A BALANCED VIEW

Of course, not every cancer patient with a job problem is an innocent victim. Cancer, being no respecter of persons, strikes the shiftless goldbrick as readily as the industrious and responsible. And Nick Firenze isn't the only young survivor who needs to prove his mastery of physical challenges after recovery. Sadly, some patients, especially younger ones, balk at acknowledging limitations, even when they are undeniable. Moreover, as Frances Feldman discovered when she interviewed both the employer and the employee and compared their stories, hypersensitivity and poor communications were responsible for at least some job bias problems. Feldman also points out that a patient's perception of bias, even if it isn't objectively correct, is in itself a cancer-related "quality of life" problem. It deserves not legal redress but serious attention.

Perhaps the problem remains shadowy because many of its victims comply, silently limiting themselves, feeling lucky or frightened. Feldman's questions elicited echoes like a sonogram. A significant number of her sample, apparently well-adjusted and back at their original jobs, said they felt locked in. If they looked for another job, they said, they might not get adequate medical insurance, or sick leave; they might leave themselves open to interrogation, to hostility from strangers. They preferred not to try.

INSURANCE ISSUE

Group medical insurance rates *can* rise because of cancer treatments. The insurance industry does not operate on nationwide unified standards, and smaller or newer firms might feel the bite of the high cost of cancer care. But insurance problems have also been used as a scapegoat by companies that are neither small nor new.

Ironically, Metropolitan Life made history in 1975 when results of its 14-year study on its own workers with cancer histories was published.

"Excellent employment risks," the study concluded. The former patients missed fewer workdays, took less sick leave, and suffered relapses well within the norm for other major disease incidence.

There is evidence that today more patients are protesting, by speaking out and by going to court. And politicians have begun to take notice. On June 14, U.S. Congressman Mario Biaggi of the Bronx introduced an amendment to Title 7 of the Civil Rights Act. HR 5849 proposes to add three words—*or cancer history*—to the landmark legislation that forbids discrimination on the basis of race, sex, age, national origin.

Whatever the fate of this amendment and its specific wording, introduction of the bill and the resulting discussions will throw more light on what happens to cancer survivors when they go back to work. Bob Blancato, Biaggi's legislative director, predicts a call for formal congressional hearings on the subject some time this fall.

HISTORICAL PERSPECTIVE

"We didn't used to have these problems," says American Cancer Society president-elect Robert J. McKenna, M.D., clinicial professor of surgery at the University of Southern California Medical School, whose three decades of experience and love of history dispose him to long-term prespectives. "At the turn of the century, there were no fringe benefits. If you were able, you were hired. If you fell ill, too bad. And only a few decades ago, cancer cures were rare." But today, the ACS can announce that more Americans have survived cancer than live in the city of Los Angeles.

"I believe the biggest problem is lack of information about modern cancer treatment," Dr. McKenna says. "It is terribly unfair to make any kind of policy as if all cancer were the same. It is not. A person's capabilities and future productivity depend on a host of variables. Too many people just don't have good information on which to base their decisions."

McKenna believes this information gap extends to the insurance companies.

"I'm simply not convinced that they keep up with the rapidly improving data on cancer survival and cures," he says. "I think, too, that oncologists have not paid enough attention to discrimination problems. A physician's voice is tremendously influential. I am very encouraged by the number of oncology research group now doing studies on quality of life questions."●

RECOGNIZING SHEILAH DENNE FOR HER EFFORTS TO SAVE LIVES ON THE DIXIE HIGHWAY

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. CARR. Mr. Speaker, I rise today to pay recognition to Ms. Sheilah Denne of Clarkston, MI.

I am speaking on Ms. Denne's behalf because she is a concerned citizen who has been working to change a dangerous condition in her community. The condition I refer to is the traffic situation on Dixie Highway and other area roads. In the first 5 months of this year alone, there were 59 injuries and 132 property accidents on the Dixie Highway. Since January, there have been 5 deaths on this road alone, and 20 traffic fatalities on area roads. Businesses along the highway have suffered from the dangerous traffic situation discouraging patrons from visiting.

Ms. Denne was the driving force behind a petition campaign that resulted in 2,000 signatures being delivered to my office from citizens who shared her concern over the Dixie Highway problem. For 4 years, she has met with disappointment. But she did not stop trying.

This matter was brought to my attention early this year, and I began my efforts to get Federal funds for the renovation of the Dixie Highway and other area roads. I introduced legislation to appropriate money for that purpose, and since then, this project has been through the entire gamut of legislative meanderings, and caused no small amount of controversy. The Dixie project has been in four different bills, been brought up before the Rules Committee three times, and for a time was the sole point of controversy in a major appropriations bill. It was marked up on June 19 of this year, was reported out of committee on June 22, and was the subject of numerous hearings before the Appropriations and Rules Committee. Many were the discussions on strategy to guide this bill through the many legislative obstacles I encountered.

I also held two town meetings on how to remedy the dangerous situation on the highway and to let residents of the area know what progress I was making. These meetings were held at Our Lady of the Lakes Church in Waterford, MI, on March 30 and June 11. Several hundred people were in attendance and let me know their views and suggestions on what should be done. I took that advice back to Washington, and furthered my efforts to make sure that these citizens' interests were served.

But all that is over now, and I am proud to stand here and announce that there is now $12 million in Federal money earmarked in the continuing resolution passed by the Congress last night for improvements on Dixie Highway and other area roads. This has been the only highway project to pass the 98th Congress, and I am glad to have been a part of it.

Construction will take place in several stages over the next few years, and what are now fearful stretches of road will be smooth-running, important avenues for the area.

There are many people who helped along the way. Senator CARL LEVIN, in particular, was helpful at a critical juncture in the Senate. But ultimately the biggest "Thanks" goes to Sheila Denne. The community owes a debt of gratitude to Sheila for caring enough to get involved, and for not giving up during the 4 years of discouragement and the long, but successful, legislative struggle. I would like to thank Ms. Denne for helping to bring the matter to my attention so that I could become involved, and I want to commend her as well. She has had the courage and tenacity to continue fighting, and will now see her ideas become concrete reality.●

STATE DEPARTMENT CONFIRMS SALVADOR HAS NAPALM

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. MARKEY. Mr. Speaker, the recent confirmation by the State Department that the Salvadoran Armed Forces have acquired stocks of napalm munitions is deeply disturbing; 64 Members of Congress recently joined me in a letter to President Reagan expressing our concerns about the acquisition and possible use of napalm in El Salvador. I commend this letter to my colleagues insert it to be printed in full at this point in the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 4, 1984.

Hon. RONALD REAGAN,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Recently, the U.S. Ambassador to El Salvador confirmed that the Salvadoran military possesses napalm weapons. In addition, there have been reports that napalm has been used against civilians in El Salvador.

We are deeply disturbed by the possibility of the use of napalm in El Salvador. El Salvador is a densely populated nation undergoing a civil war in which civilians are often difficult to distinguish from combatants, particularly from the air. The use of incendiary devices such as napalm in this conflict can be expected to cause cruel injury to innocent civilians. The United States should not be associated with such a morally repugnant prospect.

No benefit the Salvadoran government could anticipate from using napalm would outweigh the human suffering, domestic outrage and international opprobrium which would accompany this act. Furthermore, a government which uses or contemplates using napalm against its own people stands little chance of maintaining their support.

The United States should oppose the use or acquisition of napalm by Salvadoran Armed Forces.

Several questions require prompt answers. Was United States assistance used in the acquisition of napalm by El Salvador? Do Salvadoran Armed Forces contemplate using U.S.-supplied aircraft or equipment to deliver napalm? Has napalm been used by the Salvadoran Armed Forces to eschew the use of napalm and to do away with their stocks of napalm?

Your attention to this matter is deeply appreciated.

Sincerely,

Michael Barnes, Joseph Addabbo, Edward J. Markey, Peter Rodino, Howard Wolpe, James Weaver, Stephen Solarz, Edolphus Towns, John Bryant, Mike Lowry, Ted Weiss, Thomas J. Downey, Bruce A. Morrison, Robert Garcia, Peter H. Kostmayer, Barbara Mikulski, Pete Stark, Mickey Leland, Edward F. Feighan, Barney Frank, George W. Crockett, Jr., Jim Bates, George Brown, James J. Florio, William Lehman, Vic Fazio, Mary Rose Oakar, Barbara Boxer, Cardiss Collins, Doug Walgren, Daniel Akaka, Marcy Kaptur, Richard Ottinger, Pat Williams, Don Edwards, Bob Edgar, Parren Mitchell, Norman Mineta, Matthew Martinez, Major Owens, Joseph Minish, Howard Berman, Patricia Schroeder, Fernand St Germain, Walter Fauntroy, Paul Simon, Lane Evans, Bruce Vento, Gerry Studds, Robert Kastenmeier, Robert Torricelli, James Oberstar, James Shannon, Ronald Dellums, Sander Levin, Gary Ackerman, Sam Gejdenson, Mike Synar, Leon Panetta, Dan Glickman, George Miller, Jim Moody, Dale Kildee, William H. Gray III, C. Robin Britt.●

NATIONAL TEXTILE WEEK

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BROYHILL. Mr. Speaker, October 21-27 marks "National Textile Week," a time that the American people can reflect in appreciation upon the contribution that the textile industry and its workers make toward our economy.

If we examine the role that textiles play in our economic sector, it is apparent that not only is the industry spread across the entire Nation, but it also represents a vast pool of workers engaged in producing a wide range of top quality products. The roots of the textile industry have spread far beyond the mill towns and outlet stores, having played an integral role in the growth of such industries as trucking, agriculture, chemicals, equipment manufacturing, and engineering. Looking at the direct contributions of these workers, we can see that not only do they provide us with competitive products and services, but also their weekly pay checks contribute directly to local economies through money spent in their home communities. Naturally, these local workers' taxes go to the National, State, and local governments.

In September of this year, the unemployment rate for textile workers was 7.8 percent, with apparel workers' unemployment figure at 12.1 percent. The total work force in the textile/apparel/fiber industry alone is about 1.9 million people, down from 2.7 million people 6 years ago. This dramatic decline of jobs in this most basic and vital industry can be directly attributed to imports. In 4 years, the level of textiles coming into this country has doubled, while per capita consumption of textile goods has declined slightly. Imports now make up 20 percent of the domestic textile market and 35 percent of the domestic apparel market.

While the textile industry does need some assistance from our Government in establishing an even, fair playing field with its trading partners, its innovative spunk in dealing with its problems certainly cannot be underestimated. Companies are retooling obsolete mills with new high-speed, state-of-the-art machinery. Textile capital spending this year is estimated to rise 24 percent from 1983 to a record $1.72 billion, in order to further modernize. The textile industry is also in the second year of its "Crafted With Pride in U.S.A." campaign that inspires earned confidence in the American consumer to buy American textiles and apparel. I am particularly mindful this week that the textile industry is rated as one of the most highly competitive industries in the United States today.●

TRIBUTE TO LUKE GRAHAM

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BONKER. Mr. Speaker, before we adjourn sine die, I want to place into the CONGRESSIONAL RECORD a poignant statement about one of Washington State's most distinguished political leaders, Mr. Luke Graham of Seattle.

The article is penned by Neal Chaney, a long time friend and associate of Mr. Graham's and, together, they served many years as leaders of the Democratic Party.

Luke Graham died last month and many of us felt we were witnessing the passing of a legacy.

Neal Chaney has eloquently expressed my feelings about Luke Graham, which I insert at this point in the RECORD:

LUKE GRAHAM

(By Neale Chaney)

"Mr. Chairman, I'd like to associate myself with the remarks of the previous speaker."

Those words were often Luke Graham's openers when he rose to speak in support or disagreement of a motion or resolution at a political assemblage. And he attended them all, from precinct caucuses to Democratic National Committee meetings.

Luke died one morning a couple of weeks ago at the age of seventy-eight. His life didn't end at a political gathering—which would have been likely a few years back—or on the golf course as several of his friends had predicted it would, but while raking leaves from under the fig tree in the back yard of the Graham residence in a quiet West Seattle neighborhood.

Luke seemed to have a love/hate relationship with that tree. He would proudly show off the few remaining figs hanging on it that the neighborhood kids hadn't filched, but with his natural bend towards neatness, he utterly despised the leaves that it dropped. He was known to look out of his study window, spot a solitary leaf beneath the tree and dash out and pounce on it with the same amount of zeal as he would have approached a potential buyer of a J-J Dinner ticket.

If anyone ever deserved to be called "Mister Democrat", I can't think of a better candidate than Luke. He was elected Clark County Democratic Chairman five times, State Chairman twice, and Democratic National Committeeman four times. He attended seven Democratic National Conventions and was a delegate to the 1974 mid-term convention. At various times he was chairman of the Western States Democratic Conference, member of the resolutions committee of the DNC, and was appointed by the White House to manage President Kennedy's visit to the State of Washington in 1963.

But the offices he held and the honors he brought upon the democratic party of this state were only a small part of his contribution. While Bobby Kennedy may have originated the phrase, "Money is the mother's milk of politics", nobody ever realized it more than Luke Graham. In his thirty years of political activity, I am thoroughly convinced that he raised more money and sold more tickets for candidates and political causes than anyone else in this State's Democratic history. His own financial contributions were quite often more than he could really afford and he and his wife, Kay, have given unstintingly of their time to these campaigns and causes. More than one Democratic office holder owes his start to the help and support of Luke and Kay.

Luke was talented in other ways besides his political acumen. A newspaper pressman by trade, he once spent two weeks assembling a large printing press for the Federal Government at McNeil Island. In the Graham home are a grandfather clock and a china closet both assembled by Luke with the care and expertise of an experienced cabinet maker. On the day before he died, Luke clobbered his son-in-law in a golf game with a score of 78. Luke was proud of "shooting his age." Luke was also proud of his many friends.

Mr. Chairman, I'm proud to have been associated with you.●

IMPROVED BENEFITS FOR FORMER MILITARY SPOUSES

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. ASPIN. Mr. Speaker, as chairman of the Subcommittee on Military Personnel and Compensation, I have received many queries on the Trible amendment relating to benefits for spouses divorced from military personnel. I would like to explain just what the Defense Authorization Act of 1985 provides. The table outlines the provisions. Let me add a few points that don't show on the table.

BACKGROUND

For some years we have struggled with the question of what military benefits should appropriately be given to the spouses of military careerists if they are divorced years ago, we approved legislation that provided benefits for those married 20 years to service members who had served 20 years if the military service and marriage overlapped a full 20 years. Since then, Congress has been urged to allow more divorced spouses to gain benefits. This spring, the Senate added language—the Trible amendment—to the Defense Authorization Act to do so. The conference committee rewrote this legislation and the new benefit program is contained in the final version of the Defense Authorization Act that was approved by the House September 26.

PHILOSOPHY

As chairman of the relevant subcommittee, I had been concerned for some time that we were being asked to react in a philosophical vacuum. Bills to provide benefits to former spouses were gaining cosponsors rapidly because of natural sympathy, but little thought had been given to the military's proper responsibility to the former spouses of its members. The conferees began by providing a philosophical framework.

We felt that over time the military accrues degrees of responsibility toward spouses because the military system fosters among its families a certain dependence on the military structure, largely in consequence of the frequent moves. The services encourage not only their members, but also their families, to look to the military as their community. On the other hand, we could not agree that everyone who leaves that community—even someone forced out—is owed benefits for a lifetime. The Trible amendment would have conferred lifetime benefits on former spouses who served in the active duty military only 15 years, although service members who leave the military after 15 years sever all ties with the military community and lose all rights to benefits in the future.

For the service member, the key to gaining lifetime rights to military health care and commissaries—military supermarkets—is completion of 20 years of active duty service. If that 20-year barrier were broken, as proposed by the Trible amendment, we could see no rationale for any other time period. Although 15 years was the period in the amendment, an earlier draft had spoken of 10 years. Why not 8 or 5? We felt the 20-year requirement for access to lifetime benefits was an important one to keep. The conferees violated the 20-year threshold for lifetime benefits only as required to address the circumstances of a group of long-term spouses whose divorce judgments were already closed and could not be reopened.

That does not mean we felt future divorced spouses should be booted out of the military community without a thought. The time of divorce is trying and the military community unique. We felt the institution that fosters an element of dependence owed a helping hand to spouses departing the military family. Therefore, the Defense Authorization Act, as detailed on the attachment, provides 2 transitional years of military medical benefits for those long-term spouses not accorded lifetime benefits.

INSURANCE PROGRAM

We still faced the philosophical problem that any threshold short of 20 years of military service would be purely arbitrary.

Additionally, we recognized that people departing the military face a unique medical insurance problem. Civilians leaving a job generally have the option of converting their group medical insurance to individual insurance. They have guaranteed insurability. The military doesn't provide insurance; it provides health care directly to its community. Thus, there is no insurance to convert and, consequently, no guaranteed insurability. This affects not only divorced spouses, but also children reaching age 18—or 21 if they attend college—and service members leaving the Armed Forces at the end of their tours. Many of the last group are in their midtwenties, with one or two children to care for, and with no assurance of insurance.

Therefore, the conferees directed the Defense Department to draft a program to contract for medical insurance for those departing the military community. The terms remain to be worked out, but the concept is to provide a transition from the military community to the civilian community by providing guaranteed insurability for everyone leaving the military community—which would include divorced spouses with far less than 15 years in the community.

The military benefits table follows:

MILITARY BENEFITS FOR DIVORCED SPOUSES OF SERVICE PERSONNEL

	Current law [1]	Defense Authorization Act of 1985 [2]			Future law [3]
Applied to those divorced	After Jan. 31, 1983	Anytime	Before April 1, 1985	From April 1, 1985 til new program	After new program starts up.
Commissary and Exchange	Yes	Yes	No	No	No.
Military medical care and CHAMPUS	Yes	Yes	Yes	Yes	No (guaranteed insurability instead).
Length of coverage	Lifetime	Lifetime after Jan. 1, 1985	Lifetime after Jan. 1, 1985	Two years from date of divorce	Lifetime.
Loss of benefits on remarriage or under employer medical coverage.	Yes	Yes	Yes	Yes	Subject to policy terms.
Notes	This law was prospective only	We made program retroactive	We picked up spouses already divorced with 15-20 years overlap.	We addressed future divorced spouses with 15 to 20 years overlap.	We address future divorced spouses with less than 15 years overlap and develop a universal conversion opportunity.

[1] Qualifications: 20 years service in military, 20 years of marriage, 20 years overlap of military service and marriage.

[2] Qualifications: 20 years service in military, 20 years of marriage, 15 years overlap of military service and marriage.

[3] Qualification: Any brief period. ●

OWNERSHIP OF TELECOMMUNICATION PROPERTIES BY MINORITIES

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. LELAND. Mr. Speaker, I wish to address my colleagues on a most important subject.

Despite decades of discussion and support for increasing minority participation in the telecommunications industry, little has been accomplished with regard to ownership of telecommunications properties by minorities. Presently, minorities, in the aggregate, own less than 2 percent of all broadcast properites and less than 1 percent of all cable systems in the United States. The situation outside the broadcast and cable industries is even more abysmal.

The Commission must intensify its efforts to promote minority participation in the increasingly vital telecommunications industry. Specifically, it is critical that these efforts be broadened to include promoting minority participation in the ownership and operation of common carrier and other emerging new technologies. The Commission must work to guarantee that the ownership patterns which have taken root in the broadcast industry are not transplanted to nonbroadcast telecommunications.

There can be no doubt but that cellular mobile communications is one of the most exciting and most promising new telecommunications technologies. Eventually, the entire Nation will be served by an interconnected network of mobile telephone facilities. To a great extent the foundation of our Nation's telephone communications system for the next century is being built through cellular licensing deliberations at the Commission. These deliberations will determine just who will participate in that future telephone industry and who will not.

The Commission should develop a procedure, in both the context of a lottery and that of a comparative hearing, whereby minorities are encouraged to apply for cellular franchises. This can only be accomplished if some advantage is attached to applications which involve significant minority participation. Such preferences would work to advance both the level of minority ownership and the quality of service offered in the communities served by minority business persons.

A preference for minority applicants for celular licenses is not without precedent and is consistent with the principle that minority participation in all industries and all markets is in the public interest. For more than 20 years Congress and the executive branch have recognized this principle. Congress has authorized and encouraged many agencies to assist efforts to increase minority business ownership and participation. Loan programs in the Small Business Administration, construction funding from the Department of Housing and Urban Development, procurement guidelines in the Department of Defense, and training and apprenticeship policies of the Department of Labor all are founded on the principle that increasing minority business ownership and participation is in the public interest.●

"LEST WE FORGET"—THE TRAGIC EVENTS OF OCTOBER 23, 1983

HON. THOMAS R. CARPER

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. CARPER. Mr. Speaker, Tuesday, October 23, 1984, marks the first anniversary of the tragic massacre at the Marine barracks in Beirut, Lebanon. Like another tragic day, it is a date which will live on in infamy.

Thomas J. Little, one of my constituents in Delaware, is a former marine and the father of a young marine who served in Beirut in 1983 and who survived that ordeal. Mr. Little has resolved that the awful occurences of that day will be remembered and that those brave men who sacrificed their lives will be revered.

Toward that end, Mr. Little has organized a memorial service entitled "Lest We Forget" for those marines and sailors who died. This service will take place in Wilmington, DE. Speaking at the event will be clergymen representing all denominations. The Marine Corps Color Guard and Rifle Guard will perform.

I would like to join Mr. Little in urging all Americans to remember the terrible events of October 23, 1983. And I ask all Americans to pause on that day and reflect on the meaning of the sacrifices of the men who fell, the men who were wounded, and their families who sacrificed so much.

In addition, as my colleagues leave for their home districts, I would like to urge them to share with their constituents Mr. Little plans for a day of remembrance so that other cities, towns, churches, and schools will follow Wilmington's lead in memorializing the marines and sailors who died in Beirut 1 year ago.

To: Senator William V. Roth, Jr., Senator Joseph R. Biden, Congressman Thomas R. Carper.

From: Thomas L. Little.

Re: "Lest We Forget", Finalized Agenda.

Dear Bill, Joe and Tom: The agenda for "Lest We Forget", is as follows:

October 23, 1983: 7 p.m.: Assemble.

7:30 p.m.: United States Marine Corps Color Guard, Call to the Colors; Pledge of Allegiance; Introduction, Thomas L. Little; and Peace on Earth, Sue Pine.

Homilies: (a) Rabbi Leonard B. Gewirtz, Adas Kodesch Shel Emeth Congregation; (b) Rev. Thomas Hanley, Department of Social Concerns, Catholic Diocese of Wilmington; (c) Pastor Robert Helms, Peninsula-McCabe United Methodist Church; and (d) Wes Reutter, layman representing all denominations.

8:15 p.m.: United States Marine Corps Rifle Salute to all fallen comrades; taps, for all fallen comrades; light one candle; hymn, "Let There Be Peace On Earth", Wes Reutter; and close and goodnight, Thomas L. Little.

I request you use your good office; submit this letter as an immediate release through your press secretary and use all your powers of persuasion to have it included in the Congressional Record and publicized as much as possible so that:

"Every village, town, city and other institutional setting, including churches, synagogues, and other places of worship, universities, schools, et al., may follow the same pattern and example in a local setting. In this manner, we will give the lives of the marines and sailors who died some meaning, some real, honest meaning—for their death may now contribute to world peace."

Last year, you all asked what you could do to help. I now ask you to help by submitting this letter as an immediate release with my complete permission and enthusiastic encouragement, before the United States Senate and Congress, and announce this event wherever possible.

Please find enclosed a "Lest We Forget" button, should you wish to refer to it.

Respectfully submitted,

Thomas L. Little.●

TRIBUTE TO KENNETH ROBINSON

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 1984

● Mr. PORTER. Mr. Speaker, as the final days of the 98th Congress come to an end, I would like to pay tribute to a most distinguished and honorable colleague, who has been a Member of this body for the past 14 years—the gentleman from Virginia, J. Kenneth Robinson.

Ken Robinson has served the people of the Seventh District of Virginia with special devotion and distinction since he was first elected to the 92d Congress in 1970. Ken's years of service in this legislative body earned him the respect of his peers and the popular mandate of his constituents for as long as he worked.

Ken is one of the more senior Republicans in the House, and is the fifth ranking minority member of the House Appropriations Committee. His appropriations subcommittee assignments include Agriculture, Rural Development and Related Agencies, and Defense. In addition, Ken is the ranking Republican on the Select Committee on Intelligence and served on the Subcommittee on Progam and Budget Authorization. As a veteran of World War II, Ken has realized the need for a strong national defense and an assertive foreign policy. Ken has been a loyal member of the Republican Party, and has time and again stood up for what he believed was right. More than this, however, Ken is one of the most respected Members of our body. He has not spent the time of the House or of our committee with extraneous remarks, but has spoken out strongly, with the full attention of the Members, only when he has felt it necessary. This is the kind of Member who has true impact in a legislative body and it's the kind of effective Member that Ken Robinson has been.●

DEDICATION OF THE AIKEN WILDERNESS

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. JEFFORDS. Mr. Speaker, last Sunday, I joined Senators Stafford and Leahy and a few other people in Woodford, VT, to dedicate the George D. Aiken Wilderness. It was a simple tribute, in keeping with the humanity and dignity of the man we gathered to honor. The Forest Service, and especially Forest Supervisor Steve Harper, did a fine job in arranging the ceremony. As George Aiken was fond of saying, while the Interior Department has a reputation to live down, the Forest Service has a reputation to live up to. Steve and his colleagues are certainly doing their part.

As my colleagues recall, the House almost a year ago passed the Vermont Wilderness Act. This bill was subsequently signed into law this past June. It designated a number of new wilderness areas in the State, the southernmost named in honor of former Senator and Gov. George Aiken, fondly referred to as the first citizen of Vermont.

The weather cooperated and we were treated to a beautiful fall day, with the maples, and birches, and sumac in full color. Standing in a clearing at the edge of the wilderness, it was not at all difficult to understand why George Aiken, despite his 34 years in Washington, always considered Vermont his home.

As my colleagues undoubtedly know, George Aiken was the principal spokesman in the 1970's in advocating eastern wilderness. He was an architect, and probably was most resonsible for the passage of the Eastern Wilderness Act in 1974. In the decade following the passage of the Wilderness Act of 1964, only 4 of the 95 wilderness areas created were east of the Great Plains. The Eastern Wilderness Act created 16 "instant" wilderness areas and designated another 17 for further study.

More importantly, the Eastern Wilderness Act affirmed that eastern lands were suitable for wilderness designation despite the fact that they had felt the effects of man. This legislation recognized that man had not only the power to destroy the land, but to nurture and restore it as well.

George Aiken's colleagues well recognized his leadership. Senator Talmadge, chairman of the Senate Committee on Agriculture and Forestry, had this to say of his role in the Eastern Wilderness Act:

> The fact that we are today considering this legislation and the fact that we were able to achieve an excellent compromise, which accommodates the views and interests of both committees, is due largely to the perseverance and leadership of the senior Senator from Vermont. We all know George Aiken as a reasonable man, a man not given to partisan bickering. We all know him as an elder statesman of the Senate. However, those of us who know George Aiken also know him as a very tenacious, determined, and persuasive man when he puts his mind to securing passage of important legislation. The fact that we are considering an eastern wilderness bill today is due primarily to the tenacity and perseverance, as well as the great persuasive ability of the senior Senator from Vermont.
>
> As we all know, he plans to retire at the end of this session of Congress. If we, the 99 other Members of the Senate, could get together to design a perpetual monument that would be a faithful reproduction of what George David Aiken has stood for in his personal and public life, we could not pick a better one than this legislation. His life is typified by S. 3433, which seeks to secure for the American people of present and future generations the benefits of the enduring resource of wilderness.

Senator Talmadge's view was echoed by Senator Hubert Humphrey:

> Senator Aiken's record as a legislator is widely known. Less well known is the fact that he is a distinguished horticulturalist operating not only an orchard in Vermont, but also a unique wild flower nursery. Growing wild flowers is an art that requires that one recreate a miniature "wild" environment for the plants. Senator Aiken is one who keenly and perhaps uniquely in this Congress, recognizes man's need to understand nature's environment. I think this in part explains his life-long dedication to a very basic principle—man should be at peace not only with his fellow man but also with the world in which he lives.

Anyone who has walked through the woods of Vermont or New England knows the special joy of finding a stone wall or cellar hole in the most unlikely place. The Aiken Wilderness, like those throughout the East, has felt the impact of man, but underscores his belief that left alone, land can and will return to its natural state.

George Aiken knew the land better than most. He was a lifelong conservationist. The Nation benefited greatly from Senator Aiken's knowledge during his tenure in Congress. As Senator Talmadge pointed out during consideration of the Eastern Wilderness Act, every major forestry bill that Congress had enacted over the past 34 years bore the imprint and good work of the Senator from Vermont.

George Aiken could not join us for the dedication. It may be that he was feigning illness so as not to be subjected to all the praise that was heaped upon him last Sunday. Always a modest man, he no doubt would have forced us to cut short our words of praise had he been in attendence.

Mr. Speaker, there could be no more appropriate tribute to George Aiken than a wilderness bearing his name. I hope it will serve future generations as a reminder of their debt to him.●

DEATH OF THE EXPORT ADMINISTRATION ACT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. BONKER. Mr. Speaker, as the Congress prepares to adjourn sine die, it is my sad duty to report that the House and Senate were unable to agree on the final version of a bill to reauthorized the Export Administration Act.

This is vital legislation for obvious national security and foreign policy reasons, but it also represents our one hope to bring down the staggering trade deficit—now pegged to be over $125 billion this year. We can address the trade deficit problem by exporting more or importing less. Since the latter usually means protectionism, export promotion is clearly the way to go.

That is what the Export Administration Act attempted to do. If passed, it would have removed the stigma or unreliability from our exporters by way of contract sanctity, and it would have greatly improved licensing procedures which now plague U.S. high technology exporters.

Agreement was reached on these difficult issues, but amendments on nuclear nonproliferation and South Africa were added to make the task of finding a consensus more difficult. And, it is no secret that this administration, long and bitterly divided on national security matters, never spoke coherently on the measure. In the end, their opposition was enough to kill the measure.

The cost will be great for everyone who had a stake in the legislation.

For those who have suffered unfairly from economic sanctions in the past, we have achieved nothing. The President still possesses the authority to apply foreign policy export controls the next time Russia misbehaves.

U.S. exporters will still be perceived as being unreliable suppliers. For those who worry about delays and uncertainity in applying for export licenses to ship high technology products or who fear an expanded DOD role in the licensing process, there is no hope in sight.

For agricultural exporters, there will be no exemption from Presidential action in the future under the Export Administration Act.

For those who want to send a message to South Africa, you can forget it. The only message is that Congress cannot agree that one should be sent.

For those who want to beef up the Nuclear Non-Proliferation Act, there was good language in the bill, but now there is nothing.

Congressional inaction also jeopardizes other elements of the present act, such as the antiboycott provisions and the current prohibition on the export of Alaskan North Slope oil. Other provisions will be in a state of uncertainity so long as the law has lapsed and the President invokes whatever authority he can justify under the International Economic Emergency Powers Act [IEEPA].

The prospects for next year are not encouraging. It is doubtful that firmly held positions on the many issues wrapped up in the Export Administration Act will be any different next year.

Yet Congress cannot ignore its responsibility on this vital legislation. I hope the adjournment will allow groups and individuals who care about the legislation to soberly assess the consequences of our inaction and return with a fresh commitment and more cooperation to enact a bill next year.●

BUCKS COUNTY, PA, VOTES ON THE NUCLEAR FREEZE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. KOSTMAYER. Mr. Speaker, on Tuesday, November 6, Election Day, the citizens of my home county, Bucks County, PA, will be voting for more than their choice for the office of President, various State offices, and U.S. Congress.

On the ballot this year in Bucks County is the following proposition:

> Shall the Chairman of the Bucks County Board of Commissioners inform the President and the Congress of the United States that it is the desire of the people of Bucks County to have the government of the United States work vigorously to negotiate a mutual nuclear weapons moratorium and reduction, with appropriate verification, with the Soviet Union and other nations.

Mr. Speaker, in 1982 the House of Representatives defeated the nuclear freeze by a margin of one vote. In 1983, Mr. Speaker, the Foreign Affairs Committee on which I serve took up the issue of the freeze once again. We reported a freeze resolution, and got it passed in the House. This process demonstrated well, I think, the important

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principle of democracy, that every vote counts. And the message is particularly important when we speak to this issue, an issue that affects the continued survival of civilization as we know it.

The freeze movement has been correctly characterized as a grassroots movement. In 1982 as I campaigned throughout the Eighth Congressional District, the freeze and its implication for world peace was the issue about which I felt the greatest urgency. I heard the call for peace and for a nuclear freeze, from women and men; from Republicans, Democrats, and Independents; from all income levels; from voters of all ages, and from children, too. Many of these same people voted for me in 1982 because of this one issue, the nuclear freeze, and for that reason I vigorously advocated within the Foreign Affairs Committee adoption of a strong freeze resolution, and argued so strongly for its passage in the House in March 1983.

Of course, Mr. Speaker, although the urgings of my constituents are of prime importance to me, I could not and would not support this resolution if I thought it would freeze the United States at an inferior level to the Soviet Union, or if I thought it would jeopardize the national security of the United States.

One important basis for the nuclear freeze is that there is parity now between the Soviet Union and the United States in nuclear capabilities. This fact has been spoken to by U.S. military experts. Gen. John Vessey, Chairman of Joint Chiefs of Staff, and Secretary of Defense Caspar Weinberger have both testified that they would not trade the nuclear capabilities of the United States for that of the Soviet Union. This underscores the belief that our nuclear capability is every bit as strong as the Soviet Union.

I am, of course, aware that the nuclear forces of the Soviet Union and the United States are not identical. The nuclear freeze resolution recognizes assymetries exist in the nuclear balance with each side holding some advantages over the other. For example, the Soviets lead in launchers—2,500 to 2,000; we lead in warheads—9,500 to 7,000. While the Soviets lead us in ballistic missile submarines—62 to 32—we lead them in total number of nuclear warheads deployed at sea at all times—3,000 to 300. Three-fourths of the Soviet strategic nuclear arsenal is concentrated in vulnerable land-based missile silos, but about one-half of our nuclear arsenal is based in invulnerable submarines. The bottom line is that this is the proper time to negotiate a freeze, because both forces are essentially equivalent.

As a member of the House Foreign Affairs Committee, I successfully offered an amendment in the committee. This amendment strengthened the nuclear freeze resolution by declaring it to be "consistent" with the maintenance of essential equivalence in overall nuclear capabilities." This language reaffirms that the nuclear capabilities of the two superpowers are equivalent. This was not explicitly stated previously and is in contrast to this administration's belief that we must deloy several new weapons, including the MX to attain parity with the Soviets. The time to freeze is now, not after further rounds of weapons deployment.

There are several specific issues that I would like to address. First, there is continued concern that a nuclear freeze would be difficult to verify. Of course, intelligence experts have testified that weapons treaties are verfiable and that the United States has always been able to verify any new deployment of weapons by the Soviets. I believe the freeze resolution addressed this problem. The point of the freeze is that we must negotiate the details of an arms control agreement. Not only will we negotiate the numbers and types of weapon allowed, but we will also negotiate the manner in which we can verify these levels of weapons. Verification procedures must be worked out or there will be no agreement.

More importantly, a freeze would greatly assist verification. Any new testing, production, or deployment—any arms development activity—would be a violation of the treaty. On the other hand, if escalation of the arms race is allowed then it will be extremely difficult to keep track of Soviet military activity.

Finally, Mr. Speaker, it is important to note that the resolution which passed the House, and the resolution which is before the voters of Bucks County, does not call for unilateral disarmament. I am opposed to this, and so are, I believe, all of my colleagues who voted for a freeze, and my constituents. I will not belabor this point. The words "mutual" and "verifiable" are key components of the nuclear freeze.

Mr. Speaker, I am confident the people of Bucks County will vote for a freeze. Let us hope the next Congress accepts the judgment of the voters across the country who are expression themselves on this crucial issue, and finally, with the Senate concurring, passes a nuclear freeze resolution.●

THE NEED FOR CORPORATE TAX REFORM

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. STARK. Mr. Speaker, today I would like to call your attention to a study just released by the Citizens for Tax Justice entitled "Corporate Income Taxes in the Reagan Years." This study by Robert McIntyre, director of Federal tax policy for the Citizens for Tax Justice, measures the impact of the 1981 Reagan tax cuts on 250 profitable American corporations in the years from 1981 to 1983 and demonstrates that corporate America is not paying its fair share of taxes.

In spite of our country's huge Federal deficits, corporations are paying only 6.2 percent of all Federal Government revenues, a decline from the early 1950's and 1960's when corporations paid one quarter of all Federal Government revenues.

Worse yet, 128 of the 250 corporations included in the study paid no taxes at all or received tax rebates in at least one of the three years studied while earning profits of $57.1 billion.

Mr. Speaker, as we consider ways to reduce the deficit, I hope Congress will consider these statistics and collect taxes first from those who have so skillfully avoided paying taxes under the Reagan administration's tax proposals. I am inserting a portion of this study in the RECORD.

CORPORATE INCOME TAXES IN THE REAGAN YEARS

INTRODUCTION

Why is it that the federal government is racking up record-breaking budget deficits while most Americans believe—and rightly so—that they are paying more in taxes than ever?

There is, of course, more than one reason. But one answer can be found in the demise of the corporate income tax. Once, back in the 1950s and 1960s, the corporate income tax supplied one fourth of all federal government revenues. By 1983, that figure had dropped to 6.2%.

The decline of the corporate tax began with the adoption of the investment tax credit in the 1960s and continued into the 70s as Congress adopted one new loophole after another in response to corporate lobbyists.

However, the largest single blow to the corporate tax came in 1981 with passage of the Reagan tax bill. That bill created a new system of super-accelerated write-offs for business investments in plant and equipment, the Accelerated Cost Recovery System (ACRS), which opened up massive new possibilities for legalized corporate tax avoidance, even after the reforms adopted in 1982 scaling back some of its benefits.

This study measures the impact of the Reagan tax bill on the corporate income tax by examining the actual taxes paid by 250 American corporations from 1981 through 1983, the first three years of the Reagan administration. Every one of the 250 companies included in the study was profitable over these three years. And 88% of the companies made the Forbes Profits 500 in 1983.

A description of the methods used to select the 250 companies included in the study, calculate their domestic pre-tax profits and determine the actual federal income taxes they paid or tax benefits they received is included at the end of the report.

I. MANY PROFITABLE COMPANIES ARE PAYING ZERO OR LESS

The major finding of our study of 250 companies between 1981 and 1983 was that 128 (or 51% of the 250) major corporations paid no federal income taxes or less (i.e., they received rebates of taxes paid in earlier years or sold "excess" tax benefits) in at least one of the three years, while earning profits of $57.1 billion. In fact, these companies were able to manipulate the provisions of the new law to claim $5.7 billion in cash rebates or sales of tax benefits.

Of these 128 companies, 17 paid zero or less all three years, gaining net rebates and benefits of $1.2 billion despite profits of $14.9 billion over the three years. Another 48 corporations paid zero or less in two of the three years, claiming rebates and benefits totalling $2.9 billion on profits of $20.1 billion.

The single biggest gainer from the 1981 legislation was Ronald Reagan's former employer, General Electric. GE earned $6.5 billion in pre-tax domestic profits over the three years, paid not one cent in federal income taxes, and claimed tax refunds of $283 million in taxes paid before Reagan took office.

Six other companies—Boeing, Dow Chemical, Tenneco, Santa Fe Southern Pacific, Weyerhaeuser and Dupont—also received net tax benefits or refunds over the three years in excess of $100 million despite profits totalling $9.8 billion.

In addition to GE, Boeing and Dow Chemical, the list of 17 major U.S. corporations paying zero or less on their profits in each of the last three years includes Transamerica Corporation ($86.4 million in benefits on profits totalling $584.9 million), General Dynamics ($70.6 million in benefits on $930.8 million in profits), Greyhound Corporation ($42.1 million in refunds on $290.8 million in profits), Lockheed (zero taxes on $1,085 million in taxes) and Grumman (zero taxes on profits totalling $474.5 million).

Five of the 17 firms paying zero or less in taxes in each of the last three years—General Electric, Boeing, General Dynamics, Lockheed and Grumman—are major Pentagon contractors. Through skillful use of loopholes inserted in the tax code by the Reagan administration and its predecessors, these five companies, with profits of $10.5 billion, have been able to exempt themselves from contributing one dime toward the cost of the national defense buildup from which they stand to profit so handsomely.

The data for 1983 indicate how far short the 1982 reforms fell of closing the massive new loopholes created by Reagan's ACRS. In 1983, 67 companies with profits of $14.7 billion paid no federal income taxes and claimed rebates totalling $1.1 billion.

II. CORPORATIONS PAYING LESS THAN THE AVERAGE TAXPAYER

According to the Joint Tax Committee of the U.S. Congress, the average effective tax rate on individuals this year is 12%. Notwithstanding that the 250 companies in our study earned profits far in excess of the income of the average American family, we used the 12% paid by the average taxpayer as a benchmark to measure the taxes paid by the corporate taxpayers.

In 1983, 129 companies with profits totalling $45 billion paid a smaller percentage of their profits in taxes than the average American family pays on its income. Overall, these 129 companies paid an effective tax rate of only 0.4%.

Over the three years 1981-1983, 133 of the 250 companies in our study, or 53%, paid taxes at a lower rate than the average American family (i.e., less than 12%) despite earning profits during the three years totalling $130.9 billion.

Besides those listed earlier, other major corporations paying taxes averaging less than 12% of their profits over the last three years include AT&T (1.1% on profits of $31.5 billion); Westinghouse Electric (1.9% on profits of $1.4 billion); Union Pacific (3.5% on profits of $1.8 billion); Sears, Roebuck (4.2% on profits of $3.4 billion); Norfolk Southern Corporation (5.3% on profits of $2.2 billion); Merck (8.7% on profits of $1.2 billion); and GTE (9% on profits of $3.6 billion).

III. HIGH TAX COMPANIES

While a majority of the corporations in our study are paying taxes at a rate below that of the average American family, our study also found a handful of companies paying taxes at rates approaching the 46% statutory rate.

Twelve of the 250 companies averaged tax payments over the three year period of 40% or more. The higher taxed company included in the study was Whirlpool Corporation which paid $296.8 million in taxes on $650.2 million in profits over the three years, for an average rate of 45.6%. On an industry basis, the highest average tax rates were paid by companies in the tobacco, leisure and personal care, and textile industries.

IV. BILLIONS LOST IN FEDERAL REVENUES

The federal tax code says that corporations must pay 46% of their income over $100,000 in income taxes. However, the growth of corporate tax loopholes such as ACRS allows companies—as we have seen—to pay taxes at rates far below the statutory 46%. The difference between 46% of the income companies report to their shareholders and the amount they actually pay represents the cost of corporate tax loopholes—lost federal revenues which must be offset by taxes on other taxpayers either now or, in the case of funds borrowed because of the deficit, in the future.

The 250 companies in our study paid $41.1 billion in taxes on profits of $291.4 billion over the three years 1981-1983, for an average of 14.1%. If these companies had paid the full statutory rate on their income, they would have paid an additional $91.4 billion in federal taxes over the three years—a not inconsiderable contribution to narrowing the federal deficit.[1]

In 1983, the 250 companies paid taxes of 14.6% on profits of $102.2 billion. Had they paid at the 46% rate without benefit of all the loopholes encumbering the corporate tax code, they would have paid an additional $3.18 billion in taxes in 1983 alone.

It might be noted that the corporate tax loopholes now provided by the federal government. According to the staff of the Joint Committee on Taxation, corporate "tax expenditures" cost the Treasury $202.9 billion in fiscal 1982-84. The 250 companies in our study took advantage of almost half of that amount in tax breaks. In fiscal year 1983, according to the Congressional Budget Office, there were $1.67 in corporate loopholes for every dollar paid in corporate taxes. The 250 companies in our survey had an even higher ratio of loopholes to tax payments over the 1981-83 period—$2.22 in tax breaks for every dollar they paid in taxes.

V. THE DAMAGE TO THE ECONOMY

Simply in terms of the contribution to the enormous federal budget deficits, the damage that results when our major corporations avoid paying their share of the tax burden is obvious. Because the federal government is borrowing so much, there is added pressure on the credit markets—which translates into high real interest rates. Not only does this hurt farmers, small businesses, and consumers, but it also has been the main factor contributing to the sharp rise in the exchange value of the dollar. That, in turn, has led to the largest trade deficits in history—predicted to exceed $130 billion this year alone—and the consequent loss millions of American jobs in import and export sensitive industries.

But the harms that corporate loopholes do to the economy goes beyond the deficit. To begin with, the so-called "investment incentives" in the tax laws have not led to increased investment. To the contrary real business spending on plant and equipment fell for the first three years the Reagan "incentives" were in effect—the first three-year-in-a-row drop in postwar history. Even the rebound in plant and equipment investment in 1984 has left the total amount in constant dollars barely above the 1980 level.

BUSINESS INVESTMENT IN PLANT AND EQUIPMENT, 1980-84

[Billions of constant 1972 dollars]

	Amount	Percent change from previous year
1980	$159.1	+0.6
1981	158.9	−0.1
1982	150.9	−5.4
1983	144.9	−3.6
1984	164.7	+13.7

Note.—Annual Rate of Change, 1980-84: +0.9%/year. COMPARE: Annual Rate of Change, 1976-80: +6.5%/year.

Once again, it has been made clear that businesses increase investment only when they see a market for their products.

What the "incentives" have done is to tremendously distort corporate capital spending decisions, thereby adversely affecting productivity and economic growth. Under the current tax rules, for example, an investment in industrial plant needs to be almost twice as profitable before tax as an investment in short-lived equipment in order to compete on the after-tax bottom line. This pronounced tax bias in favor of short-term investments has helped lead to a noticeable shift in corporate investment away from industrial plants and other long-term assets.

The business loopholes also are being exploited as tax shelters by well-off individuals, through limited partnerships and syndicated promotions. Over the past few years, such tax-shelter investing has been exploding, quadrupling by some measures since 1979. As E.F. Hutton notes in its annual report, "The tax shelter industry had another record year in 1983, with sales of public limited partnerships increasing 50%." Just as is the case with corporate use of loopholes, tax shelters divert capital and effort away from productivity-enhancing activities and into wasteful tax-avoidance.

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[1] Of the 250 companies we studied, 31 received a total of $1.5 billion in tax benefits through the sale of credits and deductions to other firms. In calculating the $91.4 billion in taxes saved by the 250 firms due to legal loopholes, we eliminated that $1.5 billion to avoid any possibility of "double-counting." That change reduced our estimate of the federal revenues lost through corporate tax breaks to the 250 firms by 1.6%. (A similar $0.2 billion adjustment was made to the 1983 revenue loss figure in the next paragraph.)

There are some important lessons to be learned in this regard from other countries. Take the Japanese, for example, who raised 27.8 percent of their federal revenues from corporate income taxes in fiscal 1983, compared to only 6.2 percent in the United States. In fact, in fiscal 1983, Japanese corporations paid a higher absolute amount in income taxes to their national government—$40.1 billion—than American corporations paid to the U.S. Treasury—$37 billion—despite the fact that the American GNP is almost three times as large as Japan's (and despite the fact that American companies have significantly higher profitability rates).

The key reason why the Japanese collect so much higher a share of their tax revenues from corporate income taxes is the striking difference in the extent of corporate tax loopholes in the United States compared to Japan. While the United States provided companies with tax concessions totalling $62 billion in fiscal 1983—or $1.67 for every dollar paid in corporate income taxes—Japan's "special taxation measures" for corporations amounted to only $1.1 billion—or a mere 2.7 cents for every dollar paid in corporate taxes in Japan.

A 1983 Congressional Research Service study found that the effective corporate income tax rate in Japan, including federal, prefectural, and local taxes, was more than 50 percent. This is a sharp contrast to the 14 percent federal rate found in our study of 250 major firms.

As a result of their even-handed tax policy, the Japanese are able to impose lower taxes on ordinary taxpayers. Moreover, they are not victimized by the economic distortions caused by our system of corporate loopholes.

Ironically, the Japanese tax system was desinged by Americans during the post-World War II occupation. While we have largely transformed our corporate tax into a system of corporate subsidies, the Japanese have prospered by basically sticking with the tax code we gave them.

Another example is the British. After years of following the same path as the U.S. of ever larger corporate tax concessions, the conservative Thatcher government recently announced that it was reversing course, and repealing most of Britain's corporate loopholes. According to the British Financial Secretary, "the assumption that tax incentives meant better investment has been proved alarmingly wrong. There are many reasons why the UK has made poor use of capital but it is hard to escape the conclusion that a tax regime which subsidized and encouraged projects with low returns has been an important contributory factor."

While Japanese firms have concentrated on dominating world markets in cars, computers, and VCRs and while the British appear at least to be learning from their mistakes, American companies have specialized in employing more and more tax lawyers, accountants, and lobbyists. That attitude—and the system that both feeds and is fed by it—cries out for change. What America needs is a corporate tax code that gets back to basics.

Under our current laws, companies report one set of profit figures to their shareholders and another, usually much lower set of figures to the Internal Revenue Service. Isn't it time that Congress ended this system of legalized prevarications? A tax code that asked corporations to pay taxes on their real profits, whether it be at 46% as the U.S. has traditionally done (and as the Japanese approximately do) or even at somewhat lower rates, as has been suggested by the Thatcher government and by Senator Bradley and Representative Gephardt in their "Fair Tax" proposal, would both cut the deficit and enhance economic growth in America, while vastly improving the fairness of our tax laws at the same time.

PROFITABLE CORPORATIONS PAYING ZERO OR LESS IN FEDERAL INCOME TAXES, 1981–83

[Dollar amounts in millions]

Year	Number of corporations	Profits	Tax	Rate (percent)
1981	57	$14,662.2	-$1,754.6	-12.0
1982	86	27,779.8	-2,814.4	-10.1
1983	67	14,622.5	-1,127.4	-7.7
Total	[1] 128	57,064.5	-5,696.4	-10.0

[1] Not counting repeats.

DISTRIBUTION OF MAJOR AMERICAN COMPANIES BY TAX RATE GROUP, 1983

[Dollar amounts in millions]

Tax rate group	Number of firms	Percent	Total profits	Total taxes or benefits	Average tax rate (percent)
Zero or less	67	26.8	$14,622.5	$1,127.4	7.7
0.1 to 11.9 pecent	62	24.8	30,349.6	1,184.5	3.9
12 to 19.9 percent	34	13.6	17,144.2	2,581.1	15.1
20 to 29.9 percent	39	15.6	19,446.5	4,891.7	25.2
30 to 39.9 percent	33	13.2	16,641.0	5,625.3	33.8
40 percent and over	15	6.0	3,970.9	1,819.4	45.8
Total	250	100	102,174.7	14,974.6	14.7

MAJOR AMERICAN COMPANIES PAYING A TOTAL OF ZERO OR LESS IN TOTAL FEDERAL INCOME TAXES, 1981–83

[Sorted by size of tax subsidy; dollar amounts in millions]

	1981–83		
	Profit	Tax	Rate (percent)
General Electric	6,527.0	-283.0	-4.3
Boeing Co	1,530.0	-267.0	-17.5
Dow Chemcial Co	776.0	-223.0	-28.7
Tenneco	2,687.0	-189.0	-7.0
Santa Fe Southern Pacific Corp	1,579.0	-141.7	-9.0
Weyerhaeuser Co	640.7	-138.6	-21.6
DuPont	2,591.0	-132.0	-5.1
St. Regis Corp	123.9	-121.3	-97.9
Georgia-Pacific Corp	400.0	-99.0	-24.8
Columbia Gas System	886.7	-94.6	-10.7
Martin Marietta Corp	490.2	-94.3	-19.2
Transamerica Corp	584.9	-86.4	-14.8
General Dynamics	930.8	-70.6	-70.6
Union Carbide	613.0	-70.0	-11.4
Continental Group	462.0	-69.0	-14.9
Dun & Bradstreet Corp	595.7	-64.0	-10.7
RCA	514.2	-60.9	-11.8
Texaco	1,699.0	-58.0	-3.4
IC Industries	322.9	-56.0	-17.3
U.S. Home	54.3	-53.6	-98.7
International Minerals & Chemical	260.5	-50.6	-19.4
Jim Walter Corp	211.3	-48.2	-22.8
Celanese Corp	296.0	-45.0	-15.2
Northrup Corp	177.4	-42.5	-24.0
Greyhound Corp	290.8	-42.1	-14.5
Amerada Hess	336.7	-41.7	-12.4
Mitchell Energy & Development Corp	402.8	-41.1	-10.2
International Paper Co	1,028.4	-39.4	-3.8
Ohio Edison Co	1,027.7	-37.6	-3.7
Burlington Northern	1,724.3	-37.6	-2.2
Mellon National Corp	402.2	-35.3	-8.8
Ashland Oil	346.9	-33.4	-9.6
Philadelphia Electric Co	1,270.9	-33.4	-2.6
Piermont Aviation	78.9	-29.6	-37.5
Panhandle Eastern Corp	938.0	-28.8	-3.1
Arizona Public Service Co	862.0	-28.7	-3.3
Ogden Corp	192.5	-27.4	-14.2
Pacific Power & Light Co	598.1	-22.2	-3.7

MAJOR AMERICAN COMPANIES PAYING A TOTAL OF ZERO OR LESS IN TOTAL FEDERAL INCOME TAXES, 1981–83—Continued

[Sorted by size of tax subsidy; dollar amounts in millions]

	1981–83		
	Profit	Tax	Rate (percent)
Northern Indiana PSC	549.1	-22.0	-4.0
Tesoro Petroleum	100.9	-16.5	-16.4
CSX Corp	1,755.3	-15.2	-.9
Air Products & Chemicals	294.0	-13.6	-4.6
Superior Oil	1,083.8	-13.2	-1.2
Singer Co	104.6	-12.5	-12.0
Grace (W.R.) & Co	684.1	-12.5	-1.8
Florida Power & Light Co	1,337.7	-12.2	-.9
Centex Corp	194.2	-11.7	-6.0
Pennsylvania Power & Light Co	920.8	-10.4	-1.1
Champion International Corp	167.0	-7.8	-4.7
Southwest Airlines Co	145.2	-7.2	-5.0
Allied Corp	404.0	-7.0	-1.7
American Cyanamid Co	298.7	-6.2	-2.1
Rio Grande Industries	132.5	-4.7	-3.5
St. Paul Cos	440.5	-4.0	-.9
Tyson Foods	36.4	-3.6	-9.9
Commonwealth Edison Co	2,425.6	-3.5	-.1
Comerica	75.2	-3.2	-4.3
Xerox	1,051.2	-2.7	-.3
Citizens & Southern Georgia Corp	173.8	-2.0	-1.2
American Financial Corp	426.9	-1.9	-.4
American Standard	78.5	-1.6	-2.0
Combined International Corp	297.6	-.6	-.2
First Executive Corp	312.2	0	0
Grumman Corp	474.5	0	0
Lockheed Corp	1,085.0	0	0
Total, 65 companies	49,503.0	-3,232.4	-6.5
Total, 25 biggest benefits	25,244.3	-2,600.4	-10.3
Total, 10 biggest benefits	17,741.3	-1,689.2	-9.5 ●

LEGAL SERVICES CORPORATION FUNDS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, as someone keenly interested in the efficient use of funds by the Legal Services Corporation [LSC] and the continuation of bipartisan support for an effective nonideological services program, I am deeply concerned by reports that the LSC is funding new support centers which will involve themselves, in a partisan way, in the most difficult social and political issues of our time. Corporation officials time and time again have represented to the Congress that they would adhere to the letter and spirit of the law and manage the Corporation in a professional, nonideological manner that would insure effective delivery of services and minimize controversy in the program. Instead, they appear to be taking actions in funding these centers that violate the law in at least two respects, and that will raise the level of controversy and conflict regarding the program.

Congress has been forced to place restrictions on the Corporation as a result of its attempts to kill established support centers—with proven track records—whose attorneys offer experienced representation and co-counsel with local legal services attorneys in complex cases.

Now the Corporation has reportedly awarded $300,000 to a new Constitutional Law Center. This Center is to be located in the town of Cumberland, VA, about 50 miles east of Lynchburg. The organization's Director, James McClellan, is former staff counsel to the Senate Judiciary Subcommittee on Separation of Powers John East, chairman. I trust that the Director is conversant in constitutional law, but the Corporation has provided no documentation of need for such a center nor has it provided any indication that Mr. McClellan has represented the poor in the past or has had any involvement with poverty law issues.

In addition, I understand that the LSC has awarded another grant of approximately $300,000 on September 30 to the National Legal Center for the Medically Dependent and Disabled in Indianapolis, IN. The organization's director, James Bobb, Jr., has devoted his legal career to antiabortion and Baby Doe litigation. The Corporation has not clarified just who is to receive support from this group. The question arises: Are these grants the beginning of a new wave of LSC awards to organizations of this kind, which have no established record of effective representation of poor persons?

The problem, Mr. Speaker, is that the Corporation has sought no assurances that this money will be spent on high quality representation of the interests of indigent clients and on those interests alone. The litigation which this money spawns is in danger of being far removed, and even hostile, to the interests of legal services clients across the country.

If these reports are true, the LSC violated the law in the way these grants were made. The grants were conceived in secret, nurtured in secret, and given birth in secret. This happened despite section 1007(f) of the Legal Services Corporation Act which requires that the Corporation publicly announce any grant, contract, or project at least 30 days in advance and shall request comments and recommendations on it. There was no publication, no notice, and no effort to contact established disability groups. These grants do not withstand the light of day. Also, the grants may have violated the reprogramming requirements of the Corporation's appropriation legislation, Public Law 98-411.

Every LSC dollar must be spent in the most efficient manner possible. For the LSC to make awards in this fashion is an outrageous misuse of the mandate of the Corporation. The President will do well to designate responsible persons to the LSC Board who, in turn, will select a staff at LSC capable of carrying out their duties in a manner which is fully consistent with the act and the interests of clients they are to serve.●

THE SOIL CONSERVATION ACT OF 1984

HON. E (KIKA) DE LA GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. de la GARZA. Mr. Speaker, I want to report to the House, very regretfully, that your conferees have not been able to reach a reasonable agreement with the Senate on S. 663, the Soil Conservation Act of 1984.

This bill was approved by the House Agriculture Committee back on the 4th of April by a vote of 38 to 1—about as bipartisan an action as you can get. It was passed in the House on the 8th of May on a voice vote with the solid backing of Members in both parties.

The bill, which many of us consider very important, deals with the question of how we can protect our Nation's fragile land—land which is subject to dangerous degrees of erosion.

As many of you know, the bill has two sections. One section, which we call sodbuster legislation, is aimed at discouraging farmers from plowing up fragile land to put it into crops. The second section, which we call the conservation reserve is designed to help take fragile land which is already in crops and put it back into some type of protective use.

The Senate bill deals with only one of the two sides of this problem—the question of preventing sodbusting.

When we went to conference on this bill several months ago, we were not able to reach immediate agreement. Last month, I tried to reconvene the conference, but it was suggested from the other body that we first try to have our staffs explore possible compromises.

Mr. Speaker, that effort has not yielded any results. I will say that your House conferees have been willing to explore any reasonable compromise. We have been willing to talk about making very major accommodations to the other body, but no agreement has been reached.

Last week, I made another effort to arrange a revival of the conference. What I had in mind was one more effort to see if we could find any area of agreement in a face-to-face discussion between House and Senate conferees.

Unfortunately, it was not possible to schedule such a meeting, and other efforts to get Senate agreement to a compromise bill have also failed. Much as we would have like to get action this year, we will have to delay a solution until we can take the matter up as part of the farm bill next year.

Mr. Speaker, this is not the only major farm bill that we have passed by a wide margin in the House without getting action in the other body. I want to call your attention to several other cases of the same kind.

On March 1, the House passed, on a rollcall vote of 283 to 111, H.R 3050, a bill to help keep the Rural Electrification Program on a sound basis in the years ahead. There has been no Senate action on that bill.

On May 3, 1983, nearly a year and a half ago, the House passed H.R. 1190, a package of important improvements in agricultural credit programs. That bill was approved on a rollcall vote of 378 to 35. Some portions of this package have since been adopted piecemeal in other legislation or partially in administrative action. But the bill itself, including some measures which have not been put into effect, has not yet been called up for a Senate vote.

On August 2, the House voted 364 to 39 to adopt H.R. 5151, the Hunger Relief Act of 1984. That bill made some modest improvements in benefits to hungry people, and it also included new and stronger steps aimed at eliminating overpayments and errors in the Food Stamp Program. That bill, like the others, remains pending in the other body.

Mr. Speaker, the House has acted on conservation and on the other important issues I have listed. We have done our job. I am sorry, very sorry, that I cannot report the final passage of these bills.●

COLONIAL DAMES XVII CENTURY MARKER

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. GONZALEZ. Mr. Speaker, on November 27, 1983, I had the pleasure of being the featured speaker at the 50-year reunion and historical landmark dedication of my alma mater, Thomas Jefferson High School in San Antonio, a very unique, architecturally speaking, as well as historical public high school.

Three markers were dedicated last November: a national historic marker, a State historic marker, and the Colonial Dames XVII Century marker.

In dedicating the latter marker, Gov. Richard Preston Chapter carried out two objectives: First, to aid in the preservation of the records and the historic sites of our country, and second, to aid in the education of the youth of our country.

Mr. Speaker, I would like to share with you and my colleagues, the remarks which Mrs. James F. Chapman, the chapter president, made at the dedication:

> Ladies and Gentlemen, Distinguished Guests, and Students of Thomas Jefferson High School:

The National Society, Colonial Dames XVII Century, was founded July, 1915—about 17 years before this building was completed. The Society was founded in order to commemorate the heroic deeds of the founders of our great Republic, and in order that all people might be inspired to follow their example.

You, the students of Thomas Jefferson High School, have followed this example by accomplishing the task of placing this High School on the National Register of Historic Sites. You have shown an anthusiastic respect for history and tradition, and in so doing, have honored all of us.

The Governor Richard Preston Chapter, Colonial Dames of the XVII Century, reciprocates such recognition by honoring you and your school by entrusting to you our Society's coveted historic marker. We do not give this lightly. It is not just a metal plaque to adorn the wall, to be forgotten when the Jubilee is over. But it is a lasting reminder and a symbol for you to cherish forever . . . a symbol of Faith in our Nation; a symbol of Courage to defend it, and a symbol of Hope for the Future.

We, therefore, dedicate this Marker to Thomas Jefferson High School, and do so with a great deal of pride and Love and caring concern, and, above all: we do this to the Glory of God.

At the 60th National Conference of the Colonial Dames of the XVII Century, held here in Washington on April 14 of this year, Gov. Richard Preston Chapter, of San Antonio, was presented a national award for its work through Mrs. Chapman in honoring Thomas Jefferson High School.●

A REUNION AT THE GREEK-AMERICAN INSTITUTE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. WEISS. Mr. Speaker, the Greek-American Institute of the Bronx, NY, is celebrating its 72d anniversary of service to Americans of Greek heritage. This elementary school, the first of its kind in the United States, was founded in 1912 by a group of Greek-Americans interested in giving their children an academic, ethnical, and religious education. In addition, children were taught the Greek language, history, and culture. Today, the Greek-American Institute has over 200 students from kindergarten to eighth grade. It maintains very high academic standards as evidenced by the fact that its students perform well above grade level on the standardized reading and math tests. It offers extensive creative programs in a wide variety of subjects as well as continuing to offer Greek language and culture.

On October 20, 1984 the Greek-American Institute is hosting a reunion where hundreds of graduates and friends will reminisce and rekindle old friendships. I would like my colleagues to join me in congratulating the Greek-American Institute for its many years of excellent service to the Greek-American community. It has offered thousands of students an opportunity to enrich their lives by learning about their Greek heritage. I commend them on their dedication to excellence in education.●

ADMINISTRATION'S DESIGNS IN COSTA RICA

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, Octo b *er 12, 1984*

● Mr. FAUNTROY. Mr. Speaker, a number of nationalists within the Costa Rican Government are becoming increasingly concerned about the Reagan administration's intentions for Costa Rica in its overall scheme to bring pressure on the Nicaraguan Government. San Jose's worries seem to be justified in light of recent statements made by our Ambassador to that country, Curtin Winsor. His statements clearly indicate that Washington has not ruled out using Costa Rica, a country with no army, as a southern front for a possible invasion of Nicaragua. In addition, Mr. Winsor repeatedly has made unwelcome and undiplomatic remarks about Costa Rica's domestic policy and Costa Rican officials, which have offended many Government officials, including President Luis Alberto Monge. One must conclude that Winsor looks upon Costa Rica as just another Latino banana republic and has used his position as an official representative of the United States in the spirit of a proconsul.

I would therefore like to submit to the CONGRESSIONAL RECORD a research memorandum by Monica Kennon, which appeared in a recent issue of the biweekly publication, the Washington Report on the Hemisphere, of the Council on Hemispheric Affairs, which documents some of Ambassador Winsor's recent controversial actions.

COUNCIL ON HEMISPHERIC AFFAIRS,
Washington, DC.

NOT-SO-QUIET DIPLOMACY

(By Monica Kennon)

At the hub of the growing divisiveness in Costa Rica over Washington's influence upon the nation's foreign and domestic policies, lies the controversial U.S. envoy, Curtin Winsor.

Since his appointment to the Embassy by President Reagan in April 1983, Winsor has disturbed more than his share of Costa Ricans—including President Luis Alberto Monge—with his overt criticism of Costa Rica's financial system, mocking of dignitaries, and pressuring of the government to play a greater role in isolating Nicaragua from its neighbors.

Winsor's high-profile actions have exacerbated already evident polarization between government officials who advocate continuing San Jose's 36-year pacifism, and those who view nurturing the Reagan administration—and receiving the accompanying economic aid—as the principle objectives of Costa Rica's foreign and domestic policies.

Winsor—whose background includes, ironically, working for the foreign service in Washington during the late 1960s on arms control and disarmament, and serving as president of the West Virginia-based Winsor Pittman Coal Company—so aroused Costa Rican nationalists that, on Aug. 24, the Radical Democratic Party (PRD), under Juan Jose Echeverria, demanded that the Monge government declare the envoy persona non grata for his "incessant meddling in Costa Rican affairs." The leftist Vanguardist Youth Movement has seconded the motion.

Members of the Legislative Assembly privately have hinted that Winsor played a key role in pressuring the government to accept a rental agreement between the Voice of America and a privately owned radio station near the Nicaraguan border. The facility currently is scheduled to begin transmitting "the U.S. public diplomacy message" to Nicaragua in December.

OUT OF CONTROL

Throughout his tenure, the U.S ambassador has been one of the Reagan administration's most scathing and out-of-control assailants of Nicaragua's Sandinista government. His most recent public attacks against the Sandinistas came before an Oct. 2 meeting of Republicans in his home state of West Virginia, where he described Nicaragua as "a country that's been taken over by bandits through our own ineptness." Citing the alleged presence in Nicaragua of Libyans, Palestinian Liberation Organization members and Soviet bloc military personnel, Winsor said that "Nicaragua has become just like an infected piece of meat, attracting these insects from all over."

In the same session, Winsor denounced critics of the Reagan administration's Nicaragua policy as the "extreme left network that worked against American interests in Vietnam. It's sad to say, but many congressmen are prisoners of their own staffs who rely on the preponderance of information from the left."

Winsor repeatedly has stated that Washington is willing to back even his harsh words with action. In an interview with the Costa Rican daily, La Nacon, last November, he stated that the United States "does not discard the possibility of invading Nicaragua, as it cannot live with an active, subversive, Marxist-Leninist regime in the region."

Nor has Winsor given up on several of his projects for Costa Rica, including the introduction of a U.S. military presence in that country. Earlier this year, Winsor, together with officers of the U.S. Southern Command, lobbied reluctant Costa Rican leaders for joint U.S.-Costa Rican military training exercises, patterned after the Honduran model, that were to have taken place this fall. Although San Jose has yet to embrace the idea, Winsor reasserted in an August interview with Pacific News Service that "the United States has not abandoned the idea of training its National Guard members in Costa Rica." He ominously added that "after the U.S. and Nicaraguan elections, Costa Ricans will perhaps accept excercises carried out in the southern part of the country."

During the same interview, Winsor blessed the fusion of the Honduran-based Nicaraguan Democratic Force (FDN) and the Costa Rican-based Democratic Revolutionary Alliance (ARDE) contra forces, saying that "this strengthens the U.S. interests in the region" and that is would give the FDN and ARDE "political legitimacy."

THE WINSOR CHANGE

Domestically, Costa Rican nationalists have chided the ambassador for his vocal criticism of the Monge administration's economic policies. Costa Rica currently is enduring a strict IMF-tailored austerity program in order to service a foreign debt of over $4 billion. Last January, Winsor felt compelled to bluntly advise that "the (ruling) National Liberation Party should show a little willingness and pragmatism so that Costa Rica can enter the 21st century as a developed country." The remarks produced a severe, if unusual reproachment of Winsor's undue interference by President Monge shortly afterwards.

Nevertheless, in early June, the ambassador warned that if the Legislative Assembly failed to approve then-pending amendments to the country's currency law, Costa Rica would not receive $200 million in foreign aid. The amendments would permit the Central Bank to loan foreign currency to private banks, instead of only to state-run banks. As usual, his comments led to protests within the Legislative Assembly. Legislators Julio Jurado of San Jose and Miguel Guillan of Alajuela led the charge that the U.S. Embassy was interfering in the country's domestic affairs. In addition, one cabinet official commented that Winsor's criticism was a "not too elegant expression by a diplomat of a great country to a small nation."

Other winsorisms that have roused anger within Costa Rica included his recent denunciation of former President Rodrigo Carazo as "a man who should have been declared insane," and of Carazo's cabinet as "corrupt."

For all his excesses, however, the U.S. envoy is not without friends in San Jose. Among them is the presidency minister, Fernando Berrocal, who defended Winsor's remarks on the banking law by stating that U.S. Embassy officials "have always voiced their understanding and support for our country." Winsor rewarded the gesture in early September, when he declared his support of Berrocal's candidacy for the post of assistant secretary general at the Organization of American States in Washington.●

REDESTRICTING THE 32d DISTRICT

HON. GLENN ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. ANDERSON. Mr. Speaker, I've just had called to my attention the fact that on September 28, our colleague, the Honorable DAN LUNGREN, spoke on the floor concerning the redistricting issue in California. I found his remarks quite interesting. And at the very start, let me say that I agree that the last two redistrictings, commonly known as "Burton I" and "Burton II," have in fact created some extremely unusual shapes for some of our congressional districts.

I wonder if in preparing his remarks, my colleague has forgotten that in the last election, the "Burton I" Congressional District 32 of California was considered by some to be such a good district for a Republican that he encouraged his brother to run against me in that district. I am sure he was convinced the district could be won, in a large part as a result of the redistricting, and in fact many people throughout the country were persuaded in a like manner and supported his campaign financially. However, the voters did not make that choice, and I was reelected.

It is interesting now to hear DAN express his distaste over his current district. I had heard from a number of people close to Mr. LUNGREN that he was pleased with the district as it was reapportioned, and only expressed dissatisfaction at not having had Catalina Island included in his new district. And I can understand why he would feel that way.

It is widely recognized that I was opposed to the way the recent redistricting was accomplished. I had publicly stated on numerous occasions that I did not favor either the "Burton I" or the "Burton II" plans. Over the past few years there have been numerous articles appearing in the press that make much of the fact that I was not only opposed to Burton's plans, but that Burton was opposed to me. While I have never made such a statement, the press obviously had some basis for their reports.

I must wonder why the shape of our districts has suddenly become a matter to discuss on the floor of the House? I will certainly be pleased to have the privilege of representing the 32d District, including the areas newly added to the district, after this next election, and I am certainly doing all that I can to make sure that the people who live in this district know who their Representative is. Once the lines have been drawn, I feel we should do the best we can for the people we represent. I think that by getting out and listening to what the peoples' concerns are and by talking to them, we can overcome the presumed difficulties that exist because of the way the lines are drawn. After all, it's the people who count.●

OLE TIME SAYIN'S

HON. RON DE LUGO

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. DE LUGO. Mr. Speaker, a trip through the English-speaking Caribbean is always guaranteed to be both exciting and pleasurable, but what is always helpful for any traveler is a knowledge and an understanding of the unique language of this highly interesting region. For all of those who have ever felt left out of a conversation while traveling through the islands, let me tell you of a fellow Virgin Islander who has broken through this barrier and has presented the rich and colorful dialect of Creole English into writing for all to read, to understand and, most of all, to appreciate.

Rafael "Lito" Valls, born in St. Croix and now a resident of St. John in the U.S. Virgin Islands, has captured in his latest book, "Ole Time Sayin's," the very essence of West Indian Creole English, with a collection of over 800 sayings and proverbs that can be used and applied in every day life and every day situations.

A sample of Lito's translations should demonstrate the treasure and fruits of his efforts:

Always try de water 'fore you jump een—(look before you leap).

Bad bread good in scarce time—(in time of need we are grateful for anything).

Betta to fall from windoh dan to fall from roof—(Make the best of things. It could have been worse).

Dutty wata will out fire—(everything is useful).

If you wake me you ga' toh hush me—(let sleeping dogs lie).

Many cook mek bad soup—(too many cooks spoil the soup).

In for more, out wid less—(warning against greed and avarice).

Mangoose don' help rata back in 'e hole—(you should know what to expect from your enemies).

See an' blind, hear an' deaf—(see no evil, hear no evil, speak no evil).

Wha' you expec' from deh pig but 'e tail an' 'e snout—(you can't make a silk purse from a sow's ear).

And finally as my friend Mango Jones would also say, "Monkey mek road foh tiger toh run"—(be content with your lot in life).

"Ole Time Sayin's" is a work of translations unsurpassed by any other author in the West Indies. Just as Lito's previous book "What a Pistarckle!", a pistarckle meaning "rampant confusion", a dictionary of Virgin Islands English Creole published in 1981, created rave reviews and comments from fellow West Indians. Lito's latest writing follows along in this same colorful tradition.

Arona Petersen, a writer for the Daily News in St. Thomas, probably puts it best in recognizing Lito's literary talents: "I meh self tink tis a good book for anybody to hold on to. I tek off me hat to Lito Valls an fus chance I get, I goin shake he han." Said in the finest Creole English.

Mr. Speaker, with accolades such as this and others from numerous Virgin Islanders, Lito's natural reaction would probably be something along the lines of "T'anks ah lats!" To Lito, in return, we also give our thanks for the rich and colorful treasure of words that he has brought to all of us.●

MEXICO'S FOREIGN AFFAIRS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● **Mr. GONZALEZ. Mr. Speaker, I wish to share with you and my colleagues in the U.S. House of Representatives an address delivered by Bernardo Sepulveda Amor, Minister of Foreign Affairs in Mexico, given at Campeche, Campeche, Mexico on August 7, 1984. The occasion was the Fifth Government Report of the Constitutional Governor of the State of Campeche, Mr. Eugenio Echeverria Castellot. Mr. Sepulveda Amor was representing the President of Mexico, the Honorable Miguel de la Madrid.**

The address follows:

ADDRESS DELIVERED BY BERNARDO SEPULVEDA AMOR, MINISTER OF FOREIGN AFFAIRS, REPRESENTING PRESIDENT MIGUEL DE LA MADRID AT THE FIFTH GOVERNMENT REPORT OF THE CONSTITUTIONAL GOVERNOR OF THE STATE OF CAMPECHE, MR. EUGENIO ECHEVERRIA CASTELLOT

Honorable Congress of the State; Eugenio Echeverría Castellot, Constitutional Governor of the State of Campeche; Magistrates of the Supreme Court of Justice; Municipal Presidents; Ladies and Gentlemen.

It is my honor today to represent the Constitutional President of the United Mexican States, on the occasion of this fifth Government Report presented by Mr. Eugenio Echeverría Castellot. I welcome this opporunity to acquaint myself with and appreciate the work done during the past year by the State Administration and the people of Campeche.

Governor Echeverría Cstellot, the Honorable State Congress will make a detailed analysis of the Report that you have submitted to the representatives of the people. Nevertheless, I am particularly pleased to see you in Campeche are making active efforts to carry out the essential postulates of President de la Madrid's Administration.

The efforts of the Government of Campeche to expand and to improve the quality of the educational system, to broaden health services and to promote housing construction are highlighted in your Report. The new drinking water, electricity and road networks that have promoted by the State Administration contribute to the improvement of living standards in Campeche. The special support given to fishing, livestock and agriculture production by this Government is also evident.

In addition to those material efforts, the measures adopted to strengthen the municipality and ensure genuine democracy founded on the active participation of political parties also deserve recognition. We must also emphasize the work undetaken by the State Government to maintain an adequate balance between production factors and to encourage popular consultation as an indispensable means of plumbing the aspirations and interest of the diffent sectors and social groups of Campeche.

The continuing efforts to modernize the State Public Adminstration and to further descentralization and planning are evident. The people of Campeche are making progress towards a more egalitarian society and their Government is triving to achieve greater development and to improve their living conditions and well-being. In this way, Mr. Governor, Campeche is helping to strengthen the national project of the Mexican Revolution that President Miguel de la Madrid has set forth for this period in the country's history.

Our President took office in a time of economic crisis that demanded an enormous amount of talent, leadership and political acumen in the effort to solve it and protect our most valued institutions. The Federal Government launched a series of measures designed to counteract the most severe aspects of the crisis, to establish solid bases for the stable growth of the country and to strengthen the democratic ideals of liberty and justice upheld by our revolutionary process.

The Government of Campeche has solidly backed that effort. It could not be otherwise. Its people have traditionally shown a high degree of civic responsibility and a strong cultural character. This unmistakeable quality makes a decisive contribution to national unity and is an outstanding element in the historical and cultural identity of the country.

Campeche reaffirms and fosters the principles of revolutionary nationalism, integral democracy, egalitarian society, moral and civil renovation, and descentralization and planning for the development of the country. The activities of the people and the government of the State are guided by the objectives set forth in the National Development Plan. They also provide firm support for Mexico's foreign policy, which forms a substantial part of the National plan being carried out by Miguel de La Madrid. Campeche's situation as a border State has given it a closer acquaintance than others with different international realities, especially in these times of grave difficulties in Central America.

The international policy of the President of Mexico is founded on the most profound traditions of our country; it has solid roots in history and is a genuine expression of the struggles of the Mexican people to assert their sovereignty and preserve their independence. Thus, the raison d'etre and ultimate aim of President de la Madrid's foreign policy lies in the defense and furtherance of the nation's interests.

In this time of change and crisis, which is also one of necessary reaffirmation, Mexico cannot allow any questioning of its faithfulness to its revolutionary project. Our loyalty to the principles and values that the people themselves have defined in their constitution of a free and sovereign nation remains whole and intact. Expanding the frontiers of our international political space is, by imperative need, a true exercise of the independent calling of the Mexican State. The prime mission of our foreign policy is to give reason and content to the sovereign capacity of the nation to rule its affairs, accepting no subjugation, imposition or conditioning. Therefore, the Government of the Republic, as the faithful spokesman of the Mexican people, will firmly, devotedly sustain, with responsibility and patriotism, the impeccable and worthy international conduct that has gained for Mexico the respect and prestige it enjoys in the world community.

Mexico's foreign policy is never subject to the whims of circumstance, nor conditioned by the hazards of fortune. On the contrary, it is founded on permanent principles and ideals of universal value and pursues clearly defined objectives.

At the same time, as part of its day-to-day safeguarding of our national interests, our foreign policy is responsive to the demands of reality, to ongoing social processes, and to the concrete manifestations of the political forces that shape today's society.

Fidelity to our permanent principles of international conduct demands that these be specifically, realistically and effectively applied. In the final analysis, President de la Madrid's foreign policy seeks at all times to determine the most suitable strategies for ensuring that our national interests prevail and that our capacity for free determination is fully preserved.

In a world that is characterized by increasing interdependence, Mexico seeks to maintain peace and foster cooperation among all States. Thus it assumes the unavoidable responsibilities imposed today by the evolution of the international system.

This is especially relevant as regards Mexico's relations with neighboring countries. We maintain mature, cordial and respectful relations with the United States. There is constant communication between various levels of the two governments, and an ongoing and fruitful dialogue between the highest authorities of both countries. Responsible, friendly relations do not necessarily imply agreement in the interpretation of international events, or identical views as to the solution of each of the matters that form part of the complex relationship between the two countries. For reasons of history, idiosyncrasy and forms and levels of development, our interests and viewpoints often differ. The important thing, as President De la Madrid declared during his recent visit to Washington, is to show our ability to examine our differences calmly and in good faith, encouraging areas of agreement and resolving the important questions of our relations with justice and efficiency.

On the basis of those postulates, we endeavor to broaden cooperation between both nations in such areas as trade, border development and finances. We assert our conviction that prosperity should not be exclusive to one nation alone, but shared by both.

We are concerned about the situation of our migrant workers in the United States in the event of the passage of the Simpson-Mazzoli Bill. We have instructed Mexican Consulates in the United States to assist in the effective protection of the human and labor rights of our workers. The Government of the Republic has also taken the necessary measures to offer the best possible conditions for the return of some of our countrymen, if the need arises.

Our Government is coordinating its action so as to ensure the security of repatriates at possible Mexican entry points, to protect their personal and family interests and to provide facilities for their transfer to their places of origin. At the same time, the Federal Government will promote special investment programs in the communities that cease to receive income from migrant workers. We will prove our ability to benefit from the potential wealth that is represented by this work force made up by our fellow countrymen.

The best protection of our national interests lies in the defense of our independence and in the affirmation of our dignity and values. Consequently, the reasoning of those who propose, for the sake of a supposed short-term benefit of the country, a retreat from the principles of Mexico's foreign policy is absolutely unacceptable. This has never been a possibility. On the contrary, the history of Mexico and of the entire continent shows that abandoning national dignity and a country's vocations for independence leads to intolerable subordination, to the loss of national identity and, in the end, to an irreversible political cost.

As President De la Madrid recently pointed out, peace in Central America is of vital interest to Mexico. Harmony between the countries in the area is desirable not only for the benefit of our sister countries in the Isthmus, but for the security of our own. Armed confrontations and intervention aimed at domination have invariably involved disruption that affects neighboring countries, in every part of the world and at all times. The impact of war can never be confined to a border or to a precise geographical area.

In rigorous adherence to our international tradition, the foreign policy of President De la Madrid is fighting to bring about the full enforcement of Central America of the principles of non-intervention, the free selfdetermination of peoples and the legal equality of States. Respect for the sovereignty of nations and their territorial integrity implies, by definition, proscription of the use of force and of any measures aimed at establishing a pattern of subordination in the area.

The developing world is currently suffering a profound crisis, and its resultant rapid changes in the economic, social and political structures of the countries involved. Central America could not remain forever on the fringe of social change that seeks better living conditions, more authentic democracy and greater liberty and justice. Severe political restrictions and various forms of economic and social subjection have been imposed on the area in the past. Central America is therefore now being particularly hard hit by the difficulties of that process. Such are the roots of the convulsion in the area, which must remain separate from the tensions between East and West. Any effective policy of pacification and development in Central America must necessarily be based on a full understanding of the legitimate aspirations of the peoples of the region.

In keeping with its responsabilities, the Government of Mexico encouraged the creation of the Contadora Group as a means of achieving the political weight needed to avoid a generalized conflict between the countries neighboring on our southern border and to establish an appropriate framework for their economic, social and political development along the lines selected in a sovereign and autonomous manner by each of the countries in the area.

Mexico's efforts in the Contadora Group, which have now been going on for more than eighteen months, have been aimed at devising a negotiated political solution to the conflicts within the guidelines of international law. The responsibility of creating political and economic institutions in the area belongs exclusively and unrenounceably to the peoples of Central America themselves. Nonetheless, the entire community of nations, and particularly those with greater resources, should contribute effectively towards ensuring the viability of the project established by each Central American nation for achieving democracy and economic development with social justice and independence.

The Contadora Group has invariably sought agreement between the parties concerned. We are confident that the use of weapons and outside political and economic pressure to bend the will of nations can be banished forever through dialogue and negotiation. Solutions to conflicts cannot be founded on the elimination of opponents. By definition, diplomatic and political action implies the conciliation of interests, acceptance of the fact that an opponent can be partly in the right, and, in short, a capacity for understanding and for allowing reason to prevail.

Those are the principles that govern Mexico's participation in the area, undertaken at the request of the Central American governments themselves.

Through ignorance or bad faith, there has been a spread of baseless tales and distortions of fact that are aimed at bringing about a change in our foreign policy. We deny them, because they seek deceitfully to weaken Mexico's international action and, in the process, its independence and capacity for self-determination. History is fully documented. The facts are open to view. Memory cannot forget fundamental events in Mexican diplomacy.

Mexico's foreign policy has had undeniable success in avoiding a conflagration of vast proportions in the area. The Contadora Act for Peace and Cooperation in Central America contains general and specific commitments undertaken to guarantee the security of all the countries in the area, the development of their democratic institutions and their economic and social progress. Decreasing tensions and initiating dialogue and negotiation where none existed before are unquestionable achievements of the efforts of the Contadora Group.

These efforts have received recognition and support from the entire international community. The United Nations and the Organization of American States have expressed their unanimous support for the Group's efforts. The political value of diplomacy and negotiation has thus been emphasized. Compromise is today an undeferable necessity for the survival of the community of nations, since the use of force only leads to escalating violence. In this sense, the conduct of the Contadora Group has been exemplary.

Unfortunately, there are still confrontations and struggles in the region between countries and between national factions. We have not yet managed to banish interference from countries alien to the zone; nevertheless, we will persist in our effort to enable Central American peoples to achieve higher levels of political and social development, in conditions of peace and full respect for their right to self-determination.

In the same spirit, we will continue to honor our commitment to supply oil to the countries of Central America and the Caribbean. The San Jose Agreement, which unconditionally favors the nations in the area, has been renewed. Thus Mexico is carrying out its obligations strictly in a concrete show of international solidarity.

The Central American conflict has given rise to a major flow of migration towards our country. Mexico unwaveringly maintains its policy of political asylum. We have provided protection and aid to the Guatemalan refugees in the State of Chiapas. Owing to their unprecedented numbers and the location of the settlements, the Mexican Government has undertaken an exceptional effort. This humanitarian task has merited the recognition of the United Nations High Commissioner for Refugees.

The relocation of the refugee camps in the State of Campeche has a fundamental purpose: to guarantee full protection to the refugees. Experience has shown, in different parts of the world, that to achieve that aim it is necessary to transfer settlements away from the borders of the refugees' country of origin. This resettlement has the irrestricted support of the United Nations High Commissioner for Refugees and is being carried out in consultation with the parties involved.

The decision to relocate the camps also permits more efficient provision of the food and health services required by the refugees. They are being given the opportunity to become part of the production process and to achieve minimum levels of well-being, with full respect for human rights and for their ethnic and cultural identity.

Respect for the wishes of the individual refugees is an unwavering norm of our conduct. Just recently, on opening the International Conference on Population, President De la Madrid defined Mexico's position, stating: "the geographical mobility of the population is an opportunity to renew our fundamental pledges: respect for the fundamental freedoms and rights of man. Whether they are nationals in our territory, or on foreign soil; or whether they are strangers in our own country, the human dignity of migrants is irrevocable".

The measure in question was taken, in short, for the benefit of the refugees themselves, and honors both the tradition of asylum upheld by our country and, in this case, the State of Campeche, thanks to the generous reception that its people and its government have given to our Guatemalan brothers who have been obliged to leave their country. It is my pleasant duty to express the gratitude of the Government of the Republic to the people of Campeche, who have once again demonstrated their nobility, hospitality and humanitarian vocation.

Mr. Governnor, a Government report is, by definition, a republican and democratic act. Through it, citizens are acquainted with the tasks of the Administration and public power acquires legitimacy. It is a unique function that establishes a privileged means of communication between governors and those they govern, thereby strengthening political institutions and broadening social consensus.

In your report to representatives of the people you have described the collaboration that exists between the Federal Government and the Government of the State of Campeche. Increased resources to further State progress are allocated through the Overall Agreement, which links federal state and municipal activities in a joint effort, within a framework of absolute respect for federalism.

The nation proudly recognizes the values of Campeche, which has so many and varied natural and human resources, is distinguished by the impetus that stems from the youth of its inhabitants, and has achieved such a rapid growth rate in recent years. It also recognizes the state's outstanding contribution to the national economy. One need only remember that Campeche last year accounted for 70% of the country's petroleum production. Federal investment in this state is but a weak counterpart of the wealth produced by Campeche for the benefit of Mexicans as a whole.

The state of Campeche forms part of our southern border: a window on the exterior and a point where concerns and hopes converge. We must insist that the border is not a dividing line that isolates and separates the country from international circumstances, but rather a place where different values and ways of life come together, providing opportunities for dialogue and exchange, a meeting place, and, in short, a favorable environment for establishing contacts and mutal relations.

The border states therefore bear an exceptional responsibility. They must be a stronghold of our independence, an example of solidarity and unequivocal spokesmen for the ideals of democracy and justice that shape our country's identity. They bear unique responsibilities, but they also enjoy the privilege of communication with other peoples and cultures, which is so relevant a factor for the enrichment and strengthening of national life.

Campeche has always accepted the commitment that stems from its location in the Republic. Profoundly nationalist, the patriotism of its citizens nurtures Mexico's historical project. This revolutionary nationalism involves, in both its constitutional definition and in everyday life, an understanding of the country's problems, the protection of its resources and the affirmation of the political and economic independence of the nation. It also implies a commitment to peace and solidarity with the development of other countries, recognition of the interests of others, and unequivocal rejection of all hostility or exclusivism.

Therefore, Mr. Governor and friends of Campeche, I am doubly honored by the distinction conferred on me by the President of the Repubic in appointing me to represent him here today in this hospitable land of shelter and protection, which contributes so outstandingly to the political, economic, and cultural development of the nation, and in which the revolutionary principles of the Mexican people are expressed with unstinting vigor.●

NATIONAL NEIGHBORHOOD SERVICES WEEK

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. WEISS. Mr. Speaker, I am pleased to join with the residents of my district in celebrating National Neighborhood Services Week, October 7-13, 1984.

Williamsbridge, Olinville, and Wakefield are three of the communities which I represent in the Bronx. They are served by the nonprofit neighborhood revitalization organization, Neighborhood Housing Services of New York City, Inc. [NHS]

This group, which encourages the private sector to reinvest within the community, performs vital functions which help to sustain neighborhood development and organization. NHS has served as the link which joins neighborhood residents with businesses, financial institutions, and government officials in an attempt to create a stable environment within the community, both economically and socially.

This year, the organization's accomplishments included providing low interest loans to needy single female-headed households; successfully lobbying for neighborhood improvement projects valued at $6.5 million; providing counseling and home inspection services; obtaining technical services and arranging $650,000 in financing to the Northeast Bronx Improvement Association in their residential cooperative project.

I wish to congratulate NHS, and am happy to have this opportunity to report their good works to the Members here today. Neighborhood Housing Services Week and the accomplishments of NHS both serve as testimony to what achievements can be made in our neighborhoods through the cooperation of various groups within the community.●

NADER NOMINATED FOR SLEAZE AWARD

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. ERLENBORN. Mr. Speaker, I have been advised that Ralph Nader has accused the Reagan administration of having a secret plan to cut black lung benefits after the election.

This charge is utterly ludicrous on its face. Nader knows that the President cannot reduce such benefits without the enactment of legislation. No one, and especially not President Reagan, has ever suggested reducing the benefits that black lung victims are now receiving.

The obvious purpose of the Nader charge is to play upon the fears of these benefit recipients. Such false charges, like those of alleged secret plans to reduce Social Security benefits, are a cynical misuse of the fears of people.

Ralph Nader styles himself as the protector of consumers' interests. If he were truly concerned about taxpayers and consumers and not merely bent on scaring the elderly and disabled for political purposes, he would be concerned about the abuses now existing in the Black Lung Program. This compensation scheme, passed with the promise that it would never cost more than $50 million per year, now costs taxpayers and consumers well over $2 billion per year. Such a cost overrun of more than 4,000 percent makes the Pentagon excesses pale into insignificance.

Nader should be concerned that the GAO, an independent arm of Congress, has studied this compensation scheme and concluded that less than 13 percent of those receiving benefits have medical proof of disability due to black lung or even have the disease. The excesses of this program are financed by consumers who are paying through higher costs of electricity and other consumer goods produced by coal energy and by the taxpayers generally.

The responsible course, in the interest of consumer, taxpayer, and victim alike, would be to reform black lung benefits so that in the future only actual victims be qualified for benefits. Such a revised benefit program would rightly warrant continued support without gouging taxpayers and consumers.

Nader's vicious and cynical attack should qualify him for the "Sleaze of the Year Award."●

TRIBUTE TO WILLARD A. MORRIS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. HOYER. Mr. Speaker, I rise to give tribute to one of the State of Maryland's most enduring and professional public servants upon the upcoming occasion of his retirement. In just a few short weeks, Willard A. Morris will step down as State administrator of election laws, completing a dedicated career of over 30 years in service to the citizens of Maryland.

Ironically, or perhaps, predictably, Willard Morris became interested in politics through the inspiration of Col. E. Brooke Lee. You will recall, Mr. Speaker, that Colonel Lee, a legend in Montgomery County, MD, died just a short time ago at the age of 92. I know that Willard Morris felt the loss very acutely as did so many of us in this area.

Willard Morris was first elected to the Montgomery County Democratic Central Committee in 1954, living in Silver Spring, MD, at the time. In 1955 Gov. Theordore McKeldin appointed him to the Washington Surburban Sanitary Commission where he served until 1963 the last 3 years as its vice chairman. It was in 1963 that Governor Tawes appointed Willard as majority clerk to the Montgomery County Board of Supervisors of Elections. And it was in the elections discipline that he continued to serve for the rest of his career, being appointed by Gov. Marvin Mandel as the first State administrator of election laws, reappointed in 1975 and reappointed again in 1981. He is the cofounder of the Maryland Association of Election Officials and served on the legislative council subcommittee to revise the Election Code and Fair Electio Practices Act which was adopted in 1967-68. It was the first time the election code applied uniformly throughout the state and he, as I indicated, was asked to become the first administrator of that law.

Mr. Speaker, Willard Morris has conducted himself in a very difficult and sensitive office with dignity, integrity and efficiency. His streamlined operation is a role model to many States and his dedicated staff the envy of us all. He will be, in one sense, a tough act to follow for those who will come after him for he has left his indelible imprint upon the office. But at the same time, he has made life easier for his successors by creating an efficient, effective functioning organization.

Mr. Speaker, I ask my colleagues in the House today to join me in wishing Willard A. Morris good luck as he retires from government service. I know he deserves a rest but I also know that he will continue to be an active and involved citizen, pursuing projects and interests with the same enthusiasm he has expended for the last 30 years for the people of Maryland.●

LETTER TO THE PRESIDENT

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. HUBBARD. Mr. Speaker, recently one of my constituents, Gabor Szikszai of Madisonville, KY, shared with me a letter he wrote to President Ronald Reagan regarding several of the problems which are currently facing this Nation and our people.

Of Hungarian descent, Mr. Szikszai came to the United States in 1956 seeking to escape the communism of his homeland and to find the freedom and prosperity our great country offers.

Mr. Szikszai is now a U.S. citizen, and in his letter he provides a thought-provoking look at how many of the problems facing this country are affecting the elderly and poor members of our society.

I urge my colleagues to read carefully this letter to the President which follows.

MADISONVILLE, KY,
September 28, 1984.

President RONALD REAGAN,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I know that you are very busy and have very little free time, but I hope you have a few minutes to read this letter and send a reply.

I escaped from Hungary in 1956, and came to this country. In 1964, I became a U.S. Citizen. This made me very proud to be a citizen of such a Great Country where freedom is for all. I worked very hard for twenty-three years, paid my taxes and paid into Social Security, which, as a citizen, I was very proud to do. Then I developed osteo arthritis and had surgery on my cervical spine. I also had three attacks of cardiary insufficiency which made me totally unable to work and placed me on Social Security.

As a concerned elderly person, with the cut of medicare, I wonder how I am to survive with the high cost of medical care and the cost of medication. If the cut of medicare continues and the prices of medical care keep rising, I will not have a home or anything else left. Will I then be forced to go back to my homeland and live under Communism?

I know that foreign trade is necessary, but I am concerned that we are spending such large amounts of money buying items from other countries that it seems to me should be manufactured in our own country, by our people, thus providing work for our citizens and putting our money back into our own economy? Isn't the welfare of our citizens and our economy as precious and important as the welfare and economy of other countries?

Your Administration keeps projecting that the economy is getting stronger. However, in our area, as well as all other areas of our country, prices are rising while unemployment is still prevalent and citizens on fixed incomes virtually stay at the same level.

All of these issues hanging in balance makes it very difficult for me to place my treasured vote. As my President, I hope you will give a lot of thought to these issues.

Sincerely yours,

GABOR SZIKSZAI.●

A TRIBUTE TO THE HONORABLE BARBER CONABLE

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 1984

● Mr. PASHAYAN. Mr. Speaker, I rise to pay tribute to a man who will long be remembered as one of our era's great legislators, the Honorable BARBER CONABLE. Since coming to Congress 20 years ago, he has risen in this body to the position of ranking minority member on the House Ways and Means Committee. There he has been able to garner support from both sides of the aisle for a broad range of issues from tax reform to health care.

At the heart of Mr. CONABLE's leadership is a deep knowledge of the issues, of the rules, and of the workings of this body. He has made himself not only a spokesman but also an authority on taxation and economic policy. He has fought for free trade and for reform within the Republican congressional structure. Mr. CONABLE has not forgotten the unfortunate: He has supported aid for those in need and played an important role in securing the passage of legislation to clarify the status of tax-exempt charities.

BARBER CONABLE is a public servant in the highest sense, an outstanding public speaker, and a gentlemen in the fullest sense of the often misused word. I remember one evening listening to him address the Hoover Institute's dinner here in Washington. His speech sparkled with wit and wisdom, and was an amusing and instructive dissertation on what is right and wrong about Washington.

Mr. Speaker, I salute the Honorable BARBER CONABLE for his years of service to his district, to this House, to the United States of America, and I wish him the very best in the future.●

IN MEMORIAM TO TWO GREAT EDUCATIONAL, CULTURAL LEADERS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. GONZALEZ. Mr. Speaker, during the last months two great educational and cultural leaders, Ernesto Galarza and Tomas Rivera, have been lost to our country through death.

I would like to share with you reviews of the lives and works of these wonderful men which were published in the summer 1984 edition of El Mirlo, a national Chicano studies newsletter at the University of California at Los Angeles.

IN MEMORIAM TO TWO GREAT EDUCATIONAL, CULTURAL LEADERS

ERNESTO GALARZA

Ernesto Galarza, educator, labor organizer, novelist, and who many considered the elder statesman of the Chicano Movement, died June 22 at his San José home. Galarza who was 78, wrote one of the most distinguished pages of Chicano history spanning over a half-century of community and scholarly service.

Born in the small town of Jalocotan, Nayarit, Ernesto Galarza came to the U.S. as a child and grew up in the Sacramento area of California. A brilliant student, Galarza attended the prestigious Occidental College in Los Angeles at a time when very few Mexican American youth even finished high school. He earned his Master's degree at Stanford in history and political science, then went on to earn a doctorate degree with honors from Columbia University. Despite the prospects of a brilliant academic career, his interests were more directed toward the plight of Mexican migrant workers in the United States. Of academic tenure, he once said, "if I stay here much longer than three quarters, I'll feel that I am sinking roots into a cemetery.

During the 1930s and 1940s, Galarza was a researcher, then a division-chief in the Pan American Union. In this capacity he wrote extensively on problems of labor and education in several Latin American countries. After leaving the Pan American Union, Galarza became an organizer of the National Farm Labor Union. He became the foremost authority on the Bracero Program of 1942-64, and wrote many monographs, articles and reports on the conditions and legal problems of migrant workers.

At the height of the "cold war" hysteria, Galarza argued for reforms in labor laws and social policies towards the undocumented worker from Mexico. At several junctures in the life of the Bracero Program, Galarza acted as a virtual ambassador between Mexico and United States and won the respect of statesmen from both countries. He eventually left the labor movement because of what he saw as disorganization and the unwillingness of the AFL-CIO to support efforts to organize farmworkers. But before leaving, he lay the groundwork for what was to become the more successful United Farmworkers Union associated with Cesar Chavez.

During the last years of his life, Galarza carried on a frantic writing schedule in which he produced many books and articles with a special focus on bilingual education. He also wrote some of the most beautiful and sensitive childrens' books available in English and Spanish. An autobiographical novel, Barrio Boy, is one of the most widely read works of Chicano literature and a bibliography of his work runs to nearly twenty pages. Richard Chabran from the CSRC is currently compiling a comprehensive listing of his monographs, articles, reports, reviews, polemics, and poetry. For those wanting to research his personal papers, they have been donated to the Special Collections Department of the Stanford University Libraries and the Chicano Studies Research Library at U.C. Berkeley.

When Chicano academia and Chicano labor lost Ernesto Galarza, the entire country shared our loss. For many scholars as well as for many labor activist, Ernesto was an example, an inspiration, and challenge.

TOMÁS RIVERA

"I hope that all of you here that are part of the university will put aside your differences and unite . . . Do not forget what the mission of this university is: a university for all the people, regardles of color, race or sex. Those were Tomás goals."

With these words, Concha Rivera underscored the goals of unity and equity during a memorial service held for her departed husband, UC Riverside Chancellor Tomás Rivera. The appeal, based as it was on the person and work of Tomás, has special meaning. He was an honorable and dedicated man who gave unselfishly of himself to build a true sense of community and direction in the midst of retrenchment, strife, and even an ingrate atmosphere in higher education. He succeeded with his example.

In a relatively short, yet distinguished career as an educator, creative writer, and spokesman for Mexican people, his accomplishments were many. Most recently (July, 1979) as Chancellor of the University of California, Riverside, he became the first minority Chancellor in the University's history, and the youngest chief executive in the nine-campus system. His novel, Y No Se Lo Tragó La Tierra, brought him deserved acclaim as an insightful and skillful writer. He also contributed significantly as an essayist and as a poet. His most continuous contribution to the Mexican community, however, occurred when he spoke for change and improvements (él las llamaria conversaciones) on radio programs, in scholarly and professional meetings, before graduating high school classes, in his classroom, and during commissions and foundation board meetings.

Tomás became a center of widespread attention during the 1970s. While it is true that a voluminous literature had centered on the literary and political significance of his work, it is also clear that he commanded attention with his person. He was a man of a distinct generation (the 50s) who inspired and at times led those of more recent vintage. He was a man of letters who sat where men of letters rarely sit, assuming a major post in the administrative world of higher education. He was of humble origins, yet mixed successfully with those that claimed a past difference from his. Tomás bridged different worlds, and in doing it conscientiously and honorably, he added meaning to his work.

Now that he has crossed over forever a familiar voice in our history, we must listen to the words of Concha, and accordingly pay our respects to the person and work of Thomás.●

MONTEFIORE HOSPITAL CELEBRATES ITS 100TH ANNIVERSARY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. WEISS. Mr. Speaker, I am proud to join with members of the Bronx community in extending congratulations to the Montefiore Medical Center on the occasion of its 100th anniversary.

Montefiore has grown from a 26-bed hospital providing care to the chronically ill and indigent of New York City, to a major 2,279-bed academic health center providing the most advanced treatment available to people from the tri-State region and beyond. Throughout its first century, Montefiore has been a leader not only in medical research and advanced technology, but also in its social concern for the population it serves. For example, Montefiore was the first American hospital to test tuberculin and use radioisotopes clinically; the first to have a full x ray department; and one of the first to use insulin therapy for diabetes. Montefiore was also the first to have a hospital-based home care program, and it has the only hospital department of social medicine.

Last year alone, Montefiore cared for approximately 200,000 patients in hospitals, nursing homes, and in patients' homes. It also operated special programs within the community, ranging from lead screening for children to prison health. In addition, there were more than 355,000 visits to clinics and other outpatient services.

I hope that Montefiore enjoys continued success in the future and ask my colleagues to join me in acclaiming the outstanding services which this leading medical institution has provided for the past 100 years.●

PERSONAL EXPLANATION

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. LEWIS of Florida. Mr. Speaker, due to a previous commitment with the President of the United States, I was unable to vote on rollcall No. 462. Had I been present, I would have voted "nay."●

RETURN DEMOCRACY TO CHILE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. WEISS. Mr. Speaker, September 11 marked the 11th anniversary of the brutal coup that brought Gen. Augusto Pinochet to power in Chile. In the wake of the September 1973 coup, the Pinochet regime killed up to 25,000 Chileans, "disappeared" 1,500 others, and imprisoned 5,000.

Although the reign of terror unleashed during the months following September 1973 has ended, Chile under Pinochet remains a country under seige. In Chile, according to General Pinochet, "not a leaf moves unless I move it."

Pinochet's Chile is a country that promotes international terrorism and violates international law. U.S. investigators have linked the Chilean Government to acts of terrorism and assassinations in Argentina, Italy, and the United States. A U.S. Federal district court judge has found the Pinochet government legally culpable for the September 21, 1976, murders of former Chilean Ambassador Orlando Letelier and an American citizen, Ronni Moffitt.

Pinochet's Chile is a land without elections and democracy. The Chilean constitution grants Pinochet executive authority until 1989, and permits him to delay Presidential elections until 1998. Moreover, the constitution excludes from political participation parties deemed by a military tribunal to "tend toward" advocating doctrines "antagonistic to the family" or "based on class warfare."

Pinochet's Chile is a land without hope. It is a country where the political opposition is imprisoned, tortured, and sometimes killed. It is a place where democracy and freedom are branded as "alien doctrines."

Yet, the Reagan administration has refused to condemn the brutality and totalitarianism of Gen. Augusto Pinochet. Instead, it urges the removal of a congressionally imposed ban on military sales to Chile. Lifting that ban would only encourage the Pinochet government to continue its reign of terror against the Chilean people.

A Chilean's view of Pinochet is presented in the following article by Ariel Dorfman, "Roman Emperor Pinochet Must Go," which appeared in the New York Times of September 11, 1984. I encourage my colleagues to read it.

The article follows:

ROMAN EMPEROR PINOCHET MUST GO

(BY ARIEL DORFMAN)

BETHESDA, MD.—For 11 years, each time I have turned on the radio, it has been with the hope that the next bulletin would report that Chile's ruler, Gen. Augusto Pinochet, has been overthrown.

Ever since he led a bloody coup against the elected socialist President, Salvador Allende, on Sept. 11, 1973, I have waited in each of my many exile homes for that dispatch from Santiago. Instead, the radio insists on bringing other news; of torture and international bank loans, of people abducted in the night and never heard of again, of fraudulent plebiscites, of concentration camps.

At each of the General's many crises, I have told myself: this time he will have to go. But he has outlasted all the predictions—and everyone who has verbally hustled him out of history and into the history books where, presumably, he can do less harm.

Last year, it seemed as if my prophesies were finally being shared by most Chileans. General Pinochet's much vaunted economic miracle had turned into the mirage that, to many, it had always been—with one-third of the labor force jobless, thousands of bankruptcies, the highest foreign debt per capital in Latin America and a record 14 percent drop in the gross national product. Millions of people, banging pots and pans, were demanding his resignation. Reports of his personal corruption began to surface in a press that could no longer be muzzled. His days were numbered, it appeared.

Yet, he has survived. Many critics who a year ago believed he was doomed now expect that he may misrule Chile until the end of the millennium. Apparently sharing that perception, the general recently went so far as to publicly compare himself to a Roman emperor.

How to get rid of the two-bit emperor?

The answer of most Chileans has been, until now, fundamentally non-violent. It is true that some fringe groups on the extreme left advocate armed struggle, and also true that the strong Communist Party, which for 60 years had sustained the idea that socialism could be reached without use of force, has proclaimed the right of public insurrection. But in practice the Communists have not engaged in any significant acts of armed resistance. They are held back, I believe, not only by the intuition that such a course might prove suicidal but also by the hope of most people, their own militants included, that change can come about without a prolonged civil war like El Salvador's.

The typical attitude is that of hundreds of thousands who the other day stopped at noon to sing "Thanks to Life," a song by Latin America's greatest folk artist, the Chilean Violeta Parra. This is the Chileans' answer: despite having been raped, we do not want to reply with more pain and death. If there is any Latin American country where active non-violence has deep roots in history and national character, it is Chile.

Then why isn't there more international support for this movement? Is nonviolence to be applauded only in the film "Gandhi"? The United States keeps condemning terrorism, keeps stating that people should not resort to aggression to solve their problems. But what vigorous steps has the Administration taken to help the Chileans rid themselves of oppression and injustice through peaceful means?

There is still a chance that my long wait by the radio will not prove futile. Augusto Pinochet remains in power only because he confronts a divided opposition and is supported by a united army. If the situation were reversed, he might find that the emperor he incarnates is not his namesake Augustus Caesar, as he must believe, but Augustus's great-grandson Caligula, who was eliminated by his pretorian guard.

If there is not a change soon, many Chileans, especially those who live in the most extreme deprivation and have been mercilessly persecuted, will despair of putting their unarmed bodies in front of the bullets. They would then be exercising a legitimate right to rebel against tyranny, as did the American Colonies.

If that happened, the State Department, you can be sure, would issue a strident statement deploring the rebels' violence and calling on them to use less warlike means to achieve their ends. A more practical approach, beginning this minute, would be to prod General Pinochet into abdicating by resoundingly deploring the real violence he exercises on a people who may be defenseless but who are not endowed with infinite patience. And by applying pressure. Otherwise, another El Salvador may be in the making.●

IN HONOR OF KENT HANCE AND CHICK KAZEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. RANGEL. Mr. Speaker, I would like to take a moment to talk about two great Texans: KENT HANCE and CHICK KAZEN. I have served with both for some time now, and I would like to thank them for the opportunity to share their friendship and their knowledge.

KENT HANCE and I served on the Ways and Means Committee long enough for me to know that he is a diligent, hard working, and capable individual. KENT was one of the first to champion the plight of the independent oil producer. He understood as few in Congress did that it is the independent producer who is largely responsible for the vast majority of exploration in this Nation. He always reminded us that the independent oilman needed the necessary incentives if we are to achieve energy independence.

CHICK KAZEN is another Texan who represented his district long and well. He has had a distinguished career in the House. He was particularly strong in his knowledge and concern for our military forces. His quiet work on the issues behind the scenes of both the Armed Services Committee and the Interior Committee won him the respect of his collegues. I am sorry to see him leave, but I wish him all happiness in his retirement.●

THE FREE RIDE IS OVER

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. STARK. Mr. Speaker, a recent study on corporate income taxes during the Reagan years has revealed some startling statistics. During the 1981 to 1983 years, when our Federal deficit was skyrocketing from less than $60 billion to almost $200 billion a year, many major, profitable corporations did not pay one dime in Federal income tax.

The Reagan administration tax policy was to cut taxes to spur the economy. But the policy has backfired and the President refuses to admit his error. The tax cuts were so generous that 17 corporations with profits of $14.9 billion during the 1981-83 time period paid no tax and received rebates of $1.2 billion.

Mr. Speaker, I would like the following statistics to be made part of the RECORD with the warning: The free ride is about to end—it's fare time for everyone:

MAJOR AMERICAN COMPANIES PAYING ZERO OR LESS IN FEDERAL INCOME TAX IN EVERY YEAR, 1981–83 LISTED BY SIZE OF TOTAL TAX BENEFITS FOR THE 3 YEARS

[Dollar amounts in millions]

	1983			1982			1981			1981–83		
	Profit	Tax	Rate (percent)	Profit	Tax	Rate (percent)	Profit	Tax	Rate (percent)	Profit	Tax	Rate (percent)
General Electric	2,413.0	–35.0	–1.5	2,063.0	–146.0	–7.1	2,046.0	–102.0	–5.0	6,527.0	–283.0	–4.3
Boeing Co	475.0	–44.0	–9.3	364.0	–97.0	–26.6	691.0	–126.0	–18.2	1,530.0	–267.0	–17.5
Dow Chemical Co	98.0	–16.0	–16.3	151.0	–104.0	–63.9	527.0	–103.0	–19.5	776.0	–223.0	–28.7
Columbia Gas System	337.7	–31.3	–9.3	251.4	–33.0	–13.1	297.6	–30.3	–10.2	886.7	–94.6	–10.7
Transamerica Corp	201.5	–1.7	–.3	155.7	–57.0	–36.6	227.7	–27.7	–12.2	584.9	–86.4	–14.8
General Dynamics	492.5	–13.3	–2.7	249.8	–12.9	–5.2	188.5	–44.4	–23.6	930.8	–70.6	–7.6
U.S. Home	34.5	–14.8	–42.9	10.7	–16.6	–155.1	9.1	–22.2	–244.0	54.3	–53.6	–98.7
Greyhound Corp	46.9	–18.9	–40.3	85.9	–13.2	–15.4	158.0	–10.0	–6.3	290.8	–42.1	–14.5
Mitchell Energy & Dev. Corp	117.4	–1.2	–1.0	109.5	–13.7	–17.1	175.9	–21.2	–12.1	402.8	–41.1	–10.2
Singer Co	65.9	–0	0	24.1	–5.4	–22.4	14.6	–7.1	–43.6	104.6	–12.5	–12.0
Centex Corp	83.0	–4.4	–5.3	62.1	–3.9	–6.3	49.1	–3.4	–6.9	194.2	–11.7	–6.0
Champion International Corp	63.9	–.3	–.5	0.3	–1.6	–497.9	102.8	–5.9	–5.7	167.0	–7.8	–4.7

MAJOR AMERICAN COMPANIES PAYING ZERO OR LESS IN FEDERAL INCOME TAX IN EVERY YEAR, 1981–83 LISTED BY SIZE OF TOTAL TAX BENEFITS FOR THE 3 YEARS—Continued

[Dollar amounts in millions]

	1983			1982			1981			1981–83		
	Profit	Tax	Rate (percent)	Profit	Tax	Rate (percent)	Profit	Tax	Rate (percent)	Profit	Tax	Rate (percent)
Rio Grande Industries	28.3	−3.7	−13.1	38.1	−1.0	−2.6	66.1	0	0	132.5	−4.7	−3.5
American Financial Corp	236.3	0	0	132.1	0	0	58.5	−1.9	−3.2	426.9	−1.9	−.4
First Executive Corp	196.6	0	0	70.5	0	0	45.1	0	0	312.2	0	0
Grumman Corp	182.7	0	0	159.8	0	0	132.0	0	0	474.5	0	0
Lockheed Corp	461.8	0	0	337.6	0	0	285.6	0	0	1,085.0	0	0
Total	5,535.0	−184.6	−3.3	4,270.6	−510.3	−11.9	5,074.6	−505.1	−10.0	14,880.2	−1,200.0	−8.1

●

COMMENDATION OF PVT VICTORIA EDMISON

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. EMERSON. Mr. Speaker, on October 23, 1 year will have passed since the terrorist bombing of Marine headquarters in Beirut. I want to call to the attention of my colleagues the extraordinary efforts of Pvt. Victoria Edmison, who served as a graves registration specialist from October 24 to November 7 in support of the mass casualty operation. Her exceptional work at the U.S. Army Memorial Affairs Activity in Frankfurt, Germany, earned her the Army Commendation Medal.

Private Edmison "Vickie" is the granddaughter of my constituents, Frank and Edna Kenyon of Cape Girardeau, MO, and they are exceedingly proud of what she did during that awful period after the bombing when it was necessary to process the more than 200 servicemen killed in the attack. I wonder how many of us could have coped with that somber task as Vickie did. I would like to quote from a letter she wrote to her parents, Roger and Carol Edmison of Flora, IL, when the job was done.

> The work I have been doing varies; from assisting in embalming to taking fingerprints, to doing anatomical charts, to completing I.D. forms. I have seen over half of the deceased Marines from Beirut, and the destruction is very devastating. I know I've done something good during those two weeks. I prayed for those Marines as I cleaned them, gently, with the care their mothers would want their heroic sons to have. They had dignity; they had pride; and they won the battle of eternal happiness. They are in Heaven. I hope their families can get over their loss.●

PRESIDENT'S THREAT OF VETO A REAL DANGER TO PUBLIC

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. SWIFT. Mr. Speaker, last week this House considered and approved S. 607, the bill which authorized public broadcasting at significantly reduced levels. That legislation was authored by the Senator from Arizona Mr. GOLDWATER, following President Reagan's veto of an earlier authorization (S. 2436) which this House approved by a wide margin in August.

With that in mind, the vast majority of the Members of the House, including myself, supported S. 607. Indeed many of us were strong supporters for this bill and spoke out strongly in favor of it.

I was surprised therefore to hear suggestions during the debate that this compromise legislation could be the subject of another veto despite the efforts of the Senator from Arizona and his colleagues in the other body.

We all know the importance of this bill for some 300 public television stations and nearly 400 public radio stations around the country—stations that must make their plans now and make their commitments for programs now and for the future. We know they can only do so if there is some certainty with this bill. Good examples of the difficulties which these nonprofit organizations can face in making such plans are two critically acclaimed series now on public television. You may have seen the newspaper stories about how "Heritage: Civilization and the Jews" was conceived in 1977 and pieced together financially over many, many years—with greater cost due to the funding delays. In addition, the new series "The Brain" was some 5 years in concept, design, and production. It, too, was threatened by the lack of resources. The effort to produce quality programming like this is always difficult; but we know from these vivid examples some of the problems which were encountered due to the Federal funding cuts of the last several years. S. 607 will help avoid similar roadblocks for projects now in the works.

I certainly hope that veto threats raised by my colleagues on the House floor were overstated because funding in S. 607 is a compromise designed to meet the concerns of the administration. The Senator from Arizona introduced this compromise saying that—

> Our compromise figures are the minimum levels that we believe will allow the public broadcasters to provide the kind of quality programming we expect.

I take the message in the President's veto at face value. I believe him when he says that we need public broadcasting for the diversity of programming available to our people. I agree with him that public broadcasting is an important national resource. But, if this compromise is vetoed, serious questions will have to be raised about the administration's position regarding the continued development of alternative programming for children, education, information and news, and other purposes.●

TAX REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report into the CONGRESSIONAL RECORD:

TAX REFORM

Once considered the fairest of all taxes, the federal income tax is now considered least fair. Hoosiers in ever-increasing numbers are expressing their great dissatisfaction with it, and their complaints are many. The federal income tax is unfair. Some wealthy people and big corporations escape paying any tax at all. It is too complex. More than half of taxpayears need professional help to fill out their forms, at a cost of $3 billion last year. It encourages cheating. Some $100 billion may have eluded the IRS last year.

These complaints are not the only ones that Hoosiers make when they talk about the federal income tax. They say that its base is too narrow, which means higher tax rates on the income that is taxed; that it discourages the thrift needed for our nation's growth, causing us to lag far behind other countries in productivity; and that it distorts investment, pushing more than $11 billion per year into unproductive tax shelters. Finally, Hoosiers say that it is not an efficient device for raising money. Some corporate investment in equipment, for example, is so preferred that we do not tax it at all, in effect.

These complaints are certainly nothing new, and the desire for tax reform is probably as old as the federal income tax itself. For the first time in years, however, individuals and groups representing widely divergent political viewpoints are joining together to make the call for sweeping tax reform, and that call is being heard and taken seriously. There is less consensus on the proper approach to tax reform, but four major approaches get the most attention.

We might stay with the incremental approach, reducing various tax preferences and closing specific tax loopholes. Potential targets include untaxed fringe benefits, the oil depletion allowance, and accelerated depreciation. The problem here is that recent tax reform bills have made the easy changes. Action against additional tax preferences and loopholes will encounter stiff opposition among those benefitting from them. Moreover, mere tinkering with the federal income tax does nothing to remedy its basic flaws.

A much more sweeping change would be the replacement of the federal income tax with a consumer-income tax, also called an "expenditure" or "cash-flow" tax. Under this approach, taxes would be paid on money spent rather than on money earned. Taxpayers would report their income from all sources, then subtract what they saved and invested, paying tax only on the amount consumed. Thus, saving and investment would be rewarded, and economic efficiency should be improved. The major problem would be an undesirable shift in the tax burden. Young families and the elderly, those able to save little, would see their taxes rise, while people in their productive years who could save more would see their taxes fall.

A third suggestion is for Congress to approve one of several add-on taxes, such as an income tax surcharge, a retail sales tax, or a value-added tax. The surcharge is a simple way to raise money quickly, but it would compound current problems. The sales tax also could raise a good deal of revenue, as could the value-added tax (a sales tax collected at various points in the process or production, not at the retail level). However, the sales tax would be opposed by state and local governments, the value-added tax would be hard to administer, and either one could boost inflation. In addition, these taxes would hit poor and moderate-income taxpayers the hardest because they must spend a larger portion of their income. Thus, proponents often suggest credits to taxpayers below certain income levels, as well as low rates for necessities and high rates for luxuries, to make the taxes fairer.

Some form of a "flat" tax is the fourth major proposal. A truly flat tax would replace the current system of deductions, exemptions, credits, 15 tax brackets, and rates up to 50% with a single bracket for all taxpayers and virtually no deductions, exemptions, or credits. The scheme would be very simple, but it would shift more of the tax burden onto the shoulders of those least able to pay. Modified flat tax proposals (also known as "giant step" proposals) would have much the same structure, but for the sake of fairness they would provide two or three brackets, the top rate being 25% or 30%, and a few important deductions and exemptions, such as those for home mortgage interest and social security income. They would treat corporate taxes similarly.

The giant step proposals have considerable merit. They would discourage tax evasion, control the use of tax shelters, channel capital into more productive areas, and restore some semblance of fairness to the tax code. Also, they would be much cheaper to adminster. Support for them is growing on Capitol Hill. Both Republicans and Democrats have introduced appropriate legislation. This is my preference for tax reform.

Tax reformers know that a giant step proposal will not be easy to enact. It faces opposition from those who have exploited tax loopholes, and a new and different system of taxation may jolt those sectors of the economy built up around the old system. Nonetheless, Congress recently has shown great resistance to special pleasing, cutting "untouchable" spending programs in 1981 and passing an election-year tax increase just a few months ago. Also, Congress is aware that any "housecleaning" process, while certain to cause temporary difficulties for some, is likely to bring permanent benefits to society as a whole.

Some people suggest combinations of different approaches. A very interesting suggestion would combine a tax on consumption with a modified flat tax. The idea is that a retail sales tax or a value-added tax should be passed immediately (with adjustments to make it fairer). Revenues from the tax would be used to trim the deficit and cut federal income tax rates. As the cuts in tax rates took effect, it would be easier to close tax loopholes and move toward the modified flat tax. It is clear that this suggestion and others will be getting serious consideration next year, as tax reform becomes one of the most hotly debated items on the agenda of the 99th Congress.●

DISCRIMINATION AGAINST ADOPTED CHILDREN

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. SIMON. Mr. Speaker, last week I introduced a bill which eliminates a situation of discrimination against adopted children. Under current law, an adopted child is not entitled to benefits payable to a dependent of a disabled worker if the child was not adopted prior to 1 year before disability occurred. A natural child is automatically entitled, regardless of timing of its birth. This unjust practice distinguishes between the rights of an adopted child and those a naturally conceived child.

The logic behind the current law is well-intended but innately flawed. The notion of adopting a child solely to received benefits is a harsh one. While the theoretical possibility seems to exist of such abuse, in practice, those who would be motivated solely to obtain benefits do not generally seek to adopt. The average cost of adoption is $7,000–$10,000 with reports of some adoptions reaching highs of $30,000. Adoption involves a thorough scrutiny of one's finances, stability, and home environment.

As Mary Lindley, of Marion, IL, states:

> We certainly would not have spent approximately $7,000 in medical expenses and attorney fees (not knowing at the time if David would be eligible or not and not really even considering any potential benefits) in order to receive $300 or $400 a month in benefits for David.

An adopted child is special. Much time and expense goes into finding a child. The adopted child is chosen; he or she is wanted, if not more so, than a natural child. In a society which prides itself on equality and which strives for the erasure of discrimination, this type of distinction must be eliminated. The system must appropriately provide for prevention of abuse. We also bear the honor and responsibility to treat all citizens equally.●

PUSHING FOR PEACE IN CYPRUS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. FEIGHAN. Mr. Speaker, on October 4 the fiscal year 1985 continuing resolution conference adopted a measure providing $700 million in military aid to Turkey, of which $215 million is conditional on Presidential certification that the Turkish Cypriot community is not taking actions that would prejudice talks on the return of Famagusta/Varosha. As the coauthor of the Feighan-Winn amendment to the foreign assistance bill, I congratulate the conference for taking this courageous step, and thereby sending Ankara a clear message that the United States will no longer ignore the continued violation of the sovereignty of the Republic of Cyprus by the presence of 25,000 Turkish troops. After this message, there should be no doubt in the mind of the military leaders in Ankara and their puppet on Cyprus, Mr. Denktash, that the United States expects progress on the peaceful resolution of the conflict and, more importantly, that we will continue our efforts in this regard until that progress is achieved.

This measure reflects the 98th Congress' determination to take positive action for the cause of Cyprus. During both the appropriating and authorizing process, Congress has left no doubt about its displeasure over Turkey's 10-year occupation of Cyprus. The Senate Foreign Relations Committee displayed the mood of the 98th Congress by conditioning $215 million in aid to Turkey upon the return of Famagusta/Varosha to the Republic of Cyprus. The House Appropriations demonstrated their ability to take the strong action necessary by reducing aid to Turkey by $215 million, the reduction being directly linked to Turkey's refusal to promote meaningful negotiations over Cyprus. Finally, the full House showed their commitment to the cause of a free Cyprus by passing the Feighan-Winn amendment to the foreign assistance bill which reduced aid to Turkey by $85 million while at the same time proposed a $250 million fund for all of Cyprus to be granted on the Presidential certification of progress on Cyprus negotiations. Through these strong measures the 98th Congress has taken the first steps toward bringing peace to the people of this troubled land after 10 full years of occupation, separation and, above all, frustration. The people of Cyprus, both Greek and Turkish, have suffered enough from this 10-year land grab. I am pleased to say that I was part of the Congress that was willing to stand up for what was right and use all of its powers to bring an end to this tragic conflict.

However, our job is not complete. While our achievements are clear, the need to use them to bring peace to Cyprus is even clearer. As I said, the conference measure is an important first step in the process of peace. However, a stronger measure could have been adopted which would have by its nature placed direct pressure on Turkey to act in a positive manner. The conference did not feel such strong action was appropriate at this time. Instead, the measure adopted by the conference leaves Congress with the responsibility to clearly indicate the intent behind its passage. In that light, we must notify the administration that the Presidential certification required for $215 million of the military aid to Turkey cannot be satisfied under present circumstances. In recent months, Mr. Denktash has encouraged the settlement of parts of Famagusta/Varosha by Turkish Cypriots and has also called for November general elections for the occupied sector of Cyprus. These are both actions that must be considered prejudicial to any proposed talks on the status of Famagusta/Varosha. We as a body must also make it clear to Ankara that if the measure passed by the conference does not achieve the hoped for progress on the Cyprus issue, the 99th Congress will not hesitate to take much stronger action aimed at achieving the same end.●

CHIEF M. SGT. GEORGE R. TUCKER

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. FAZIO. Mr. Speaker, on October 26, 1984, Chief M. Sgt. George R. Tucker, the senior enlisted adviser of the 60th Military Airlift Wing at Travis Air Force Base in my congressional district, will retire after more than 30 years of exemplary service in the Armed Forces.

Twenty of those thirty-plus years have been spent at Travis, and the base and the surrounding community have benefited greatly as a result. During his tenure, the Chief has held positions as superintendent of the survival equipment shop, fabrication branch chief, and field maintenance squadron superintendent. In September 1981, he assumed his current position as senior enlisted adviser, responsible for advising the wing commander on matters affecting the duties, welfare, and morale of Travis' 7,000 enlisted personnel.

Chief Tucker's mark at Travis will be felt far into the future. He was a member of the joint task force for the acceptance of C-141 aircraft into the Military Airlift Command [MAC] system. He developed and implemented the first refurbishment processing of C-141's in MAC, and established the first MAC-wide 463L cargo net repair shop. He played a leading role in the establishment of the noncommissioned officers leadership school at the base, scheduled to open its doors next year.

The Chief's dedication has also extended out to the civilian community. Among his many affiliations are membership in the National League of POW/MIA Families; the National Forget-Me-Not Association for POW/MIA's; the board of directors of the Travis AFB Historical Society; and the Chamber of Commerce Military Affairs Committees for the towns of Fairfield and Vacaville. He is lay eucharistic minister at St. Mary's Catholic Church and president of the northern California chapter of the Knights of Columbus.

Chief Tucker is a dedicated and concerned individual, committed to the Air Force way of life and to helping others in his community. No matter how demanding the task, his colleagues and friends have always been able to count on him to give his all. My congressional district is fortunate to have a man of his caliber consider Vacaville home. I commend Chief Tucker, and wish him and his wife, Dorothy, a full and satisfying retirement.●

REFLECTIONS OF A CAREER SCIENCE TEACHER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. FRANK. Mr. Speaker, we have read and heard much this past year about the need to improve education in America. This discussion is welcome but there has been, in my view, too little attention paid to one critical aspect of this: our need as a society to increase what we pay teachers.

We simply will not be able to continue to attract talented people into the teaching profession in the numbers that we need unless we increase the salary teachers receive. In the past, in a perverse way, the educational system benefited from sex prejudice in our society: The discrimination faced by many young women shut off several career paths to them. In consequence, more young women turned to teaching than otherwise might have. Today, while sex-based discrimination remains a problem, it is diminishing, and young women have more career options than they used to have. This means that an adequate level of compensation is more important than it used to be in attracting people to the teaching profession.

This point was recently underscored to me by a very distinguished teacher, June Johnson, of the biology department of Brockton High School. As she has written, in an essay I asked her to write for my benefit:

> I and many of my female friends saw teaching as the only viable option for scientifically-minded women when we graduated in 1948. How vastly different things are today!

As June Johnson's eloquent essay makes clear, money is far from the only reason people teach. But we cannot expect even dedicated young people with many other options to make drastic financial sacrifices indefinitely. Adequate pay for teachers is not only socially justified; it is in our own long-term economic interest.

I ask that June Johnson's essay be printed here because it is so important a commentary on this topic.

Reflections of a Career Science Teacher

The year was 1947 and I was a science major in college preparing to become a research chemist. My grade point average was 3.6; I had successfully mastered most of the subjects required for my degree; I was on my way, or so I thought.

I was also engaged to be married. The head of the chemistry department gave me some then-prudent advice that changed the direction of my career. He advised me that the life of a research chemist and that of being a wife were not compatible and that I would be wise to become a certified teacher if I wanted a continuing career. I and many of my female friends saw teaching as the only viable option for scientifically minded women when we graduated in 1948. How vastly different things are today:

It is now 1984 and after a long career in teaching. I am deeply disturbed at what I see around me and what it portends for the future of public school education here in America. I now teach in the largest public high school on the east coast with a student enrollment of 5400 students. I teach advanced and honors classes in biology. My students are bright, very bright, and eager to learn. I think back over the past several years and feel proud when I think of students I have started off who are now practicing physicians, research scientists, oceanographers, lawyers, politicians etc. However, the present day teachers among my former pupils are very few in number. Most have left teaching and the former biology teachers are now working for pharmaceutical houses, running their own labs, working ecological research etc. The reason is clear cut—the rewards from teaching in 1984 are largely intangible and intangible rewards do not enable young families to buy homes, educate college age children, and enjoy a standard of living comparable to their college educated friends.

But even more alarming than the number of teachers who have left science teaching is the dearth of students preparing to teach: I have not had a practice teacher work with (nor have other science teachers in my school) for the last eight years; I used to have one almost every year.

Why should one be motivated to teach in my community when he/she would begin earning $14,000.00 a year while in the same town, a trash collector earns $18,000.000 and a beginning fireman with a high school diploma earns $22,000.00?

Assuming that a biology teacher did show up to teach at our school, the text that teacher would use would be copyrighted 1971 because there has been no money for new books, only replacements. Much of the equipment that the teacher would go to use to set up labs would be broken or in short supply because our science department has not had a replacement budget for three years and the repair budget has been far from adequate. The teacher would go to run off material on a ditto machine only to find the machine operating poorly, if at all, because it was purchased in 1971 and was never designed to take thirteen years of hard usage by many teachers.

Still I ask myself, "What of the joy of teaching? Is it not great enough to overcome these obstacles?" The answer might well be "Yes!" if teachers could just *teach*. When I started out, I was expected to do just that. Now my duties consist of corridor duty 45 minutes a day (this means checking passes of students to make certain they are legitimately out of class), lunch room supervision (this means walking around the cafeteria for 45 minutes a day to watch students eat and to remind them to take up their trays etc.), home room supervision (this covers everything from insurance forms to government forms whereon I list how many minority students I have in my homeroom and read absence notes, write excused passes etc.), and then after my 20 minute lunch period. I supervise a 20 minute study period. I also teach four classes a day all of which have double lab periods once a week.

I shall soon retire; I reflect upon who will replace me. I am certain that it will not be a scientifically minded female who sees teaching science as her only option. Changing life styles no longer dictate that nursing and teaching are the only careers wherein women can still be wife and mother. There will be no replacement science teachers unless something is done that will make college students want to go into the field. A starting salary of $14,000.00 in a job that requires that 30% of one's time is spent in nonteaching duties (euphemistically called "administrative duties") will not challenge any bright, successful science student.

Our country has been built upon a quality free public school education available to all. It will be a disastrous day in America when only the wealthy who can afford private school tuitions will be taught by fully qualified teachers. I look back in gratitude for the opportunity that has been mine to teach. I look forward with sadness for the future of public school education unless our country's leaders look past the building of a nuclear holocaust to the building of a future for all American children to receive the best training that the best trained teachers can supply.●

NOVEMBER 7, 1984, A DAY OF SORROW AND IRRECONCILABILITY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. LENT. Mr. Speaker, I join millions of freedom loving citizens in recognizing November 7, 1984, as a Day of Sorrow and Irreconcilability. It is a day of special significance to Russian-American citizens. Their families, their former countrymen have suffered as the victims of Communist oppression. Today, we also honor their brothers living under the Kremlin's dark rule. And we attest to our irreconcilability with Communist doctrine. Let us join our voices together in keeping the hope of freedom alive and strong.

I would also like to share with my colleagues a tribute on behalf of the Congress of Russian-Americans, which follows:

A DAY OF SORROW AND IRRECONCILABILITY, 1984

As we approach November the 7th, the day when the Soviet Union annually celebrates international communism's arrogation of power in Russia, we—Russian-Americans—appeal to the U.S. Government and to freedom-loving citizens of this country to designate it as a Day of Sorrow and Irreconcilability.

Sadly, albeit fittingly, among all the ethnic groups making up the tapestry of these United States of America, only the Russian-Americans persist in annually asking their Government and their fellow Americans to observe this inglorious day. Russian-Americans feel it is their sacred duty to mark with mourning and defiance the day international communism claimed their former countrymen as its first victim. Thus, they honor their brothers living under the Soviet rule.

On this day we express our Sorrow for all the victims of the communist terror, and our Irreconcilability with the theory amd practice of communist doctrine.

Moreover, let us not forget that November 7, 1917 marked not only the beginning of immeasurable sufferings for the Russian and other enslaved peoples of the Soviet Union, but also the beginning of a global human tragedy which today endangers the existence of the Free World. Utilizing the threat of a nuclear war, the Soviets have gradually taken over key strategic positions in all parts of the world. Today there is hardly a nation on the face of the earth that has not been victimized by communist aggression.

Therefore, we ask the Government of the United States and all other Free World governments to designate November the 7th as a Day of Sorrow and Irreconcilability.

Over the past 67 years the Soviet government has spared no effort in trying to strip the Russian nation of its heritage. Despite the desecration and destruction of over 50,000 churches and monasteries, the persecution and extermination of millions of people in concentration camps and prisons, we witness today in the Soviet Union a revival of faith and awakening of national pride. The determination of the Russian people to live free blazes as never before. Perhaps the Russian soul, having nurtured its people through their long, barren winter of oppression, senses at last spring's hymn of freedom yearning to be sung. How more can we honor our brothers than by lending voices to this chorus? For by proclaiming this day of Sorrow and Irreconcilability, we intone "Let There Be Light" and indeed for all those who hear our voices in their darkness there is light!●

A TRIBUTE TO DR. ERNEST L. "ROY" PERRY, RETIRING EXECUTIVE DIRECTOR OF THE PORT OF LOS ANGELES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. ANDERSON. Mr. Speaker, the Port of Los Angeles has for some time been recognized as one of the most financially sound and busiest ports in the United States. A man who has played a tremendous part in this development has been Dr. Ernest L. "Roy" Perry.

Roy earlier this year announced his plans to retire as executive director of the Port of Los Angeles by the end of the year to pursue other interests. He has served as executive director since August 1, 1979.

After a 24-year military career and retiring from the U.S. Army Corps of Engineers as a colonel, Roy served as general manager of the Port of Tacoma, WA, from 1964 until 1975 and turned it into one of the major ports on the west coast. After leaving the Washington port, Roy served simultaneously as president of Fruin-Colnon International, Ltd. and Middle East International Contracting Co. [SAK], firms involved in major Middle East engineering and construction projects. Tiring of living out of a suitcase, he resigned in May 1978 and established his own consulting company, Perry International, Inc., located in Vienna, VA.

While there he also served as the Port of Tacoma's representative in Washington, DC.

Roy is immediate past president of the California Association of Port Authorities [CAPA] and is also a member of the board of directors of the American Association of Port Authorities. In 1983, Dr. Perry was appointed to Mayor Tom Bradley's advisory management council and to Los Angeles Councilwoman Joan Milke Flores' maritime advisory committee.

Roy received a doctor of engineering degree from the University of Missouri, his master's from New York University, and his bachelor of science degree in civil engineering from the University of Missouri. He and his wife, Kay, reside in Huntington Harbor, CA, and have three married children, six grandchildren, and one great-grandchild.

I join with my wife, Lee, in wishing them all much happiness in the years to come. I am certain the city of Los Angeles truly appreciates the outstanding job Roy has done in making its port the efficient, productive, and profitable organization it is today.●

TRIBUTE TO DICK OTTINGER

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. SCHUMER. Mr. Speaker, I thank my colleague, Mr. Fish, for this opportunity to pay tribute to a good friend and respected colleague who is leaving this fine institution. Over the past 20 years, Dick Ottinger has worked tirelessly, designing and fighting for legislation to help make America a better place in which to live. He has served not only his constituents in Westchester with consistently fine leadership, but his efforts have benefited all Americans, especially those at the lower end of the economic ladder.

Dick Ottinger demonstrated his commitment to helping people even before he became a Member of this body, when he served as one of the original executives of the Peace Corps. Perhaps no other organization created by the Federal Government better illustrates the way in which the skills and good will of our young people can be put to good use helping those less fortunate than ourselves.

That dedication to helping people persists to this day. No one fought harder than Dick Ottinger to restore the critical social programs this administration sought to cut. Dick Ottinger fought because he had a hand in the creation of many of those programs that today we take for granted; programs like job training and aid for education. At the same time, he risked political backlash by fighting unfair tax breaks for the very wealthy.

But it is as an environmental crusader that Dick Ottinger will be remembered best, and his achievements in this realm will undoubtedly go on to benefit future generations. From his successful efforts to clean up the Hudson River to his struggle to deny funding to the potentially devastating Clinch River breeder reactor, Dick Ottinger is truly one of the pioneers of the environmental movement. As a cofounder of the Environmental Study Conference, he helped educate other Members about the important environmental issues facing or Nation. As chairman of the Subcommittee on Energy Conservation and Power, Dick Ottinger has helped shape the policies that will determine the fate of our planet and ourselves.

It is with great sadness that I must bid Dick farewell, and I wish him and his family all the best in their future endeavors, whatever they may be. We will miss Dick Ottinger greatly when the 99th Congress convenes in January, and while we cannot replace him, I hope that his great diligence and compassion will not be foregotten by his colleagues when the business of legislating resumes.●

IN RECOGNITION OF AN OUTSTANDING YOUNG AMERICAN, ELIZABETH MORELY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. MATSUI. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues and my fellow Americans a young woman from Roseville, CA, Elizabeth Morely, whose winning essay, "Why I am Proud to be an American" typifies what America stands for, what we should strive for, and what we must work for it to be.

Elizabeth Morely's essay was judged nationally as the winner of the ninth grade division of the Fleet Reserve Association's 1984/85 Americanism contest. Elizabeth Morely takes pride not just in what America means to her, but recognizes what America symbolizes to persons foreign to the freedoms of liberty. Her essay points to the reasons why we should take pride in our educational system, the freedom that it allows us, and the ability it gives us to reach our highest goals.

Mr. Speaker, Elizabeth Morely is proud to be an American. Her essay inspires us all to dedicate our work to achieve and maintain the ideals ingrained in our Constitution. I take great pride in recognizing this fine young Californian and American. I commend and congratulate her on this outstanding effort.

I am pleased to share Ms. Morely's essay with my colleagues and I wish to insert its entire text into the Record.

Why I am Proud To Be an American

I am proud to be an American because of what America represents: freedom, honor, achievement, unity, peace, education, strength in laws and character, and self-government—"by the people, of the people, and for the people." America symbolizes the opportunity for people of all races, colors, nationalities, and religions to come together and to enjoy exactly the same rights and freedoms.

I am proud to live in a country that promotes free education of the masses. It is mainly through education that individuals learn about America's cultural and religious heritage. It is through education that people can learn to value and preserve their freedoms. Education is vital to promoting one's personal happiness, success, and political liberties.

I am proud that our American forefathers chose a system of government that permits free enterprise, allowing individuals to pursue any vocation or business endeavor of his own choosing without fear of unnecessary or undue government interference (provided the business is legal). An American may take pride in his own endeavors and enjoy the positive outcome he can create. I believe being able to reap the profits of one's own labor is a critical liberty not enjoyed everywhere in the world. The American system encourages creativity, growth and happiness in the nation more than in any other system.

I am proud to be able to practice the freedom of religion—how, where, and when I choose to worship. I know that this freedom is especially precious because my own ancestors sacrificed personal comforts, wealth and even health to travel to a foreign land, America, in order to practice their religion freely. In the past wars were fought to secure such freedom, and even now conflicts are many where such freedom does not exist.

I am proud to be an American and to engage in the free pursuit of happiness. I am thankful for all the freedoms and civil liberties that Americans enjoy. I am proud to have a country based on a constitution that has served and endured more than two hundred years, even a constitution that is copied by other countries. I feel privileged to be an American and to live in such a choice country.—Elizabeth Morely.●

TRIBUTE TO RICHARD OTTINGER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 1984

● Mr. FRANK. Mr. Speaker, it is with regret that I note the retirement from the House of Representatives of one of our most distinguished, most principled, and most hard-working colleagues, Richard Ottinger. His departure will create vacuums so many and so various as to make him irreplaceable.

As one of the earliest environmentalists in Congress, Dick Ottinger advanced the cause of protecting our natural resources tremendously by his leadership and foresight. Many of us believe in strong protections for our environment, but few have developed the expertise in this complex area that Dick Ottinger has. It was always comforting as a Member of Congress taking a position on an environmental issue when Dick Ottinger was on the same side.

Similarly, on energy matters, Dick used his chairmanship of the Energy, Conservation, and Power Subcommittee to implement truly rational energy policies resting on conservation and development of renewable resources. In recent years, he very effectively resisted the unwise trend to let the marketplace determine energy policy without concern for the long term or equity effects. As a representative of an area that is highly dependent on energy with no indigenous energy resources, I greatly appreciate Dick's efforts in this regard.

Fortunately, while we are losing his valuable knowledge in energy and environmental affairs, we will retain one of his most important legacies, the Energy and Environmental Study Conference. The EESC, which Dick helped found, has established itself as a reliable and extremely professional organization. In this sense, it appropriately reflects Dick's input.

Last, I would like to take particular note of Dick's earliest crusade in the Congress. As one of the leaders of the reform of House rules in 1965, Dick has left a mark on everything we do here. The very open procedures under which we operate today are generally taken for granted. However, we should recognize that, in any institution, inertia is a powerful force, maybe the most powerful force. Dick, working with other forward looking new Members, seized a rare moment in 1975 to restructure this body so as to make it more open, more democratic and, therefore, more strong. For this, we all owe him a debt.

We will miss Dick Ottinger as a colleague. Many of us will keep him as a friend and ally. And I know I speak for all the Members of the House in wishing him good fortune in any future endeavors.●

TRIBUTE TO HOWARD E. ALEXANDER

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. DWYER of New Jersey. Mr. Speaker, I am honored to bring to the attention of this Congress the achievements of Howard E. Alexander, associate editor of the News Tribune, our daily newspaper based in Woodbridge, NJ.

Howard Alexander is being honored by his peers for his more than 40 years of distinguished service at the newspaper. He joined the editorial department in 1942, following graduation from Rutgers University. Since that time, he has been one of our most literate and able journalists—making a great contribution to news gathering in the Raritan Bay area.

Howard Alexander is also admired for his devotion to his family and his own personal coverage. Although illness early in his life prevented his entry into the U.S. Armed Forces during World War II, he persevered and provided for his own passage to serve with the British 14th Army in Burma, an act of great sacrifice and commitment.

Following his tour of duty, Howard Alexander returned to his lifelong passion—writing and newspaper work—and established himself as a most respected and hard-working member of the press. His work reflects his own warm and generous style and the strength of his own character.

Howard Alexander is highly regarded by his colleagues for his loyal and capable leadership at the Tribune. He is regarded, too, by his audience—readers like myself—who have been so graced by his wisdom and talent.

That talent has been evidenced in countless ways, and I am privileged to share with you just one classic example of Howard Alexander's fine work. His own career exemplifies the principles he describes in this column, written in 1966:

WHILE SHEPHERDS WATCHED THEIR FLOCKS (1966)

(By Howard E. Alexander)

As you can imagine, this is a big time of the year for shepherds.

All year long, no one gives the shepherd a single thought. He's out there tootling his flute.

And what are you doing? You're watching space flight takeoffs and landings. You're worrying about the position of the United States in Vietnam, whether you can stall the telephone company for another month, and what to have for supper.

While you're doing this, remember you're sitting in a wool sweater or wool socks. After you're finished with the cares of the day, you're off to bed under your wool blanket after liberal applications of lanolin to your dried out and tired skin.

Where do you think that wool sweater and skirt came from? Where do you think, Mr. Average American, your wool socks or whatever percentage of wool is in your suit or overcoat came from?

Prepare to be astonished—it came from sheep.

Not goats, not cattle, not cats, not dogs, not beavers, not muskrats, not mink—plain old garden variety, run-of-the-mill sheep.

While you're buttoning up your wool sweater or snuggling under a wool blanket, keep in mind that without shepherds sheep are a problem.

Gorillas, wild horses, wild goats, hyenas, mountain lions and dozens of other species don't need shepherds. They're perfectly content as they are. In fact, if you wanted to be a shepherd in a colony of gorillas, as an example, you would literally be taking your life in your hands.

And why are sheep different from these? Why are sheep even different from their closest genetic relative, the goat? No one knows why. But the fact of the matter seems to be that sheep depend. The gorilla doesn't depend. They can be herded, but not shepherded. For some unscientific reason sheep seem to depend. The shepherd is vital to them.

Now we approach the Christmas season. Without getting sentimental or maudlin about it, let us ask to whom the angels of God gave the first message of the birth of the Christ child. To the mighty of the earth? To the emperors? To the generals? To the highest priests? To the leaders of society?

The Bible says that the angels of God appeared to the shepherds in the field.

We're not asking you to believe us. Believe, if you care to, the Gospel According to St. Luke:

"And there were in the same country, shepherds abiding in the field, keeping watch over their flocks by night. And lo, behold, the angel of the Lord came upon them and the glory of the Lord shone around them and they were sore afraid.

"And the angel said unto them, fear not for behold I bring you good tidings of great joy which shall be to all people. For unto you is born this day in the city of David, a saviour which is Christ, the Lord."

That is the Gospel According to St. Luke.

Now return yourself to 1966.

You have raised a son and he comes home from college and announces he has decided to be a shepherd.

What do you do as parents? You scream. A college education and you want to be a shepherd? Before dawn, blood will flow.

You raised your son to be a doctor or at least an atomic physicist, right? He'll be a shepherd over several people's dead bodies.

Or you have a daughter. She suddenly announces she's planning to marry Joe Schtunk, the well-known shepherd. A cry goes up for blocks around: A what? A shepherd? After all these years, she's suddenly retarded? She's lost her mind at 20? Before she knows what happened, the daughter is all of a sudden a major research project for a team of psychiatrists.

Don't feel bad. Shepherds are in short supply. In the western states of this nation, the labor supply problem of shepherds is acute. The craft is not taught in too many vocational schools. As a consequence, when shepherds are needed they are often recruited from the Basque country of Spain which today boasts the finest practicing shepherds this side of Tibet.

In today's world, any son who announces he will be a shepherd or any daughter who announces she will marry a shepherd has presented what amounts to uncontestable and valid disownment proceedings.

It seems sad that this world has changed so much. When God announced the birth of Christ, He announced it to the shepherds.

Is it a coincidence that Christ is often referred to as the lamb of God? Is it peculiar that Christ spoke of the shepherd who left the flock to find the one lamb that was lost?

Why do sheep figure so prominently in the Bible? Christ said come into the fold. It is sheep who come into the fold, not horses or cows or giraffes or gorillas or lions.

Sheep depend. They are poorly equipped for defense. Speed in flight, a last stand by butting—that's all they have without a shepherd and they seem to know it.

They depend upon being led to where they can find food. They need protection in caves or other shelter in the winter.

Why? Because snow or freezing rain clogs and mats their heavy winter coats producing such weight that they can no longer stand. They then go down under the sheer weight of ice and die of starvation or pneumonia.

A shepherd will see to it that their winter coats of wool don't become frozen. A shepherd will see to it that they are comforted—by a word or by a plaintive strain on a flute.

It is in a real sense a sacred calling. It behooves all mankind to remember that each man should stand as a shepherd to his fellow man.

"Sleep well," he should say to his fellow man. "I will watch you through the night."

"Fear not," he should say. "I will lead you into unfrozen pasture."●

IN TRIBUTE TO THE CLARION HOTEL/SACRAMENTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. MATSUI. Mr. Speaker, Sacramento's downtown area continues to enjoy a revitalization that is restoring the city's rich heritage spawned in the gold rush days.

The latest facility to undergo this revitalization is the Mansion Inn, to be renamed Clarion Hotel/Sacramento. This hotel was purchased as part of the Clarion collection, which operates 17 other hotels across the country, and is a subsidiary of Associated Inns & Restaurants Co. of America, the Nation's largest privately held hotel management firm.

The Mansion Inn with its 250 rooms is located across the street from the Governor's mansion—now a State historical landmark. Its downtown location is in close proximity to the city's convention center, cultural center, and capitol building.

Stephen T. Parker, Clarion's chief operating officer, explained it best when he said:

> With the addition of the Mansion Inn, we have gained entrance to a growing and vital city and have added a hotel with excellent potential and superb location.

Mr. Speaker, the Mansion Inn has shared in Sacramento's history, playing host to many of the capital's famous guests. Among the long list are Marlene Dietrich, Mickey Rooney, Bob Hope, Lena Horne, and Count Basie. The Mansion Inn was also the temporary home to California's former Governor and now U.S. President Ronald Reagan and First Lady Nancy Reagan.

I am confident that the acquisition and renovation of the Mansion Inn by Clarion will have a positive effect on the continuing revitalization of historical downtown Sacramento.●

THE PRIVATE SECTOR'S ROLE IN INFRASTRUCTURE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. HOWARD. Mr. Speaker, the state of the Nation's deteriorating infrastructure has been well documented in recent years by numerous reports. For example, the Joint Economic Committee's advisory committee cited a need to spend $400 billion on infrastructure construction and repair before the end of the century.

Although the extent of the problem has been documented, there have been no certain answers provided as to how to develop the financing for this enormous task. The Federal Government unquestionably has a responsibility to help State and local governments with the resources for infrastructure needs.

Because of the increasing severity of this problem, new sources of funding must be sought. The private sector must play a role in financing the efforts that this Nation must make in the coming decades.

The Committee on Public Works and Transportation will be considering various alternatives to the infrastructure problem in the next Congress. We intend to make the 99th Congress the Congress of infrastructure.

Because of my growing interest in this field, I recently attended the National Symposium on U.S. Infrastructure; Problems, Priorities and Financing Alternatives. The list of sponsors of this event demonstrated the widespread interest of the private sector in infrastructure financing. The sponsors were Hill & Knowlton, the Associated General Contractors of America, Merrill Lynch, Shearson Lehman/American Express, and Nickerson Ingram Vento & Associates, Inc.

I have been impressed by some of the initiatives on the part of the private sector. I ask to have one such statement by Lawrence R. Walsh, vice president of Hill & Knowlton, printed in the CONGRESSIONAL RECORD at this point.

BUILDING SUPPORT FOR REBUILDING AMERICA

(By Lawrence R. Walsh)

There's no greater need in America today than that of rebuilding our bridges, transportation systems, our highways and other public facilities. The health of our "infrastructure" is a matter of urgency. Many have called the current state of our infrastructure a "crisis."

But whatever words are used, the situation is so serious that one might have expected a national outcry for a massive effort to rebuild America. That hasn't happened. In fact, the entire issue has stirred little interest in Washington, and very little action. Local and state projects have stalled, as public officials have perceived scant public support for massive spending programs, no matter how worthy the projects.

NO LACK OF PUBLIC AWARENESS

Public awareness has not been a problem. When the infrastructure crumbles, everyone sees it, and suffers. A cable snaps on an aging bridge, killing a pedestrian. A water system's rusting pipes burst and a city of 200,000 is left without water for days. A sewer main breaks and a major city is left in the dark. Highways develop potholes, and subway trains stall in darkened tunnels.

There's been no lack of information in the media on the infrastructure issue. The press has aggressively reported the story. Editorials, in-depth news stories and television reports have attempted to make it a major issue. For example, Cahners Publishing Company's Building and Construction Group, which publishes nine leading construction industry magazines, was among the first in the business press to report the "infrastructure crisis" in an exhaustive two-year series of articles.

The study estimated that $1 trillion needs to be spent to bring America's infrastructure up to date, about the same amount estimated by the Joint Economic Committee of Congress.

That study, and others, have pointed out that there is much work to be done on the national and local levels, including:

The Road Information Program (TRIP) estimates that 1,006,500 miles, or 51 percent, of the nation's paved roads are rated "fair". Resurfacing these roads to prevent further deterioration would cost $126 billion, or about $125,000 per mile. And 240,000 miles, about 12 percent, of the paved roads are in "poor" condition, and must be reconstructed at a cost of $600,000 per mile.

Though the interstate system is not complete, 2,000 miles of highway must be resurfaced. The interstate is one percent of the highway system but carries 20 percent of the traffic.

At the rate the nation is repairing its bridges, it would take 287 years to catch up with existing problems.

Many hydrologists predict that the Ogallala Aquifier, the primary source of water in the Great Plains region, will be pumped nearly dry by the year 2000.

The Federal Aviation Administration predicts that by 1990, 41 of the 71 largest airports will be critically congested, with average peak hour delays of 30 minutes per flight.

Those are just a few of the many noteworthy projects that are begging for action—and not getting it.

In a joint survey of 1,400 city governments sponsored by the National League of Cities and the U.S. Conference of Mayors, local officials themselves described the magnitude of the task:

70% said major work is needed immediately on street and roads;

70% said major work is needed immediately on curbs and sidewalks;

68% said major work is needed immediately on stormwater collection and drainage;

45% said major work is needed on bridges, overpasses and viaducts;

35% said major work is needed on their wastewater treatment facilities; and

31% said major work is needed on water distribution systems.

America's infrastructure is growing old and worn before our eyes. We're seeing it happen, we've read about it, we feel its effects, yet there's no call to action to solve these immense problems, even from groups that might benefit from a "Rebuild America" effort. Arnold Consdorf, a Cahners editor who directed the research I referred to earlier and who is an expert on the construction industry, remarks that "even within the industry, there hasn't always been rabid support for a rebuild America effort—and the construction industry would be the first to gain."

THE IMPORTANCE OF A HEALTHY INFRASTRUCTURE

It's obvious to every public official that the infrastructure is the most visible sign of an area's economic health. Businessmen will tell you that among the first things they consider when scouting new locations are the conditions of local roads and highways, public works facilities, and utilities. A city or state that cannot deliver those services at reasonable costs is going to be written off by business.

Beyond that, there's another consideration. A government that cannot keep its infrastructure systems in working order and which cannot provide for future growth will fail to retain the confidence of its businesses and its taxpayers. In the words of the Joint Economic Committee's National Infrastructure Study, "it creates a sense of public unease, a belief that society is incapable of handling its own basic needs."

So the infrastructure plays a vital role in an area not only in terms of such matters as tourism, and economic development, but it affects the perceptions of those currently living and working within an area.

All of this is abundantly clear to the members of the Public Works Committee of Congress, but the fact remains that infrastructure programs have had tough sledding in the halls of Congress and in state houses. A few examples will suffice:

In Massachusetts, an infrastructure bank—MassBank—has stalled in the legislature. It's mired in political bickering. And it will take a lot of hard work on the part of the governor and his staff to secure passage of this important legislation.

Another current example is O'Hare Airport in Chicago, the nation's busiest airport, where a multibillion-dollar expansion is in trouble. For the traveler, O'Hare can be a frustrating place. But as difficult as it is for travelers, the problems faced by the businesses that service the airport—the caterers, the hotels, convention facilities and so on—are monumental. The people of Illinois and the businesses of the state desperately need the O'Hare expansion and modernization. But an important part of that expansion has been held hostage by a group of suburban mayors, the same mayors who depend on O'Hare and its related businesses to pay taxes, and employ residents of their cities.

There are many other similar stories of projects that have stalled—and there are even more stories of projects that never get off the ground for lack of funding.

WHY INFRASTRUCTURE PROJECTS FAIL

There are many reasons for the lack of enthusiasm for rebuilding infrastructure, chief among them is political inertia; the tendency to put off things until problems are overwhelming.

"Americans traditionally have had a reluctance to face things that are not at a crisis stage. It's almost a national heritage," points out Consdorf, the Cahners editor, "but we just don't have the public resources to throw a $100 billion, let alone $1 trillion, at a project like the nation's infrastructure and expect a quick fix."

Second, it's been difficult to solve problems with the current focus in Washington on budget-cutting. Clearly, many politicans would prefer to delay public works expenditures. As the Joint Committee points out, "in an era of competition for limited public resources, it has become expedient for public officials to delay necessary capital improvements, to eliminate expenditures for maintenance, and allocate these funds to other, more immediate needs."

Finally, officials have failed to communicate the seriousness of the problem to constituents, and they have failed to carry out a process of coalition-building that would build support for an action plan.

Some otherwise astute public officials have made the mistake of assuming that the problems of infrastructure and their solutions are obvious to everyone in the community.

WHAT SHOULD BE DONE

The nation needs an action plan to rebuild the infrastructure. But while the need is apparent, the support for a program in an age of budget-cutting will not be automatic. The ambitious programs outlined by Chairman Howard and the other members of the Public Works Committee at the recent National Symposium on Infrastructure can be made to work, however, if they have two ingredients: (1) skilled communications; and (2) a strong coalition of support.

The coalition building process, I believe, is vital to solving the long term problems of rebuilding infrastructure. There aren't going to be any lasting solutions without effective communications that forge a strong coalition. To build support for revitalizing the infrastructure, politicians will have to use the same techniques of coalition-building that got them elected in the first place. But rather than using them to win an election, they can use those techniques to build support for an issue.

To gather successfully a constituency for public works projects, spade work needs to be done up front to build a coalition throughout the community. This means not just with the leadership of the state legislature, or with the county council or with city hall, it means with groups and opinion leaders throughout a community and the communities surrounding it.

To illustrate how this process of coalition-building might work, I'll use a hypothetical example involving the new Mayor of a medium-sized city in the Midwest, with a population of perhaps 350,000.

The central theme of the Major's administration is new economic development for the area. The Mayor has pledged to the voters to work to fix the city's roads, to build a new expressway through town and to expand the airport.

Where should he start?

The first step our Mayor needs to take is to identify all the people, all the organizations and all the businesses that have an interest in these projects.

Certainly, this would include the engineering, construction and architectural firms, but it would also encompass the companies that supply the raw materials, the land owners, the airlines that service the airport and all the businesses that rely on these businesses.

These operations have a direct economic interest in making sure infrastructure projects get started. There is the potential in any community to enlist thousands of influential persons who will support infrastructure programs because their jobs and their businesses depend on them. The organizations I've named—and their employees and shareholders, if they're public companies—will comprise a core group to help the Mayor "sell" infrastructure programs.

With this core group then, the Mayor would call for an intensive educational campaign; everything from articles in employee publications to bulletin board postings and paycheck stuffers. The companies and organizations that make up this core group would be asked to conduct a canvass of their employees and shareholders and to enlist the active support of these important constituent groups.

All of these preliminary steps should lead to an active public campaign to ensure that elected officials, and community leaders alike, realize there is a broad coalition of support for infrastructure programs. And that these are not "pork barrel" projects, of interest just to the Mayor and the few companies that will do the work, but of concern to everyone with a stake in the economic health of a region.

This educational campaign would continue then to constantly widen the scope of the coalition. We would include all those people and organizations we do business with and others who rely on continued economic development in this hypothetical community. Business and trade groups; civic and professional organizations; labor unions and their state and local federations; all these allies have some common ground in assuring that infrastructure projects are completed.

It's the responsibility of the Mayor of this city and his supporters to make sure that each group realizes that common ground and is enlisted as a supporter of the campaign. This is the key to coalition building.

We've now built a "Coalition for Infrastructure." The coalition would seek to educate the community at large about the importance of infrastructure projects and the benefits to everyone. This means everything from town meetings, to personal letters, to editorial briefings.

These activities are designed for one clear purpose . . . to gather all the support possible within a community and to blunt political bickering or self-interest lobbying before it can derail an infrastructure program.

Simply communicating the need for certain public works projects will not work. As I pointed out earlier, the national problems with infrastructure are well-known and have been widely publicized. But, in spite of that, there's been little movement toward a national solution. While we need to communicate the crisis of infrastructure, we need first to build a coalition of support.

Too many public officials have gone about it the other way around. They've developed a new infrastructure program, commissioned a study, and appointed a blue ribbon panel. Typically, they then hold a press conference to announce a solution to all the problems.

Over the next few weeks and months, these public officials then watch as individuals, influence groups and the media take swipes at their great plan. Citizen groups, business leaders and elected officials complain about one aspect or another of the proposal—and soon that great plan becomes another source of debate, hopelessly bogged down by narrow, self-interests.

Building a community-wide coalition in advance will head off many of these problems. It would also help ensure that the hard work will result in infrastructure programs moving ahead.

THE NATIONAL PROBLEM

The infrastructure crisis on the national level will not be easy to resolve because of a

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growing budget deficit and a general skepticism of big government programs. Yet the fact is that sooner or later the job of rebuilding the infrastructure must be faced. There are possible solutions, like H.R. 5948, H.R. 1244 and others, that would provide answers to funding problems. At this time, however, there appears to be no gathering of forces within Congress to encourage action.

As an attempt to begin the process of focusing on the national problem Hill and Knowlton, along with Nickerson Ingram Vento and Associates, Inc. (NIVA), Merrill Lynch and Shearson Lehman/American Express, recently hosted a National Symposium on Infrastructure here in Washington. The symposium was attended by more than seventy-five federal, state and local officials, as well as members of the financial community, the construction industry and relevant labor unions. Several members of the Public Works and Transportation Committee including Chairman Howard, Mr. Anderson, Mr. Mineta, Mr. Roe, Mr. Shuster and Mr. Stangeland, participated in a panel discussion which focused on future federal legislative initiatives. In addition, the symposium examined public financing alternatives and discussed coalition building to garner support for needed infrastructure projects.

I think everyone who attended the symposium would agree that it was an important first step by the private sector.

However, we must move beyond discussions and into comprehensive federal programs designed to address the critical infrastructure problems which we all know exist. The benefits of addressing these problems now are obvious. Estimates are that for each $1 billion of investment in the infrastructure, 56,000 construction and construction-related jobs will be created. Over a 10-year period, a $1 trillion spending effort would create six million jobs.

In a nation that desperately needs new jobs, these figures alone should provide the impetus for Congress, the White House and elected officials across the country to act now.

If the infrastructure is to be rebuilt, a coalition of groups must rally behind a program and must push the issue in Congress. The alternative is to wait, allow the nation's highways, bridges and water systems to decay further, and then act in a "crisis" atmosphere. As a nation, we cannot afford to let that happen.●

IN TRIBUTE OF MARSHAL HIKE M. YEGO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. MATSUI. Mr. Speaker, one of my most respected and civic-minded constituents, Marshal Hike M. Yego, a faithful public servant to the State of California and longtime appointee as the constable of Placer County, has announced his retirement.

Hike Yego was first elected as the constable of the Loomis Judicial District in 1972, outpolling the combined total of his five opponents in the primary election. With a refreshing spirit and dedication of purpose, Hike Yego served two 6-year terms as the constable of Placer County, rising in 1983 to the position of top law enforcement officer serving the municipal courts. Hike is believed to be the first and only duly elected Nikkei—American of Japanese ancestry—marshal named to head a municipal court law enforcement department in the continental United States.

Mr. Speaker, Hike Yego's public service record does not end with his role as a marshal. He has been an active member and past president of the Placer County Japanese American Citizens League. He has served as a board member of the Placer Buddhist Church, the 20th District Fair Board and the Placer County Easter Seal Association. Among many other community programs, Hike has been on the county alcoholic advisory board, a member of the Penryn Fire Department, and he has been active on the Loomis Basin Planning Committee. As you can see, Mr. Speaker, Hike Yego is an extraordinary citizen. His sense of community responsibility and spirit is a valuable addition to the welfare of the citizens of Placer County. We are fortunate to have him in our midst.

Mr. Speaker, on behalf of the State of California, I extend my thanks and best wishes to Marshal Hike M. Yego. We can rest assured that his retirement years will be as creative and fulfilling as those he has devoted to public service.●

A LETTER TO CONGRESS FROM REFUSENIK YACOV GORODETSKY

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. FOWLER. Mr. Speaker, I wish to share with my colleagues a letter to the Congress from Yacov Gorodetsky, a Soviet Jew who has been trying since January 1979 to emigrate to Israel.

These are difficult times for Jews in the Soviet Union and Mr. Gorodetsky's case is certainly no exception. Because of his efforts to emigrate and his involvement in the Jewish cultural revival in Leningrad, he has been subjected to threats, harassment, and repeated firings from jobs.

On September 1, 2 days after he wrote the letter to Congress, Mr. Gorodetsky was convicted by a Leningrad court for refusing to provide the KGB with information on his employment status. He was sentenced to a 20-percent cut in salary for 2 months and warned that further "misbehavior" would result in his expulsion from Leningrad. Subsequently, Mr. Gorodetsky was fired from his job.

Please take a moment to read Yacov Gorodetsky's plea for help. The text of his letter follows:

[Translated from Russian]

LENINGRAD, U.S.S.R.,
August 30, 1984.

To the Congress of the United States of America:

I turn to the Congress of the United States of America because I consider it my duty to appeal to everyone who declares that the high ideals of justice, humanism, and the public good are the bases of his activity.

The problem to which I wish to draw your attention might appear to be insignificant among the mass of problems confronting the world today. However, it touches the fate of thousands of people and has an influence on the mutual relations of even the great powers, which means that it cannot be ignored.

I have in mind the well-known situation and future of Soviet Jews who are striving to repatriate in the State of Israel, but who are deprived of the possibility of realizing their natural national aspirations under conditions of a drastically cooled-off internation climate.

The right of Jews to live in Brets Israel is sacred and indisputable, like every precept of our Creator. And you have it in your power to help in the realization of this right.

My friends and I consider it completely realistic to create a specific political mechanism to achieve this end—the more so since the repatriation of Soviet Jews who want to live in Israel is undoubtedly beneficial for everyone.

The emigration from the USSR of a certain portion of the Jews, who constitute only ½ of a percent of the population, cannot bring any change in the political, economic, and other aspects of the structure of the Soviet state. Because of the complex international situation, especially in the Middle East, the repatriation of part of Soviet Jewry in Israel will certainly not turn into a migration process of avalanche proportions: it will be predictable and planned in the foreseeable future. Of course, while displaying good will in the given question, the Soviet Union would be entitled to expect, and should receive, appropriate benefits in the course of the problem's solution, as long as those benefits do not touch upon essential state interests and obligations of Israel and the countries of the West.

My friends and I sincerely hope that the seeming secondary importance of the matter of the repatriation of Soviet Jews in Israel will not deceive you. Success in this field, and the humanism and good will which all sides should manifest in the contacts and negotiations regarding the question I have raised, will become a reassuring precondition of negotiations on problems of global significance, negotiations which all of humanity awaits.

The way "from solving this serious humanitarian problem to general progress in relations between the East and the West" might turn out to be short! And its first happy and noble result will be that thousands and thousands of people will be able to forget their fears regarding their fate, and the future of their relatives and those close to them, and the happiness of their children!

Signed,

YAKOV LLICH GORODETSKY.●

LEGISLATION IMPLEMENTING THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST CIVIL AVIATION

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. HUGHES. Mr. Speaker, the Comprehensive Crime Control Act of 1984 is part of Public Law 98-473, the continuing appropriation for fiscal year 1985. Legislation implementing the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation is in turn part of the Comprehensive Crime Control Act. That Convention, commonly known as the Montreal Convention, was ratified by the United States in 1972. For the United States to fulfill its obligations under the Convention, it must enact implementing legislation that establishes its jurisdiction over certain offenses affecting the safety of civil aviation. The implementing legislation makes both substantive and technical changes in Federal law, which already makes criminal, or provides civil penalties for, acts that endanger the safety of civil aviation. The legislation expands this protection to make U.S. law consistent with the requirements of the Montreal Convention. It also makes certain other related changes in current law, described below.

The implementing legislation is part of a package of antiterrorism legislation proposed by the administration. In light of the increase in terrorist acts both in and outside the United States, it was incumbent on the United States to speedily enact such legislation.

The essence of the legislation is its amendment, in section 2013(b) of the bill, of section 32 of title 18 of the United States Code. That section already makes criminal certain acts of destruction of aircraft and aircraft facilities. The purpose of the amendment is the same: Those acts that cause destruction of aircraft and related facilities and parts, and thus endanger the safety of that aircraft, are made criminal. New section 32 carries forward current law and, consistent with the requirements of the Convention, somewhat expands the kinds of acts it covers and the jurisdictional scope of section 32.

Thus, the state of mind necessary for conviction of an individual under section 32 remains the same. The defendant must perform the prohibited acts "willfully." The proposed amendment makes no change in current law's interpretation of this term.

> "An act is done 'willfully' if it is done voluntarily and intentionally * * * with the bad purpose to disobey or disregard the law." E. Devitt & C. Blackmar, *Federal Jury Practice and Instructions* § 16.13 (2d ed. 1970). *See generally An analysis of the Term "Willful" in Federal Criminal Statutes,* 51 NOTRE DAME LAW. 786 (1976).

New section 32(a)(1) makes clear that jurisdiction over acts relating to the destruction of aircraft or aircraft facilities extends to "any aircraft in the special aircraft jurisdiction of the United States." Consistent with the requirements of the Convention, this expands the reach of section 32 beyond the current law's jurisdictional base: "any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce." "Special aircraft jurisdiction of the United States" is defined in section 101(38)(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(38)(d)).

It is implicit in the kind of conduct prohibited by paragraph (1) of both current law and new section 32 that such acts are likely to endanger the safety of the aircraft. Thus, following the practice of current law, new section 32(a)(1) does not state this requirement explicitly. However, the acts described in paragraph (1) can have no other result.

Because the acts prohibited by proposed section 32, paragraphs (2) through (6), might have other results, it is necessary to state explicitly that these paragraphs criminalize only that conduct that threatens the safety of the aircraft. Thus, paragraphs (2), (3), and (5) prohibit certain conduct that is "likely to endanger the safety of any such aircraft." Paragraph (4) requires that the defendant act "with the intent to damage, destroy, or disable" such aircraft. Paragraph (6), relating to the communications of false information, requires that the communication actually endanger the aircraft's safety.

The description of conduct proscribed by section 32 has, in some cases, been somewhat consolidated for the sake of clarity and brevity. But, as stated above, the kind of conduct covered—that which will threaten the safety of the aircraft—has not changed. For example, while inclusion of ordinary interference with the operation of an air navigation facility might be interpreted to prohibit work stoppages by unionized airlines employees, new paragraph (3) covers only "interference by force or violence." The former type of conduct would not endanger the safety of the aircraft, while the latter would.

There are three significant additions to the type of conduct prohibited by current section 32. First, paragraph (5) of section 32 criminalizes the willful incapacitation of any crewmember of an aircraft. Paragraph (5) of new section 32 extends this coverage to acts of violence against or incapacitation of any individual on board the aircraft. Thus, both passengers and crew are protected.

Second, new paragraph (6) prohibits the communication of false information if the communication endangers the safety of the aircraft. The defendant must know that the information is false. Consistent with current law, the communication must take place under circumstances which would lead a reasonable person to believe it. Cf. *Watts* v. *United States,* 394 U.S. 705, 707 (1969); *United States* v. *Portillo,* 431 F.2d 293 (4th Cir. 1970), *aff'd en banc,* 438 F.2d 13 (1971). The resources of the Federal Government should not be expended on prosecuting individuals who communicate false information if no one believes the information and, therefore, no one acts on it.

Third, new paragraph (6) of section 32 prohibits attempts to do any of the acts proscribed by paragraphs (1) through (6). Current law does not proscribe attempts.

Of course, complicities to commit any act proscribed by section 32 are prohibited by 18 U.S.C. 2.

Consistent with the seriousness of the conduct prohibited by new section 32, the penalty for a violation of that section is $100,000, 20 years in prison, or both. Current law authorizes the imposition of the same term of imprisonment, but the authorized fine is only $10,000.

Subsection (b) of new section 32 implements article 5 of the Convention, which requires each party to establish its jurisdiction over certain offenses—

> when the aircraft on board which the offense is committed lands in its territory with the alleged offender still on board,

And where the—

> alleged offender is present in its territory and it does not extradite—

The alleged offender. It extends the section's coverage to acts of violence or of destruction of—

> civil aircraft registered in a country other than the United States * * * if the offender is later found in the United States.

Ordinarily, the United States is reluctant to exercise its jurisdiction when all of the conduct comprising the offense was committed in another country, and the defendant entered the United States at a later point in time. In this case, however, the authorization of extraterritorial jurisdiction is appropriate because of the serious nature of the proscribed conduct and because the exercise of such jurisdiction is recognized under principles of international law. The universality principle of international law permits the exercise of jurisdiction in this instance. Application of the universality principle depends on which nation has custody of the individual. The universality principle is generally accepted in the case of internationally recognized crimes. Note—

> *Extraterritorial Jurisdiction—Criminal Law,* 13 HARV. INT. L.J. 346-47, n. 1 (1972).

In this context, the Convention provides that international recognition.

As with subsection (a) of new section 32, the conduct proscribed by subsection (b) must be performed willfully, must be likely to endanger the aircraft's safety or to render it incapable of flight, and is punishable by a $100,000 fine, 20 years in prison, or both.

Subsection (c) of new section 32 prohibits the willful imparting or conveying of threats to do any act which would violate paragraphs (1) through (5) of subsection (a) or paragraphs (1) through (3) of subsection (b). Consistent with current law, the threat must be issued—

> with an apparent determination and will to carry the threat into execution.

As with the offense of communicating false information, described above, if there is no reason to believe that the individual has the motivation or ability to carry out the threat, there is no reason to expend the resources of the Federal Government in prosecuting such an individual. See discussion of new section 32(a)(6), supra. If, however, the threat is issued under circumstances where a reasonable person would believe that it would be carried out, the disruption of a flight or other action that would endanger the safety of the aircraft is likely. Such conduct should, therefore, be punished severely. New subsection (c) authorizes the imposition of a $25,000 fine, 5 years in prison, or both.

Section 2013(c) of the bill amends section 101(38)(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(38)(d)) to expand the definition of "special aircraft jurisdiction of the United States" to reach certain conduct prohibited by the Convention "if the aircraft lands in the United States with an alleged offender still on board." For a justification of this expansion, see discussion of the universality principle of international law, supra.

Section 2014(a)(1) of the bill amends section 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1471) to provide, in a new subsection (c), for civil sanctions for the importing or conveying of false information about an attempt or alleged attempt to commit an act that would be a crime under 49 U.S.C. 1472 (i) through (l). As with new 18 U.S.C. 32(a)(6), the defendant must know the information to be false and must communicate the information "under circumstances in which such information may reasonably be believed." See discussion supra. The conduct subjected to a civil penalty of a maximum of $10,000 is currently a misdemeanor punishable under 49 U.S.C. 1472(m)(1). Because the courts and Federal prosecutors have been reluctant to see this kind of offense prosecuted criminally, it is appropriate that civil sanctions be established instead.

Section 2014(a)(1) of the bill also establishes a new subsection (d) of 49 U.S.C. 1471. It provides for a civil sanction of $10,000 for an individual who, while on board or while attempting to board an aircraft, has access to a concealed deadly or dangerous weapon. This conduct is comparable to that made criminal by 49 U.S.C. 1472(l)(1)(A), but new subsection (d) provides an alternative when such criminal sanctions are not appropriate, as, for example, when the individual through inadvertence has carried an otherwise authorized weapon on board an airplane. New section 1471(d) carries forward the exception set forth in 49 U.S.C. 1472(l)(3) for law enforcement officers or employees of the Federal, or State and local governments who are authorized or required within their official capabilities to carry arms. Other individuals who are so authorized by the Secretary of Transportation are also exempted from such civil sanctions.

Consistent with the provisions of civil sanctions for such conduct, section 2014(c)(1) of the bill amends 49 U.S.C. 1472(l)(1) to increase the fine for a criminal conviction for such conduct to $10,000 from $1,000. Section 2014(c)(2) of the bill increases the criminal fine for such conduct to $25,000 from $5,000 when such conduct is committed—

> willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life.

Section 2014(d)(1) of the bill makes two amendments to 49 U.S.C. 1472(m). First, it amends section 1472(m)(1) to raise the state of mind required for conviction to—

> willful and malicious, or reckless disregard for the safety of human life.

This is the state of mind currently required by 49 U.S.C. 1472(m)(2), which punishes such conduct by a $5,000 fine, 5 years in prison, or both. The amendment would delete the substance of paragraph (m)(1) of current law, which does not specify a state of mind and which makes such conduct a misdemeanor. It would also raise the penalties currently authorized by 49 U.S.C. 1472(m)(2) to a $25,000 fine, 5 years in prison, or both.

The second amendment to section 1472(m) would make it a crime to impart or convey any threat to do an act which is a felony under section 1472 (i) through (l). As with new 18 U.S.C. 32(c), discussed above, the defendant must have exhibited an apparent determination and will to carry the threat into execution. The penalty for a violation of new paragraph (m)(2) is a $25,000 fine, 5 years in prison, or both.

New paragraph (m)(2) does not specify the state of mind required for conviction of the offense. Since this offense is not merely regulatory, but rather is malum in se, the generally applicable rule for criminal offenses, that a general mens rea is required, is applicable here as well. House Report No. 96-1396, accompanying H.R. 6915, the Criminal Code Revision Act of 1980, 96th Congress, second session, at 31, 34-35 (1980).●

IN TRIBUTE TO JOHN P. KEARNS, CHIEF OF POLICE, CITY OF SACRAMENTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. MATSUI. Mr. Speaker, I would like to commend to my colleagues the efforts and achievements of Sacramento's Chief of Police John P. Kearns. Jack's dedication to the protection of his community and the improvement of our national criminal justice system merit the attention and appreciation of this body.

In particular, Jack Kearns has pointed out a series of flaws in Federal criminal law concerning the lack of notification of local law enforcement officials that potentially dangerous Federal offenders have been released into their communities. His insight led to the drafting of legislation designed to correct these deficiencies.

One measure, which allowed police officials to obtain information about fugitive felons receiving public assistance benefits, was enacted with broad support earlier this year. Another measure providing information to law enforcement officials about Federal parolees passed this body but was superseded by enactment of a larger anticrime package. With Jack's tireless efforts, I am certain that this statutory change will be made successfully next year.

Jack Kearns has made an invaluable contribution to assure the safety of Sacramento's citizens. More importantly, he has protected our Nation's citizens by alerting us to these disparities in the law which must be remedied.●

A TRIBUTE TO DR. ANNA L. FISHER: SAN PEDRO'S FIRST LADY OF SPACE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. ANDERSON. Mr. Speaker, on November 26, 1984, the San Pedro Peninsula Chamber of Commerce will sponsor Anna L. Fisher Day, to honor San Pedro's first astronaut. Dr. Fisher will serve as mission specialist aboard the space shuttle *Discovery* to be launched on November 7.

Anna was born in St. Albans, NY, but considers San Pedro, CA, to be her hometown. Her mother, Mrs. Riley F. Tingle, also resides in San Pedro. Anna graduated from San Pedro High School in 1967. She received a bachelor of science in chemistry and a doctor of medicine from the University of California, Los Angeles, in 1971 and 1976, respectively. She was awarded a National Science Foundation undergraduate research fellowship in 1970 and 1971, and graduated from UCLA cum laude with honors in chemistry.

After graduating from UCLA, Dr. Fisher spent a year in graduate school in chemistry at UCLA working in the field of x ray crystallographic studies of metallocarbonanes. She coauthored three publications relating to these studies for the Journal of Inorganic Chemistry. She began medical school at UCLA in 1972 and, following graduation in 1976, commenced a 1-year internship at Harbor General Hospital in Torrance, CA. After completing that internship, she specialized in emergency medicine and worked in several hospitals in the Los Angeles area.

Anna was selected as an astronaut candidate by NASA in January 1978. In August 1979, she completed a 1-year training and evaluation period, making her eligible for assignment as a mission specialist on future space shuttle flight crews. Dr. Fisher's NASA assignments have included assisting in the development and testing of several systems and various procedures required for the successful mission of the space shuttles.

In addition, utilizing her medical skills, she supported the first four orbital flight tests launch and landing—at either a prime or backup site—as a physician in the rescue helicopters, and provided both medical and operational inputs to the development of rescue procedures.

Anna is a member of the American College of Emergency Physicians, instructor for the American Heart Association's advanced cardiac life support, and a member of Sigma Xi.

She is married to Dr. William F. Fisher of Dallas, TX, and they have one daughter, Kristine Anne.

My wife, Lee, joins me in celebrating this momentous occasion of San Pedro's first astronaut in space. In addition, we wish Anna, her husband William, and daughter Kristin, all the best in years to come.●

TRIBUTE TO DAN MARRIOTT

SPEECH OF

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. EMERSON. Mr. Speaker, I rise today to pay tribute to one of the true leaders of the House of Representatives. I am speaking of our colleague DAN MARRIOTT.

Since becoming a Member of Congress, DAN has proven to be a capable and eloquent spokesman for mining and minerals management, and a strong and effective advocate of balanced resource use. As the ranking Republican member of the Subcommittee on Mining, Forest Management and Bonneville Power Administration, DAN constantly reminded people of the importance and compatibility of resource development and preservation.

In addition to being a determined legislator, DAN is also deeply devoted to his family. I am reminded of an inspection trip of the Irish Wilderness in my district that DAN was unable to attend, because our group would be away from home on Mother's Day, and he felt that his family duties and responsibilities required him to be with his wife and children. Indeed, DAN's acute sense of basic values and principles is an inspiration and an example.

Even though DAN will soon be returning to Utah and to private life he leaves with us the legacy of a gentleman, a friend, and an outstanding Member of Congress.

DAN, we wish you good luck and Godspeed.●

CHANGES IN NICARAGUA

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. EDGAR. Mr. Speaker, last summer a group of union leaders from the Philadelphia area visited Nicaragua on a fact-finding tour. Six of the tour members also visited the neighboring country of Honduras to meet with labor union leaders in that nation.

During the Honduras visit, the Americans met with human rights activists and labor leaders and then addressed a labor union rally. Their message was one of peace and brotherhood between the workers of Honduras and the United States. However, the next day the Americans were deported from Honduras on the grounds that their remarks at the rally were an affront to the dignity of the country.

While Honduras is an independent, sovereign nation, and has the right to enforce its laws, the treatment of the union delegation seems unusual. I have included below remarks made at the rally by Thomas Paine Cronin, the leader of the American delegation. His comments stand on their own and can hardly be described as subversive or seditious. Far from being insulting, he states quite clearly that we should "send tractors, medical supplies, whatever the people of Honduras need to make a better life for themselves."

The statement is well within the standards of political discourse in our country. It is curious to me that it cannot be acceptable when uttered before democratic union members in Honduras, a nation promoted as a democratic ally by President Reagan. Similarly, we were assured when last year's Caribbean Basin Initiative was passed that our assistance was going to countries which shared American democratic values, including the right to organize and speak freely.

At a time when many in Congress have expressed interest in the promotion of basic freedoms in Honduras, and when we have numerous troops deployed in that country, it is important to know about the Honduran Government's treatment of unions and their members. It seems to me that the least we can ask of an ally like Honduras is that free speech be permitted, especially in a case like this when the Americans were appearing at a public rally and were invited by Honduran citizens.

In addition to Mr. Cronin's remarks, I insert today a copy of the Philadelphia union delegation's report on their trip to Nicaragua. Mr. Speaker, I am no fan of the Sandinistas. But it is interesting to read the report and see once again evidence of the changes in Nicaragua since Somoza was ousted. The question for Congress now is: "What is the best way to preserve the positive changes and encourage democracy in Nicaragua while remaining true to our own American democratic beliefs?" A bit of thought leads one to the conclusion that mining Nicaragua's harbors and sponsoring an insurgency on her borders does little to bring democratic progress. In fact, it drives the Sandinistas into the arms of the Soviets and their allies. Perhaps we should listen to our own American labor unionists when they write in their report: "We should be building friendship, not hatred, for the United States." In this spirit, I insert the following documents into the RECORD at this point:

TEXT OF SPEECH BY THOMAS PAINE CRONIN, PRESIDENT OF DISTRICT COUNCIL 47, AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES—AFL-CIO, BEFORE HONDURAN LABOR UNION MEMBERS, TEGUCIGALPA, HONDURAS, JULY 27, 1984

Brothers and Sisters: I am honored to be in your country and in your great city. We are here, six of us from the Philadelphia area, for two basic reasons. One is to show solidarity with the trade union movement in Honduras. The second reason is for Peace. No matter what the differences that we have—we may have different religions, we may speak a different language, we may have a slightly different form of government, but the one thing we have in common is that we are all working people. We struggle as working people, whether in Honduras or the United States, to clothe our families, to feed our families, to find decent housing and medical care for our facilities and ourselves as working people so that we can have a better life, and we do that in Honduras and do that in the United States, and we must sell our labor because we are working people.

These things in common lead me to speak about the current Reagan Administration policy in Central America which very much affects Honduras. They are two sides of the same coin—the treatment of working people in Honduras and Central America, and working people in the United States. In the United States, the Reagan Administration policy encourages the closing of factories and this puts people out of work and, this action at home encourages companies to move to Central America, South America and Asia to find cheaper labor. Then he turns around and creates a foreign policy to oppress workers in Central America and Honduras.

We do not want to defend aggression of the people of Honduras by sending United States troops here. We want U.S. troops out of Honduras. There is a growing movement in the United States for Peace in Central America. We don't want to repeat or see repeated another Vietnam. It is in the interests of the working class of the United States and Honduras, instead of sending troops, to send tractors, medical supplies, whatever the people of Honduras need to make a better life for themselves.

Let me end by saying that I have the utmost respect for the Honduras trade union leaders that are here today. Their courage inspires all of us to go back to our countries and work for Peace. I make a promise to you. I know that you do not want Reagan in Honduras, and in November, with the Presidential elections in our own country, we will show you that we don't want him in Washington either. Thank you very much.

STATEMENT BY THE PHILADELPHIA LABOR DELEGATION

We are a group of trade unionists from locals of 11 AFL-CIO international unions, accompanied by some friends of labor, 34 in all, who visited Nicaragua to see conditions for ourselves.

We return convinced that President Reagan's descriptions of Nicaragua are not true, and that his administration's policies are an outrage and a disaster.

During our trip, we met with spokesmen for anti-Sandinista, as well as pro-Sandinista, unions and newspapers. Despite their considerable political differences, everyone we spoke to agreed on two important points: life is better for the majority of Nicaraguan people than it was under Somoza, and they stand opposed to an American invasion.

Nicaragua's literacy campaign, educating children and adults, has reduced illiteracy from 60% (the rate under Somoza) to 12%. The government has built daycare centers where none existed before. The government is spending 12% of the national budget on a new health care system, which is free to everyone. It has eradicated polio, reduced measles and malaria, made health services available in rural areas for the first time, reduced infant mortality and increased life expectancy. The World Health Organization cited Nicaragua for its health care improvements.

All this is a little more than five years, despite contra and U.S. harassment.

The Sandinista government encourages workers to organize: now 50% of all workers belong to unions, as compared to 8% under Somoza. Union members elect their officials. Unions have strong voices in the shops and farms, and play an important role in setting national policy.

While we were on our trip, the first voter registration took place for the Nicaraguan elections in November. For four days, the factories, shops and offices were closed. Workers were paid for lost time, so everyone could register, and the three major newspapers, including the opposition newspaper, advertised voter registration. (We could use a registration campaign like this in the U.S.) All political parties, including opposition parties, can promote their campaigns on radio, television, billboards, and in the press.

In Nicaragua—which Reagan has called a "totalitarian dungeon"—we were able to travel wherever we wanted, and speak to whomever we chose. However, delegation members who visited Honduras, the site of extensive U.S. militarization and the recipient of millions in U.S. aid, were arrested and deported after calling for peace and union solidarity at a rally of 2,000 unionists.

Newly built homes in Nicaraguan villages remain unfinished because construction workers had to leave their jobs to fight against the contras. We were told repeatedly that literacy teachers and day care centers were particular contra targets. In the past 1½ years, nearly 100 literacy teachers have been tortured and murdered by contras. At a daycare center in Esteli, near the front, we were told of a recent contra attack on another nearby center, where several children were killed by mortar fire. The contras who launch such attacks are hired by the Reagan administration, and paid with our tax dollars.

Under Reagan, the U.S. government is killing Nicaraguans working to end their poverty, while other countries throughout the world are helping them live better and longer. Holland is building a hospital near Matagalpa, Yugoslavia has donated ambulances, and Belgium sent sewing machines to a clothing cooperative we visited in Esteli.

While we were in Nicaragua, the Peace Ship, a Norwegian enterprise, arrived with 3 million dollars worth of supplies. The international effort to help the poor people of Nicaragua includes many U.S. organizations and individuals, who are contributing medical and educational supplies, tools, and clothing. We took such supplies with us on our trip, and met many Americans there on trips similar to ours. Other Americans live and work in Nicaragua, and contribute to its social advances.

We encourage AFL-CIO union officials at all levels to visit Nicaragua, as we did, and draw their own conclusions.

The Reagan administration is trying to destroy what others are trying to build. It is killing the poor people of Nicaragua while others are helping them to live. In Managua, members of our delegation met with the U.S. consul-general, who stated that a U.S. invasion of Nicaragua was a distinct possibility if Reagan were re-elected in November.

We cannot permit President Reagan to act in our name! We must achieve a 180 degree turn in U.S. Central American policies. We should be building friendship, not hatred, for the United States. We should be on the right side for a change.●

ARTHUR E. COIA

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, it gives me great pleasure to honor Mr. Arthur E. Coia, for completing over 50 years of distinguished service with the Laborers' International Union, most recently as their secretary-treasurer and New England regional manager.

Mr. Coia became active in the union already as a 20-year-old in Providence, RI, and has devoted his life to making work conditions and the quality of life better for workers ever since.

After serving as president and business manager of his local union, Mr. Coia was appointed to the international union staff in 1954, where his responsibilities broadened to include all of the New England States. While still New England manager, Mr. Coia became a vice president of the entire international union, and in 1979 he became the union's general secretary-treasurer.

Particularly interested in improving the lot of unskilled laborers, Mr. Coia has established and negotiated socio-economic work programs which have helped many to lead lives of dignity, pride, and self-worth; build stable family lives; own their own homes and educate their children.

I would like to mention one program in particular which Mr. Coia, chairman of the New England Training Trust Fund, is to be commended for his hard work and great enthusiasm in making a reality. Thanks for Mr. Coia, the New England Training Trust Fund and the New England Laborers' Training Academy now work with and financially support a special apprenticeship program coordinated by Youth Continuum, a social services agency administering the needs of disadvantaged youth.

The program is designed to teach former group home minority residents the skills necessary to work productively in the construction industry, as well as to provide a transition between the protected environment of the group home and the outside world. The program's trainees live at the New England Laborers' Training Academy in Pomfret, CT, and are paid while they learn. After the course, the trained students are able to join the local union and enter the job market in union construction work at a good entry-level wage. Without the training, many of these young people would have had a hard time breaking into the job market and becoming independent, productive members of society.

This program is just one of the many programs to help working people that the hard work and dedication of Arthur Coia has been instrumental in guaranteeing the success of. I am very pleased to have this opportunity to recognize Mr. Coia's commitment to improving the lives of working people through his long and distinguished service with the Laborers' International Union of North America and its affiliates. Mr. Coia's demonstrated concern for others shines as a beacon for us all.●

MAINE EAGLE SCOUT HONORED

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. McKERNAN. Mr. Speaker, I ask my colleagues to join me in honoring a Boy Scout from the State of Maine who has recently earned the highest Scouting award—the coveted Eagle Scout Award.

This Scout is Peter D. Gillingham, a member of troop 342 in West Buxton. He is the 18-year-old son of Mr. and Mrs. Chester Gillingham of Salmon Falls.

Peter graduated from Bonney Eagle High School in June. While in high school, he displayed his leadership as cocaptain of the wrestling team. His future plans include going to college and pursuing a career in the health field. Currently, Peter is employed at the Maine Medical Center in Portland.

Peter's accomplishments in Scouting are extensive. In the summer of 1981, he represented the State of Maine at the National Jamboree in Fort A.P. Hill, VA. At the International Jamboree in Calgary, AB, Peter represented the New England Chapter of the Boy Scouts. At the local level, he has served in many positions, including assistant scoutmaster and senior patrol leader.

This young man's Scout leaders, parents, and friends are to be commended for encouraging him in his pursuit of excellence. I would like to wish Peter success in all his future endeavors.●

A TRIBUTE TO JAMES E. DANIELS UPON HIS RETIREMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. ANDERSON. Mr. Speaker, on November 8, a retirement dinner will be held at Trani's restaurant in San Pedro, CA, in honor of a very dear friend, James E. Daniels, who throughout his life has been actively involved in maritime affairs.

Jim started his career with the shipbuilders when he went to work at the Bethlehem Steel Corp. shipyard on Staten Island, NY, as a shipfitter in 1940, joining local 12 of the Industrial Union of Marine & Shipbuilding Workers of America [IUMSWA] AFL-CIO.

In 1952, Jim was appointed by the National IUMSWA Union as a national representative and assigned to Baltimore, MD. In 1955, he was appointed west coast regional director where he served as the regional director for local 9 of the IUMSWA until his retirement in October 1984. He transferred his membership in the IUMSWA from local 12 to local 9 in January 1964.

Jim moved his family to the west coast when he became regional director and settled in the Lakewood area. He has been an active participant in community affairs, political activities and has done much to further the development of the Los Angeles-Long Beach Harbor area. Jim has served as a director of the Western Shipbuilding Association.

James E. Daniels has shown a true dedication and loyalty to not only the IUMSWA Union, but to all labor organizations. He has walked many picket lines and supported organized labor with true zeal.

My wife, Lee, and I considered Jim's beloved wife Helen and son, Pat, both now deceased, to have been very much a part of our family. Jim's family includes sons, John and Brian, and daughter Linda.

Lee and I wish Jim and his family all the best in years to come in the knowledge that our friendship will never fade.●

IN HOMAGE TO SAMUEL A. PEPPER

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. MATSUI. Mr. Speaker, I rise before this distinguished body to pay homage to Samuel A. Pepper, a former high school principal and dear friend of mine who recently passed away. The community of Sacramento and in particular, former and current students of McClatchy High School have lost an excellent educator, a civic-minded citizen, and most importantly a true friend who was always there to help in an hour of need.

Mr. Speaker, Samuel Pepper was something of a renaissance man. He was the consummate organizer who came to Sacramento with an impressive educational background in Oregon and New Mexico, and embarked on a dream of establishing one of the top ranking academic high schools in the State of California. He mobilized public support and played a prominent role in the planning and construction of McClatchy High School in the mid-1930's. As the doors of his high school opened in 1937, Samuel forged ahead with dedication, devotion, and sincerity of purpose in educating the youth in his community. He was an educator who played a variety of roles—principal, coach, counselor, companion—and performed them all well. He carried with him, what one colleague called, a contagious feeling of dedication.

I was one of those students, Mr. Speaker, who "caught" his thirst for knowledge. His vibrant, outgoing personality inspired me to search out my own answers to questions that intrigued me. Thousands of students stand forever grateful for the kind, humanistic contributions made by this man.

In memorial to this fine man, the 1962 graduating class of C.K. McClatchy Senior High School dedicated their high school yearbook to "their beloved Mr. Pepper." It is a fitting honor. I join them in their salute.●

AIRCRAFT NOISE REGULATIONS

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. STANGELAND. Mr. Speaker, language in the continuing resolution has granted a blanket exemption to foreign operators of four-engine aircraft which fail to meet U.S. noise regulations operating into and out of Miami, FL, and Bangor, ME.

While I would look upon some exemptions with favor I am concerned with the narrow focus of the language in this legislation regarding the noise regulations. While this provision of law will be a boon to Miami and Bangor and foreign carriers operating to and from those particular airports, domestic carriers with equally legitimate reasons are not granted similar exemptions and must rely on the collective judgment or judgment of individuals in the Federal Aviation Administration.

Mr. Speaker, the record is clear that Congress intended that the FAA give strong consideration to hardship situations involving smaller carriers where the carrier is making a good-faith compliance effort but the needed technology is either delayed or unavailable. Such rigid adherence to compliance could work financial havoc and deprive the public of valuable airline service.

To this point, the FAA has rejected all exemption applications filed for relief from the January 1985 noise rule. This policy was dramatically highlighted when the agency denied the request by Project Orbis to operate one DC-8 to underdeveloped nations carrying U.S. physicians to instruct local doctors in delicate eye operations. It is doubtful that established carriers and airframe manufacturers would have suffered an appreciable competitive harm that would have warranted the potential disruption of this essential service. I believe the humanitarian activities of Project Orbis deserved much fairer treatment.

The FAA also recently denied an exemption application submitted by Zantop International Airlines. It should be noted that Zantop is wholeheartedly committed to taking advantage of any viable program that would permit the installation of hush kits as the means of achieving compliance with American noise standards. The essential services provided by this carrier to the automotive industry are a matter of record. Unless a more favorable ruling is granted by the FAA, massive disruptions could occur in the domestic automotive industry which depends on Zantop to keep its plants in operation. It is my extreme hope that rulings on exemption applications from legitimately needy companies will be fair and realistic.

The guidance which Congress previously provided the FAA with respect to exemptions has been essentially ignored. This legislative provision should be an impetus to the FAA to give serious consideration to requests from all carriers, whether foreign or domestic, that are experiencing delays in achieving compliance with noise limitations because of the unavailability of cost-effective technology.●

MONTEFIORE MEDICAL CENTER—100 YEARS OF EXCELLENCE AND MEDICAL SUPREMACY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. BIAGGI. Mr. Speaker, "I will bind up that which is broken and strengthen that which was sick." With these simple but profound words, Montefiore Medical Center opened 100 years ago as the Home for Chronic Invalids at 84th Street and Avenue A (now York Avenue) in Manhattan.

This year, 1984, marks the 100th anniversary of the establishment of this outstanding medical facility. The Montefiore Medical Center of today is a modern, multifaceted facility located in my home district of the Bronx, NY. In the 100 years of Montefiore's existence, it has grown from the 26-bed home for chronic individuals to a major acute care hospital which cares for more than 24,000 patients annually. It has grown from a facility with an annual budget of $15,000 to one which now has an annual budget of $350 million and where almost 8,000 health care professionals are employed.

Montefiore's first patient, one Louis Spanier, a 30-year-old painter who previously had been treated for "painter's colic" or lead poisoning was admitted on October 19, 1884, just prior to the official opening ceremonies. He was diagnosed as suffering from tuberculosis. Soon thereafter the facility was soon filled with other patients suffering from a variety of illnesses ranging from cancer to arthritis and chronic melancholy. The quality of care provided by Montefiore has always been its most outstanding characteristic. As it was 100 years ago, many of the patients arrived at Montefiore with little hope or expectation of cure. The commitment of the health care personnel at Montefiore was so complete as to give these patients new hope and optimism.

Today the patient who enters Montefiore might be a child suffering from lead poisoning or a person with a severed limb coming in for microsurgery. Another might be in for open heart surgery or a kidney transplant. Today the Montefiore Medical Center has three acute care hospitals which perform a remarkable 24,000 surgical procedures a year. In addition, Montefiore has three long-term care facilities, a home health agency, family health centers and prison health services. It has affiliations with 15 other hospitals and nine long-term care centers.

Montefiore's patients come primarily from a three State area but come from well beyond that as well. The physicians who complete their training at Montefiore have access to the outstanding teaching and research capacities of Montefiore's affiliate—the world renowned capacities of Montefiore's.

Throughout its 100-year history, Montefiore has had a historic emphasis on outreach. It has been deeply involved in the affairs of the Bronx where it has been based for almost three quarters of its 100-year history. Some examples include special lead screening programs in buildings in its own neighborhood to assure the health of children. In addition, Montefiore has established several neighborhood primary care centers.

A little known but highly relevant fact is that Montefiore Medical Center is the largest private employer in the entire borough of the Bronx, and the major health care facility for its more then 1.3 million residents. In other words it is a solid member of the Bronx community.

In anticipation of the centennial celebration, in 1981 in the Mosholu Preservation Corp. was created by Montefiore to help halt deterioration in the area of the medical center through preservation and improvement of existing housing. In addition, Montefiore Medical Center is in the midst of a major $250 million rebuilding program which will include a new seven story patient care building. In the words of its esteemed President Dr. Carl Eisdorfer:

> Montefiore Medical Center will continue in the future as it has in the past to respond to the needs of our community. We've made our final move and we're here to stay for the next 100 years.

As not only a Representative from the Bronx and a lifelong native of this wonderful area of the United States—but as an original member of the House Select Committee on Aging I wish to also commend Montefiore's outstanding work as a leader in geriatric care. The Bronx has a higher proportion of aging residents than most areas in the United States. My particular district which is mostly in the Bronx but does include the city of Yonkers was ranked 10th of the 435 congressional districts in terms of both the number and percentage of older people. Therefore an entity such as Montefiore is most important to meeting the unique needs of the elderly in this area. Montefiore's network of special services for the elderly includes an inpatient geriatric unit, a treatment program for Alzheimer's victims and family members, a wide variety of outpatient clinics and home care services and a hospice. In addition to all this Montefiore is currently conducting a comprehensive 5-year study for the National Institutes of Health to help to better determine the medical needs of the elderly and their findings and recommendations are expected to have a major impact on policy setting at the national level.

On this 100th anniversary all friends, trustees, employees, and guests of Montefiore take the opportunity to reflect on Montefiore's illustrious past and on its bright future. During the 100 years of its history medical care in America has developed and advanced in unprecedented ways. Yet Montefiore has remained a high quality high caliber leader in medical care. Medicine is an ancient science but professional medical education is relatively modern in the United States. Many of those who work as doctors and health care professionals at Montefiore have enjoyed the highest standards of medical education.

Much has been said during this centennial year about Montefiore Medical Center and deservedly so. This is an important milestone for not only Montefiore but also the Bronx and the entire Nation for we are proud of the fact that Montefiore is a health care facility of national importance and respect.

On this occasion I wish to pay tribute to the distinguished past and present medical leaders of Montefiore Simon Baruch, Ernst Boas, E.M. Bluestone, Martin Cherkasky, and the present most distinguished President Carl Eisdorfer. In his 3 years as president, Carl has demonstrated exemplary and diversified leadership not only in meeting the daily challenges of administering a medical center of this size—but also as a national leader in the field of geriatrics. He is the best possible leader for the present and future of Montefiore.

At this point in the RECORD, so my colleagues may also have the occasion to fully appreciate Montefiore Medical Center and its special historical perspective I would like to insert a fine article entitled "Yesterday and Today" written by Montefiore's fine Historian and Archivist Dorothy Levenson.

Finally I would like to include a factsheet outlining Montefiore Medical Center and its many components so my colleagues can see what a vibrant and vital force Montefiore is.

YESTERDAY AND TODAY

(By Dorothy Levenson)

Once upon a time a lonely young princess crept through a garden gate to wander through the beautiful grounds of her next door neighbor. When she became queen she did not forget his kindness. Eighteen-year-old Queen Victoria ordered her old friend to kneel before her. When he arose, he was Sir Moses Montefiore, the first Jew to become an English knight.

With the prestige of the British Empire behind him, Sir Moses was able to bargain with the Sultan of Turkey and the Tsar of all the Russians on behalf of persecuted Jewish communities. He traveled to Jerusalem where he built houses and a windmill for the new settlers. He used his own wealth and persuaded others to use theirs to provide relief for poor Jewish communities everywhere.

The gallant knight was an imposing figure, six feet three inches tall. Always physically strong and active, he lived past his 100th birthday. In 1884 Jewish communities all over the world celebrated this special anniversary.

In New York City, a group of businessmen met to discuss what they should build to honor Sir Moses. They talked about housing for the poor or a home for juvenile delinquents. Finally, they decided upon a hospital. The Montefiore Hospital for Chronic Invalids opened on October 26th at 84th Street and Avenue A in Manhattan in a white clapboard house with 26 beds. That was the beginning of the Montefiore Medical Center, which today has more than two thousand beds.

If Sir Moses were to come back today, he would find changes in more than size. In the nineteenth century almost all hospital patients were very poor. Most people were born at home and died at home. People who had families to care for them also stayed at home when they were sick. The risk of infection was too great in a hospital.

Most hospitals were charitable institutions, usually run by religious groups. All the expenses were met through gifts given by the public. That first year, some gave as much as $2500, others as little as 50 cents. People gave nightcaps and handkerchiefs, crutches and eyeglasses. One donor gave a rubber plant, another a bottle of wine.

The poor were dependent upon the rich for more than their medical care. There was no welfare system and charity was the only answer to poverty. In 1886 the Montefiore Trustees set up a fund to help families whose breadwinners were patients.

The Trustees made all decisions about the Home. They decided which patients should be admitted, gave permission for all operations, and found other places for applicants they refused. They dealt with unruly patients and mediated disputes between doctors and patients.

Sir Moses never visited New York, but if he had, he would have understood these busy, energetic men. He was a great traveller and tried to visit as many of his charities as possible.

He would also have understood the limited medicine practiced in the Home. The first patients suffered from tuberculosis, heart disease, arthritis, syphilis, kidney disease, diabetes and many crippling neurological conditions. The best that could be done for most of them was to relieve their pain. The Home spent more on alcohol than anything else in the first years. The first patient with cancer of the stomach was treated with milk punch. Liberal use was made of morphine, and other opiates. Once heroin was put on the market in the late nineties, it was frequently prescribed as a cough suppressant. For these early patients good food, loving care, and a clean, warm bed were as important as any medication.

Doctors did not admit their private patients to Montefiore. They treated them at home. They came to Montefiore because they wanted to help poor people or because they were interested in research. Symptoms of disease could be carefully studied in patients who stayed for months or years.

The results of that research would astonish Sir Moses. The Home named for him opened at the very beginning of the scientific revolution that was to transform medicine. In his day, epidemics of infectious diseases devastated families and nations. Cholera and typhoid still stalked the great cities of Europe and the United States. Tuberculosis was still the greatest killer in both continents. Malaria ravaged the Middle East and was still endemic in the New York area. Today most of those diseases are controlled in the developed world. Tuberculosis and syphilis, the two infectious diseases with which the Montefiore Home was most involved, can be controlled with drugs. Forty years after the home opened, insulin brought hope to diabetics.

In 1884 surgery was a highly dangerous procedure, used only as a last resort. Improvements in anesthesia and the control of infection and shock have brought what Sir Moses might regard as miracles to all those cardiac patients for whom bed rest was the only treatment. For some of the conditions—arthritis or the scleroses, there have been no miracles.

Sir Moses knew about machines. He travelled on trains and on steamships, but he knew nothing of CAT scans or ultra sound, or even simple X-rays. In his day, the stethoscope and a few surgical instruments were the only technology available to the doctor. Today's machines would amaze him as much as today's drugs. He would also be astonished at the number of Montefiore doctors. When the Montefiore Home moved to the Bronx in 1912, there were five house staff; today there are more than a hundred times as many.

Finances might amaze him even more. In that first year, the Home cost $17,000 to run. Today's figure is close to a quarter of a billion. Most patients pay their bills, not from their own pockets but through some form of insurance.

Today's Montefiore Medical Center is concerned about the social needs of individuals patients and the health of the whole community. That would not have surprised Sir Moses. He would have understood concern for lonely old people, for prisoners in city jails, for immigrant families struggling to survive in a new land. Sir Moses would have understood why a hospital should be interested in housing and in the economic well being of the community. On his one hundredth birthday, coal and blankets were sent to one hundred poor people to keep them warm in the coming winter. He knew that medical care is most effective when people's other physical and emotional needs are met.

MONTEFIORE—FACTS AND FIGURES, 1983

MONTEFIORE AT A GLANCE

Montefiore Medical Center is a 100-year-old institution—a modern, multi-faceted facility sited in The Bronx which provides the most sophisticated acute and tertiary health care.

Montefiore's patients come from a three-state region and beyond. The physicians who complete their training here practice medicine all over the United States and abroad; the research programs conducted here have import for all of medical science. This pioneering medical center numbers among its achievements introduction of the first open heart surgery program in New York City, development here of the first pacemaker, and early use and refinement of microsurgery.

Its historic emphasis on outreach has involved it in an active and affirmative role in the health of multiple communities—from a lead-screening program in buidings in its own neighborhood to assure the health of youngsters, to health care programs at three of new York's prison facilities, and establishment of neighborhood primary care centers.

Montefiore is

The facilities and programs that comprise the work of Montefiore Medical Center include:

Montefiore Medical Center

Total facilities:	
Beds	2,279
Moses Division	890
Einstein Division	431
Nathan Miller	65
Beth Abraham Hospital	504
North Central Bronx	389
Buildings	57
Total staff:	
Physicians	1,574
Full-time	434
Part-time	250
Voluntary	890
House Staff	619
Medical student rotations	752
Administrative, technical, and other employees.	7,852

Henry and Lucy Moses Division

Care and service:	
Average percent occupancy	92.4
Patients admitted	23,651
Average length of stay: days	11.6
Cost per patient, per day	538.13
Clinics	62
Outpatient visits	132,730
Emergency room visits	66,924
Surgical procedures	15,253
Laboratory procedures	4,905,825
Radiotherapy treatments	23,246
X-ray films	566,064
Meals served	1,003,240
Staff:	
Physicians	1,045
Full-time	315
Part-time	139
Voluntary	591
Administrative, technical, and other employees	4,521
Volunteers	470

Montefiore Medical Group

Patients admitted	2,449
Physicians' services	121,687
Salaried Physicians	63
Full-time	18
Part-time	45

Einstein Division: Hospital of the Albert Einstein College of Medicine

Care and service:	
Average percent occupancy	94.2
Patients admitted	17.052
Newborn	3,155
Average length of stay; days:	
Adults	8.7
Newborn	3.7
Outpatient visits:	
Ambulatory visits	28.307
Lubin Rehabilitation Center	9,001
Surgical procedures	9,646
Laboratory procedures	2,111,361
Radiotherapy treatments	15,686
X-ray films	199,020
Meals served	601,246
Staff:	
Physicians	366
Full-time	25
Part-time	42
Voluntary	299
Administrative, technical, and other employees	1,676
Volunteers	331

North Central Bronx Hospital (city affiliate)

Facilities: Beds	389
Care and service:	
Patients admitted	17,216
Emergency rooms visited	81,766
Outpatient visits	180,359
Staff	
Salaries physicians	163
Full-time	69
Part-time	94
Administrative, technical, and other employees	457

Beth Abraham Hospital (long-term care affiliate)

Care and service:	
Intake assessments	1,275
Patients admitted	155
Laboratory procedures	763,221
X-ray procedures	8,012
Staff:	
Salaried physicians	30
Full-time	5
Part-time	25
Physician's assistants	12
Administrative, technical, and other employees	731
Volunteers	188

The Nathan Miller Center for Nursing Care, Inc. (long-term care affiliate)

Beds	65
Care and service:	
Patients admitted	58
Laboratory procedures	683
X-ray procedures	107
Staff:	
Nursing employees	56
Administrative, technical, and other employees	24
Total employees	80
Volunteers	22

Satellite facilities—Outreach Family Health Center

Care and Service:	
Visits	41,093
Users (patients)	13,390
X-rays	1,412
Laboratory procedures	27,176
Staff:	
Physicians (staffed by faculty and residents of the department of family medicine):	
Full-time	4
Part-time	23
Nurse practitioners	4
Administrative, technical, and other employees	41.3

Satellite facilities—Outreach Comprehensive Health Care Center

Care and Service:	
Registered patients	38,860
Patient services (visits by physicians, nurses, family health workers, psychologist, nutritionist, and social workers)	135,458
Staff:	
Salaried physicians	8
Full-time	7
Part-time	1
NHSC physicians	1
Nurse practitioners	4
Administrative, technical, and other employees	67

Valentine Lane Family Practice

Care and Service:	
Patients	[1] 2,600
Registered families	1,300
Visits	3,727
Staff:	
Part-time physicians	4
Full-time administrative/technical personnel	2
Part-time administrative and other professional personnel	5

[1] Number of patients computed by approximation of two patients per family.

Satellite facilities—Outreach: Montefiore Home Health Agency

Number of Cases	2,195
Number of Visits	103,923
Staff:	
Administrative	2
Director of patient services and supervisors	8.5
Medical directors and physicians	1.75
Public health nurse coordinators	21
Community health nurses	8
Social workers and assistant	7
Physical therapists and rehabiliation Aide	11
Occupational therapists	5
Speech pathologist	1
Supervisor business and clerical staff	23
Messengers escorts	4

Satellite facilities—Outreach: "Rikers Island Health Services"

Care and service:	
Intake assessments	57,518
Visits	173,516
Staff:	
Salaried physicians	61
Full-time	18
Part-time	43
Administrative technical, and other employees	255

[1] Includes approximately two months of statistics on the newly initiated program at Manhattan House of Detention—about 100 intake assessments by the end of 1983.

Satellite facilities—Outreach: Spofford Juvenile Health Services

Care and service:	
Intake Assessment	1,498
Total Visits	5,838
Sick Call/Emergency Visits	4,188
Dental Visits	568
Mental Health Visits	1,082
After Care Referrals	121
Staff:	
Total physicians	7
Full-time	2
Part-time	5

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CORRECTION TO ROLLCALL VOTE PAIRS

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. CHENEY. Mr. Speaker, on October 5, I was paired "aye" on roll No. 448, the Oxley substitute to reduce authorized funding for the Corporation for Public Broadcasting. On October 10, I was paired "aye" on roll No. 457, adoption of the conference report on the Labor, HHS, Education appropriations bill, fiscal year 1985. Although I was absent on account of illness in both cases, in neither instance did I authorize that I be paired. Had I been present, I would have voted "aye" on the Oxley substitute but would have voted "nay" on the Labor, HHS, Education appropriations bill, which I strongly oppose because of its excessive cost.●

RELIGIOUS INSTRUCTION ON SCHOOL PROPERTY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. WEISS. Mr. Speaker, the American Jewish Congress has told a Federal district court, through a friend of the court brief, that public schools allowing nonschool groups to use school buildings at any time for religious meetings or instruction is a violation of the first amendment of the Constitution. I wholeheartedly support the position of the American Jewish Congress on this issue, and am inserting into the RECORD for my colleagues' review a statement by that organization on the matter:

American Jewish Congress Brief Says Use of Compulsory School Laws To Advance Religious Teaching Is Unconstitutional

A public school that allows an outside group to hold religious instruction on school property while official school activities are taking place—even though regular classes are not in session—is violating the Constitution, the American Jewish Congress has told a federal district court.

Religious organizations, like other groups, are constitutionally entitled to rent public school space when administrators, teachers and students are no longer on the premises, AJCongress acknowledged. But it maintained that religious activities held immediately before or after classes while official public school functions, including extracurricular activities, are still going on, is unconstitutional because it violates the principle of church-state separation.

In an amicus, or friend-of-the-court, brief submitted to the U.S. District Court for the Northern District of Ohio, Western District, AJCongress declared that the Findlay, Ohio Board of Education acted improperly in allowing a religious education group to operate religious training classes for third and fourth graders in Findlay elementary schools. The religious instruction takes place immediately before or after the school day. AJCongress said the program is unconstitutional because attendance at the religious classes benefits directly from the operation of Ohio's compulsory education law.

Arrangements like the Findlay program are designed to take advantage of the "compelled attendance" of students at the public schools by providing religious educators with "a degree of access to public school students they would not otherwise enjoy," said the amicus brief.

The friend-of-the-court document, whose filing was announced by Sheldon Braverman, president of the Northern Ohio Council of AJCongress, also noted that the presence of religious activities in a public school building when it is being used by school administrators and teachers to carry out official duties and by students engaged in school-sponsored extracurricular activities "inevitably suggest official approval" of such religious instruction.

The U.S. Supreme Court ruled in a 1948 case, *McCollum* v. *Bd. of Educ.*, that religious instruction is prohibited on public school facilities, even though attendance is voluntary and the religious instruction is carried out by nonschool personnel.

However, the high court also ruled in 1952, in *Zurach* v. *Clauson*, that school officials are authorized to release students to attend religious classes, provided the instruction is given on offschool premises.

"The principle which emerges from these two cases is that 'released time' religious instruction may not take place in the public schools, when students are present by virtue of compulsory school laws, but may take place, even with the cooperation of school officials, off school premises," said the AJCongress brief.

In the Findlay case, the religious instruction is given by the Findlay Weekly Religious Education Council, which pays a nominal rental of one dollar a year for the use of the elementary school premises. The third and fourth graders who receive religious instruction either attend a religious education class and proceed immediately to their regular classes or, at the conclusion of regular classes, are released to attend religious education classes.

The suit to halt the program was brought against the Findlay Board of Education by Laurence A.F. Ford and other residents of the town.

The brief was prepared by Marc D. Stern and Lois C. Waldman, attorneys with AJCongress' Commission on Law and Social Action.●

AID PRIVATE SECTOR REVOLVING FUND

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. FASCELL. Mr. Speaker, it has come to my attention that the AID private sector revolving fund has been adversely affected by a general policy of the Department of the Treasury against investing appropriated funds until they have been converted into cash in the form of fees, loan repayments, or similar reflows. I understand that the Treasury will invest initially appropriated funds, however, when Congress has clearly expressed its intention that it do so.

In enacting section 108 of the Foreign Assistance Act, the Congress intended that the revolving fund be provided with adequate resources. Investment of the initial appropriations will allow the revolving fund to continue its activities during the years after appropriations for the fund have discontinued. Consequently, the purpose of the last sentence of section 108(b) of the Foreign Assistance Act of 1961, as amended, was to make it clear that the Treasury has the authority to invest funds in the private sector revolving fund into obligations of, or guaranteed by, the U.S. Government upon AID's request. This applies whether the funds in question represent the initial appropriations or reflows from revolving fund activities.●

A TRIBUTE TO SENATOR JOE TYDINGS AND THE UNIVERSITY OF MARYLAND

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. DYSON. Mr. Speaker, few aspects of the public trust are more central to the health and prosperity of our society than the Government's commitment to excellence in education. While the Federal Government bears a substantial portion of the responsibility for promoting educational opportunity, it is the State government's which have proven the strongest advocates of academic achievement. Nowhere is this fact more conspicuous than in those States where the institutions of higher learning have grown to meet today's scientific, technological and social challenges. For the past decade, the University of Maryland has pressed forward into the forefront of American universities, and a prime force in its advancement has been the vigor and vision of Senator Joe Tydings, member of the board of regents since 1974 and chairman since 1982.

The alumni and friends of the university will soon meet to show their appreciation for the Senator's tireless efforts and to celebrate the university's emergence as a premiere center of research and scholarship. I am pleased to have this opportunity to congratulate Senator Tydings on the occasion of this fitting tribute, and to express my sincerest admiration for his leadership.

If a university is to push beyond the limits of our existing knowledge, it must constantly expand its financial and intellectual resources. Senator Tydings' most visible successes have been mobilizing a broad base of alumni and private sector financial support of the university. Since 1979 there has been a fivefold increase in number of alumni contributors to the university. Its ability to attract grants and important private sector contributions has expanded significantly. This year alone two personal contributions of $1.5 million will establish endowed chairs that will further enhance the university's intellectual esteem. International Business Machine has contributed $5 million and Zerox a gift of $1.2 million. In conjunction with IIT Research Institute, the university is designing a software institute to advance its pioneering research into computer controlled technology.

In computer science, software engineering, biotechnology and health sciences the university is continuing to set and reach exacting goals that few State institutions can match. Its economics department has long been one of the finest in the country, and its new School of Public Affairs will also soon take its place as a leader in the fields of organizational administrative and management sciences.

Senator Joe Tydings, like his father before him, has been at the center of the university's advance. His work has charted a course that can be followed in the coming decade, and that, if followed, will certainly take the university into the vanguard of our Nation's educational establishment.●

THE MARY WOODARD LASKER CENTER FOR MEDICAL RESEARCH AND HEALTH EDUCATION

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. O'NEILL. Mr. Speaker, in September I spoke at the ceremony dedicating the Mary Woodard Lasker Center for Medical Research and Health Education at the National Institutes of Health in Bethesda, MD. Mary Lasker believes that it is the duty of every person to make life better for others. She is living proof that she means what she says. Through her personal efforts she has made life a lot better for many, many people throughout the country, and, indeed, around the world. Her contribution to advances in the treatment as well as the prevention of—cancer, heart disease—especially hypertension, blindness, mental diseases—is staggering. She has been, in countless instances, the major driving force in obtaining the funding for essential biomedical research. Mary is a highly intelligent woman, who also happens to be beautiful and wealthy. Instead of pampering herself all these years, she has literally labored on behalf of the health and welfare of her fellow man. She has given countless of her resources. More importantly, she has given herself—and it has been her extraordinary determination and selflessness that have made the important difference. Just about every enviable and laudible quality you can think of are possessed by this wonderful woman. So many have come to love her.

I want to share with my colleagues the remarks made by Mary Lasker upon the dedication of this facility in her name.

Mrs. Lasker's speech follows:

DEDICATION OF THE MARY WOODARD LASKER CENTER FOR MEDICAL RESEARCH AND HEALTH EDUCATION, NATIONAL INSTITUTES OF HEALTH, SEPTEMBER 19, 1984

I am deeply honored that this land for research and training is named in my honor, but the real honor goes to the scientists who are dedicating their lives for the benefit of mankind. We will see to it that there are many buildings on this site in the future.

The reason I am so dedicated to medical research and have lobbied so many Congressman and Senators in this room is that when I was very young, I was sick a great deal and had severe infections of the ears, causing the most agonizing pain. In those days polio was still rampant and there were no antibiotics and no polio vaccines. These discoveries obviated the terrible pain and saved tens of thousands of lives.

When I was about 10 years old I resolved that I would try to do something when I grew up for medical research, and this center named for me symbolizes this early resolve.

I hope this property and facility and others like it will inspire young people and old to dedicate their lives to the furthering of medical knowledge that will alleviate suffering of people with cancer and other dread diseases.

There could be no nobler cause.

We have come so far in so short a time—NIH in Bethesda is only 44 years old.

Yet our mission and purpose in life unlike any other that I know of has remained nonpartisan, due to a large measure by the actions of those here today—and by many who preceeded them in the White House and Congress.

The press pays little heed to what goes on here, it is slow, grudging but vital work.

The fruits of all our labors throughout the years will: Alleviate pain where there is suffering; Provide the freedom to live in health so that we can fulfill our promise and quest in the pursuit of happiness; and to provide hope where none existed before.

This is our mission—we have already begun.

It is a terrible thing to envision in lives lost, the crippling, and the pain occurring while all of us are here.

Our duty is more urgent today than ever before.

Economically, our leaders must soon realize that funding for medical research is good economics. At a time when our health costs grow by leaps and bounds, medical research as a percentage of that continues to decline.

Medical research saves lives, and eliminates suffering, it also saves over $13 in our economy for every $1 invested!

We must all come to the immediate conclusion that if you think research is expensive—try disease.

In his own wisdom, Senator Magnuson said "Health is the first wealth of a nation."

Without it we have nothing;

I would add that:

With it we have hope and at least the ability to look forward and work toward a better life.

It is the duty of everyone who receives funding from the NIH to work for and fulfill the goal of medical treatment, cure, and prevention and to give this country and the world the benefit of every penny spent.

It is the obligation of everyone to support this effort and our public leaders so that we can fulfill our mission.

Do you realize that at least 1,000 people a day die of cancer? With persistent research and substantial financial support, we should be able to further lower the death rate dramatically for all diseases!

It is the obligation of everyone to support this effort and our public leaders so that we can fulfill our mission.

Thank you for your own contributions to this coming victory and for coming to this dedication—now, we must all go and continue our work.●

THE GOLDEN ANNIVERSARY OF THE VOLUNTEER FIRE DEPARTMENT OF MECHANICSVILLE, MD

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. DYSON. Mr. Speaker, this Nation, from its earliest days as a colonial wilderness, has had a rich tradition of volunteer service. At the very heart of the American idea of citizenship is a deep commitment to the community in which we live and work. Individuals are bound into a community because they share this commitment to assist one another in times of need.

This tradition is as alive today as it was when our forebearers cleared the earliest settlements in the New World, and nowhere is it more vibrant than in the rural communities of southern Maryland. Of the many volunteer service organizations crucial to the life of rural communities, perhaps none is so important, and so familiar, as the local volunteer fire department. Stalwart volunteer firefighters have long been the hub of many communities, and I rise today to commemorate the golden anniversary of one such organization; 50 years ago the town of Mechanicsville put out the call for volunteers willing and able to take responsibility for the town's protection. That call was answered. For half a century the Mechanicsville Volunteer Fire Department has kept a steady vigil over the town. Founded in 1934 as a small bucket and ladder brigade, the department has grown into a modern firefighting force complete with pumping, tank and lift equipment. The town is proudly served by a crew of 50 regular and 10 junior members. Their new station, built in 1976, serves not only as firefighter's headquarters. It houses a modern paramedic emergency squad that can instantly respond to calls for assistance.

The firefighters are truely a community organization. Their $108,000 annual budget is funded entirely by the citizens of Mechanicsville, through donations and the department's yearly carnivals that draw the township together. The firehall is often decked out for local weddings or anniversaries. It is a meeting place in times of leisure and a headquarters in times of disaster or emergency.

Though each volunteer firefighter must accept the risks of injury or death that are part of the job, the Mechanicsville Fire Department has not lost one member in its 50 years of service. Attending the department's anniversary is one of its original founding members, my close friend and colleague, the Honorable Henry Fowler. Henry helped organize the Mechanicsville Volunteer Department back in 1934. In his long career in public service, Henry has taken on many responsibilities, including representing his community in the Maryland State Senate. But he may well date the beginning of his public career with the founding of the Mechanicsville Volunteer Fire Department.

Mechanicsville can be proud of the job its volunteers have done in their first half century. I am confident the township will be just as proud at the department's centennial anniversary, and I am pleased to have this opportunity to commemorate the department's tradition of exemplary dedication and service.●

ROBERT E. CASE, LONG-TIME HILL AIDE, DIES IN IOWA

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. EVANS of Iowa. Mr. Speaker, Capitol Hill lost a long-time friend and former employee when Robert Case, 60, died October 10 in Cedar Falls, IA.

Bob Case, political writer of the Waterloo, IA, Courier for the past 10 years, served on Capitol Hill as the administrative assistant to the Honorable H.R. Gross of Iowa's Third District for almost 20 years between 1953 and 1972.

Besides being the right-hand man to Congressman Gross, regarded as the leading conservative in Congress and a relentless congressional watchdog of the U.S. Treasury, Bob Case was also a leader among his peers. He was a founding member of the Bull Elephants, an organization of male assistants to Republican Members of Congress. He was active in the then Congressional Secretaries Club—now the Congressional Staff Club—and served as the organization's president for one term.

When he left the Gross staff he became the director of the Des Moines field office of the U.S. Department of Commerce. His many friends in Iowa's Third Congressional District urged him to seek the Republican nomination when H.R. Gross retired in 1974. He lost the nomination to Charles Grassley who was elected and seved three terms in the House of Representatives before his election to the U.S. Senate in 1980.

Bob Case then returned to the newspaper profession. He became the top political writer for the Waterloo Courier. He covered the Iowa Legislature for the Courier and also provided insightful coverage of political candidates and events in the State and region. His duties brought him to Washington on several occasions to interview the President, Cabinet, members and congressional leaders.

Although a Republican and deeply partisan to conservative causes, Bob Case was fair and unbiased in his political reporting and was well respected by both Democrats and Republicans. As his editor Stewart Haas of the Courier stated:

> Bob Case * * * was a highly respected colleague who had skill, integrity and dedication to this craft. He was a tireless worker who set an example for us all. We all feel a great loss * * * it's a loss for the community, the newspaper, the state and the profession.

Robert E. Case was born October 19, 1923, in Adel, IA, the son of Elroy M. and Elsie (Holdman) Case. He married Abigail E. Bartlett January 15, 1946, in New York City. He is survived by his wife, Abigail; one son, Douglas and one daughter, Lisa, all of Cedar Falls, IA; his mother, Elsie Case of Ogden, UT; and one sister, Donna Gehrlein of Ogden, UT. He was preceded in death by his father. Funeral services for Bob Case were held on Friday, October 12, 1984, at the First United Methodist Church in Cedar Falls, IA, and he was interred in the Greenwood Cemetery.●

A TRIBUTE TO MR. VERNON TERRY: 1984 MARYLAND STATE REALTOR OF THE YEAR

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. DYSON. Mr. Speaker, I am pleased to take this opportunity to congratulate Mr. Vernon Terry, of Harford County, on being selected as the Maryland Association of Realtors "1984 Realtor of the Year."

Vernon has long been an active leader of the local business community. Joining the Harford County Board of realtors in 1971, he was elected to the board of directors in 1975, has served on the executive committee of the State Association of Realtors and as vice president of the State's central district. To each of these positions, Vernon has brought a deep appreciation of the realtors' role in the growth and development of his community and State. In recognition of this commitment, Vernon was elected president of the Harford County Board in 1983. This year, he was selected from among the board's 633 members as 1984 Harford County Realtor of the Year.

Vernon's work to expand the economic and professional opportunities for minority business, his commitment to community improvement and his strong personal integrity have won him the respect and admiration of realtors across the State. This October, at their annual convention, the State association, representing 17,000 members, honored Vernon by selecting him as the 1984 Realtor of the Year. In the highly competitive field of real estate, such recognition is an achievement in which Vernon can take justifiable pride and satisfaction.

The Association of Realtors is dedicated to promoting the highest ideals of professional excellence. In selecting Vernon Terry as their Realtor of the Year, they have picked a businessman who personifies this ideal. I was pleased to congratulate Vernon on bing honored as the Harford County Realtor of the Year, and am equally pleased that he has been chosen for this new honor by the State association.●

SIXTIETH ANNIVERSARY OF THE POLISH WOMEN'S CLUB OF THREE RIVERS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. BOLAND. Mr. Speaker, 1984 marks the 60th anniversary of a very special organization in my district, the Polish Women's Club of Three Rivers, MA.

Sixty years ago Miss Anna Rusek, and 58 charter members, organized the Polish-American Women Citizens Political Club to fulfill their dream of encouraging Polish women to become citizens of the United States and to lend their assistance in whatever way necessary to these women. The founders of the club soon realized that through full involvement in the political process all the benefits of our society would become available to members of ethinic groups. With a tradition of political participation as their heritage, members of the club continue to participate in all forms of political exchange to ensure that their views are known.

Although the club was originally established for political reasons, it has continuously expanded its activities to meet the needs of the times. High on the priority list is the desire of club members to perpetuate the rich social, cultural and religious traditions of the Polish people. The talent, time, and dedication each member is willing to give not only to the club, but to the community in which they live, demonstrates the same characteristics that are associated with so many of the great Polish heroes. Through their work they have helped the people of western Massachusetts to better understand the Polish heritage and what makes being Polish so special. And by their support of various scholarship programs, charitable causes, and Sts. Peter and Paul Parish, they have made invaluable contributions to the life of their community.

The Polish Women's Club remains rooted in the timeless values on which it was founded and its members have every reason to be proud of their club's past and every reason to be confident of its future.

Mr. Speaker, Ms. Sophia Wojtowicz-Valtelhas has prepared an excellent history of the club which I would like to include at this point in the RECORD.

60th Anniversary, 1924-84, Polish Women's Club of Three Rivers

OUR HISTORY

Recognizing the need for assisting women of Polish ancestry to become citizens of this country, early in 1924 the Messrs. Stanley Zerdecki, Walter Dymon, Michael Boyko and Joseph Les spearheaded an organizational drive toward this end.

Records show that on February 24, 1924, these four organizers were successful in getting together a group of women for this purpose. A Club was formed and named the Polish American Women Citizens Political Club of Three Rivers and Thorndike. On March 30, 1924, Miss Anna Rusek became the first president of this group of 59 charter members.

The purpose of the club was three-fold:

1. To encourage women to become citizens and assist them in procuring citizenship papers by teaching English and related subjects.

2. Take active part in politics and get proper recognition and positions on the local, state and federal level.

3. Support businesses owned by people of Polish extraction.

With club members as volunteer teachers, and the financial backing of this club, numerous other men and women came forth to lend their assistance in whatever manner necessary. Thus was set in motion and accomplished the dream of the organizers—seeing women of Polish extraction becoming American citizens.

This service and assistance continued for the next 20 years. The main purpose of the club was fulfilled.

The second objective with regards to participation in politics was also seriously undertaken in 1926 when we became affiliated with the United Polish American Citizens of Massachusetts on both county and state levels.

For the next 40 years delegates were present whenever possible at the annual conventions throughout the state to exchange ideas and get a better knowledge of the working of our government. Over the years we have sent innumerable letters and telegrams, made contact with our state and federal legislators on behalf of qualified individuals seeking jobs, or in connection with expressing our support or opposition of bills or proposed legislation. On a town level our support has also been solicited and given to those who we feel merit such support, be they Democrats, Republicans or Independents. Almost every election brings requests from hopeful candidates asking to speak to the membership and soliciting our vote.

It is with pride that we note that at least one of our members, our first President, Miss Anna Rusek, was named Postmaster of the Three Rivers Post Office in 1944 and served the community faithfully until her retirement in 1958. Miss Rusek died in 1982.

Through the years we have actively commemorated historical events. As early as 1926, the July 4th parade included our members as a unit; in 1932, note was made of the 200th Anniversary of George Washington's birth; for many years the May 3rd observance of Polish Constitution Day included a delegation from our club.

In 1933, it was decided to join the Massachusetts Federation of Polish Women's Clubs, Inc. Our affiliation with that group continues to the present day. Mrs. Genevieve Janosz, member, served president of the Federation during the 1982-1983 period. Much has been gained through his association, particularly in fostering our Polish culture. Several daughters of our members have received scholarship grants from the Federation, thus permitting them to continue their education. The Annual Conventions of the Massachusetts Federation of Polish Women's Clubs were held in Three Rivers in 1952, 1969 and 1979. The 53rd convention will be held in Three Rivers on October 27 and 28, 1984. The Twenty-Fourth Statewide Essay Contest, sponsored every year by the Federal was chaired by our club member, Mrs. Mary Rusiecki and our club was in charge of this project. Delegates from the entire state of Massachusetts have high praise for the cordiality and hospitality not only of the members of this club but the entire citizenry of the Town of Palmer. Executive committee members and various committees have included the Three Rivers Polish Women's Club members.

Our activities within the framework of the Federation also include our District V which comprises the Western Massachusetts area. Here, also, our members continuously hold office and direct the activities of this unit. Mrs. Mary Rusiecki served as District V Vice-President for 1983-1984. We are very active in District V and our members are very much involved in the yearly Fashion Show. Since 1972, District V has contributed over $5,000 to the Massachusetts Federation of Polish Women's Clubs Inc.

Membership has also been held in the Polish American Congress as well as the Kosciuszko Foundation in New York.

Locally our membership in the United States Polish-American Organization Council in the Township of Palmer is felt and appreciated. Since its inception in March of 1955, our members have consistently and faithfully served in various offices and committees. They have been called upon to perform a variety of services at the functions sponsored by this group. We can truly boast that no other local club has contributed more towards the scholarships given annually to local Polish high school students. Our contributions to date stand unmatched, especially when considering the fact that up to January 1, 1956, our membership dues were 5 cents per month and since that time remain at 10 cents per month. At the age 65, members do not pay dues.

May 8, 1949, marked the official observance of our 25th Anniversary. There was a Mass of Thanksgiving at SS. Peter and Paul Church and a banquet was held at the St. Stanislaus Hall in the evening. Local and state officials, as well as the clergy participated in this affair. Messrs. Boyko, Dymon and Les, three of the four original organizers were invited guests. Attorney Irene Dumas was our main speaker with Miss Lucy Wisniewski of the State Civil Service Commission, Stanley Wondolowski of Worcester and the Reverend Alfons Skoniecki also giving brief talks.

Active support of our parish during the past 60 years has been maintained. Since 1926 when a $25 contribution was made for the church renovation, we have bought church vestments, chimes, contributed for an organ, and flowers for various occasions. In 1984, on our 60th Anniversary we will contribute a ewer and bowl. Our services were always available at bazaars, banquets, jubilee observances, anniversaries, etc. We have always worked harmoniously with the clergy, recognizing that our spiritual wellbeing is an integral part of our life which affects our club activity as well. We are grateful for being a part of SS. Peter and Paul Parish.

During the period that the Franciscan Sisters were part of our community, staffing our parochial school until its closing in June, 1973, we worked with them cooperatively and had only the highest regard and praise for their invaluable assistance. From September, 1973 to the present, we have been working with the Little Servant Sisters of the Immaculate Conception who are part of our parish.

Children, locally and elsewhere, have been remembered by us. For many years annual contributions were made to the SS. Peter and Paul School for their activities. Orphanages at Hyde Park, Brightside, the blind children in Poland, Youth Camp in Bondsville and Community Day Camp, to mention a few, have also been aided by us.

World War II and its various activities brought requests for help with Bond Drives, Blood Banks, U.S.O., Air Raid Committee, National War Fund and Polish Relief. Clothes were sewn and sent to the needy, soldiers from Westover were entertained, money and services were generously donated to the various causes.

The post-war period brought a renewal of activity among organizations. Each month brought invitations or requests from religious, civic, political and community groups for participation and donations.

Sons and daughters also served in the Korea and Vietnam conflicts and are remembered as serving their country well.

Having outlived its original intent, in 1958 a committee was named to revise our constitution. On October 20, 1958, the name of our club was changed to the "Polish Women's Club of Three Rivers". Fostering our ethnic culture, encouraging higher education, and exchanging cultural ideals replace the original aim to help with citizenship papers. Integrating this culture with the cultures of other ethnic groups of our U.S.A. offers a new challenge.

April 27, 1974, marked the official observance of our 50th Anniversary. A dinner was held at the St. Stanislaus Hall that evening. The welcome address was made by Helen B. Grzywna, President, and Anna Kulig, Recording Secretary, served as toastmistress. Town of Palmer Selectman Chairman William J. Lemanski, U.S. Congressman Edward P. Boland, Massachusetts State Senator Frederick W. Schlosstein, Jr., and Massachusetts State Representative Alexander Lolas were among the honored guests who extended greetings to our organization. Greetings from the Massachusetts Federation of Polish Women's Clubs were given by Beatrice Melody, President and Rose Corso, District V Vice-President. The keynote speaker was Attorney Mary A. Socha. The invocation and benediction were given by Reverend Robert Ceckowski, Pastor, SS. Peter and Paul Church.

A scroll signed by members of the Polish Women's Club of Three Rivers was included on November 13, 1976 in the time capsule buried at that time as part of the commemoration of the 200th Anniversary of the Town of Palmer. The capsule will be reopened in the year 2076.

On October 27 and 28, 1979, the Polish Women's Club of Three Rivers celebrated the 55th Anniversary and hosted the 48th Annual Convention of the Massachusetts Federation of Polish Women's Clubs Inc.

October 27, 1979, marked the official observance of our 55th Anniversary. A banquet was held at the St. Stanislaus Hall that evening. The welcome address was given by Helen B. Grzywna, President and the toastmistress was Anna Kulig, Past President. The invocation was made by the Reverend Robert Ceckowski, Pastor of SS. Peter and

Paul Church, and the benediction was given by the Reverend Raymond Soltys, Assistant Pastor of the Immaculate Conception Church, Indian Orchard. Congratulations and best wishes were extended by U.S. Congressman Edward P. Boland, Massachusetts State Senator Robert D. Wetmore, Massachusetts State Representative John B. Perry, Massachusetts Federation of Polish Women's Clubs President Sophie A. Kopiecki and District V Vice-President, Genevieve Janosz. The keynote speaker was the Honorable Elizabeth A. Porada, Judge, Hampshire Division District Court. Congressman Edward P. Boland presented the Polish Women's Club with a flag and a certificate that stated that the flag was flown over the Capitol of the United States on October 7, 1979, the day His Holiness John Paul II celebrated Mass on the Mall in Washington, D.C. Sophie A. Kopiecki, Federation President presented a plague to President Helen B. Grzywna. Inscription on plaque is: The Massachusetts Federation of Polish Women's Clubs congratulates the Polish Women's Club of Three Rivers on its 55th anniversary. Your dedicated service support and contributions as a Federation member club have been an inspiration to all of us through these years. We salute you and wish you continued growth and prosperity! 1979. A Mass of Thanksgiving was celebrated on October 28, 1979 at the SS. Peter and Paul Church, with Pastor Reverend Robert Ceckowski officiating.

At the 48th Annual Convention of the Massachusetts Federation of Polish Women's Clubs, Sophie Kulik was elected President for 1980-1981. Our club President, Helen B. Grzywna was elected Executive Vice-President.

Noteworthy to mention is the Polish-American Night Benefit, Help For Poland, which was sponsored by the Polish Women's Club of Three Rivers and the Polish Women's Alliance Group No. 506 (Alice Pilch—President) featuring the "Villagers" Chorus and the "St. Cecilia Choir". The event was held at the SS. Peter and Paul Community Center on June 18, 1982. Guest musician was Joe Lazarz, well-known violinist and orchestra leader. $500 was derived from this benefit and was donated to the Help For Poland Drive.

On October 22, 1983, Genevieve Janosz, President of the Massachusetts Federation of Polish Women's Clubs was honored by the Polish-American Citizens' Club of Three Rivers at the St. Stanislaus Hall. Mr. David Droz, President, presented Genevieve with a plaque for outstanding contributions to the community.

In 1983, a School Day Clock was presented to the Palmer Public Library Community Room to replace the clock that had been stolen. The Polish Women's Club also contributed money for a piano and bust of Chopin to the Community Room of the Library. The United Polish-American Organizations Council in the Township of Palmer was in charge of obtaining the piano.

Sizable donations were made to the Wing Memorial Hospital for their building fund, expansion fund, emergency room and X-Ray Camera. Records show that our first contribution to the Wing Memorial Hospital was made in 1928. Members served as volunteers in staffing the Wing Gift Shop and cart. As early as 1930, a Community Chest donation had been made and this was continued until recently. The Red Cross has also been remembered over the years. Yearly donations are made to the Wing Memorial Hospital. In 1983, $300 was presented to the hospital for the X-Ray Camera from a candy sale sponsored by the Polish Women's Club of Three Rivers and the Polish Women's Alliance Group No. 506 of Three Rivers. Yearly donations are made to the United Polish-American Organizations Council in the Township of Palmer. Other donations which have been made over the years include the Pope Paul John II Guest House in Rome; SS. Peter and Paul 75th Anniversary Program; AmVets Auxiliary Post #74—Jaws of Life—Juanita Gralinski, member of our club was in charge of this drive; Support of Solidarity; SS. Peter and Paul Lady of Czestochowa Icon; Kosciuszko Foundation Renovation Fund in New York and the State of Liberty Renovation Fund.

Our club has only one fund-raising project a year, which is our raffle held in December. Our members are to be commended for their response in contributing to this raffle and in the selling of raffle tickets. Although this is the only fund-raising event, many contributions are made to worthy causes each year and our treasury is depleted to almost zero at the end of each year.

The Polish Women's Club of Three Rivers has at present 140 members. Membership is open to all women of Polish-American extraction who have reached their 16th birthday and who reside in the Palmer area. There were five living charter members in 1974, only two of whom are now living—Helen Nowak and Agnes Zerdecki. Francis Dymon died in 1980, Agata Frydryk in 1983 and Frances Bukowski in 1984. The presidents have been Anna Rusek, Nellie Motyka, Stephanie Kolbusz, Mary Jajuga, Anna Kulig, Genevieve Janosz, Sophie Zerdecki, Julia Midura and Edna Pytka. Our current President is Helen B. Grzywna, who has held that office since 1971. Mrs. Grzywna is a dynamic and selfless individual, who untiringly gives her time, expertise and energy to her office as president and to the many tasks that she is either asked to do or volunteer to do. She is to be commended on all her efforts. Mrs. Grzywna was honored on November 17, 1982 by the Polish-American Citizens' Club of Three Rivers in recognition of her dedication and contributions in various religious, civic organizations and community activities. This year she is organizing our 60th Anniversary Celebration which will be observed at the 53rd Annual Convention of the Massachusetts Federation of Polish Women's Clubs on October 27 and 28, 1984.

In 1984, we became involved with "A Wish Come True, Inc." organization, which works to fulfill wishes of terminally ill youngsters. Irene McLaughlin, club member was in charge of a raffle to assist the A Wish Come True for the first time. Over $1,100 was raised from this raffle.

A 60th Anniversary Installation Dinner was held on Wednesday, September 26, 1984 at Vincent's Steak House in West Springfield. 72 club members were present at this dinner. Officers installed by Genevieve Janosz, past President of the Federation: President—Helen B. Grzywna; Vice-President—Ann Aniskiewicz; Recording Secretary—Sophie Valtelhas; Financial Secretary—Phyllis Misiaszek; Trearurer—Edna Pytka; Auditors—Alice Pilch and Bernice Strychaz; and Publicity—Juanita Gralinski. Guests at the installation dinner were Helen DiFilippo, of Webster, Massachusetts, Managing Vice-President and Mary Girardin of Houston, Texas, National President of A Wish Come True Inc. Irene McLaughlin presented a check for $1,126.55 to Helen DiFilippo. Ms DiFilippo then presented Irene McLaughlin with a certificate in recognition of her services.

Much is being done to implement new ideas. We are constantly sponsoring, attending and contributing toward attainment of these aims. The Pops Concert, 1966 observance of Poland's Millenium, attendance at various plays, Krakowiak Dance Group, Koscuiszko Foundation Presentation Ball, Poznan Boys Choir, Liberance Concert, Kopernik Observance, exhibits, donations of books to schools and libraries dealing with accomplishment of Poles, support of Alliance College, the Palmer High School Polish Cultural Club are but a few examples of what we are striving to achieve.

It is impossible to give due credit to any one individual member. Truly our success has been a team effort for the past 60 years. We must, however, remember to include Josephine Roman, the first volunteer teacher; Nellie Motyka who served as President for 24 years; Sophie Jorczak, our Secretary for 12 years; Frances Frydryk; Mary Jajuga; Frances Dymon; Anna Kulig, Historian for our 50th Anniversary and toastmistress for our anniversaries; Edna Pytka, our chef for the anniversaries; Julia Midura, our decorator for the head table for our 50th, 55th, and 60th anniversary; Genevieve Janosz, President of the Massachusetts Federation of Polish Women's Clubs in 1982-1983; Mary Rusiecki, District V Vice-President and chairman of the 24th Annual State-Wide Essay contest of the Federation; Helen Grzywna, our President for the past 13 years and editor of our 50th anniversary Program Book and particularly those 59 valiant women whose desire to become American Citizens started us toward making possible this—our 60th Anniversary.●

THE OCEAN PINES VOLUNTEER FIRE DEPARTMENT

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1984

● Mr. DYSON. Mr. Speaker, this Nation, from its earliest days as a colonial wilderness, has had a rich tradition of volunteer service. At the very heart of the American idea of community is a deep commitment by individuals to ensuring the safety and protection of their neighbors. Perhaps the best known and most important form of community service is the volunteer fire department, and I am pleased to have this opportunity to commemorate the 10th anniversary of the volunteer fire department of Ocean Pines, MD.

As residential development along Maryland's Atlantic shore spreads away from established urban centers, homeowners have taken personal, direct responsibility for their community's safety. Villages and towns have sprung up where windswept beachers were formerly populated by migrant waterfowl and occasional vacationers. Ocean Pines, established in 1970, is one such community. Situated between Ocean City and Berlin, the Ocean Pines development has steadily grown, and the Ocean Pines Volunteer Fire Department has grown with it.

When the department was established in 1974, it had one truck and 20 trainees. They now have three pump and tank trucks. A crew of 40 highly skilled men and women now provide expert fire protection and trained paramedics respond to trauma and shock victims.

Volunteer fire departments serve not only as a crisis centers in times of emergency. In times of leisure the firehall becomes a meeting hall and community service center. On a recent visit to Ocean Pines, for example, I addressed a gathering assembled at the firehall to participate in the department's fire safety seminar. Afterward the firehall hosted a reception and banquet for the Miss Ocean Pines 1984 Celebration. The department has clearly become one of the hubs of this burgeoning community.

The people of Ocean Pines are justifiably proud of their fire department. For 10 years its members have kept watch over the community. I am confident they will maintain their vigil. As public officials, we in the House should take heart that the tradition of volunteer community service is as alive today as it was when our forebears cleared the earliest settlements in the New World.●